



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

February 3, 2026
6:30 PM

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

RESCHEDULED FROM 1/27/2026 TO 2/3/2026

REVISED AGENDA II

A. Call to Order

- Moment of Silence
- Pledge of Allegiance
- Roll Call

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°26-008: AMEND THE GRANTS BUDGET: APPROPRIATE \$40,994.64 IN EMERGENCY ILLEGAL DRUG ENFORCEMENT (EIDE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE EIDE FY2026 GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE
Prime Sponsor(s): Mr. Toole, Mr. Caneco

°26-009: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND ADOPT THE CLASS SPECIFICATION OF COUNTY ASSESSOR FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE
Prime Sponsor(s): Ms. Williams-Johns

°26-010: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 2 ("COUNTY COUNCIL") AND ARTICLE 3 ("OFFICERS AND EMPLOYEES") RELATING TO REPRESENTING INTERESTS BEFORE NEW CASTLE COUNTY GOVERNMENT
Prime Sponsor(s): Mr. Caneco
Co-sponsor(s): Mr. Carter, Ms. Durham

°26-011: AMEND THE FY2026 APPROVED OPERATING BUDGET INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF

FINANCE BY FIVE POSITIONS FOR THE ASSESSMENT DIVISION

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

°26-012: AMEND THE FY2026 APPROVED OPERATING BUDGET: TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE ITEM OF COUNTY COUNCIL TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM OF THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF FLEET AND FACILITIES TO PROVIDE FUNDING FOR AUDIO/VIDEO IMPROVEMENTS AT APPOQUINIMINK LIBRARY

Prime Sponsor(s): Mr. Carter

°26-013: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF \$219,504.00 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE REBLAZE RENEWAL 2026 (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES

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

°26-014: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF \$225,569.00 FROM THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE NETSKOPE RENEWAL 2026 (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES

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

°26-015: REVISE ZONING MAP: BRANDYWINE HUNDRED, SOUTHEASTERLY CORNER OF SILVERSIDE ROAD AND CONCORD PIKE; REZONE TAX PARCELS 06-051.00-056 (3602 SILVERSIDE RD., TALLEYVILLE TOWN CENTER), 06-051.00-072 (0 SILVERSIDE RD., WILMONT), 06-051.00-083 (3600 SILVERSIDE RD., WILMONT) FROM OFFICE NEIGHBORHOOD (ON) TO COMMERCIAL NEIGHBORHOOD (CN). (The Exploratory Minor Land Development Plan for Talleyville Town Shoppes Proposes to rezone part of tax parcel 06-051.00-056 (0.08 acres), tax parcel 06-051.00-072 (0.07 acres), and tax parcel 06-051.00-083 (0.81 acres) from ON to CN. (App. 2025-0569-S/Z)

Prime Sponsor(s): Ms. Durham

E. Consent Calendar

R26-010: CONSENTING TO THE APPOINTMENT OF JULIE ANN BREWER TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD

Prime Sponsor(s): Ms. Durham

R26-011: CONSENTING TO THE APPOINTMENT OF CAITLIN F. BRITWUM TO THE NEW CASTLE COUNTY LIBRARY ADVISORY BOARD

Prime Sponsor(s): Mr. Toole

R26-012: CONSENTING TO THE APPOINTMENT OF LISSA E. BRUTUS TO THE NEW CASTLE COUNTY PLANNING BOARD

Prime Sponsor(s): Mr. Hollins

R26-013: CONSENTING TO THE APPOINTMENT OF TRACY CHAMBLEE TO THE NEW CASTLE COUNTY PLANNING BOARD

Prime Sponsor(s): Mr. Carter

R26-014: CONSENTING TO THE RE-APPOINTMENT OF R. JEAN HERSHNER TO THE NEW CASTLE COUNTY HISTORIC REVIEW BOARD

Prime Sponsor(s): Ms. Durham

R26-015: CONSENTING TO THE APPOINTMENT OF NEDDA MOQTADERI TO THE NEW CASTLE COUNTY HOCKESSIN DESIGN REVIEW ADVISORY COMMITTEE

Prime Sponsor(s): Ms. Kilpatrick

R26-016: CONSENTING TO THE APPOINTMENT OF MATTHEW MORRIS TO THE NEW CASTLE COUNTY CLAYMONT DESIGN REVIEW ADVISORY COMMITTEE

Prime Sponsor(s): Mr. Cartier

R26-017: APPOINTING KENT ST. PIERRE TO THE NEW CASTLE COUNTY COUNCIL AUDIT COMMITTEE

Prime Sponsor(s): Ms. George

NOTE: If an item on the Consent Calendar is objected to by a Council member, or a member of the public wishes to obtain additional information about the candidate or proposed legislation, or if a Councilmember intends to offer an amendment to a resolution, seek additional information, or state a conflict, it shall be removed from the Consent Calendar and voted upon separately.

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

R26-018: REQUESTING STATUTORY AUTHORITY FROM THE DELAWARE GENERAL ASSEMBLY THAT PERMITS NEW CASTLE COUNTY TO ESTABLISH A RIGHT TO TENURE FOR EMPLOYEES OF THE NEW CASTLE COUNTY OFFICE OF LAW BY ORDINANCE

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

R26-019: APOLOGIZING TO THE PUBLIC FOR CONDUCT UNBECOMING A COUNCIL

Prime Sponsor(s): Ms. Kilpatrick
Co-sponsor(s): Ms. George, Mr. Hollins, Mr. Sheldon, Mr. Smiley, Mr. Street

G. Time Sensitive Congratulatory/Honorary Resolutions

R26-020: RECOGNIZING FEBRUARY THE FOURTH AS TRANSIT EQUITY DAY AND URGING THE REOPENING AND EXPANSION OF IN-PERSON SEPTA TICKET SERVICES AT THE JOSEPH R. BIDEN, JR. RAIL STATION TO ENSURE TRANSIT EQUITY FOR NEW CASTLE COUNTY RESIDENTS

Prime Sponsor(s): Mr. Tackett

R26-021: HONORING THE CENTENNIAL CELEBRATION OF BLACK HISTORY MONTH - 2026

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

R26-022: HONORING KAPPA ALPHA PSI FRATERNITY, INC. FOR SERVICE TO THE COMMUNITY DURING BLACK HISTORY MONTH

Prime Sponsor(s): Ms. Williams-Johns

H. Presentations

I. Consideration of Ordinances

°26-002: AMENDING THE NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"), ARTICLE 5 ("DEPARTMENTS AND OFFICES") TO MODIFY THE COMPOSITION AND RESPONSIBILITIES OF THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

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

°26-003: AMEND THE GRANTS BUDGET: APPROPRIATE \$74,959.44 IN STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY AND HOMELAND SECURITY TO THE STATE AID TO LOCAL LAW ENFORCEMENT (SALLE) – FY2026 GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

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

°26-004: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF \$122,118 FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE 2026 COC PERMANENT SUPPORTIVE HOUSING GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

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

°26-005: AMEND THE GRANTS BUDGET: APPROPRIATE \$100,000 FROM THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION THROUGH THE STATE OF DELAWARE, DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF SUBSTANCE ABUSE AND MENTAL HEALTH TO THE WASTEWATER 2026 DHSS GRANT FOR THE DEPARTMENT OF PUBLIC WORKS

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

°26-006: AMEND THE GRANTS BUDGET: APPROPRIATE FEDERAL FUNDS OF \$1,440,000 FROM THE U.S. DEPARTMENT OF TREASURY TO THE SOCIAL IMPACT PARTNERSHIPS TO PAY FOR RESULTS ACT (SIPPRA) –THE FAMILY HOPE PROJECT GRANT - EVALUATOR, WHICH WILL BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY DEVELOPMENT AND HOUSING

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

°26-007: TRANSFERRING THE LOCAL SERVICE FUNCTION OF RECREATION TO THE TOWN OF ELSMERE

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

SUBSTITUTE NO. 2 TO °25-101: (STATUS: TABLED) 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

J. Introduction/Consideration of Emergency Ordinances

K. Public Comment/Other

L. Motion to Adjourn

RESCHEDULED AGENDA NOTICE POSTED: January 27, 2026

REVISED AGENDA II POSTED: January 23, 2026

REVISED AGENDA POSTED: January 22, 2026

AGENDA POSTED: January 20, 2026

***The meeting was rescheduled from 1/27/26 to 2/3/26 because the County closed on 1/27/26 due to inclement weather. The rescheduled notice was published (7) seven days in advance of the meeting on 1/27/2026.**

The revised agenda II was posted less than (7) seven days in advance of the meeting to add Ordinance 26-015 under introductions. This item was submitted by the agenda deadline, but was inadvertently left off the agenda. The revised agenda was posted less than (7) seven days in advance of the meeting to include the addition of R26-019, which resulted from discussion during the 1/20/26 Personnel Sub-committee meeting, was not known at the original time of posting and was deemed time sensitive. The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

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

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

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: January 27, 2026

ORDINANCE NO. 26-008

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$40,994.64 IN EMERGENCY ILLEGAL DRUG ENFORCEMENT
(EIDE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY
AND HOMELAND SECURITY TO THE EIDE FY2026 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
2 of Safety and Homeland Security through the Emergency Illegal Drug Enforcement
3 (EIDE) program to the EIDE FY2026 Grant; and
4

5 **WHEREAS**, this program provides critical funding for the Division of Police in its
6 efforts to remove illegal drugs and drug dealers from the communities of New Castle
7 County; and
8

9 **WHEREAS**, the funding will be used to support overtime and equipment purchases
10 to assist the drug unit in conducting surveillance, investigations and special operations;
11 and
12

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

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

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

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

27 Section 2. This Ordinance shall become effective immediately upon its adoption
28 by County Council and approval by the County Executive, or as otherwise provided by 9
29 *Del. C. § 1156*.
30

31 Section 3. It is the intent of the County Council that the provisions of this Ordinance
32 shall be effective retroactive to November 4, 2025.

Adopted by County Council of
New Castle County on:

Williams-John

Monique

President of County Council

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$40,994.64 from the State of Delaware, Department of Safety and Homeland Security through the Emergency Illegal Drug Enforcement (EIDE) program to the EIDE FY2026 Grant. Funds will be used by the New Castle County Department of Public Safety, Division of Police, to support overtime and equipment purchases to assist the drug unit in conducting surveillance, investigations and special operations.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to November 4, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$40,994.64 from the State of Delaware, Department of Safety and Homeland Security through the Emergency Illegal Drug Enforcement (EIDE) program to the EIDE FY2026 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$40,994.64. This increase will affect FY2026 through FY2029 since the targeted program completion date is February 28, 2029. There will be no fiscal impact beyond FY2029 as a result of this grant award. The fiscal impact on the Operating Budget will be \$14,651.88 to cover benefits for overtime not covered by the grant. This will be covered within the Department of Public Safety, Division of Police Approved Operating Budget.

Acknowledged by the Chief Financial Officer January 13, 2026.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	EIDE FY2026	Ordinance No.	26-008
PROGRAM TITLE:	EIDE FY2026		

Revenue	Current		Change		Revised
Federal	\$	-	\$	-	\$ -
State	\$	40,994.64	\$	-	\$ 40,994.64
County	\$	-	\$	-	\$ -
Program Income	\$	-	\$	-	\$ -
Other	\$	-	\$	-	\$ -
Total	\$	40,994.64	\$	-	\$ 40,994.64

Expense	Current		Change		Revised
Salaries and Wages	\$	25,994.64	\$	-	\$ 25,994.64
Benefits	\$	-	\$	-	\$ -
Training/Civic Affairs	\$	5,000.00	\$	-	\$ 5,000.00
Communication/Utilities	\$	-	\$	-	\$ -
Materials/Supplies	\$	-	\$	-	\$ -
Contractual Services	\$	-	\$	-	\$ -
Equipment	\$	4,987.00	\$	-	\$ 4,987.00
Grants/Fixed Charges			\$	-	\$ -
Land and Structures	\$	-	\$	-	\$ -
Contingency	\$	5,013.00	\$	-	\$ 5,013.00
Operating Transfer Charges	\$	-	\$	-	\$ -
Operating Transfer Credits	\$	-	\$	-	\$ -
Total	\$	40,994.64	\$	-	\$ 40,994.64

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	11/4/2025
Estimated Program Completion:	2/28/2029
Operating Budget Impact:	\$ 14,651.88
Available in (ORG):	10200304 - 10200308
Ordinance Passed:	
Date Revised:	

PROGRAM DESCRIPTION:

Funding will be used for overtime and operation costs in the Drug Control Unit to conduct surveillance, investigations and operations.

Prime Sponsor(s): Ms. Williams-Johns
Requested by: Administration/HR
Date of introduction: January 27, 2026

ORDINANCE NO. 26-009

**AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED
SERVICE EMPLOYEES AND ADOPT THE CLASS SPECIFICATION OF COUNTY
ASSESSOR FOR THE DEPARTMENT OF ADMINISTRATION, OFFICE OF FINANCE**

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

4 **WHEREAS**, New Castle County (the "County") completed its first reassessment in
5 over forty (40) years, and
6

7 **WHEREAS**, HB62, signed by the Governor in August of 2023, now requires that the
8 County reassess the value of real property in the County at least once every five (5) years,
9 which has resulted in a significant operational impact on the Assessment Division; and
10

11 **WHEREAS**, to assist in the efficient operation of the County Assessment Division,
12 the Department submitted a new class specification for County Assessor at Pay Grade 34;
13 and
14

15 **WHEREAS**, the Human Resources Advisory Board at its meeting on January 8,
16 2026, recommended that the class specification for the new position title of County
17 Assessor (Pay Grade 34) be added to the Pay Plan and Rates of Pay for Non-Union
18 Classified Service Employees; and
19

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

23 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
24

25 Section 1. The Class Specification for County Assessor is adopted as set forth in
26 Exhibit "A."
27

28 Section 2. The Pay Plan and Rates of Pay for Non-Union Classified Service
29 Employees, effective July 1, 2025 through June 30, 2026, is hereby amended by adding
30 the material that is underscored as set forth in Exhibit "B."
31

32 Section 5. The Pay Plan and Rates of Pay for Non-Union Classified Service
33 Employees, effective July 1, 2026, is hereby amended by adding the material that is
34 underscored as set forth in Exhibit "C."
35

36 Section 11. This Ordinance shall become effective immediately upon its adoption by
37 County Council and approval by the County Executive, or as otherwise provided in 9 Del.
38 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 County Assessor (Pay Grade 34) to the Pay Plan and Rate of Pay for Non-Union Classified Service Employees and adopts the class specification of County Assessor, as recommended by the Human Resources Advisory Board.

FISCAL IMPACT: This Ordinance, if approved, adds the position title of County Assessor (Pay Grade 34) to the Pay Plan and Rate of Pay for Non-Union Classified Service Employees and adopts the class specification of County Assessor, 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 January 12, 2026.

NEW CASTLE COUNTY GOVERNMENT**Number** XXXX**Page** 1 of 2**CLASS SPECIFICATION****Date** DRAFT**Title:** COUNTY ASSESSOR**Approved:**

GENERAL STATEMENT OF DUTIES: Plans, directs, and manages New Castle County's Assessment Division and all related functions; oversees the CAMA system and all other systems used by the Division; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class plans, directs, and manages the comprehensive activities of the County-wide property assessment process and all related functions, including all aspects of the County-wide reassessment process that must occur every five years. This employee is responsible for the formulation, coordination, and evaluation of property appraisal systems used by New Castle County and has wide latitude for the overall development, implementation, and functioning of the appraisal process and related data compilation and maintenance. Responsibilities include implementing statutory and code provisions and ensuring compliance with such provisions. Responsibilities also include working with other policy makers, government officials, agencies, professionals, and the public and promoting an ongoing attitude of dedication to excellent public service to ensure that internal and external customers are provided with the highest quality of service. The employee directs and coordinates the activities of professional, technical and support staff and works under the general direction of the Chief Financial Officer.

EXAMPLES OF WORK: (Illustrative only)

- Plans, directs, and manages real property assessment and related activities for New Castle County;
- Implements laws, regulations, and code provisions relating to the assessment of real property;
- Develops policies and procedures consistent with generally accepted assessment standards;
- Plans, directs, and manages the development and maintenance of property assessment records and files;
- Plans, develops, coordinates, and maintains the County's CAMA system and all other assessment-related systems;
- Works with staff in developing methods for dealing with complex issues and in responding to problems and requests received;
- Administers the defense of assessments in the appeals process;
- Oversees the development and maintenance of statistical files for sales histories and ratios;
- Develops specifications for periodic County-wide property reassessment;

NEW CASTLE COUNTY GOVERNMENT**Number** XXXX**Page** 2 of 2**CLASS SPECIFICATION****Date** DRAFT**Title:** COUNTY ASSESSOR**Approved:**

- Oversees and manages the selected vendor and the budget for periodic County-wide property reassessment projects;
- Coordinates assessment activities with other departments as needed;
- Develops and directs implementation of quality control procedures;
- Oversees and manages the preparation and administration of the operating budget;
- Provides effective training programs for subordinates;
- Attends and presents information at public meetings;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal customers are provided with the highest quality of service;
- Operates a personal computer, and other related equipment in the course of the work.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Comprehensive knowledge of modern principles, practices, and standards of real property assessment; thorough knowledge and understanding of laws and regulations applicable to real property assessment and related activities; thorough knowledge of CAMA systems; ability to manage and supervise a diverse staff engaged in a variety of functions; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective working relationships with government officials, legal representatives, professional associates, agencies, other employees, subordinates, and the public and to promote an ongoing attitude of dedication to excellent customer service; ability to analyze complex data and draw conclusions; ability to make effective presentations before groups.

ACCEPTABLE EXPERIENCE AND TRAINING: Comprehensive knowledge of modern principles, practices, and standards of real property assessment; thorough knowledge and understanding of laws and regulations applicable to real property assessment and related activities; thorough knowledge of CAMA systems; ability to manage and supervise a diverse staff engaged in a variety of functions; ability to communicate courteously and effectively, both verbally and in writing; ability to establish and maintain effective working relationships with government officials, legal representatives, professional associates, agencies, other employees, subordinates, and the public and to promote an ongoing attitude of dedication to excellent customer service; ability to analyze complex data and draw conclusions; ability to make effective presentations before groups.

HISTORY OF REVISIONS:
Established: DRAFT

26-009

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

26-009

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 INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	78,159	82,067	86,170	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312
ACCOUNTING AND FISCAL MANAGER ASSISTANT LAND USE MANAGER CHIEF OF SPECIAL PROJECTS COMMUNITY SERVICES MANAGER CONSTRUCTION SUPPORT DIVISION MANAGER <u>COUNTY ASSESSOR</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	34	86,169	90,477	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,359
FINANCE LEGAL OFFICER HUMAN RESOURCES MANAGER	35	90,478	95,003	99,752	104,740	109,977	115,475	121,249	127,312	133,677	140,361	147,379
DEPUTY CHIEF FINANCIAL OFFICER FIRST ASSISTANT COUNTY ATTORNEY PUBLIC WORKS SENIOR MANAGER DEPUTY CHIEF OF TECHNOLOGY	36	95,002	99,751	104,739	109,976	115,474	121,248	127,310	133,675	140,358	147,376	154,745

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: 11/25/2025 (Ordinance 25-144)**Revised: xx/xx/xxxx (Ordinance xx-xxx) - County Assessor*

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 INFORMATION SYSTEMS ASSISTANT MANAGER LICENSING MANAGER MANAGEMENT AND PRODUCTIVITY MANAGER PLANNING MANAGER SENIOR FINANCIAL OFFICER	32	80,113	84,119	88,325	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495
ACCOUNTING AND FISCAL MANAGER ASSISTANT LAND USE MANAGER CHIEF OF SPECIAL PROJECTS COMMUNITY SERVICES MANAGER CONSTRUCTION SUPPORT DIVISION MANAGER COUNTY ASSESSOR ENGINEERING SERVICES MANAGER INFORMATION SYSTEMS MANAGER INSURANCE AND LOSS CONTROL MANAGER INTERNAL SERVICES MANAGER PARKS DIVISION MANAGER PENSION PROGRAM MANAGER SEWER OPERATIONS MANAGER STORMWATER & ENVIRONMENTAL PROGS. MGR TREASURY MANAGER	34	88,324	92,739	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,868
FINANCE LEGAL OFFICER HUMAN RESOURCES MANAGER	35	92,740	97,379	102,246	107,359	112,727	118,362	124,281	130,495	137,019	143,871	151,064
DEPUTY CHIEF FINANCIAL OFFICER FIRST ASSISTANT COUNTY ATTORNEY PUBLIC WORKS SENIOR MANAGER DEPUTY CHIEF OF TECHNOLOGY	36	97,378	102,245	107,358	112,726	118,361	124,280	130,493	137,017	143,867	151,061	158,614

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: 11/25/2025 (Ordinance 25-144)**Revised: xx/xx/xxxx (Ordinance xx-xxx) - County Assessor*

ORDINANCE NO. 26-010

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 2 (“ADMINISTRATION”),
ARTICLE 2 (“COUNTY COUNCIL”) AND ARTICLE 3 (“OFFICERS AND
EMPLOYEES”) RELATING TO REPRESENTING
INTERESTS BEFORE NEW CASTLE COUNTY GOVERNMENT**

1 **WHEREAS**, Integrity, transparency, and accountability are essential in government
2 operations to preserve public trust; and

3
4 **WHEREAS**, Employees of New Castle County government are respected for,
5 among other aspects, their professionalism and intimate knowledge of County processes
6 and operations; and

7
8 **WHEREAS**, Legislative agents promote, advocate, and influence matters before
9 County government; and

10
11 **WHEREAS**, The public, County Council, and County Government have an
12 obligation to be aware of those individuals and organizations seeking to impact policy
13 decisions; and

14
15 **WHEREAS**, A comprehensive and clear registration process for legislative agents
16 and the reporting of their activities, coupled with a meaningful and reasonable process for
17 County employees who wish to transition to the private sector promotes predictability and
18 compliance; and

19
20 **WHEREAS**, County Council has determined that the provisions of this Ordinance
21 substantially advance, and are reasonably and rationally related to legitimate government
22 interests.

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

25
26 Section 1. *New Castle County Code* Chapter 2 (“Administration”), Article 2 (“County
27 Council”) is hereby amended by adding the material that is underlined and deleting the
28 material with strike throughs, as set forth below.

29
30 Chapter 2 – ADMINISTRATION

31 ...

32 Article 2. – COUNTY COUNCIL

33 ...

34 Division 2.02.300. – Registration of legislative agents.

35
36 Sec. 2.02.301. - Definitions.

- 37 A. The following words, terms and phrases, when used in this Division, shall have
38 the meanings ascribed to them in this Section, except where the context clearly
39 indicates a different meaning:

40 ...

41 *Legislative Agent* means any individual who acts to promote, advocate, influence
42 or oppose any matter pending before County government by direct or indirect
43 communication with County government, and who in connection therewith either
44 has received or is to receive compensation in whole or in part from any person.

45
46 Sec. 2.02.302. – Registration with Clerk of County Council.

47 A. Every legislative agent shall register with the Clerk of County Council in a
48 legislative agent docket and file, at that time, the authorization from his or her
49 employer as required by Section 2.02.303 of this Division. A person who
50 qualifies as a legislative agent shall register prior to performing any acts as a
51 legislative agent.

52 B. The information recorded in the legislative agent docket shall include the
53 following for each separate employer:

- 54 1. The name, residence or business address and occupation of each
55 legislative agent;
56 2. The name and business address of the employer of ~~such~~ the legislative
57 agent;
58 3. The date on which the employment as legislative agent commenced;
59 4. The length of time the employment is to continue; and
60 5. ~~The subject matter of the legislation~~ specific projects and legislative
61 matters as to which the employment relates at that time.

62 C. Upon any change in the information recorded in the legislative agent docket, the
63 legislative agent shall, within ~~ten (10)~~ 10 business days, report ~~such~~ the
64 changes to the Clerk of County Council, who shall record the change in the
65 docket.

66 D. The Clerk of County Council shall promptly furnish copies of each entry in the
67 legislative agent docket to the County Executive and each member of County
68 Council upon request of such persons.

69 E. By July 1 on an annual basis, each legislative agent shall certify under oath
70 compliance with the requirements of this section.

71
72 Sec. 2.02.303. – Employer's authorization to act.

73 Every employer of a legislative agent shall furnish to ~~such~~ the agent a written and
74 signed authorization to act, which shall be filed with the Clerk of County Council by the
75 legislative agent at the time of registration as soon as available and not later than ~~fifteen~~
76 ~~(15)~~ 15 business days after the legislative agent has registered with County Council. If the
77 employer is a corporation, association or labor union, any authorized officer or agent who
78 is not the legislative agent shall furnish and sign the written authorization. The
79 authorization shall include the full and legal name and business addresses of both the
80 employer and the legislative agent, the period of time during which the legislative agent is
81 authorized to act and the ~~subject(s) of legislation~~ specific projects and legislative matters
82 upon which the employer is represented.

83 Section 2. *New Castle County Code* Chapter 2 (“Administration”), Article 3 (“Officers
84 and Employees”) is hereby amended by adding the material that is underlined and deleting
85 the material with strike throughs, as set forth below.

86
87 Chapter 2 – ADMINISTRATION

88 ...
89 Article 3. – OFFICERS AND EMPLOYEES

90 ...
91 Division 2.03.100. – Code of Ethics.

92 ...
93 Sec. 2.03.103. – Prohibitions relating to conflicts of interest.

94 A. *Restrictions on exercise of official authority.*

95 ...

96 D. *Post-employment restrictions.* No person who has served as a County employee or
97 County official shall represent or otherwise assist any private ~~entity~~ enterprise on any
98 matter involving the County for a period of ~~two~~ (2) 2 years after termination of
99 employment or official status with the County, if the person gave an opinion, conducted
100 an investigation or otherwise was directly and materially responsible for such matter in
101 the course of official duties as a County employee or official. Nor shall any former
102 County employee or County official disclose confidential information gained by reason
103 of public position nor shall the person otherwise use such information for personal gain
104 or benefit. In furtherance of the above are the following:

105
106 i. *Ethics opinion.* Each County employee considering transitioning to a
107 private entity is advised, prior to the cessation of employment with the
108 County, to request a confidential advisory opinion from the County Ethics
109 Commission to determine if the proposed employment is compliant with
110 County Code.

111 ii. *Certification of compliance.* Each private entity, through a representative
112 thereof, shall annually certify under oath by July 1 of each year,
113 compliance with this section.

114 iii. *Annual report submission.* For the duration of the relevant two year
115 period, on behalf of each private entity a representative thereof shall
116 submit annually by July 1 to the relevant County department manager a
117 report that identifies all projects and legislative matters involving the
118 County which each former County employee is assigned to or involved
119 with, and the report must be compared against a County-run report that
120 identifies all work former employees engaged in while employed by the
121 County. If there is any overlap between the reports, the department
122 manager is to investigate the matter immediately.

123
124 E. *Unauthorized disclosure of confidential information.* No person shall disclose any
125 information required to be maintained confidential by the Commission under the
126 provisions of this Division.

127
128 F. *Criminal sanctions.* Any person who knowingly or willfully violates any provision
129 of this Division shall be subject to the sanctions contained in Section 1.01.009 of
130 the *New Castle County Code*.

131 G. *Contracts voidable by court action.* In addition to any other penalty provided by
132 law, any contract entered into with any County Department in violation of this
133 Division shall be voidable by the County Department; provided, that in
134 determining whether any court action should be taken to void such a contract
135 pursuant to this subsection, the County Department shall consider the interests
136 of innocent third parties who may be damaged thereby. Any court action to void
137 any transaction must be initiated within ~~thirty (30)~~ 30 days after the County
138 Department involved has, or should have, knowledge of such violation.
139

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance provides for a comprehensive Legislative Agent registration process by requiring projects and legislative matters to be specifically identified. The Ordinance also adds specific compliance requirements at Section 2.03.103.D to ensure the post-employment restrictions are adhered to when a County employee elects to move from County employment to the private sector. Finally, for the sake of consistency in the *Code*, the Ordinance makes certain stylistic corrections.

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

ORDINANCE NO. 26-011

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
INCREASE THE AUTHORIZED POSITION COUNT FOR THE DEPARTMENT OF
ADMINISTRATION, OFFICE OF FINANCE BY FIVE POSITIONS FOR THE
ASSESSMENT DIVISION**

1 **WHEREAS**, New Castle County completed its first reassessment in over forty
2 years, and
3

4 **WHEREAS**, HB62, signed by the Governor in August of 2023, now requires that
5 each county reassess the value of real property in the county at least once every 5 years,
6 which will result in a significant operational impact on the Assessment Division, and
7

8 **WHEREAS**, New Castle County must add support to the assessment program to
9 comply with the State mandate, starting with additional personnel; and
10

11 **WHEREAS**, the International Association of Assessing Officers (IAAO)
12 recommends assessment office staffing to be based on one staff member per every 2,500
13 parcels; and
14

15 **WHEREAS**, this recommendation includes all aspects of assessment functions
16 including geographic information systems (GIS), legal services, and public relations which
17 are in other areas outside of the Assessment Office; and
18

19 **WHEREAS**, New Castle County has approximately 215,000 parcels which
20 according to this recommendation would require eighty-six (86) staff members; and
21

22 **WHEREAS**, the Assessment Division currently has twenty-nine (29) positions and
23 is requesting to add five (5) Certified Assessor II positions with an intended start date of
24 April 1, 2026.
25

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

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

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

36 Section 3. This Ordinance shall become effective immediately upon its adoption
37 by County Council and approval by the County Executive, or as otherwise provided in 9
38 *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 authorize five (5) additional positions to the FY2026 Approved Operating Budget for the Department of Administration, Office of Finance to add additional Certified Assessor II positions for the Assessment Division. In addition, funding for one-time training and supplies for the positions will be necessary.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by increasing the authorized position count for the Department of Administration, Office of Finance from 87.15 to 92.15. The total authorized positions for the Department of Administration would increase from 168 to 173; and the total authorized positions for the FY2026 Approved Operating Budget will increase from 1,684 to 1,689.

The additional positions are anticipated to be hired effective April 1, 2026 and the estimated fiscal impact (Salaries/Benefits/Other) will be \$125,515 in FY2026, \$503,220 in FY2027 and \$503,235 in FY2028. FY2026 includes \$6,275 in one-time costs. Funding for these additional positions will be covered within the FY2026 Approved Operating Budget. In future years, it is estimated that adding these positions will generate more tax revenue to offset this expense due to the timeliness of quarterly additions to the tax roll.

New Castle County's resource needs for full staffing due to five-year assessments requirements are not included in the FY2027 and FY2028 projections. The Administration will be including more resources within its FY2027 Recommended Operating Budget.

Acknowledged by the Chief Financial Officer January 13, 2026.

COUNTY COUNCIL

Salaries and Wages		\$	2,708,793
Benefits			1,525,869
Training and Civic Affairs			70,593
Communication and Utilities			16,274
Materials and Supplies			58,748
Contractual Services			256,281
Equipment			3,363
Grants and Fixed Charges			311,293
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			42,028
Communication and Utilities			19,550
Materials and Supplies			22,136
Contractual Services			254,841
Equipment			1,000
Grants and Fixed Charges			351,921
Contingency			55,000
Operating Transfer Charges			112,454
Total		\$	4,457,417
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	14,072,608
Benefits			7,834,901
Training and Civic Affairs			194,305
Communication and Utilities			8,380,342
Materials and Supplies			162,143
Contractual Services			8,853,545
Equipment			428,395
Grants and Fixed Charges			3,972,041
Operating Transfer Charges			1,197,550
Operating Transfer Credits			(14,044,103)
Total		\$	31,051,727
Total Authorized Full-Time Positions	<u>173</u>	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		4,955,021
Contractual Services		11,127,535
Equipment		514,258
Grants and Fixed Charges		1,529,759
Land and Structures		50,000
Operating Transfer Charges		4,841,823
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		109,127
Contractual Services		1,522,109
Equipment		68,340
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		1,538,473
Materials and Supplies		1,627,339
Contractual Services		3,921,227
Equipment		42,919
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		2,497,322
Equipment		2,411,783
Grants and Fixed Charges		11,672,041
Operating Transfer Charges		8,501,518
Total	\$	149,275,383
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			7,939
Contractual Services			19,083
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
<i>Total Authorized Full-Time Positions</i>		

EXECUTIVE CONTINGENCY

Contingency	\$	284,079
Total	\$	284,079
<i>Total Authorized Full-Time Positions</i>		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
<i>Total Authorized Full-Time Positions</i>		

BENEFITS CONTINGENCY

Contingency	\$	1,763,275
Total	\$	1,763,275
<i>Total Authorized Full-Time Positions</i>		

DE PFML INS PROG CONTINGENCY

Contingency	\$	486,725
Total	\$	486,725
<i>Total Authorized Full-Time Positions</i>		

ATTRITION CONTINGENCY

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

ONE-TIME CONTINGENCY

Contingency	\$	1,117,230
Total	\$	1,117,230

NEW CASTLE COUNTY

Salaries and Wages			\$	147,269,406
Benefits				80,231,803
Training and Civic Affairs				768,144
Communication and Utilities				38,565,720
Materials and Supplies				8,307,960
Contractual Services				28,890,349
Equipment				3,484,508
Grants and Fixed Charges				21,147,054
Debt Service				47,892,496
Land and Structures				50,000
Contingency				4,386,309
Operating Transfer Charges				17,779,060
Operating Transfer Credits				(22,164,223)
<i>Sub-Total New Castle County</i>			\$	376,608,586
<i>Total Authorized Full-Time Positions</i>	<u>1,689</u>	<u>1,684</u>		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF DECEMBER 9, 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. 26-012

**AMEND THE FY2026 APPROVED OPERATING BUDGET:
TRANSFER FUNDING FROM THE GRANTS AND FIXED CHARGES BUDGET LINE
ITEM OF COUNTY COUNCIL TO THE CONTRACTUAL SERVICES BUDGET LINE ITEM
OF THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF FLEET AND FACILITIES
TO PROVIDE FUNDING FOR AUDIO/VIDEO IMPROVEMENTS AT
APPOQUINIMINK LIBRARY**

1 **WHEREAS**, County Council has budgeted funding available in the Grants and Fixed
2 Charges Budget Line Item; and
3

4 **WHEREAS**, New Castle County Council wishes to provide funding to the Department
5 of Public Works, Division of Fleet and Facilities for audio/video improvements at
6 Appoquinimink Library; and
7

8 **WHEREAS**, the Appoquinimink Library has state-of-the-art sound and video studios
9 with a mixing room in between them; and
10

11 **WHEREAS**, the rooms currently lack audio-video wiring to enable communication
12 between the studios and the mixing rooms; and
13

14 **WHEREAS**, a contractor that specializes in these areas has proposed a solution that
15 has been vetted by the local musical community and will greatly expand the creative and
16 educational potential of the existing space; and
17

18 **WHEREAS**, the revenue measures heretofore adopted by the County Council are, in
19 the opinion of the County Executive, estimated to yield sums at least sufficient to balance the
20 proposed expenditures as set forth in the Annual Operating Budget as hereinafter amended.
21

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

24 Section 1. The Annual Operating Budget Ordinance for the fiscal year beginning July
25 1, 2025, is hereby amended by deleting the material that is stricken and adding the material
26 that is underscored on the attached Exhibit "A."
27

28 Section 2. The foregoing amendment shall be considered a part of the Annual
29 Operating Budget for the fiscal year beginning July 1, 2025 and shall be effective as though
30 incorporated initially in the Annual Operating Budget Ordinance.
31

32 Section 3. This Ordinance shall become effective immediately upon its adoption by
33 County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.*
34 § 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 transfer \$5,687.00 from the County Council – Grants and Fixed Charges Budget Line Item to the Department of Public Works, Division of Fleet and Facilities Contractual Services Budget Line Item within the FY2026 Approved Operating Budget for audio/video improvements at Appoquinimink Library.

FISCAL NOTE: This Ordinance, if approved, will amend the FY2026 Approved Operating Budget by transferring \$5,687.00 from the County Council – Grants and Fixed Charges Budget Line Item to the Public Works, Division of Fleet and Facilities Contractual Services Budget Line Item for audio/video improvements at Appoquinimink Library.

This legislation will result in no increase to the FY2026 Approved Operating Budget as the legislation is a transfer of funds between Departments. There is no fiscal impact for FY2027 or FY2028.

Acknowledged by the Chief Financial Officer January 13, 2026.

COUNTY COUNCIL

Salaries and Wages		\$	2,708,793
Benefits			1,525,869
Training and Civic Affairs			70,593
Communication and Utilities			16,274
Materials and Supplies			58,748
Contractual Services			256,281
Equipment			3,363
Grants and Fixed Charges	311,293		305,606
Operating Transfer Charges			195,519
Total	5,146,733	\$	<u>5,141,046</u>
Total Authorized Full-Time Positions	35		

COUNTY EXECUTIVE

Salaries and Wages		\$	2,305,318
Benefits			1,293,169
Training and Civic Affairs			42,028
Communication and Utilities			19,550
Materials and Supplies			22,136
Contractual Services			254,841
Equipment			1,000
Grants and Fixed Charges			351,921
Contingency			55,000
Operating Transfer Charges			112,454
Total		\$	<u>4,457,417</u>
Total Authorized Full-Time Positions	17		

DEPARTMENT OF ADMINISTRATION

Salaries and Wages		\$	14,072,608
Benefits			7,834,901
Training and Civic Affairs			194,305
Communication and Utilities			8,380,342
Materials and Supplies			162,143
Contractual Services			8,853,545
Equipment			428,395
Grants and Fixed Charges			3,972,041
Operating Transfer Charges			1,197,550
Operating Transfer Credits			(14,044,103)
Total		\$	<u>31,051,727</u>
Total Authorized Full-Time Positions	168		

DEPARTMENT OF PUBLIC WORKS

Salaries and Wages		\$	28,756,814
Benefits			16,093,269
Training and Civic Affairs			45,445
Communication and Utilities			27,456,675
Materials and Supplies			4,955,021
Contractual Services	11,127,535		<u>11,133,222</u>
Equipment			514,258
Grants and Fixed Charges			1,529,759
Land and Structures			50,000
Operating Transfer Charges			4,841,823
Operating Transfer Credits			(7,876,371)
Total	87,494,228	\$	<u>87,499,915</u>
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			109,127
Contractual Services			1,522,109
Equipment			68,340
Grants and Fixed Charges			56,500
Operating Transfer Charges			1,071,279
Total		\$	<u>17,014,618</u>
Total Authorized Full-Time Positions	113		

DEPARTMENT OF COMMUNITY SERVICES

Salaries and Wages		\$	13,653,916
Benefits			5,874,643
Training and Civic Affairs			18,920
Communication and Utilities			1,538,473
Materials and Supplies			1,627,339
Contractual Services			3,921,227
Equipment			42,919
Grants and Fixed Charges			3,235,149
Operating Transfer Charges			1,396,115
Operating Transfer Credits			(243,749)
Total		\$	<u>31,064,952</u>
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		2,497,322
Equipment		2,411,783
Grants and Fixed Charges		11,672,041
Operating Transfer Charges		8,501,518
Total	\$	149,275,383
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			7,939
Contractual Services			19,083
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
<i>Total Authorized Full-Time Positions</i>		

EXECUTIVE CONTINGENCY

Contingency	\$	284,079
Total	\$	284,079
<i>Total Authorized Full-Time Positions</i>		

PERSONNEL CONTINGENCY

Contingency	\$	455,000
Total	\$	455,000
<i>Total Authorized Full-Time Positions</i>		

BENEFITS CONTINGENCY

Contingency	\$	1,763,275
Total	\$	1,763,275
<i>Total Authorized Full-Time Positions</i>		

DE PFML INS PROG CONTINGENCY

Contingency	\$	486,725
Total	\$	486,725
<i>Total Authorized Full-Time Positions</i>		

ATTRITION CONTINGENCY

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

ONE-TIME CONTINGENCY

Contingency	\$	1,117,230
Total	\$	1,117,230

NEW CASTLE COUNTY

Salaries and Wages		\$	147,269,406
Benefits			80,231,803
Training and Civic Affairs			768,144
Communication and Utilities			38,565,720
Materials and Supplies			8,307,960
Contractual Services	<u>28,890,349</u>		<u>28,896,036</u>
Equipment			3,484,508
Grants and Fixed Charges	<u>21,147,054</u>		<u>21,141,367</u>
Debt Service			47,892,496
Land and Structures			50,000
Contingency			4,386,309
Operating Transfer Charges			17,779,060
Operating Transfer Credits			(22,164,223)
<i>Sub-Total New Castle County</i>		\$	376,608,586
<i>Total Authorized Full-Time Positions</i>	1,684		

RESERVE ACCOUNTS ANTICIPATED BALANCES AS OF DECEMBER 9, 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. 26-013

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF \$219,504.00 FROM THE CYBERSECURITY
AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE
DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE REBLAZE RENEWAL
2026 (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE DEPARTMENT OF
ADMINISTRATION, OFFICE OF TECHNOLOGY AND ADMINISTRATIVE SERVICES**

1 **WHEREAS**, the State and Local Cybersecurity Grant Program (SLCGP) provides
2 funding to eligible state, local, and territorial (SLT) governments to manage and reduce
3 systemic cyber risk, thus improving the security of critical infrastructure and improving
4 the resilience of the services SLT governments provide their community; and
5

6 **WHEREAS**, funding will be transferred to New Castle County upon approval from
7 the Federal Emergency Management Agency (FEMA); and
8

9 **WHEREAS**, the County Executive has determined that grants anticipated to be
10 received from the Cybersecurity and Infrastructure Security Agency (CISA) will be
11 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
12

13 **WHEREAS**, Council has determined that the provisions of this Ordinance
14 substantially advance, and are reasonably and rationally related to, legitimate
15 government interests (i.e., promoting the health, safety, morals, convenience, order,
16 prosperity and/or welfare of the present 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
21 amended by adding the material on the attached Exhibits "A", which shall be considered
22 underscored in its entirety.
23

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

28 Section 3. It is the intent of the County Council that the provisions of this
29 Ordinance shall be effective February 28, 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 federal funds of \$219,504.00 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the Reblaze Renewal 2026 (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funds of \$219,504.00 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the Reblaze Renewal 2026 (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

There is no match required and no impact to the Operating Budget. This increase will affect FY2026, FY2027, and FY2028, since the targeted program completion date for this grant is November 30, 2027.

Acknowledged by the Chief Financial Officer January 9, 2026.

DEPARTMENT:	Administration	EXHIBIT:	"A"
GRANT TITLE:	NetSkope Renewal 2026 (SLCGP)	Ordinance No.	26-013
PROGRAM TITLE:	NetSkope Renewal 2026 (SLCGP)		

Revenue	Current	Change	Revised
Federal	\$ 225,569.00	\$ -	\$ 225,569.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 225,569.00	\$ -	\$ 225,569.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 225,569.00	\$ -	\$ 225,569.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 225,569.00	\$ -	\$ 225,569.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	3/25/2026
Estimated Program Completion:	11/30/2027
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

The State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible State, Local and Territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide to their community.

1/27/2026

ORDINANCE NO. 26-014

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF \$225,569.00 FROM THE CYBERSECURITY
AND INFRASTRUCTURE SECURITY AGENCY PASSED THROUGH THE
DELAWARE EMERGENCY MANAGEMENT AGENCY TO THE NETSKOPE
RENEWAL 2026 (SLCGP) GRANT, WHICH IS ADMINISTERED BY THE
DEPARTMENT OF ADMINISTRATION, OFFICE OF TECHNOLOGY AND
ADMINISTRATIVE SERVICES**

1 **WHEREAS**, the State and Local Cybersecurity Grant Program (SLCGP) provides
2 funding to eligible state, local, and territorial (SLT) governments to manage and reduce
3 systemic cyber risk, thus improving the security of critical infrastructure and improving
4 the resilience of the services SLT governments provide their community; and
5

6 **WHEREAS**, funding will be transferred to New Castle County upon approval from
7 the Federal Emergency Management Agency (FEMA); and
8

9 **WHEREAS**, the County Executive has determined that grants anticipated to be
10 received from the Cybersecurity and Infrastructure Security Agency (CISA) will be
11 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
12

13 **WHEREAS**, Council has determined that the provisions of this Ordinance
14 substantially advance, and are reasonably and rationally related to, legitimate
15 government interests (i.e., promoting the health, safety, morals, convenience, order,
16 prosperity and/or welfare of the present 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
21 amended by adding the material on the attached Exhibits "A", which shall be considered
22 underscored in its entirety.
23

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

28 Section 3. It is the intent of the County Council that the provisions of this
29 Ordinance shall be effective March 25, 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 federal funds of \$225,569.00 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the NetSkope Renewal 2026 (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating federal funds of \$225,569.00 from the Cybersecurity and Infrastructure Security Agency (CISA) passed through the Delaware Emergency Management Agency (DEMA) to the NetSkope Renewal 2026 (SLCGP) Grant, which will be administered by the Department of Administration, Office of Technology and Administrative Services.

There is no match required and no impact to the Operating Budget. This increase will affect FY2026, FY2027, and FY2028, since the targeted program completion date for this grant is November 30, 2027.

Acknowledged by the Chief Financial Officer January 9, 2026.

DEPARTMENT:	Administration	EXHIBIT:	"A"
GRANT TITLE:	Reblaze Renewal 2026 (SLCGP)	Ordinance No.	26-014
PROGRAM TITLE:	Reblaze Renewal 2026 (SLCGP)		

Revenue	Current	Change	Revised
Federal	\$ 219,504.00	\$ -	\$ 219,504.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 219,504.00	\$ -	\$ 219,504.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 219,504.00	\$ -	\$ 219,504.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 219,504.00	\$ -	\$ 219,504.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	2/28/2026
Estimated Program Completion:	11/30/2027
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

The State and Local Cybersecurity Grant Program (SLCGP) provides funding to eligible State, Local and Territorial (SLT) governments to manage and reduce systemic cyber risk, thus improving the security of critical infrastructure and improving the resilience of the services SLT governments provide to their community.

1/27/2026

Prime Sponsor(s): Ms. Durham
Requested by: Land Use
Date of introduction: January 27, 2026

ORDINANCE NO. 26-015

**REVISE ZONING MAP: BRANDYWINE HUNDRED, SOUTHEASTERLY CORNER OF
SILVERSIDE ROAD AND CONCORD PIKE; REZONE TAX PARCELS
06-051.00-056 (3602 SILVERSIDE RD., TALLEYVILLE TOWN CENTER),
06-051.00-072 (0 SILVERSIDE RD., WILMONT), 06-051.00-083 (3600 SILVERSIDE
RD., WILMONT) FROM OFFICE NEIGHBORHOOD (ON) TO COMMERCIAL
NEIGHBORHOOD (CN).**

1 (The Exploratory Minor Land Development Plan for Talleyville Town Shoppes
2 Proposes to rezone part of tax parcel 06-051.00-056 (0.08 acres), tax parcel 06-051.00-
3 072 (0.07 acres), and tax parcel 06-051.00-083 (0.81 acres) from ON to CN. (App. 2025-
4 0569-S/Z)

5
6 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
7

8 Section 1. The Zoning Map of Brandywine Hundred, is hereby amended by
9 changing the zoning classification of the land shown on attached Exhibits "A" and "L"
10 dated January 8, 2026, as set forth therein.
11

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

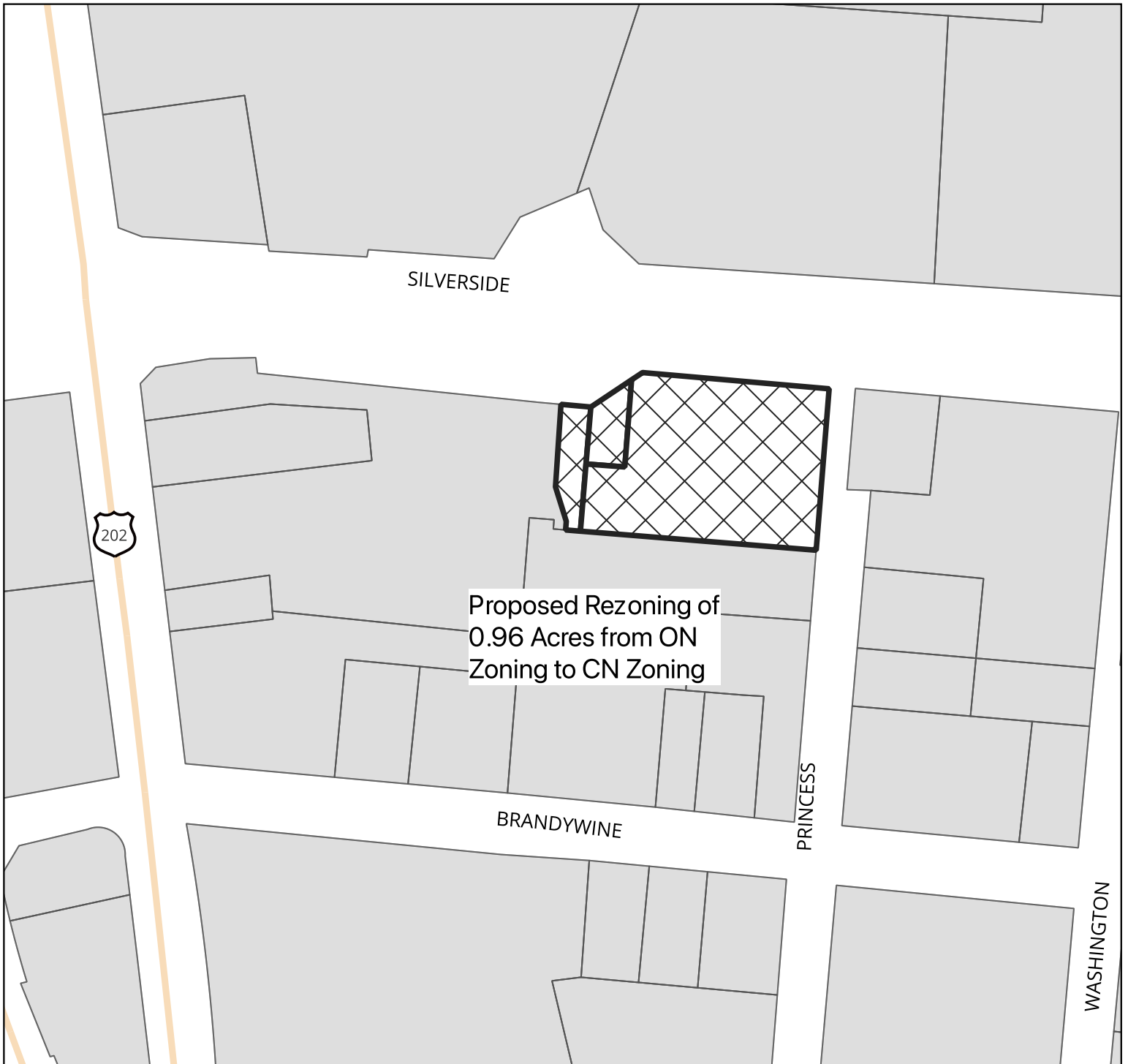
FISCAL NOTE: There is no discernible fiscal impact with the adoption of this legislation.

PROPERTY MAP

EXHIBIT A
ZONING ORDINANCE AS INTRODUCED

APPLICANT: CONCORDIA HOLDING CORPORATION
PROPOSED REZONING: OFFICE NEIGHBORHOOD
(ON) TO COMMERCIAL NEIGHBORHOOD (CN)

APPLICATION NO. 2025-0569-S/Z
TAX PARCEL NO: 06-051.00-056,
06-051.00-072, 06-051.00-083



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:1699
Prepared by: Matthew Rogers

Date: 1/8/2026



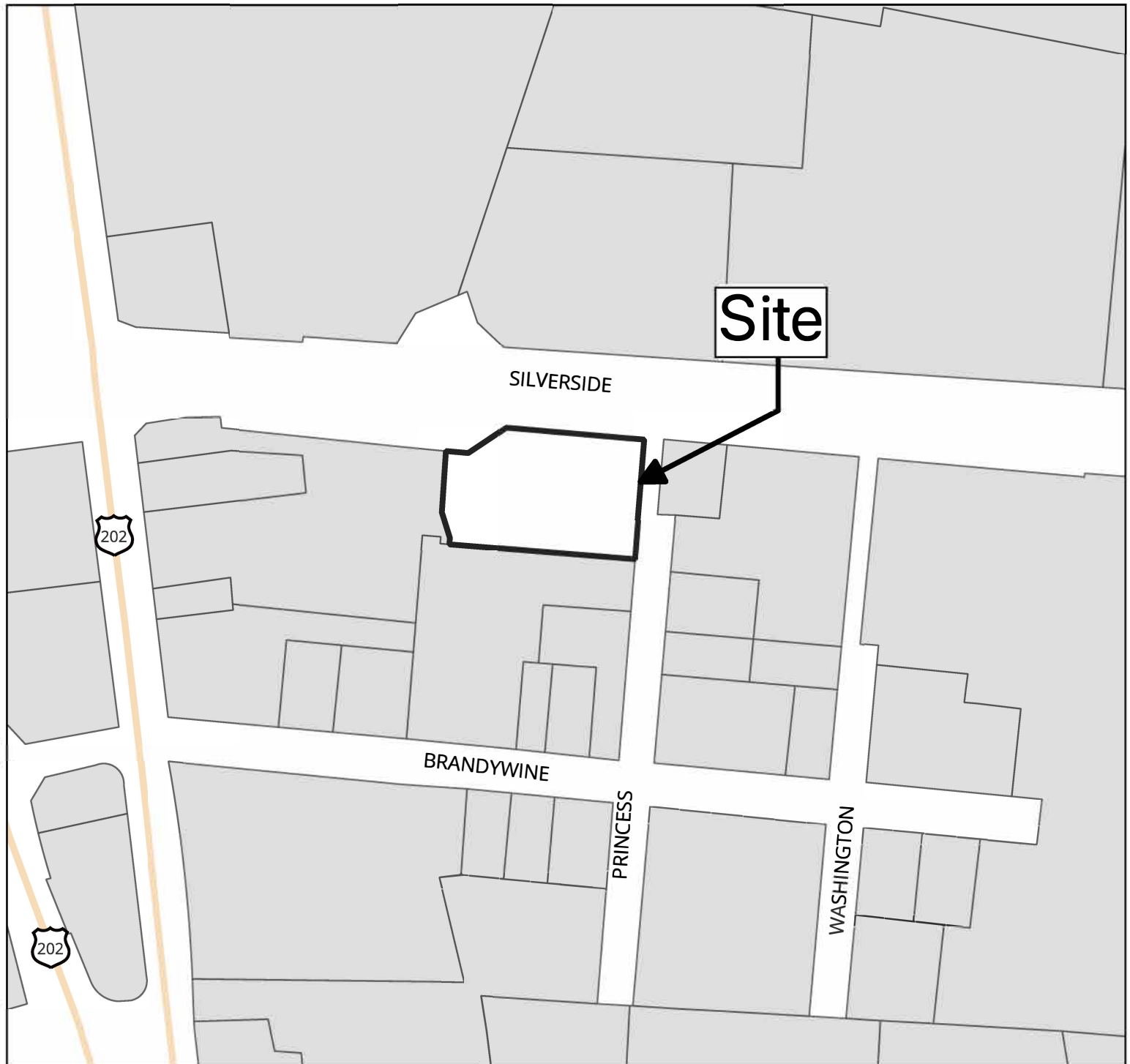
PERMANENT ORDINANCE NO. 26- 015
Date Adopted by County Council:
Date Approved by County Executive:

PROPERTY MAP

EXHIBIT L
ZONING ORDINANCE AS INTRODUCED

APPLICANT: CONCORDIA HOLDING CORPORATION
PROPOSED REZONING: OFFICE NEIGHBORHOOD
(ON) TO COMMERCIAL NEIGHBORHOOD (CN)

APPLICATION NO. 2025-0569-S/Z
TAX PARCEL NO: 06-051.00-056, 06-051.00-072,
06-051.00-083



HUNDRED: BRANDYWINE HUNDRED
NEW CASTLE COUNTY, DELAWARE

Scale: 1:2296
Prepared by: Matthew Rogers

Date: 1/8/2026



PERMANENT ORDINANCE NO. 26-015

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

Prime Sponsor(s): Ms. Durham
Requested by: Executive Office
Date of Introduction: January 27, 2026

RESOLUTION NO. 26-010

**CONSENTING TO THE APPOINTMENT OF JULIE ANN BREWER TO THE
NEW CASTLE COUNTY LIBRARY ADVISORY BOARD**

1 **WHEREAS**, pursuant to 9 *Del. C.* § 1352 and *New Castle County Code* §
2 2.05.402(F) the New Castle County Library Advisory Board (“Board”) shall serve as a
3 subcommittee to the Department of Community Services Board; and
4

5 **WHEREAS**, the Board shall consist of thirteen (13) members; and
6

7 **WHEREAS**, the County Executive, with the advice and consent of County Council
8 appoints twelve (12) members of the Board-one (1) from District 1 or 7, one (1) from
9 District 2 or 8, one (1) from District 3 or 9, one (1) from District 4 or 10, one (1) from District
10 5 or 11, one (1) from District 6 or 12, six (6) members from among existing friends groups
11 and one (1) member representing all contractual libraries. All members so appointed
12 serve for a term of three (3) years pursuant to *New Castle County Code* § 2.05.403; and
13

14 **WHEREAS**, the County Executive has submitted for the advice and consent of
15 County Council the appointment of Julie Ann Brewer as a member of the Board, filling the
16 seat assigned to Friends of Brandywine Hundred Library; and
17

18 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
19 Castle County that County Council hereby consents to the appointment of Julie Ann
20 Brewer as the representative to the New Castle County Library Advisory Board for Friends
21 of Brandywine Hundred Library for a term to begin immediately upon adoption of this
22 resolution and to expire January 27, 2029.

Adopted by the County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s):	Mr. Toole
Requested by:	Executive Office
Date of Introduction:	January 27, 2026

RESOLUTION NO. 26-011

**CONSENTING TO THE APPOINTMENT OF CAITLIN F. BRITWUM TO THE
NEW CASTLE COUNTY LIBRARY ADVISORY BOARD**

1 **WHEREAS**, pursuant to 9 *Del. C.* § 1352 and *New Castle County Code* §
2 2.05.402(F) the New Castle County Library Advisory Board (“Board”) shall serve as a
3 subcommittee to the Department of Community Services Board; and
4

5 **WHEREAS**, the Board shall consist of thirteen (13) members; and
6

7 **WHEREAS**, the County Executive, with the advice and consent of County Council
8 appoints twelve (12) members of the Board-one (1) from District 1 or 7, one (1) from
9 District 2 or 8, one (1) from District 3 or 9, one (1) from District 4 or 10, one (1) from District
10 5 or 11, one (1) from District 6 or 12, six (6) members from among existing friends groups
11 and one (1) member representing all contractual libraries. All members so appointed
12 serve for a term of three (3) years pursuant to *New Castle County Code* § 2.05.403; and
13

14 **WHEREAS**, the County Executive has submitted for the advice and consent of
15 County Council the appointment of Caitlin F. Britwum as a member of the Board, filling
16 the seat assigned to Friends of Kirkwood Library; and
17

18 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
19 Castle County that County Council hereby consents to the appointment of Caitlin F.
20 Britwum as the representative to the New Castle County Library Advisory Board for
21 Friends of Kirkwood Library for a term to begin immediately upon adoption of this
22 resolution and to expire January 27, 2029.

Adopted by the County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

RESOLUTION NO. 26-012

**CONSENTING TO THE APPOINTMENT OF LISSA E. BRUTUS TO THE
NEW CASTLE COUNTY PLANNING BOARD**

1 **WHEREAS**, the New Castle County Planning Board ("Planning Board") is composed of
2 nine (9) members. Pursuant to *New Castle County Code* § 40.30.210, County Council has the
3 power and duty to confirm, by majority vote, members of the Planning Board appointed by the
4 County Executive; and

5
6 **WHEREAS**, the Planning Board is responsible for reviewing proposed changes to zoning,
7 subdivision regulations, deed restrictions, and the Comprehensive Development Plan; and

8
9 **WHEREAS**, the Planning Board also renders final decisions on subdivision variances and
10 appeals of Land Use Department interpretations of subdivision regulations; and

11
12 **WHEREAS**, Planning Board Members shall be appointed by the County Executive for a
13 term of three years; and

14
15 **WHEREAS**, the County Executive has submitted for the advice and consent of the County
16 Council the appointment of Lissa E. Brutus to the Planning Board; and

17
18 **WHEREAS**, Ms. Brutus brings value to the Board through her background in leadership
19 and community involvement.

20
21 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
22 County that County Council hereby consents to the reappointment of Lissa E. Brutus to the New
23 Castle County Planning Board for a term to begin immediately upon the adoption of this
24 resolution and to expire on January 27, 2026.

Adopted by the 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 discernable fiscal impact upon the adoption of this resolution.

RESOLUTION NO. 26-013

**CONSENTING TO THE APPOINTMENT OF TRACY CHAMBLEE TO THE
NEW CASTLE COUNTY PLANNING BOARD**

1 **WHEREAS**, the New Castle County Planning Board ("Planning Board") is composed of
2 nine (9) members. Pursuant to *New Castle County Code* § 40.30.210, County Council has the
3 power and duty to confirm, by majority vote, members of the Planning Board appointed by the
4 County Executive; and

5
6 **WHEREAS**, the Planning Board is responsible for reviewing proposed changes to
7 zoning, subdivision regulations, deed restrictions, and the Comprehensive Development Plan;
8 and

9
10 **WHEREAS**, the Planning Board also renders final decisions on subdivision variances
11 and appeals of Land Use Department interpretations of subdivision regulations; and

12
13 **WHEREAS**, Planning Board Members shall be appointed by the County Executive for a
14 term of three years; and

15
16 **WHEREAS**, the County Executive has submitted for the advice and consent of the
17 County Council the appointment of Tracy Chamblee to the Planning Board; and

18
19 **WHEREAS**, Mr. Chamblee brings value to the Board through his background in
20 leadership and community involvement.

21
22 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
23 County that County Council hereby consents to the reappointment of Tracy Chamblee to the
24 New Castle County Planning Board for a term to begin immediately upon the adoption of this
25 resolution and to expire on January 27, 2026.

Adopted by the 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 will be no discernable fiscal impact upon the adoption of this resolution.

Prime Sponsor(s): Ms. Durham
Requested by: Executive Office
Date of Introduction: January 27, 2026

RESOLUTION NO. 26-014

**CONSENTING TO THE RE-APPOINTMENT OF R. JEAN HERSHNER TO THE
NEW CASTLE COUNTY HISTORIC REVIEW BOARD**

1 **WHEREAS**, Pursuant to *New Castle County Code* Section 40.30.330, the Historic
2 Review Board is vested with the responsibility to make recommendations for historic
3 district boundaries, maintain a survey of historic properties, review permits relative to
4 historic properties, and to make recommendations to the County Executive, County
5 Council, and to the Department of Land Use concerning the use of grants, gifts, and
6 budgeting appropriations to promote the preservation of historic sites, among other
7 duties; and
8

9 **WHEREAS**, the Historic Review Board shall consist of nine (9) members who shall
10 be residents of the County and who shall be appointed by the County Executive with the
11 advice and consent of a majority of the County Council. The terms of office shall be four
12 (4) years, provided that the terms of the members other than the Chairman shall be
13 established in a manner that two (2) shall expire each year. The County Executive shall
14 appoint one (1) member as Chairman who shall serve at the pleasure of the County
15 Executive. One (1) member of the Historic Review Board shall be an architect, and one
16 (1) member shall be from the field of historic preservation. Seven (7) members shall be
17 individuals who have demonstrated a concern in the field of historic preservation, have
18 some knowledge of the County's history, or have reasonable knowledge of historic
19 architecture or construction techniques; and
20

21 **WHEREAS**, Ms. Hershner is a resident of New Castle County and serves as the
22 Executive Director of Nemours Estate with responsibilities that include daily operations
23 and stewardship of the home of Alfred I. duPont and his family; and
24

25 **WHEREAS**, the County Executive has submitted for the advice and consent of
26 County Council the re-appointment of R. Jean Hershner to the Historic Review Board.
27

28 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
29 Castle County that County Council hereby consents to the re-appointment of R. Jean
30 Hershner to the New Castle County Historic Review Board for a term to begin immediately
31 upon adoption of this resolution and to expire on January 27, 2030.

Adopted by the County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Ms. Kilpatrick
Requested by: Executive Office
Date of Introduction: January 27, 2026

RESOLUTION NO. 26-015

**CONSENTING TO THE APPOINTMENT OF NEDDA MOQTADERI TO THE
NEW CASTLE COUNTY HOCKESSIN DESIGN REVIEW ADVISORY COMMITTEE**

1 **WHEREAS**, *New Castle County Code §40.26.420* provides that “County Council
2 may establish Hometown (HT) Overlay Zoning Districts and encompass the boundaries
3 of communities and neighborhoods that will be subject to a modification of dimensional
4 standards as set forth herein and by an approved Community Redevelopment Plan;” and
5

6 **WHEREAS**, *New Castle County Code §40.26.440* provides that “a Design Review
7 Advisory Committee shall be established pursuant to §40.30.450 for each Hometown
8 Zoning Overlay District created;” and
9

10 **WHEREAS**, *New Castle County Code §40.30.450C* also provides that “the District
11 Council person(s) in whose Councilmanic district a Hometown Overlay is found, shall
12 make recommendations to the County Executive who shall appoint members subject to
13 County Council consent; and
14

15 **WHEREAS**, Ms. Moqtaderi is a resident and property owner of the area affected
16 and the surrounding area identified in the community redevelopment and the District
17 Council member recommended the appointment of Ms. Moqtaderi to the Hockessin
18 Design Review Advisory Committee; and
19

20 **WHEREAS**, the County Executive has submitted for the advice and consent of
21 County Council to appoint Nedda Moqtaderi to the Hockessin Design Review Advisory
22 Committee.
23

24 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
25 Castle County that County Council hereby consents to the appointment of Nedda
26 Moqtaderi to the Hockessin Design Review Advisory Committee for a term to begin
27 immediately upon adoption of this resolution and to expire January 27, 2029.

Adopted by the County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s): Mr. Cartier
Requested by: Executive Office
Date of Introduction: January 27, 2026

RESOLUTION NO. 26-016

**CONSENTING TO THE APPOINTMENT OF MATTHEW MORRIS TO THE
NEW CASTLE COUNTY CLAYMONT DESIGN REVIEW ADVISORY COMMITTEE**

1 **WHEREAS**, *New Castle County Code §40.26.420* provides that “County Council
2 may establish Hometown (HT) Overlay Zoning Districts and encompass the boundaries
3 of communities and neighborhoods that will be subject to a modification of dimensional
4 standards as set forth herein and by an approved Community Redevelopment Plan;” and
5

6 **WHEREAS**, *New Castle County Code §40.26.440* provides that “a Design Review
7 Advisory Committee shall be established pursuant to §40.30.450 for each Hometown
8 Zoning Overlay District created;” and
9

10 **WHEREAS**, *New Castle County Code §40.30.450C* also provides that “the District
11 Council person(s) in whose Councilmanic district a Hometown Overlay is found, shall
12 make recommendations to the County Executive who shall appoint members subject to
13 County Council consent; and
14

15 **WHEREAS**, Mr. Morris is an advocate of the area affected and the surrounding
16 area identified in the community redevelopment and the District Council member
17 recommended the appointment of Mr. Morris to the Claymont Design Review Advisory
18 Committee; and
19

20 **WHEREAS**, the County Executive has submitted the advice and consent of County
21 Council to appoint Matthew Morris to the Claymont Design Review Advisory Committee.
22

23 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
24 Castle County that County Council hereby consents to the appointment of Matthew Morris
25 to the Claymont Design Review Advisory Committee for a term to begin immediately upon
26 adoption of this resolution and to expire January 27, 2029.

Adopted by the County Council
of New Castle County on:

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

SYNOPSIS: Same as title.

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

RESOLUTION NO. 26-017

**APPOINTING KENT ST. PIERRE TO THE
NEW CASTLE COUNTY COUNCIL AUDIT COMMITTEE**

1 **WHEREAS**, pursuant to New Castle County Code Sec. 2.02.403, the Audit
2 Committee (the Committee) is a 5-member public board, mandated by County law that
3 is responsible for: establishing an audit schedule for the coming year; monitoring the
4 progress of ongoing audits; following up on audits previously completed; considering
5 special audit requests or needs expressed by Council, the Executive or the Chief
6 Financial Officer; preparing an annual performance appraisal of the Auditor for
7 consideration by Council in its annual performance review; assisting the Auditor with
8 any problems encountered in the execution of his duties, ensuring maximum
9 cooperation between the work of the Auditor and the auditing needs of the Council,
10 the Executive and external auditors; recommending to Council any staffing, equipment
11 or office needs necessary for improving the operation of the Auditor's office. considering
12 input from, and consulting with, when appropriate, the County Office of
13 Finance; and establishing a peer review of the Office of the County Auditor at least
14 every three (3) years; and
15

16 **WHEREAS**, the members of the Committee will be appointed by County
17 Council for terms of four (4) years, except that original terms shall be established so
18 that two (2) terms expire at four (4) years, two (2) at three (3) years, and one in the
19 second year. When vacancies occur, they shall be filled for the unexpired term. No
20 citizen member of the Committee shall be an employee of the County, be under
21 contract with the County, or enter into a contract with the County during their tenure
22 on the Committee. No citizen member of the Committee shall be a candidate for any
23 public office; and 24
24

25 **WHEREAS**, the members of the Committee shall consist of five (5) members
26 - all of whom possess the technical skills necessary to oversee the technical and
27 complex financial reporting and audit process; and 28
28

29 **WHEREAS**, New Castle County has nominated Kent St. Pierre for appointment
30 to the Audit Committee; and 31
31

32 **WHEREAS**, this appointment fulfills the requirement in Sec. 2.02.402 (A) that
33 all members must possess the necessary technical skills to oversee the technical and
34 complex financial reporting and audit process.

35 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of
36 New Castle County that County Council hereby appoints Kent St. Pierre as a
37 member of the New Castle County Council Audit Committee for a term to begin from
38 January 27, 2026, and to expire on January 27, 2030.

Adopted by the County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

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

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

Requested by: Administration/Law

Date of Introduction: January 27, 2026

RESOLUTION NO. 26-018

**REQUESTING STATUTORY AUTHORITY FROM THE DELAWARE GENERAL ASSEMBLY
THAT PERMITS NEW CASTLE COUNTY TO ESTABLISH A RIGHT TO TENURE FOR
EMPLOYEES OF THE NEW CASTLE COUNTY OFFICE OF LAW BY ORDINANCE**

1 **WHEREAS**, it is vital to the effective operation of New Castle County government that the
2 New Castle County Office of Law be adequately staffed with high-quality legal professionals; and
3

4 **WHEREAS**, the New Castle County Office of Law's greatest assets are its staff of
5 dedicated, high-performing legal professionals; and
6

7 **WHEREAS**, the State of Delaware and the City of Wilmington provide their mid-level and
8 non-managerial professional legal staff with the ability to earn tenure or merit employment status;
9 and
10

11 **WHEREAS**, New Castle County affords merit status only to its First Assistant County
12 Attorney class; and
13

14 **WHEREAS**, the New Castle County Executive and New Castle County Attorney have
15 requested that New Castle County Council pass an Ordinance to permit legal professionals
16 employed with the New Castle County Office of Law the same ability to earn tenure as their
17 colleagues in other government legal practices within the State of Delaware; and
18

19 **WHEREAS**, New Castle County Council intends to promote the tools necessary to support
20 sustainable and competitive recruitment and retention of experienced, high-quality legal
21 professionals who are dedicated to serving the citizens and government of New Castle County;
22 and
23

24 **WHEREAS**, maintaining continuity in New Castle County's in-house legal capability will
25 allow for less reliance on more expensive outside legal counsel and enhance the New Castle
26 County Office of Law's ability to attract legal professionals of diverse backgrounds in a highly
27 competitive legal market where private salaries substantially outpace those available to public
28 practitioners; and
29

30 **WHEREAS**, Title 9, Section 1394 of the Delaware Code presently prevents the attainment
31 of tenure for legal professionals employed with the New Castle County Office of Law; and
32

33 **WHEREAS**, it is the intention of New Castle County Council to pass an Ordinance granting
34 legal professionals employed with the Office of Law the right to attain tenure after 3 years of
35 regular full-time service when properly managed and subjected to appropriate administrative
36 processes.
37

38 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
39 County that County Council hereby approves the following hereby requests that the State of
40 Delaware General Assembly amend 9 Del. C. § 1394 by making deletions as shown by the
41 insertions as shown by underline as follows:

42 **§ 1394. Assistant County Attorneys and Other Legal Professionals Employed with New**
43 **Castle County.**

44
45 The County Attorney shall appoint such Assistant County Attorneys as may be authorized by the
46 County Council. The Assistant County Attorneys and other legal professionals appointed by the
47 County Attorney shall serve at the pleasure of the County Attorney unless and until such time as
48 they may attain tenure as County Council may provide for by ordinance. First Assistant County
49 Attorneys shall be selected according to provisions of the Merit System of the New Castle County
50 Code.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: This Resolution expressly requests that the State of Delaware General Assembly empower New Castle County Council to establish a right of tenure for New Castle County Office of Law employees by ordinance. Like the similar rights granted to employees of the State of Delaware Department of Justice and the City of Wilmington's Department of Law, these rights will serve to promote recruitment and retention of high-quality legal professionals, promote continuity of legal services, and further the public's interest in the provision of independent legal advice.

FISCAL IMPACT: There is no discernible fiscal impact upon the adoption of this Resolution.

Acknowledged by the Chief Financial Officer January 9, 2026.

Prime Sponsor(s): Ms. Kilpatrick
Co-sponsor(s): Mr. Caneco, Mr. Cartier
Ms. George, Mr. Hollins
Mr. Sheldon, Mr. Smiley
Mr. Street, Mr. Toole
Date of introduction: February 3, 2026

SUBSTITUTE NO. 1 TO RESOLUTION NO. 26-019

APOLOGIZING TO THE PUBLIC FOR CONDUCT UNBECOMING A COUNCIL

1 **WHEREAS**, the New Castle County Council provides each Councilmember the
2 rules and protocols regarding conduct and decorum during public meetings; and

3 **WHEREAS**, In the event that New Castle County Council does not have a rule in
4 place, Roberts Rules of Order are the default; and

5 **WHEREAS**, all members have equal rights, privileges, and obligations during
6 discussions and must proceed in accordance with 8.1.4. of the Council Rules, which
7 states that Council members shall conduct themselves in a professional manner at all
8 times and avoid characterizing another member's personal intent or motives; and
9

10 **WHEREAS**, Council members shall refrain from speaking disrespectfully of the
11 presiding officer or other members, engaging in personal attacks, and from using
12 profane or vulgar language; and

13 **WHEREAS**, a Council member may only be interrupted when speaking by a 'Call
14 to Order'; and

15 **WHEREAS**, 8.1.5. of the Council Rules states that If a Council member shall
16 transgress the rules, the presiding officer, or a Council member through the presiding
17 officer, shall 'Call to Order' the Council member at which point the Council member shall
18 not proceed absent a motion that he or she be allowed to proceed. A motion to proceed
19 shall be non-debatable (second, yes-no required); and

20 **WHEREAS**, there have been progressively noticeable breaches of meeting
21 protocol, in violation of our Rules of Order; and

22 **WHEREAS**, repeated interruptions, use of disrespectful language, or failure to
23 follow recognized meeting procedures, such as those that have occurred in Council
24 meetings, continue to disrupt the orderly conduct of Council business and have violated
25 the standards of decorum expected of members of this body.

26 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
27 Castle County that the sponsoring members of this Resolution rebuke the pattern of
28 constant breaches of orderly conduct, repeated interruptions, use of disrespectful
29 language, disparagement of other Councilmembers and general failure to follow
30 recognized meeting procedures; and

31 **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the sponsoring
32 members of this Council Resolution profusely apologize to the public for the disturbing
33 and perpetual unacceptable behavior shown in New Castle County Council meetings –
34 a behavior that continues to break public trust.

Adopted by County Council
of New Castle County on: 2/3/26

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

SYNOPSIS: Same as title. This Substitute includes additional sponsors and clarifies the language at lines 22-25.

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

Prime Sponsor(s): Ms. Kilpatrick
Co-sponsor(s): Ms. George, Mr. Hollins
Mr. Sheldon, Mr. Smiley
Mr. Street
Date of introduction: January 26, 2026

RESOLUTION NO. 26-019

APOLOGIZING TO THE PUBLIC FOR CONDUCT UNBECOMING A COUNCIL

1 **WHEREAS**, the New Castle County Council provides each Councilmember the
2 rules and protocols regarding conduct and decorum during public meetings; and

3 **WHEREAS**, In the event that New Castle County Council does not have a rule in
4 place, Roberts Rules of Order are the default; and

5 **WHEREAS**, all members have equal rights, privileges, and obligations during
6 discussions and must proceed in accordance with 8.1.4. of the Council Rules, which
7 states that Council members shall conduct themselves in a professional manner at all
8 times and avoid characterizing another member's personal intent or motives; and
9

10 **WHEREAS**, Council members shall refrain from speaking disrespectfully of the
11 presiding officer or other members, engaging in personal attacks, and from using
12 profane or vulgar language; and

13 **WHEREAS**, a Council member may only be interrupted when speaking by a 'Call
14 to Order'; and

15 **WHEREAS**, 8.1.5. of the Council Rules states that If a Council member shall
16 transgress the rules, the presiding officer, or a Council member through the presiding
17 officer, shall 'Call to Order' the Council member at which point the Council member shall
18 not proceed absent a motion that he or she be allowed to proceed. A motion to proceed
19 shall be non-debatable (second, yes-no required); and

20 **WHEREAS**, there have been progressively noticeable breaches of meeting
21 protocol, in violation of our Rules of Order; and

22 **WHEREAS**, repeated interruptions, use of disrespectful language, or failure to
23 follow recognized meeting procedures, such as those that occurred in the Personnel
24 Committee meeting of January 20, 2026, continue to disrupt the orderly conduct of
25 Council business and have violated the standards of decorum expected of members of
26 this body.

27 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
28 Castle County that the sponsoring members of this Resolution rebuke the pattern of
29 constant breaches of orderly conduct, repeated interruptions, use of disrespectful
30 language, disparagement of other Councilmembers and general failure to follow
31 recognized meeting procedures; and

32 **NOW, THEREFORE, BE IT FURTHER RESOLVED** that the sponsoring
33 members of this Council Resolution profusely apologize to the public for the disturbing
34 and perpetual unacceptable behavior shown in New Castle County Council meetings –
35 a behavior that continues to break public trust.

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 legislation.

RESOLUTION NO. 26-020

**RECOGNIZING FEBRUARY THE FOURTH AS TRANSIT EQUITY DAY AND
URGING THE REOPENING AND EXPANSION OF IN-PERSON SEPTA TICKET
SERVICES AT THE JOSEPH R. BIDEN, JR. RAIL STATION TO ENSURE TRANSIT
EQUITY FOR NEW CASTLE COUNTY RESIDENTS**

1 **WHEREAS**, February 4th is recognized nationally as "Transit Equity Day" in
2 honor of the birthday of civil rights leader Rosa Parks, whose courageous stand for equal
3 access to public transportation sparked a movement for justice; and
4

5 **WHEREAS**, the New Castle County Council maintains that public transit is a
6 fundamental civil right and a vital link to essential services such as healthcare,
7 employment, and regional economic opportunities for all residents; and
8

9 **WHEREAS**, the recent closure of the SEPTA ticket office at the Joseph R. Biden,
10 Jr. Amtrak Station in Wilmington has created a physical and administrative barrier for
11 Delaware commuters, particularly those who are not digitally literate or do not have
12 access to online payment systems; and
13

14 **WHEREAS**, the absence of an in-person office prevents Delaware seniors from
15 easily obtaining SEPTA Senior Key Cards, which provide free transit in Pennsylvania
16 and 50% fare reductions in Delaware; and
17

18 **WHEREAS**, requiring Delaware residents to travel to Philadelphia to apply for
19 senior benefits is an undue burden that disproportionately affects marginalized
20 communities and those on fixed incomes; and
21

22 **WHEREAS**, New Castle County is committed to reducing car dependence and
23 promoting sustainable infrastructure that serves people over profit.
24

25 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
26 Castle County that County Council recognizes February 4th as Transit Equity Day and
27 reaffirms its commitment to accessible, affordable public transportation.
28

29 **BE IT FURTHER RESOLVED** that County Council hereby urges the Delaware
30 Transit Corporation (DART) and SEPTA to collaborate on reopening the Wilmington
31 ticket office not merely as a sales point but as a Regional Service Hub, and that this
32 office be authorized to issue SEPTA Senior Key Cards and disability-related fare
33 products on-site to eliminate the need for cross-state travel for essential benefits.

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.

RESOLUTION NO. 26-021

**HONORING THE CENTENNIAL CELEBRATION
OF BLACK HISTORY MONTH - 2026**

1 **WHEREAS**, February has been officially recognized as Black History Month by
2 the United States Congress and United States Presidents for decades; it is a time for
3 honoring the culture and history of African Americans and America recognizing that our
4 society's rich diversity is our greatest strength; the legacy of Black History Month dates
5 back over 100 years, with the purpose of enhancing the knowledge and understanding
6 of Black history; and
7

8 **WHEREAS**, the 2026 Black History Month theme, "*A Century of Black History*
9 *Commemorations*," marks a historic milestone reflecting 100 years of national efforts to
10 study, honor, and commemorate the history, culture, and contributions of African
11 Americans in all occupations and public service, while acknowledging their past labor
12 struggles; and
13

14 **WHEREAS**, Black history in the United States has been a proving ground for
15 America's foundational ideals. A severe test of these ideals came with the Civil War and
16 the elimination of slavery. Another major test came a century later, in the struggle for
17 practical recognition of the rights already won in principle - the abolition of legalized
18 segregation and second-class citizenship; and
19

20 **WHEREAS**, America's foundational ideals, and with it, Black history, are once
21 again being tested; truly, there has been no time in recent history as crucial as the
22 present to educate on Black history;
23

- 24 • Shockingly, President Trump is aggressively attacking the foundational
25 precepts upon which our Nation and Black history are founded, and which
26 Martin Luther King, Jr. and other freedom fighters, including Thurgood
27 Marshall, fought to uphold, with blood, sweat, and tears.
28
- 29 • President Trump and his Administration have declared war on and are
30 attempting to erase the advancements achieved by African Americans in
31 response to programs promoting diversity, equity, and inclusion.
32
- 33 • The Trump federal agencies have banned activities and events celebrating
34 Martin Luther King, Jr., Day and Black History Month; it is imperative that
35 we respond to such actions. Moreover, Black History Month has taken on
36 a degree of importance greater than ever before; and

37 **WHEREAS**, during Black History Month we have historically recognized, and
38 must *continue* to recognize, the extraordinary contributions and achievements of African
39 Americans and their role in constructing American history along with the contributions
40 that African Americans have made to enhance the economic, cultural, spiritual and
41 political development of our Nation; and

42 **WHEREAS**, as we celebrate the history of African Americans - including brilliant
43 artists (Jean Michel Basquiat) and actors (Dorothy Dandridge, Sidney Poitier), talented
44 musicians (Lena Horne, Ella Fitzgerald) and literary giants (Maya Angelou, James
45 Baldwin), scientists (Katherine Johnson, Mary Jackson, Dorothy Vaughan), astronauts
46 (Mae Jemison), military leaders (Colin Powell), and successful business and industry
47 leaders;

- 48 • We must earnestly recognize their successes and the barriers they have
49 overcome, as well as recognize the new barriers that have arisen, and
50 simultaneously we must renew our commitment to liberty and justice for
51 all; it is times like these that remind us that “[f]reedom is a fragile thing
52 and is never more than one generation away from extinction;” and

53 **WHEREAS**, African Americans have fought for and paved the way not only for
54 themselves but also for millions of women, historically marginalized communities, and
55 all Americans to more fully experience the benefits of our society; and
56

57 **WHEREAS**, *Black history is a foundational component of American history* and
58 a celebration and greater understanding of one is a celebration and more informed
59 understanding of the other and the interconnectivity of the two; in turn, this provides an
60 opportunity to reflect on the complex history of America, while remaining hopeful about
61 the path ahead; by appreciating the achievements of African Americans in the context
62 of our broader American history, we are brought closer together as one human race.
63

64 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
65 Castle County that County Council hereby proclaims February 2026 as “*Black History*
66 *Month*” and urges the citizens of New Castle County to take cognizance of this
67 celebration and to aggressively defend it and the advancements that are under attack,
68 and encourages officials, business leaders, educators, and all people of New Castle
69 County to observe this month with appropriate ceremonies and programs that raise
70 awareness of African American history and invite further inquiry into our collective
71 American history.

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.

RESOLUTION NO. 26-022

**HONORING KAPPA ALPHA PSI FRATERNITY, INC. FOR SERVICE TO THE
COMMUNITY DURING BLACK HISTORY MONTH**

1 **WHEREAS**, Black History Month is a time set aside to honor the rich history,
2 culture, and contributions of African Americans whose leadership, sacrifice, and service
3 have strengthened communities and advanced social progress; and

4 **WHEREAS**, Kappa Alpha Psi Fraternity, Inc., founded on January 5, 1911, has
5 upheld a proud legacy of achievement in every field of human endeavor, while
6 remaining steadfast in its commitment to public service, social action, and community
7 uplift; and

8 **WHEREAS**, the members of Kappa Alpha Psi Fraternity, Inc. have consistently
9 demonstrated a dedication to the betterment of our community through mentorship,
10 educational support, voter engagement, health initiatives, charitable outreach, and
11 programs designed to empower youth and underserved populations; and

12 **WHEREAS**, these efforts reflect the fraternity's core values of achievement,
13 leadership, and service, and exemplify the spirit of Black History Month by honoring the
14 past while actively building a stronger and more equitable future; and

15 **WHEREAS**, the positive impact of Kappa Alpha Psi Fraternity, Inc. has inspired
16 civic pride, fostered unity, and created meaningful opportunities for growth and success
17 within the community.

18 **NOW, THEREFORE, BE IT RESOLVED** by and for County Council of New
19 Castle County that County Council, during Black History Month, recognizes and
20 commends Kappa Alpha Psi Fraternity, Inc. for its outstanding service to the community
21 and its unwavering commitment to excellence, leadership, and social responsibility; and

22 **BE IT FURTHER RESOLVED** that this resolution serves as an expression of
23 sincere appreciation and gratitude for the fraternity's continued dedication to uplifting
24 lives, strengthening communities, and advancing the ideals of service and brotherhood.

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 legislation.

FLOOR AMENDMENT NO. 1 TO ORDINANCE NO. 26-002

1 Ordinance No. 26-002 is amended at line numbers 90 through 98 by the addition of the
2 language identified with underlines and highlighted in yellow and by the deletion of the
3 language with strikethroughs and highlighted in red, below.

4
5 **Sec. 2.05.204. Police Accountability Board**

6 ...

7 H~~I~~. The Board shall ~~publish~~ submit an annual report including recommendations
8 and the Department of Public Safety's response to the County Executive, County Council,
9 Department of Public Safety, Division of Police, and the Delaware Department of Justice
10 by April 1 of each year, as required under New Castle County Code Section 2.04.001.
11 The annual report shall include data published by the Division of Police and detailed
12 narratives published by the Criminal Justice Council involving New Castle County Police
13 Officers. The Board shall present the annual report to County Council at a public County
14 Council meeting. ~~The Department of Public Safety shall respond to the recommendations~~
15 ~~within ninety (90) days of receipt and provide an update on the status of any~~
16 ~~recommendations being implemented within six (6) months of receipt.~~

SYNOPSIS: This amendment clarifies the deadline by which the annual report must be submitted, consistent with *New Castle County Code* Section 2.04.001.

ORDINANCE NO. 26-002

**AMENDING THE NEW CASTLE COUNTY CODE CHAPTER 2 ("ADMINISTRATION"),
ARTICLE 5 ("DEPARTMENTS AND OFFICES") TO MODIFY THE COMPOSITION AND
RESPONSIBILITIES OF THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD**

WHEREAS, the Police Officer Standards and Training Commission (the "Commission") under its authority provided by 11 *Del. C.* § 8404, requires that all police departments establish police accountability committees or boards to provide advice to departments on policy, training and other issues relating to or affecting the department and the communities served by the department; and

WHEREAS, the New Castle County Council created the New Castle County Police Accountability Board to allow community members an opportunity to provide input on how communities are policed and give the New Castle County Division of Police the benefit of constructive feedback to reform police policies and practices, improve police-community relations and enhance public safety; and

WHEREAS, modifications to the process for the nomination and appointment of Board members would ensure compliance with the Commission's recommendations while allowing for a large and more diverse pool of applicants; and

WHEREAS, adjustments to the meeting schedule would encourage attendance and participation while allowing flexibility for the Board to meet more frequently as needed; and

WHEREAS, requiring training commitments to be completed through the New Castle County Citizen's Police Academy will provide consistent and effective training; and

WHEREAS, the Executive Office has provided the necessary administrative support to the Board, eliminating the need for a separate, dedicated Executive Assistant position; and

WHEREAS, clarification regarding Board recommendations to the Department of Public Safety would streamline the recommendation process.

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

Section 1. *New Castle County Code* Chapter 2 ("Administration"), Article 5 ("Departments and Offices"), Division 2.05.204 ("Police Accountability Board"), is hereby amended by deleting the material stricken and adding the material underscored as set forth below.

Sec. 2.05.204. - Police Accountability Board

A. The Police Accountability Board ("Board") shall consist of eleven (11) residents of the County, who are voting members appointed by the County Executive with the advice and consent of County Council and two (2) non-voting, ex-officio members. ~~The County Executive shall solicit recommendations from non-profit organizations. The County Executive shall appoint the chairperson.~~ The Board shall elect the chairperson and vice chairperson from among its

members. Board members shall serve two (2) year terms, which may be renewed. No voting members shall be ~~current or former~~ members of law-enforcement or ~~affiliated with law-enforcement~~. The County Executive may solicit recommendations from non-profit organizations, including social services, civil rights, faith-based, education, mental health, criminal justice reform and victims' rights organization. To the extent practicable the membership of the Board shall reflect the racial, gender identity or expression, sexual orientation, socioeconomic, and cultural diversity of the County. Membership shall include at a minimum:

~~1. Social service organizations shall submit nominees from which the County Executive shall choose two~~ Two (2) members of the community who have been impacted directly or are immediate family members or caregivers of those impacted by the juvenile or adult criminal justice system;

~~2. Civil rights organizations shall submit nominees from which the County Executive shall choose two (2) criminal justice reform advocates;~~

~~3. Faith-based organizations shall submit nominees from which the County Executive shall choose one~~ One (1) religious leader from the community who has experience with justice-involved individuals;

~~4. Education organizations shall submit nominees from which the County Executive shall choose one (1) member of the education community;~~

~~5. Mental health organizations shall submit nominees from which the County Executive shall choose one (1) member from the mental health treatment community as defined by the National Alliance on Mental Illness;~~

~~6. Victims' rights organizations shall submit nominees from which the County Executive shall choose one (1) member of the victims' rights community who was a victim or relative of a victim of violent crime; and~~

~~7. Three (3) at-large members.~~

C. ~~The full-time position supporting the Police Accountability Board, which shall be independent from the Department of Public Safety,~~ The Office of the County Executive shall provide clerical, technical, and other services required by the Board in the performance of its official duties which shall be independent from the Department of Public Safety. Legal services shall be furnished by the Office of Law to ensure independent counsel.

E. The members of the Board must complete twenty (20) hours of community training. The initial community training requirement shall be satisfied through attendance and completion of the New Castle County Citizen's Police Academy. The Board is empowered to develop its own bylaws and determine how the Board members shall meet their twenty (20) hours of community training requirement, ~~related to ongoing training with the advice of the Executive Office, the Department of Public Safety, the Division of Police, and the Office of Law.~~

G. The Board shall meet at least ~~ten (10)~~ six (6) times annually, including hosting public forums quarterly. The Board shall also create a feedback form to solicit input from the public.

H. The Board shall provide all recommendations to the Department of Public Safety for consideration. The Department of Public Safety shall respond to the recommendations within ninety (90) days of receipt and provide an update on the status of any recommendations being implemented within six (6) months of receipt.

~~HI.~~ The Board shall publish an annual report including recommendations and the Department of Public Safety's response to the County Executive, County Council, Department of Public Safety, Division of Police, and the Delaware Department of Justice. The annual report shall include data published by the Division of Police and detailed narratives published by the

94 Criminal Justice Council involving New Castle County Police Officers. The Board shall present
95 the annual report to County Council at a public County Council meeting. ~~The Department of~~
96 ~~Public Safety shall respond to the recommendations within ninety (90) days of receipt and~~
97 ~~provide an update on the status of any recommendations being implemented within six (6)~~
98 ~~months of receipt.~~

99
100 Section 2. This Ordinance shall become effective immediately upon its adoption by
101 County Council and approval by the County Executive, or as otherwise provided in 9 Del. C. §
102 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 modifies the process for nominations and appointments to the Board to ensure a large and diverse pool of applicants, adjusts the meeting schedule to encourage attendance, eliminates the allocation for a separate, dedicated Executive Assistant position which is no longer needed, delineates training requirements, and streamlines the process for recommendations to the Department of Public Safety.

FISCAL NOTE: There will be no discernible fiscal impact upon the adoption of this Ordinance.

Acknowledged by the Chief Financial Officer on December 22, 2025.

ORDINANCE NO. 26-003

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$74,959.44 IN STATE AID TO LOCAL LAW ENFORCEMENT
(SALLE) FUNDS FROM THE STATE OF DELAWARE, DEPARTMENT OF SAFETY
AND HOMELAND SECURITY TO THE STATE AID TO LOCAL LAW ENFORCEMENT
(SALLE) – FY2026 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
2 of Safety and Homeland Security to the State Aid to Local Law Enforcement (SALLE)
3 FY2026 Grant; and
4

5 **WHEREAS**, the funding will be used by the Department of Public Safety for officer
6 specialized training such as Criminal Investigations, Patrol Tactical Training, Leadership
7 and other courses needed to maintain certifications and memberships as well as overtime
8 for special operations as needed; and
9

10 **WHEREAS**, the County Executive has determined that funds received are
11 sufficient to cover the increase in the Grants Budget as hereinafter amended; and
12

13 **WHEREAS**, Council has determined that the provisions of this Ordinance
14 substantially advance, and are reasonably and rationally related to, legitimate
15 government interests (i.e., promoting the health, safety, morals, convenience, order,
16 prosperity and/or welfare of the present 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
21 amended by adding the material on the attached "Exhibit A," which shall be considered
22 underscored in its entirety, attached hereto and made a part thereof.
23

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

28 Section 3. It is the intent of the County Council that the provisions of this Ordinance
29 shall be effective retroactive to November 4, 2025.

Adopted by County Council of
New Castle County on:

Williams-Johns

Monique
President of County Council
of New Castle County

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$74,959.44 in State Aid to Local Law Enforcement (SALLE) funds from the State of Delaware, Department of Safety and Homeland Security to the State Aid Legal Law Enforcement SALLE FY2026 Grant. Funds will be used by the Department of Public Safety for officer specialized training such as Criminal Investigations, Patrol Tactical Training, Leadership and other courses needed to maintain certifications and memberships as well as overtime for special operations as needed.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to November 4, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$74,959.44 in State Aid to Local Law Enforcement (SALLE) funds from the State of Delaware, Department of Safety and Homeland Security to the State in Aid to Local Law Enforcement (SALLE) FY2026 Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$74,959.44. This increase will affect FY2026 through FY2029 since the targeted program completion date is February 28, 2029. There will be no fiscal impact beyond FY2029 as a result of this grant award. The fiscal impact on the Operating Budget will be \$11,813.79 to cover benefits for overtime not covered by the grant. This will be covered within the Department of Public Safety, Division of Police Approved Operating Budget.

Acknowledged by the Chief Financial Officer December 29, 2025.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	SALLE FY2026	Ordinance No.	26-003
PROGRAM TITLE:	SALLE FY2026		

Revenue	Current		Change		Revised	
Federal	\$	-	\$	-	\$	-
State	\$	74,959.44	\$	-	\$	74,959.44
County	\$	-	\$	-	\$	-
Program Income	\$	-	\$	-	\$	-
Other	\$	-	\$	-	\$	-
Total	\$	74,959.44	\$	-	\$	74,959.44

Expense	Current		Change		Revised	
Salaries and Wages	\$	20,959.44	\$	-	\$	20,959.44
Benefits	\$	-	\$	-	\$	-
Training/Civic Affairs	\$	54,000.00	\$	-	\$	54,000.00
Communication/Utilities	\$	-	\$	-	\$	-
Materials/Supplies	\$	-	\$	-	\$	-
Contractual Services	\$	-	\$	-	\$	-
Equipment	\$	-	\$	-	\$	-
Grants/Fixed Charges	\$	-	\$	-	\$	-
Land and Structures	\$	-	\$	-	\$	-
Contingency	\$	-	\$	-	\$	-
Operating Transfer Charges	\$	-	\$	-	\$	-
Operating Transfer Credits	\$	-	\$	-	\$	-
Total	\$	74,959.44	\$	-	\$	74,959.44

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	11/4/2025
Estimated Program Completion:	2/28/2029
Operating Budget Impact:	\$ 11,813.79
Available in (ORG):	10200304-10200308
Ordinance Passed:	
Date Revised:	

PROGRAM DESCRIPTION:

Funding will be used to cover overtime for special operations and the training needs of the Division of Police.

1/13/2026

ORDINANCE NO. 26-004

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF \$122,118 FROM THE
U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT TO THE
2026 COC PERMANENT SUPPORTIVE HOUSING GRANT, WHICH IS
ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF
COMMUNITY DEVELOPMENT AND HOUSING**

1 **WHEREAS**, funding has been awarded from the U.S. Department of Housing
2 and Urban Development (HUD) to the 2026 CoC Permanent Supportive Housing Grant;
3 and
4

5 **WHEREAS**, funding will be used to operate eight (8) units dedicated for adult-
6 only and adult-child chronically homeless households; and
7

8 **WHEREAS**, tenants will have access to onsite services provided by several
9 community-based organizations, including medical care, mental health and substance
10 abuse treatment, transportation, state benefit assistance, food, recreational activities,
11 employment and training programs and academic enrichment programs; and
12

13 **WHEREAS**, the County Executive has determined that grants anticipated to be
14 received from the U.S. Department of Housing and Urban Development (HUD) will be
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 Exhibits "A", which shall be considered
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*.
31

32 Section 3. It is the intent of the County Council that the provisions of this
33 Ordinance 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 federal funds of \$122,118 from the U.S. Department of Housing and Urban Development (HUD) to the 2026 CoC Permanent Supportive Housing Grant which will be administered by the Department of Community Services, Division of Community Development and Housing. Funding will be used to operate eight (8) units dedicated for adult-only and adult-child chronically homeless households.

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

FISCAL NOTE: The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget by \$122,118. This increase will affect FY2026 only, since the targeted program completion date for this grant is June 30, 2026. The required local match funding of \$30,529.50 will be met with \$12,000.00 in Program Income from the Approved Operating Budget for the Department of Community Services, Hope Center and \$18,530.00 from within the Approved Budget of CDBG, ESG, and HOME ARP Grants during the grant period.

Acknowledged by the Chief Financial Officer November 20, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	2026 CoC Permanent Supportive Housing	Ordinance No.	26-004
PROGRAM TITLE:	2026 CoC Permanent Supportive Housing		

Revenue	Current	Change	Revised
Federal	\$ 122,118.00	\$ -	\$ 122,118.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 122,118.00	\$ -	\$ 122,118.00

Expense	Current	Change	Revised
Salaries and Wages	\$ 5,014.00	\$ -	\$ 5,014.00
Benefits	\$ 2,826.00	\$ -	\$ 2,826.00
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ 45,740.00	\$ -	\$ 45,740.00
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 68,538.00	\$ -	\$ 68,538.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 122,118.00	\$ -	\$ 122,118.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	7/1/2025
Estimated Program Completion:	6/30/2026
The Local Match:	\$ 12,000.00
	\$ 18,530.00
Found in (ORG):	10400801
	11400601

Ordinance Passed:	Date Revised:
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PROGRAM DESCRIPTION:

New Castle County Department of Community Services will use this grant to operate 8 units dedicated for chronically homeless households. The units will operate in compliance with HUD's NSPIRE standards. Tenants will have access to onsite services provided by several organizations, including medical care, mental health and substance abuse treatment, transportation, state benefit assistance, food, recreational activities, employment and training programs and academic enrichment programs.

ORDINANCE NO. 26-005

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$100,000 FROM THE U.S. DEPARTMENT OF HEALTH AND
HUMAN SERVICES, SUBSTANCE ABUSE AND MENTAL HEALTH
SERVICES ADMINISTRATION THROUGH THE STATE OF DELAWARE,
DELAWARE DEPARTMENT OF HEALTH AND SOCIAL SERVICES, DIVISION OF
SUBSTANCE ABUSE AND MENTAL HEALTH TO THE WASTEWATER 2026
DHSS GRANT FOR THE DEPARTMENT OF PUBLIC WORKS**

1 **WHEREAS**, funding has been awarded from the U.S. Department of Health and Human
2 Services, Substance Abuse and Mental Health Services Administration through the State of
3 Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental
4 Health to the Wastewater 2026 DHSS Grant; and

5
6 **WHEREAS**, funding shall be used to collect samples from the sanitary sewer system to
7 be analyzed and will be shared with the State of Delaware, Department of Health and Social
8 Services and the New Castle County Police Department to track known overdoses with high-
9 risk substance data to observe trends; and

10
11 **WHEREAS**, the County Executive has determined that funds received are sufficient
12 to cover the increase in the Grants Budget as hereinafter amended; and

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

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

20
21 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
22 by adding the material on the attached "Exhibit A," which is considered to be underscored in its
23 entirety.

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

28
29 Section 3. It is the intent of the County Council that the provisions of this Ordinance shall
30 be effective retroactive to September 30, 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 \$100,000 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health to the Wastewater 2026 DHSS Grant. Funding shall be used to collect samples from the sanitary sewer system to be analyzed and will be shared with the State of Delaware, Department of Health and Social Services and the New Castle County Police Department to track known overdoses with high-risk substance data to observe trends.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to September 30, 2025.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$100,000 from the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration through the State of Delaware, Department of Health and Social Services, Division of Substance Abuse and Mental Health to the Wastewater 2026 DHSS Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$100,000. This increase will impact FY2026 and FY2027, since the targeted program completion date of this award is September 29, 2026.

Acknowledged by the Chief Financial Officer December 29, 2025.

DEPARTMENT:	Public Works	EXHIBIT:	"A"
GRANT TITLE:	Wastewater 2026 DHSS	Ordinance No.	26-005
PROGRAM TITLE:	Wastewater 2026 DHSS		

Revenue	Current	Change	Revised
Federal	\$ 100,000.00	\$ -	\$ 100,000.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 100,000.00	\$ -	\$ 100,000.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 100,000.00	\$ -	\$ 100,000.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 100,000.00	\$ -	\$ 100,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	9/30/2025
Estimated Program Completion:	9/29/2026
The Local Match:	Found in (ORG):
Ordinance Passed:	Date Revised:

PROGRAM DESCRIPTION:

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

ORDINANCE NO. 26-006

**AMEND THE GRANTS BUDGET:
APPROPRIATE FEDERAL FUNDS OF \$1,440,000 FROM THE
U.S. DEPARTMENT OF TREASURY TO THE SOCIAL IMPACT PARTNERSHIPS TO PAY
FOR RESULTS ACT (SIPPRA) –THE FAMILY HOPE PROJECT GRANT - EVALUATOR,
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") was established to implement the Social Impact Partnership to Pay
3 for Results Act (the "Act"), which established a new grant demonstration program to encourage
4 funding 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 Family Hope Project will provide rental assistance, disbursed as direct
17 cash payments, for 2 years to 120 families coupled with wraparound and case management
18 services aiming to ameliorate families' housing cost burden, ultimately not exceeding
19 contributions greater than 30% of their income toward housing costs; and
20

21 **WHEREAS**, New Castle County Council approved Ordinance 25-156 to amend the grants
22 budget and appropriate an anticipated \$9,640,323 of Federal funds for the SIPPRA – The Family
23 HOPE Project Grant outlined above;
24

25 **WHEREAS**, this complementary grant, if approved, will appropriate an additional
26 \$1,440,000 in Federal funds to pay the SIPPRA – The Family HOPE Project grant's third-party
27 evaluator, Tech Impact;
28

29 **WHEREAS**, the County Executive has determined that revenues anticipated to be
30 received shall be sufficient to cover the increase in the Grants Budget as hereinafter amended;
31 and
32

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

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

40 Section 1. The Grants Budget, as adopted by Ordinance No. 75-173, is hereby amended
41 by adding the material in Exhibit "A," which is underscored in its entirety, which is attached hereto
42 and made a part hereof.

43
44 Section 2. This Ordinance shall become effective immediately upon its adoption by New
45 Castle County Council and approval by the County Executive, or as otherwise provided by 9 Del.
46 C. § 1156.

47
48 Section 3. It is the intent of County Council that the provisions of this Ordinance are
49 effective retroactive to 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 federal funds of \$1,440,000 from the U.S. Department of Treasury to the Social Impact Partnerships to Pay for Results Act (SIPPRA) – The Family HOPE Project Grant - Evaluator. This funding seeks to pay Tech Impact to evaluate the grant program intended 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 January 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$1,440,000 from the U.S. Department of Treasury to the Social Impact Partnerships to Pay for Results Act (SIPPRA) – The Family HOPE Project Grant – Evaluator.

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 \$1,440,000. 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 December 22, 2025.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	SIPPRA- The Family HOPE Project - Evaluator	Ordinance No.	26-006
PROGRAM TITLE:	SIPPRA- The Family HOPE Project - Evaluator		

Revenue	Current	Change	Revised
Federal	\$ 1,440,000.00	\$ -	\$ 1,440,000.00
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ -	\$ -	\$ -
Other	\$ -	\$ -	\$ -
Total	\$ 1,440,000.00	\$ -	\$ 1,440,000.00

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ -	\$ -	\$ -
Communication/Utilities	\$ -	\$ -	\$ -
Materials/Supplies	\$ -	\$ -	\$ -
Contractual Services	\$ 1,440,000.00	\$ -	\$ 1,440,000.00
Equipment	\$ -	\$ -	\$ -
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 1,440,000.00	\$ -	\$ 1,440,000.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	1/1/2026
Estimated Program Completion:	8/31/2032
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. The Evaluator grant provides the funding for the purpose of procuring the services of an independent evaluator of the program.

ORDINANCE NO. 26-007

**TRANSFERRING THE LOCAL SERVICE FUNCTION OF RECREATION TO THE
TOWN OF ELSMERE**

1 **WHEREAS**, 9 *Del. C.* § 1102 authorizes New Castle County and any municipality within
2 New Castle County to transfer the performance of a local service function from one jurisdiction
3 to another by concurring ordinances enacted by New Castle County Council and the
4 municipality's governing body; and
5

6 **WHEREAS**, New Castle County has a local service function designated as "Recreation,"
7 which includes, but is not limited to, the planning, development, maintenance, and operation of
8 parks, playgrounds, recreational facilities, programs, and related community events; and
9

10 **WHEREAS**, the Town of Elsmere has submitted an application and supporting
11 documentation to New Castle County pursuant to 9 *Del. C.* § 1128(b)(1) requesting that New
12 Castle County recognize that the Town's "New Castle County service percentage" (as defined
13 by 9 *Del. C.* § 1101A(5)) is less than 100% for the local service function of Recreation based
14 on the Town's degree of performance of that specific local service function; and
15

16 **WHEREAS**, the Town of Elsmere indicated on its application that the Town already fully
17 performs and financially supports the Recreation local service function within the boundaries
18 of the Town; and
19

20 **WHEREAS**, the New Castle County Department of Community Services has reviewed
21 the Town of Elsmere's application and confirmed that the Town fully performs and financially
22 supports the Recreation local service function; and
23

24 **WHEREAS**, it is necessary for both New Castle County and the Town of Elsmere to
25 enact ordinances formally transferring the Recreation local service function from the County to
26 the Town; and
27

28 **WHEREAS**, the transfer of the Recreation local service function will be effective for the
29 upcoming fiscal year beginning July 1, 2026 upon passage and approval of both this Ordinance
30 and corresponding municipal legislation, Ordinance 686, which was adopted by the Town of
31 Elsmere (a copy of which is attached as Exhibit "A"); and
32

33 **WHEREAS**, upon this formal transfer of the Recreation local service function, the New
34 Castle County service percentage as to the Town's local service function of Recreation will be
35 changed to 0% for the fiscal year beginning July 1, 2026; and
36

37 **WHEREAS**, other than as provided in this Ordinance, there are no other legal, financial,
38 or administrative arrangements necessary to effect transfer of this local service function to the
39 Town of Elsmere in an orderly and equitable manner.
40

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

45
46 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
47

48 Section 1. Pursuant to 9 *Del. C.* § 1102(c), New Castle County hereby agrees to the
49 transfer to the Town of Elsmere the local service function of Recreation within the boundaries of
50 the Town of Elsmere, effective as of July 1, 2026.
51

52 Section 2. All fees collected by the Town of Elsmere for the performance of the Recreation
53 local service function shall be retained by the Town of Elsmere in compensation for services
54 rendered. No employees, property, facilities, equipment, or other personal property previously
55 engaged in the performance of the Recreation local service function will be transferred, sold, or
56 treated differently by virtue of this Ordinance.
57

58 Section 3. Ordinance 686, which was passed by the Town of Elsmere on December 11,
59 2025, approving the transfer of the local service function of Recreation from New Castle County
60 to the Town of Elsmere is attached as Exhibit "A."
61

62 Section 4. This Ordinance shall become effective immediately upon its adoption by
63 County Council and approval by the County Executive, or as otherwise provided by
64 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: This Ordinance, if approved, will transfer the responsibility for the Recreation local service function from New Castle County to the Town of Elsmere.

FISCAL NOTE: This Ordinance, if approved, will transfer the responsibility for the local service function of Recreation from New Castle County to the Town of Elsmere. This change will be effective within the FY2027 Local Service Function Budget. There is no discernible fiscal impact upon the adoption of this legislation as there are no changes being made to any level of service currently being provided by New Castle County to the Town of Elsmere.

Acknowledged by the Chief Financial Officer December 29, 2025.



Ordinance 686

AN ORDINANCE TRANSFERRING THE LOCAL SERVICE FUNCTION OF RECREATION FROM NEW CASTLE COUNTY TO THE TOWN OF ELSMERE

Sponsored By: Mayor and Council

First and Second Reading: November 13, 2025

Results: **Passed** 7 In Favor, 0 Opposed

Third and Final Reading: December 11, 2025

Results: **Passed** 7 In Favor, 0 Opposed

ORDINANCE 686

AN ORDINANCE TRANSFERRING THE LOCAL SERVICE FUNCTION OF RECREATION FROM NEW CASTLE COUNTY TO THE TOWN OF ELSMERE

WHEREAS, Title 9 of the Delaware Code, Section 1102, authorizes New Castle County and any incorporated municipality within New Castle County to transfer the performance of a local service function from one jurisdiction to another by ordinance; and

WHEREAS, Title 9, Section 1128(c)(1) further provides that New Castle County shall determine the percentage of services performed by the County and by each municipality for purposes of calculating property tax rates; and

WHEREAS, the Town of Elsmere has submitted an application to New Castle County requesting credit for certain local service functions currently performed by the Town; and

WHEREAS, the New Castle County Department of Community Services has reviewed and confirmed that the Town of Elsmere performs the local service function of Recreation; and

WHEREAS, it is necessary for both New Castle County and the Town of Elsmere to formally enact ordinances transferring the Recreation local service function from the County to the Town in order to adjust the corresponding service credit; and

WHEREAS, this transfer will allow the Town of Elsmere to receive proper recognition and credit for the provision of recreational services within the municipal boundaries, to be reflected in the calculation of the property tax rate for Fiscal Year 2027.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE, AS FOLLOWS:

1. Transfer of Local Service Function.

Pursuant to Title 9 of the Delaware Code, Section 1102, the local service function of Recreation is hereby transferred from New Castle County to the Town of Elsmere.

2. Scope of Function.

The local service function of Recreation shall include, but not be limited to, the planning, development, maintenance, and operation of parks, playgrounds, recreational facilities, programs, and related community events within the corporate limits of the Town of Elsmere.

3. Effective Date of Transfer.

The transfer of the Recreation local service function shall take effect upon adoption of a corresponding ordinance by the New Castle County Council, and shall be effective for purposes of calculating the Fiscal Year 2027 property tax rate.

4. Notification.

A certified copy of this Ordinance shall be transmitted to the New Castle County Department of Finance and the New Castle County Department of Community Services upon adoption.

5. Severability.

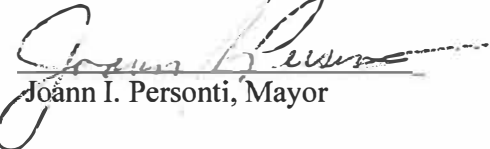
If any section, clause, or provision of this Ordinance shall be declared invalid, the remainder shall remain in full force and effect.

6. Effective Date.

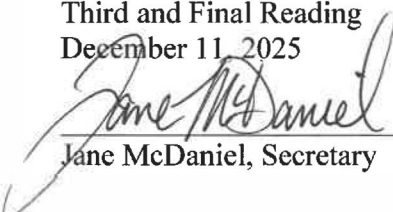
This Ordinance shall take effect immediately upon its passage and approval in accordance with the Town Charter.

**ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF ELSMERE,
THIS 11th DAY OF DECEMBER 2025.**

First and Second Reading
November 13, 2025,


Joann I. Personti, Mayor

Third and Final Reading
December 11, 2025


Jane McDaniel, Secretary

Approved as to form:


Town Solicitor

SYNOPSIS

This Ordinance transfers the Recreation local service function from New Castle County to the Town of Elsmere, in compliance with Title 9 of the Delaware Code, Sections 1102 and 1128(c)(1).

FISCAL IMPACT

The transfer of the Recreation local service function from New Castle County to the Town of Elsmere will not result in new expenditures or revenues for the Town, as the Town already provides and funds its own recreational programs and facilities. However, the transfer will allow Elsmere to receive an increased credit toward its property tax rate under Title 9, §1128(c)(1), beginning in Fiscal Year 2027, thereby ensuring that Town taxpayers are not charged twice for the same service.

**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	QJ . Financial Assurance. ...
113	
114	PJ . 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	N	N	N	N	N	N	N	S	N	N	N	N	S	S			Table 40.03.522	Table 40.03.210 Section 40.03.343
<u>Proposed Change</u>					L	S	L	L					L	L			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**.

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

**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): Ms. Kilpatrick
Date of Introduction: December 9, 2025

FLOOR AMENDMENT NO. 8 TO SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101

Substitute No. 2 to Ordinance No. 25-101 is amended at line numbers 347 through 349 by adding the material that is underlined and highlighted in yellow and by deleting the material with strikethroughs and highlighted in red, as follows

Sec. 9. 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 Minor and Major land development plan applications that identify a data center as a potential use (including, but not limited to preapplication sketch plans) as submitted to the County ,after its adoption date. Resubdivision plan applications revising any grandfathered Minor or Major land development applications (resulting from the preceding sentence) shall remain exempt from this Ordinance regardless of its submission date, unless the applicant, by written request, agrees to submit to the provisions of this Ordinance. Any future data center uses, buildings, structures and/or situations grandfathered from the applicability of this Ordinance, shall remain lawful in all respects and in no case considered non-conforming uses, buildings, structures or situations.

SYNOPSIS: *Floor Amendment No. 2 also clarifies that this Ordinance will take effect immediately upon adoption, or as otherwise provided in 9 Del C 1156, 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.

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 ...

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

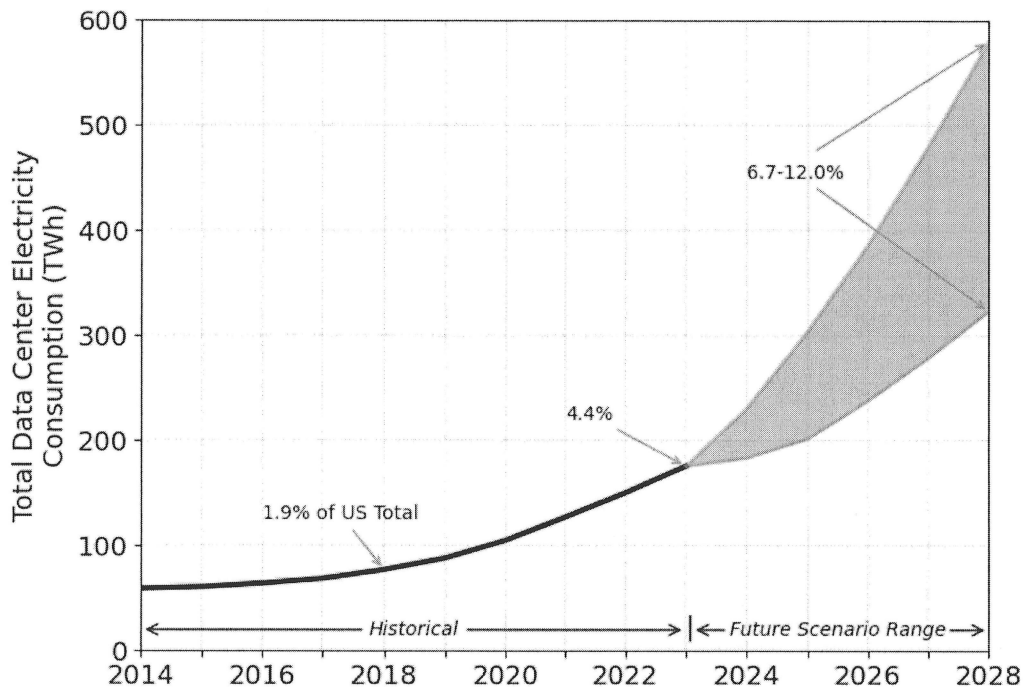


Figure ES-1. Total U.S. data center electricity use from 2014 through 2028.

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.

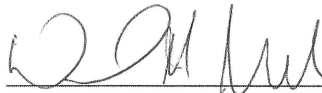
PLANNING BOARD RECOMMENDATION

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