



NEW CASTLE COUNTY COUNCIL COUNCIL MEETING

February 24, 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**

AGENDA

A. Call to Order

- **Moment of Silence**
- **Pledge of Allegiance**
- **Roll Call**

B. Approval of Minutes

C. Announcements

D. Introduction of Ordinances

°26-017: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 6 ("SIGN REGULATIONS) REGARDING ELECTRONIC VARIABLE MESSAGE SIGNS

Prime Sponsor(s): Mr. Tackett

°26-018: TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED DEVELOPMENT CODE"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"), SECTION 40.31.340 ("NOTICE OF PUBLIC HEARINGS") REGARDING NOTICE OF PUBLIC HEARINGS

Prime Sponsor(s): Mr. Tackett, Mr. Toole, Ms. Durham

°26-019: AMEND THE GRANTS BUDGET: APPROPRIATE \$150,200 OF FEDERAL FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF VICTIMS OF CRIME THROUGH THE STATE OF DELAWARE, CRIMINAL JUSTICE COUNCIL TO THE PROJECT REACH GRANT, TO BE ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE

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

°26-020: TO REVISE NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE") REGARDING ARTICLE 3 ("ADMINISTRATION") AND SCHEDULE OF PERMIT AND REVIEW FEES, AND NEW CASTLE COUNTY CODE CHAPTER 16 ("FIRE PREVENTION, PROTECTION AND ADMINISTRATION OF THE VOLUNTEER FIRE SERVICE ASSISTANCE FUND") ARTICLE 4 ("VOLUNTEER FIRE SERVICE ASSISTANCE FUND")

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

°26-021: AMENDING THE NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 6 ("EXEMPTION FROM REAL PROPERTY TAXATION") TO EXTEND REAL PROPERTY TAX EXEMPTIONS FOR SURVIVING SPOUSES ELIGIBLE FOR LINE OF DUTY DEATH BENEFITS OR DEATH GRATUITY BENEFITS

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

°26-022: AMEND THE PAY PLAN AND RATES OF PAY FOR NON-UNION CLASSIFIED SERVICE EMPLOYEES AND CLASSIFIED SERVICE 40-HOUR WORKWEEK EMPLOYEES REPRESENTED BY THE DELAWARE PUBLIC EMPLOYEES COUNCIL 81, AFSCME, AFL-CIO, AFFILIATE LOCAL 1607, ELIMINATE THE CLASS SPECIFICATION OF OPERATIONS SERVICES MANAGER AND ADOPT THE CLASS SPECIFICATION OF CHIEF OF SEWER MAINTENANCE FOR THE DEPARTMENT OF PUBLIC WORKS, DIVISION OF SEWER OPERATIONS ADMINISTRATION

Prime Sponsor(s): Ms. Williams-Johns

E. Consent Calendar

R26-030: CONSENTING TO THE RE-APPOINTMENT OF DR. JENNA DIELEUTERIO TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Ms. Durham

R26-031: CONSENTING TO THE APPOINTMENT OF KAY FITZGERALD TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Ms. George

R26-032: CONSENTING TO THE APPOINTMENT OF KERWIN GAINES, MBA TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Mr. Caneco

Co-sponsor(s): Ms. Williams-Johns

R26-033: CONSENTING TO THE RE-APPOINTMENT OF JOHN GRIESHABER TO THE NEW CASTLE COUNTY BOARD OF LICENSE INSPECTION AND REVIEW

Prime Sponsor(s): Ms. Durham

R26-034: CONSENTING TO THE RE-APPOINTMENT OF JARRET "POSI" HARRIS TO THE NEW CASTLE COUNTY PUBLIC ARTS COMMISSION

Prime Sponsor(s): Mr. Sheldon

R26-035: CONSENTING TO THE APPOINTMENT OF MATTHEW KELLY TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Ms. Kilpatrick

R26-036: CONSENTING TO THE APPOINTMENT OF KENNETH R. WOODS TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Mr. Hollins

R26-037: CONSENTING TO THE RE-APPOINTMENT OF JAMES "RAY" RHODES TO THE NEW CASTLE COUNTY PUBLIC ARTS COMMISSION

Prime Sponsor(s): Mr. Toole

Co-sponsor(s): Ms. Williams-Johns

R26-038: CONSENTING TO THE APPOINTMENT OF NURELDEEN STOREY TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Mr. Hollins

R26-039: APPOINTING DAVID PERRINO TO THE NEW CASTLE COUNTY BOARD OF ASSESSMENT REVIEW

Prime Sponsor(s): Ms. Durham

R26-040: CONSENTING TO THE RE-APPOINTMENT OF KEVIN EVANS TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

Prime Sponsor(s): Mr. Smiley

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

R26-041: AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH BRANDYWINE RED CLAY ALLIANCE TO ASSIST IN THE PURCHASE OF A LAND CONSERVATION EASEMENT FOR THE PRESERVATION OF ±139 ACRES IN NEW CASTLE COUNTY

Prime Sponsor(s): Ms. Durham

R26-042: TO TERMINATE THE DECLARATION OF RESTRICTIONS FOR PROPERTY LOCATED ON THE WESTERN SIDE OF SUMMIT BRIDGE ROAD TAX PARCEL NUMBERS 23-028.00-243 AND 23-028.00-244; [APPLICATION NO. 2025-0659-D](#); COUNCIL DISTRICT 6

Prime Sponsor(s): Mr. Carter

G. Time Sensitive Congratulatory/Honorary Resolutions

R26-043: HONORING THE LIFE AND LEGACY OF FORMER DELAWARE HOUSE REPRESENTATIVE JOHN J. VIOLA

Prime Sponsor(s): Mr. Tackett

Co-Sponsor(s): Mr. Toole, Ms. Durham, Ms. Kilpatrick, Mr. Hollins, Mr. Carter, Ms. George, Mr. Smiley, Mr. Cartier, Mr. Sheldon, Mr. Street, Mr. Caneco, Ms. Williams-Johns

R26-044: A RESOLUTION HONORING JAMES H. SILLS, JR. DURING BLACK HISTORY MONTH

Prime Sponsor(s): Ms. Williams-Johns

R26-045: RECOGNIZING ALPHA KAPPA ALPHA SORORITY, INCORPORATED® SIGMA ZETA OMEGA CHAPTER DURING BLACK HISTORY MONTH

Prime Sponsor(s): Ms. Williams-Johns

R26-046: RECOGNIZING AND HONORING THE LEGACY OF HOCKESSIN COLORED SCHOOL #107

Prime Sponsor(s): Ms. Williams-Johns

R26-047: HONORING ALPHA KAPPA ALPHA SORORITY, INCORPORATED – ZETA OMEGA CHAPTER

Prime Sponsor(s): Ms. Williams-Johns

H. Presentations

I. Consideration 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

°26-011: 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

°26-016: AMEND THE GRANTS BUDGET: APPROPRIATE \$14,424.55 IN PROGRAM INCOME AND \$396.35 IN INTEREST INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF COMMUNITY RESOURCES

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

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

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

AGENDA POSTED: February 17, 2026

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a

telephone and video conference, utilizing  Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : <https://zoom.us/j/377322142> You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: <https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars>

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

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

ORDINANCE NO. 26-017

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED
DEVELOPMENT CODE"), ARTICLE 6 ("SIGN REGULATIONS")
REGARDING ELECTRONIC VARIABLE MESSAGE SIGNS**

1 **WHEREAS**, electronic variable message ("EVM") signs provide businesses with
2 greater flexibility and potential to grow economically by allowing businesses to target their
3 communications to the public more effectively by posting messages targeted to certain
4 populations of motorists and passersby at a specific time of day, aligning the message
5 with the demographic to enhance business and economic development; and
6

7 **WHEREAS**, although EVM signs often are more uniform, readable, and
8 aesthetically pleasing than many traditional signs, in an abundance of caution EVM signs
9 were limited to change once every 30 minutes and EVM off-premises advertising signs,
10 which are substantially limited in placement, may change once every 10 seconds; and
11

12 **WHEREAS**, motorists and passersby have a limited "window of time" to safely
13 view and comprehend any sign, and thus the 30-minute time limit for EVM signs to change
14 has proven unrealistic and a hindrance to business in the County; and
15

16 **WHEREAS**, reasonably adjusting the time in which a message on an EVM sign
17 may change, while balancing this with safety and maintaining aesthetics, is prudent and
18 reasonable; this is particularly so given the above and given that the Code precludes
19 spinning, fading, moving or scrolling messages (except in emergency situations);
20 establishes lighting standards that protect adjoining property owners; and requires
21 buffers and other restrictions that limit EVM sign usage; and
22

23 **WHEREAS**, given the advantage to our local businesses—and the benefit to our
24 local consumers—that comes from utilization of EVM signs in place of traditional signs,
25 it is in the best interests of businesses and consumers in New Castle County to allow
26 businesses to replace a traditional sign with an identically-sized EVM sign, subject to
27 certain limitations identified below.
28

29 **WHEREAS**, County Council has determined that the provisions of this Ordinance
30 substantially advance and are reasonably and rationally related to legitimate
31 government interests, including, but not limited to, promoting the public health, safety,
32 welfare, and quality of life of present and future inhabitants of New Castle County.
33

34 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
35

36 **Section 1.** *New Castle County Code* Chapter 40 ("Unified Development Code"),
37 Article 6 ("Sign Regulations"), Section 40.06.030 ("Specifications") is hereby amended by
38 adding the material that is underscored and deleting the material that is stricken, as set
39 forth below.

40
41 **Sec. 40.06.030. - Specifications.**
42

43 A. *Generally. ...*
44

45 B. *Specifications by sign type.* Specifications for sign types shall be as follows:
46

47 1. *Ground sign....*
48

49 6. *Electronic variable message sign (EVMS).*
50

51 a. An electronic variable message sign may be substituted in lieu of other
52 permitted signs pursuant to Section 40.06.060, Schedule of Sign
53 Restrictions.
54

55 b. Portable or temporary EVMS are prohibited.
56

57 c. The EVMS shall be further restricted by the additional standards in this
58 subsection and the lighting standards in Section 40.22.750.
59

60 d. With the exception of off-premises advertising signs, each EVMS is restricted
61 to no more than fifty (50) square feet of sign area including where the overall
62 sign is partly static signage and partly EVMS and is greater than fifty (50)
63 square feet in total, and shall not be located within seventy-five (75) feet of
64 any residential use. EVM off-premises advertising signage shall be subject
65 to the standards set forth in Section 40.06.070. The setback shall include any
66 right-of-way and shall be measured from the property line to the sign
67 structure.
68

69 e. ~~With the exception of EVM off-premises advertising signs, the message~~
70 ~~displayed on the EVMS shall remain fixed for a minimum of thirty (30)~~
71 ~~minutes. The message displayed on EVM off-premises signage shall remain~~
72 ~~fixed for a minimum of ten (10) seconds.~~
73

74 f. The following standards shall apply to all EVMS:
75

76 **Section 2. Consistent with Comprehensive Development Plan.** New Castle
77 County Council finds that the provisions of this Ordinance are consistent with the spirit
78 and intent of the New Castle County Comprehensive Development Plan.
79

80 **Section 3. Inconsistent Ordinances and Resolutions Repealed.** All ordinances
81 or parts of ordinances and all resolutions or parts of resolutions that may be in conflict
82 herewith are hereby repealed except to the extent they remain applicable to land use
83 matters reviewed under previous Code provisions as provided in Chapter 40 of the *New*
84 *Castle County Code*.

85 **Section 4. Severability.** The provisions of this Ordinance shall be severable. If
86 any provision of this Ordinance is found by any court of competent jurisdiction to be
87 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
88 unless the court finds that that the valid provisions of this Ordinance are so essentially
89 and inseparably connected with, and so dependent upon, the unconstitutional or void
90 provision that it cannot be presumed that County Council would have enacted the
91 remaining valid provisions, without the unconstitutional or void one, or unless the court
92 finds that the remaining valid provisions, standing alone, are incomplete and incapable of
93 being executed in accordance with the County Council's intent. If any provision of this
94 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all
95 applicable former ordinances, resolutions, zoning maps or portions thereof shall become
96 applicable and shall be considered as continuations thereof as not as new enactments
97 regardless if severability is possible.
98

99 **Section 5. Effective Date.** This Ordinance shall become effective immediately
100 upon its adoption by County Council and approval by the County Executive or as
101 otherwise provided in 9 *Del. C.* § 1156 and shall only apply to Land Use applications
102 submitted after such date(s) unless the applicant by written request agrees to submit to
103 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 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. 40.06.030. This amendment limits all EVM signs to remain static for 10 seconds.

FISCAL NOTE: This Ordinance, if approved, has no discernible fiscal impact.

Prime Sponsor(s): Mr. Tackett, Mr. Toole,
Ms. Durham
Date of introduction: February 24, 2026

ORDINANCE NO. 26-018

**TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 ("UNIFIED
DEVELOPMENT CODE"), ARTICLE 31 ("PROCEDURES AND ADMINISTRATION"),
SECTION 40.31.340 ("NOTICE OF PUBLIC HEARINGS") REGARDING
NOTICE OF PUBLIC HEARINGS**

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

5
6 **WHEREAS**, the New Castle County Comprehensive Plan calls on the County to
7 enact land use policies and regulations that expand public participation and diversity in
8 the planning process; and

9
10 **WHEREAS**, enhancing the notification requirements for public hearings will
11 increase the opportunities for residents to meaningfully participate in the planning
12 process; and

13
14 **WHEREAS**, County Council has determined that the provisions of this Ordinance
15 substantially advance and are reasonably and rationally related to legitimate
16 government interests, including, but not limited to, promoting the public health, safety,
17 welfare, and quality of life of present and future inhabitants of New Castle County.

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

20
21 Section 1. *New Castle County Code* Chapter 40 ("Unified Development Code"),
22 Article 31 ("Procedures and Administration"), Section 40.31.340 ("Notice of Public
23 Hearings") is hereby amended by adding the material that is underscored and deleting
24 the material that is stricken, as set forth below.

25
26 **Sec. 40.31.320. - Applications generally.**

27
28 A. *Forms. ...*

29
30 E. ~~*Withdrawal of application. An applicant has the right to withdraw an application any*~~
31 ~~*time prior to a final decision. Such withdrawal shall be in writing and submitted to the*~~
32 ~~*Department. All application fees shall be forfeited.*~~

33
34 F. *Public notice of land development plans.*
35

- 36 1. *Online notice.* ...
37 2. *Posted notice.* The applicant shall erect a posted notice sign for all major and
38 minor land development plans and resubdivision plans within ten (10) days of
39 submission of a completed initial exploratory sketch plan to the Department.
40
41 a. *Location.* ...
42
43 e. *Updating of posting.* If the Department determines that substantial
44 modification has been made during the review process, the applicant must
45 update the posted notice within ten (10) days after receiving notification.
46 Plan review will not continue until the applicant provides photographic proof
47 that the notice has been updated. Substantial modification in this section
48 means:
49
50 i. For a residential application—substantial changes to the proposed lot
51 configuration.
52
53 ii. For a non-residential application—substantial changes to the building
54 footprint, square footage, paving, or landscaping.
55
56 f. *Removal of posted notice.* The applicant shall remove the posted notice sign
57 no later than ten (10) days after recordation, expiration or withdrawal of the
58 plan.
59
60 F. *Withdrawal of application.* An applicant has the right to withdraw an application any
61 time prior to a final decision. Such withdrawal shall be in writing and submitted to the
62 Department. All application fees shall be forfeited.
63

64 **Sec. 40.31.340. Notice of public hearings.**

65
66 Except as required below, the Department shall be responsible for
67 ensuring providing notice of a public hearing required by this Chapter, through
68 newspapers when required by state law, online posting, posted notice in public buildings
69 as determined by the Department, and mailed notice for meetings of the Board of
70 Adjustment, Planning Board, Resource Protection Area Technical Advisory Committee,
71 Historic Review Board and Design Review Advisory Committees.
72

73 A. *Notification Standards.*

- 74
75 1. Notice for public hearings required by this Chapter must include all the
76 following:
77
78 a. The type of application.
79
80 b. A short description of the proposed action.
81

- 82 c. A description of the parcel and the address or approximate street location.
83 d. The location, date, and time of the public hearing.
84
85 e. Information on where full details of the application may be obtained,
86 including the hours of availability, where applicable, an email address, and
87 a phone number.
88

- 89 2. ~~Text amendments and rezonings.~~ Notice requirements for text amendments
90 and rezonings shall, including notice in a newspaper of general circulation, as
91 may be amended from time to time All land use applications requiring a public
92 hearing must comply with the applicable provisions of State law.
93

94 B. Other applications Notification posting requirements.
95

- 96 1. Online notice. The Department shall must post applicant rezonings and all
97 other applications (e.g., deed restriction changes; subdivision, area, use and
98 floodplain variance requests; beneficial use appeals; appeals of Departmental
99 decisions; major land development plans; Historic Review Board applications;
100 RPATAC applications (Resource Protection Area Technical Advisory
101 Committee); Design Review Advisory Committee applications); and other
102 Planning Board and Board of Adjustment applications notice of all land use
103 applications requiring a public hearing by this Chapter, on a web page
104 established for legal notices on the County's website. Notice must be posted
105 on the website at least shall appear at least fourteen (14) calendar days prior
106 to the public hearing date, and shall contain the following information:
107

- 108 a. ~~The type of application.~~
109 b. ~~A short description of the proposed action.~~
110 c. ~~A description of the parcel and the approximate street location or address.~~
111 d. ~~The location, date, and time of the public hearing.~~
112 e. ~~Information on where full details of the application may be obtained,~~
113 ~~including the hours of availability and phone number.~~
114

- 115 2. Notice to owner/and applicant. The Department shall must notify by mail the
116 owner and/or applicant of the time and place of the hearing at least twenty-
117 one (21) calendar days prior to the public hearing.
118

- 119 3. Mailed notice. When a public hearing is required;
120

- 121 a. ~~The Department shall~~ must send a copy of the legal notice no less than
122 fourteen (14) calendar days prior to the public hearing to the last known
123 address of all property owners within a three hundred (300) 1,000 foot
124 radius of the property or twelve (12) different property owners, whichever
125 is greater; no less than fourteen (14) calendar days prior to the public
126 hearing.

- b. The Department must send A copy of the legal notice no less than fourteen (14) calendar days prior to the public hearing for public hearings for all applications shall also be sent to the respective civic organizations who have registered with the Department of Land Use immediately surrounding the applicant's property and to the area umbrella civic association. Civic organizations must register on an annual basis to receive notification.

4. *Posted notice.*

- a. Posting. The applicant shall erect aA public hearing posted notice sign on all subject properties must be posted at least ten (10)fifteen (15) calendar days in advance of a public hearing, except for residential Board of Adjustment applications and DRAC applications (not including minor and major land development plans) referred by the Department for recommendation. The Department shall post BOA residential variance applications and DRAC applications that are not land development plans. Public hearings for all land use applications shall be posted by the applicant or property owner. The Department shall provide signs for residential land use applications that are not part of a subdivision or land development plan. When accommodations are requested, the Department may post the site in lieu of the applicant or property owner.

- ab. Location. The posted sign shall be placed in a conspicuous location (no greater than seven (7) feet from a residential or local road right-of-way, and no greater than ten (10) feet from a collector or arterial right-of-way); one (1) along each adjacent right-of-way and shall be perpendicular to the street so as to be clearly visible to the public. The Department shall have the discretion to require the applicant to move the posted sign to a more acceptable location if it is determined by the Department that the location is inappropriate for public viewing. The Department shall also have the discretion to permit only one (1) posted sign on corner lots of less than one (1) acre. The posted sign for public hearings for land use applications that are not part of a subdivision or land development plan should be posted parallel to the right of way, unless the Department determines that another orientation is more visible to the public.

- bc. Size. All public hearings required by this Chapter must be posted with signs of the following dimensions:

- i. The posted sign for public hearings for land use applications that are not part of a subdivision or land development plan shall be single-sided and consist of an eleven (11) inch by seventeen (17) inch laminated sign with a yellow background and black lettering.

- 171 ii. The posted sign for public hearings for all other land use applications
172 shall be double-faced and each side shall consist of a four (4) foot by
173 four (4) foot laminated sign with a yellow background with two (2)
174 inch black lettering and should be in a sans serif typeface. If a posted
175 sign already exists at the site, the notice for the public hearing may
176 be affixed to the existing sign.

177
178 ed. Plan information.

- 179
180 i. For public hearings for land use applications that are not part of a
181 subdivision or land development plan the sign shall include the
182 applicant's name and phone number, the name of the plan, and the
183 application number, which shall be prominently displayed. In
184 addition, the date, time, location and hearing board shall be clearly
185 visible. The applicant shall be responsible to clean or replace any
186 posted sign (no more than once) which has been defaced to the
187 extent that the information to be conveyed is no longer legible.

- 188
189 ii. For public hearings for all other land use applications, ~~the~~ the sign shall
190 depict the lot configuration of residential applications or building
191 footprint with square footage, paving, and landscaping in the case of
192 nonresidential applications. The applicants name and phone
193 number, the name of the plan, the application number, and the tax
194 parcel number(s) shall be prominently displayed ~~on the plan~~. In
195 addition, the date, time, location and hearing board shall be clearly
196 visible. The applicant shall be responsible to clean or replace any
197 posted sign (no more than once) which has been defaced to the
198 extent that the information to be conveyed is no longer legible.

199
200 de. Proof of posting. The applicant shall ~~shall~~ must provide the Department with
201 photographic proof of posting and a signed affidavit at least fifteen (15)
202 calendar days prior to the public hearing. Failure of any such posted
203 notice to remain in place after the notice has been posted shall not be
204 deemed a failure to comply with these standards or be grounds to
205 challenge the validity of any decision made on the application unless the
206 notice was removed by the applicant or at his or her direction.

207
208 ef. Applications for a public hearing shall only be considered a complete
209 submission after all the above criteria and submissions have been
210 provided to the Department.

211
212 g. Removal of posted notice. In addition, the applicant shall remove the
213 posted notice sign no later than ten ~~(10)~~ fourteen (14) calendar days after
214 the public hearing being advertised has been completed. If the posted
215 notice sign is serving more than one (1) purpose, that is, other public
216 hearings are pending or the land development plan is yet to be recorded,

the posted notice sign shall remain until after recordation, expiration or withdrawal of the plan.

C. *County Council public hearings. ...*

Section 2. 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 3. 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 4. 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 5. 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 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. 40.31.320. This amendment requires that applicants update posted signs if the Department determines that significant changes have been made to a plan.

Sec. 40.31.340. This amendment increases the notice requirements from 300 feet to 1,000 feet. This amendment also updates the notice requirements to be consistent with existing Department of Land Use practices.

FISCAL NOTE: This Ordinance, if adopted would increase expenses for postage in the Department of Land Use by approximately \$4,500 and expenses for office supplies by approximately \$250.

Prime Sponsor(s): Mr. Toole, Mr. Caneco
Requested by: Public Safety
Date of introduction: February 24, 2026

ORDINANCE NO. 26-019

AMEND THE GRANTS BUDGET:

**APPROPRIATE \$150,200 OF FEDERAL FUNDS FROM THE UNITED STATES
DEPARTMENT OF JUSTICE, OFFICE OF VICTIMS OF CRIME THROUGH THE STATE OF
DELAWARE, CRIMINAL JUSTICE COUNCIL TO THE PROJECT REACH GRANT, TO BE
ADMINISTERED BY THE DEPARTMENT OF PUBLIC SAFETY, DIVISION OF POLICE**

1 **WHEREAS**, federal funding in the amount of \$150,200 has been awarded from the
2 United States Department of Justice, Office of Victims of Crime through the State of
3 Delaware, Criminal Justice Council to the New Castle County Department of Public Safety,
4 Division of Police Project Reach Grant; and
5

6 **WHEREAS**, this program provides critical funding for the Division of Police in its
7 efforts to combat human trafficking operations; and
8

9 **WHEREAS**, this funding will be used by the New Castle County Department of
10 Public Safety, Division of Police for overtime for officers and victim service advocates
11 assigned to the drug and human trafficking unit, equipment needs for the human trafficking
12 unit, and provide direct emergency services and needs to victims; and
13

14 **WHEREAS**, the County Executive has determined that funds received are sufficient
15 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 government
19 interests (i.e., promoting the health, safety, morals, convenience, order prosperity and/or
20 welfare of the present and future inhabitants of this State).
21

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

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

28 Section 2. This Ordinance shall become effective immediately upon its adoption by
29 County Council and approval by the County Executive, or as otherwise provided by 9 *Del.*
30 *C. § 1156.*
31

32 Section 3. It is the intent of the County Council that the provisions of this Ordinance
33 shall be effective retroactive to January 1, 2026.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus Henry
County Executive
New Castle County

SYNOPSIS: This Ordinance, if approved, will appropriate \$150,200 in federal funding from the United States Department of Justice, Office of Victims of Crime through the State of Delaware, Criminal Justice Council to the Project Reach Grant. These funds will be used by the New Castle County Department of Public Safety, Division of Police for overtime of police officers and victims service advocates, equipment needs of human trafficking unit, and provide direct emergency services and needs to victims.

It is the intent of the County Council that the provisions of this Ordinance shall be effective retroactive to January 1, 2026.

FISCAL NOTE: This Ordinance, if approved, will appropriate \$150,200 in federal funding from the United States Department of Justice, Office of Victims of Crime through the State of Delaware, Criminal Justice Council to the Project Reach Grant.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$150,200. This increase will impact FY2026 and FY2027 as the estimated program completion date is September 30, 2026. There is a required County Match of \$50,936 which will be covered utilizing the salary and benefits associated with a Police Sergeant position within Department of Public Safety, Division of Police, Investigation Unit.

Acknowledged by the Chief Financial Officer February 10, 2026.

DEPARTMENT:	Public Safety	EXHIBIT:	"A"
GRANT TITLE:	Project REACH	Ordinance No.	26-019
PROGRAM TITLE:	Project REACH		

Revenue	Current		Change		Revised	
Federal	\$	150,200.00	\$	-	\$	150,200.00
State	\$	-	\$	-	\$	-
County	\$	-	\$	-	\$	-
Program Income	\$	-	\$	-	\$	-
Other	\$	-	\$	-	\$	-
Total	\$	150,200.00	\$	-	\$	150,200.00

Expense	Current		Change		Revised	
Salaries and Wages	\$	77,950.00	\$	-	\$	77,950.00
Benefits	\$	44,146.98	\$	-	\$	44,146.98
Training/Civic Affairs	\$	-	\$	-	\$	-
Communication/Utilities	\$	1,990.00	\$	-	\$	1,990.00
Materials/Supplies	\$	3,000.00	\$	-	\$	3,000.00
Contractual Services	\$	-	\$	-	\$	-
Equipment	\$	3,115.00	\$	-	\$	3,115.00
Grants/Fixed Charges	\$	19,998.02	\$	-	\$	19,998.02
Land and Structures	\$	-	\$	-	\$	-
Contingency	\$	-	\$	-	\$	-
Operating Transfer Charges	\$	-	\$	-	\$	-
Operating Transfer Credits	\$	-	\$	-	\$	-
Total	\$	150,200.00	\$	-	\$	150,200.00

SUPPLEMENTAL INFORMATION

Estimated Program Initiation:	1/1/2026
Estimated Program Completion:	9/30/2026
Operating Budget Impact:	\$ 50,936.00
Available in (ORG):	10200306
Ordinance Passed:	
Date Revised:	

PROGRAM DESCRIPTION:

Funding will be used by the Division of Police to improve the identification, engagement and recovery of child and youth victims of human trafficking in New Castle County through proactive investigations, trauma-informed outreach and immediate victim support services.

Prime Sponsor(s): Mr. Tackett, Ms. Kilpatrick
Requested By: Land Use
Date of introduction: February 24, 2026

ORDINANCE NO. 26-020

**TO REVISE NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE")
REGARDING ARTICLE 3 ("ADMINISTRATION") AND SCHEDULE OF PERMIT
AND REVIEW FEES, AND NEW CASTLE COUNTY CODE CHAPTER 16 ("FIRE
PREVENTION, PROTECTION AND ADMINISTRATION OF THE VOLUNTEER
FIRE SERVICE ASSISTANCE FUND") ARTICLE 4 ("VOLUNTEER FIRE
SERVICE ASSISTANCE FUND")**

1 **WHEREAS**, New Castle County is charged with the responsibility of ensuring the
2 health, safety, and welfare of the citizens of New Castle County; and
3

4 **WHEREAS**, New Castle County acknowledges and recognizes that it could not do
5 so without the contribution of time, effort and equipment of the twenty-one (21) organized
6 fire companies of New Castle County and their members; and
7

8 **WHEREAS**, the citizens of New Castle County are more secure in their person
9 and their property as a result of the efforts of the fire companies and their members; and
10

11 **WHEREAS**, the expense of providing for the fire service of New Castle County
12 continues to increase as the population, the number of visitors to the County's attractions
13 and the value of property in the County grows; and
14

15 **WHEREAS**, the General Assembly of the State of Delaware has authorized New
16 Castle County to impose a surcharge on building permits to be collected on behalf of and
17 paid to the twenty-one (21) organized fire companies in New Castle County; and
18

19 **WHEREAS**, the *New Castle County Code* provides for the administration and
20 enforcement of the regulations governing the building industry; and
21

22 **WHEREAS**, by the adoption of this ordinance the New Castle County Executive
23 and County Council intend to update the schedule of permit fee and
24 distribution/disbursement provisions contained in Chapter 6 and 16 of the *New Castle*
25 *County Code* to increase the aforementioned surcharge; and
26

27 **WHEREAS**, New Castle County Council finds that the provisions of this ordinance
28 are rationally and reasonably related to, substantially advance, and are narrowly tailored
29 to achieve its goal of protecting and preserving legitimate government interests, including,
30 but not limited to, the protection and preservation of the public health, safety, prosperity,
31 general welfare, and quality of life.

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

33
34 Section 1. *New Castle County Code*, Chapter 6 ("Buildings Code"), Schedule
35 of Permit and Review Fees, is hereby amended by adding the material that is
36 underscored and deleting the material that is stricken, as set forth below:

37
38 **SCHEDULE OF PERMIT AND REVIEW FEES**

39
40 **Building Permit**

41 Valuation fee:

42
43 For the first \$1,000 valuation or any part thereof up to \$1,000,000\$12.00

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

45 Minimum fee\$60.00

46 Zoning review fee: 10% of permit valuation fee

47 Minimum fee\$21.00

48 Maximum fee\$145.00

49 Certificate of Occupancy fee\$60.00

50 NCC ~~Volunteer~~ Fire Assistance Service Fund fee: 0.50% of permit
51 valuation fee

52 **Demolition Permit**

53 Per structure fee:

54 Residential structure, other than single family dwelling\$80.00

55 Single family dwelling and non-residential structures\$130.00

56 Historic review fee: 10% of permit valuation fee

57 Residential structure, other than single family dwelling\$8.00

58 Single family dwelling and non-residential structures\$13.00

59 **Mechanical or Plumbing Permit**

60 For the first \$1,000 valuation or any part thereof\$5.25

78
79 For each additional \$1,000 valuation or any part thereof\$5.25

80
81 Minimum fee\$65.00

82
83
84 **Sign Permit**

85
86 Valuation fee:

87
88 Per square foot of sign area\$1.00

89
90 Minimum fee\$90.00

91
92 Zoning review fee: 10% of permit valuation fee

93
94 Minimum fee\$21.00

95
96 Maximum fee....\$145.00

97
98 **Additional plan review (Revision to Permit)**

99
100 For each additional \$1,000 valuation in excess of original valuation\$3.00

101
102 Minimum fee\$75.00

103
104 **Change of permit record**\$55.00

105
106 For each additional \$1,000 valuation or any part thereof\$10.00

107
108 **Permit extension**

109
110 Application fee\$80.00

111
112 **Expired permit fine**

113
114 Per offense\$100.00

115
116 **Working without a permit**

117
118 For residential work, except demolition permit work, performed by exempt owner
119 defined in Sec. 06.03.012(A):

120
121 Permit fee plus additional fee equal to the valuation fee or, permit fee if
122 valuation is inapplicable.
123

For work, except demolition permit work, performed by all others:

Permit fee plus additional fee equal to the valuation fee or, permit fee if valuation is inapplicable.

Minimum fee\$300.00

For all demolition permit work performed:

Permit fee plus additional per structure fee\$300.00

A person found in violation of demolition permit work performed on a historic contributing resource is subject to administrative penalties pursuant to Sec. 06.12.002(C)(9).

Section 2. *New Castle County Code* Chapter 16 ("Fire Prevention, Protection and Administration of the Volunteer Fire Service Assistance Fund"), Article 4 ("Volunteer Fire Service Assistance Fund"), is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below:-:

ARTICLE 4. ~~VOLUNTEER FIRE SERVICE ASSISTANCE FUND~~

Sec. 16.04.001. - Service charge.

Applications for building permits issued by New Castle County shall be subject to a surcharge of one half of one percent (.50%) of the residential ~~construction value~~ permit valuation, and of the first ~~ten (10)~~ million dollars (\$10,000,000.00) of ~~the commercial permit construction value valuation~~ as determined by the Department of Land Use of ~~New Castle County and Section 6.03.016 of the New Castle County Code~~, except that this surcharge shall not be added to building permits applied for by an organization exempt from tax under § 501(c)(3) of the Federal Internal Revenue Code which provides owner-occupied housing to low and moderate income households by rehabilitating residential properties and reselling said properties without profit, nor to the Delaware State Housing Authority nor to any applicant funded by the Delaware State Housing Authority. This surcharge is intended to establish a fund to provide financial assistance to the organized fire companies that are members of the New Castle County ~~Volunteer Firefighters Association ("NCCVFA") and have a contract with the County~~. This fund shall be known as the New Castle County ~~Volunteer Fire Service Assistance Fund~~.

Sec. 16.04.002. - Distribution of proceeds.

Proceeds of the New Castle County ~~Volunteer Fire Service Assistance Fund~~ shall be collected on a continuous basis by New Castle County and shall be disbursed twice annually on or before October 31st and April 30th of each year in equal shares to each of the twenty-one (21) fire companies that are members of the New Castle County ~~Volunteer Firefighters Association and have a contract with the County~~.

170
171 Section 3. **Inconsistent ordinances and resolutions repealed.** All
172 ordinances or parts of ordinances and all resolutions or parts of resolutions in conflict
173 herewith are hereby repealed upon the effective date of this ordinance.
174

175 Section 4. **Effective date.** This Ordinance shall become effective immediately
176 upon passage by New Castle County Council and signature of the County Executive or
177 as otherwise provided in 9 *Del. C* § 1156 and shall only apply to building permits the
178 Department of Land Use issues on or after July 1, 2026.
179

180 Section 6. **Severability.** It is hereby declared to be the intention of the County
181 Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance
182 are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance
183 shall be declared unconstitutional or invalid by the valid judgment or decree of a court of
184 competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the
185 remaining phrases, clauses, sentences, paragraphs and sections of this ordinance. If
186 any provision of this ordinance is found to be unconstitutional or void, the applicable
187 former ordinances provision shall become effective and shall be considered as
188 continuations thereof, and not as new enactments regardless of if severability is possible.

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 updates the title of Chapter 16, Article 4 to the Fire Service Fund and updates the Schedule of Permit and Review Fees of the New Castle County building code to include an increase in the surcharge amount on commercial building valuation for the New Castle County Fire Service Fund. The surcharge (on commercial building valuation) shall be increased from one half of one percent (.50%) of the first million dollars of the value the Department used to calculate the commercial permit valuation to one half of one percent (.50%) of the first ten (10) million dollars of value the Department used to calculate the commercial permit valuation. The surcharge shall not be added to building permits applied for by an organization exempt from tax under § 501(c)(3) of the Federal Internal Revenue Code which provides owner-occupied housing to low and moderate income households by rehabilitating residential properties and reselling said properties without profit, nor to the Delaware State Housing Authority nor to any applicant funded by the Delaware State Housing Authority. The ordinance revises section 16.04.001 to detail the calculation of the Fire Service Fund fees that are contained in the Schedule of Permit and Review Fees. The Fund will be distributed in equal shares to each of the twenty-one (21) fire companies that are members of the New Castle County Firefighters Association. The ordinance clarifies that a fire company must have a contract with the County to participate in distribution of the proceeds.

FISCAL NOTE: It is estimated that the surcharge provided for in this ordinance will generate an estimated additional \$1,040,000 annually based on the historical permit activity.

Acknowledged by the Chief Financial Officer February 13, 2026.

ORDINANCE NO. 26-021

AMENDING THE NEW CASTLE COUNTY CODE CHAPTER 14 ("FINANCE AND TAXATION"), ARTICLE 6 ("EXEMPTION FROM REAL PROPERTY TAXATION") TO EXTEND REAL PROPERTY TAX EXEMPTIONS FOR SURVIVING SPOUSES ELIGIBLE FOR LINE OF DUTY DEATH BENEFITS OR DEATH GRATUITY BENEFITS

WHEREAS, County Council recognizes that surviving spouses of individuals who suffer a death in the line of duty face many hardships, including financial distress; and

WHEREAS, both the State of Delaware and the Federal government provide some form of financial benefits upon certification of a line of duty death; and

WHEREAS, financial relief from real property taxation should be extended to qualifying surviving spouses; and

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

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

Section 1. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and disabled"), is hereby amended by deleting the material stricken and adding the material underscored as set forth below.

Division 14.06.300. - Property of the elderly, and disabled, and spousal line of duty death or death gratuity beneficiaries.

Section 2. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and disabled"), Section 14.06.301 ("Definitions") is hereby amended by adding the material underscored as set forth below.

Sec. 14.06.301. - Definitions.

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

Blindness means central visual acuity of 20/200 or less in the better eye with the use of a correcting lens. An eye that is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than twenty (20) degrees shall be considered for purposes of this definition as having a central visual acuity of 20/200 or less.

Death gratuity beneficiary means a surviving spouse of an armed service member as defined by 10 U.S.C. § 1475(a) or 10 U.S.C. § 1476 (a) who has received a death gratuity under 10 U.S.C. §§ 1478-1480.

Disabled means a person who is unable to engage in any substantial gainful activity by reason of blindness or any other medically determinable physical or mental impairment that can be expected to result in death or that has lasted or can be expected to last for a continuous period of not less than twelve (12) months.

Income means adjusted gross income, as defined under the Internal Revenue Code of 1986 or any successor thereto, as amended from time to time, but excluding social security and tier 1 railroad retirement benefits, plus the amount of capital gains excluded from such adjusted gross income. For any fiscal year for which an exemption is claimed, income shall be the income received during the calendar year immediately preceding the fiscal year for which exemption is sought.

Line of duty death beneficiary means a surviving spouse of a covered person as defined by 18 Del. C. § 6601(2) whose claim has been certified under 18 Del. C. § 6602.

Resident means one legally domiciled within the State as of July 1st of the fiscal year for which exemption is sought. Mere seasonal or temporary residence within the State, of whatever duration, shall not constitute domicile within the State. Absence from this State for a period of twelve (12) months shall be prima facie evidence of abandonment of domicile in this State. The burden of establishing domicile shall be upon the claimant.

Spouse includes a party to a civil union as codified under 13 Del. C. § 214.

Section 3. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and disabled"), Section 14.06.305 ("Full taxation of property after termination of exemption") is hereby amended by adding the material underscored as set forth below.

Sec. 14.06.305. - Full taxation of property after termination of exemption.

- A. When, because of the change in health or death of the eligible resident, transfer of ownership, a change in marital status if the exemption was granted pursuant to Section 14.06.307, or any other change in status, a property no longer qualifies for an exemption granted under this Division, the exemption shall terminate at the end of the current tax quarter. The tax on the property shall be deemed to be levied upon the commencement of the next tax quarter and, if not paid, shall be subject to penalties as prescribed by State law. The tax shall be prorated in accordance with 9 Del. C. § 8340 (Levy of tax and creation of a lien based on the supplemental assessment roll).

Section 4. *New Castle County Code* Chapter 14 ("Finance and Taxation"), Article 6 ("Exemption from Real Property Taxation"), Division 14.06.300 ("Property of the elderly and disabled") is hereby amended by adding the material underscored as set forth below.

Sec. 14.06.307. – Line of duty death exemptions.

- A. A person who is a line of duty death beneficiary as a surviving spouse under 18 Del. C. §§ 6601-6602 is entitled to full exemption from county real property taxation, proportionate to the percentage of the person's ownership interest in the property, exclusive of any local light and ditch taxes or any stormwater maintenance fee imposed under Section 13.01.005, if:

1. The person filed a line of duty death benefits claim with the Insurance Commissioner, and the claim was certified by the Insurance Commissioner, and

2. The person meets all of the following:

- a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form which shall include the certification of the line of duty death benefits claim.
- b. The certification of line of duty death benefits claim was issued on or after January 1, 2011.
- c. The house on the real property is the principal residence of the person seeking the exemption and the residence was solely owned by the decedent and upon the death of the decedent the person becomes the record title owner or held jointly by the decedent and the surviving spouse, and the person continues to maintain the property as the person's principal residence.
- d. The person either does not owe any taxes or sewer service charges collectible by New Castle County or is enrolled in an approved payment plan and has timely paid all payments and continues to do so until the payment plan is complete.

B. A person who is death gratuity beneficiary as a surviving spouse under 10 U.S.C. §§ 1475-80 is entitled to full exemption from county real property taxation, proportionate to the percentage of the person's ownership interest in the property, exclusive of any local light and ditch taxes or any stormwater maintenance fee imposed under Section 13.01.005, if:

1. The person filed a Claim Certification and Voucher for Death Gratuity Payment with the Department of Defense, and the claim was approved by the Department of Defense, and

2. The person meets all of the following:

- a. On or before June 1 of the year for which exemption is sought, the person submits to the Assessment Division an application on the prescribed form which shall include proof of the approval of the death gratuity payment.
- b. The approval of the death gratuity payment was issued on or after January 1, 2011.
- c. The house on the real property is the principal residence of the person seeking the exemption and the residence was solely owned by the decedent and upon the death of the decedent the person becomes the record title owner or held jointly by the decedent and the surviving spouse, and the person continues to maintain the property as the person's principal residence.
- d. The person either does not owe any taxes or sewer service charges collectible by New Castle County or is enrolled in an approved payment plan and has timely paid all payments and continues to do so until the payment plan is complete.

- 148 C. The line of duty death tax exemption shall remain in effect for 10 (ten) years, so long
149 as the person making the application maintains the real property for which the
150 exemption was granted as their principal residence.
- 151 D. A surviving spouse is no longer eligible to maintain the credit if they do any of the
152 following:
- 153
- 154 a. Remarry.
- 155
- 156 b. Stop being a titled owner of the qualified property.
- 157
- 158 c. No longer reside in the qualified property as their principal residence.
- 159
- 160 E. Exemption may be forfeited. For any exemption approved pursuant to Subsection A.
161 or B., if the person making the application fails to remain current on payment of any
162 taxes or sewer service charges in accordance with and for the duration of any
163 agreement between New Castle County and the person, at the discretion of the Office
164 of Finance the exemption shall be treated as having been forfeited by the person.

165 Section 5. This Ordinance shall become effective immediately upon its adoption by
166 County Council and approval by the County Executive, or as otherwise provided in 9 Del. C. §
167 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 creates a full exemption from county real property taxation for spouses of individuals killed in the line of duty whose claim has been certified under 18 *Del. C.* ch. 66 or approved for a death gratuity payment under 10 U.S.C. §§ 1475-1480.

FISCAL NOTE: This exemption is estimated to have a potential impact to approximately ten taxpayers. Based on the assumptions of ten taxpayers with an average county tax bill of \$654.44, the estimated fiscal impact for FY2026 is \$6,544.40. FY2027 will be based on the recommended tax rate. All amounts are county taxes only and do not include school taxes due.

Acknowledged by the Chief Financial Officer on February 17, 2026.

ORDINANCE NO. 26-022

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

1 **WHEREAS**, the Department of Public Works, Division of Sewer Operations
2 Administration (the "Department") has determined that it is necessary to make
3 organizational changes to operate most effectively; and
4

5 **WHEREAS**, the Department decided to eliminate the class specification of
6 Operations Services Manager (Pay Grade 30) from County usage; and
7

8 **WHEREAS**, the Department submitted a new class specification for Chief of Sewer
9 Maintenance (Pay Grade 30); and
10

11 **WHEREAS**, the Human Resources Advisory Board, at its meeting on February 5,
12 2026, recommended that the class specification for the new position title of Chief of Sewer
13 Maintenance (Pay Grade 30) be added to the Pay Plan and Rates of Pay for Union 1607
14 40-Hour Workweek Employees; and
15

16 **WHEREAS**, the Chief Human Resources Officer concurs with the recommendation
17 of the Human Resources Advisory Board.
18

19 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
20

21 Section 1. The Class Specification for Operations Services Manager as set forth in
22 Exhibit "A" is eliminated.
23

24 Section 2. The Class Specification for Chief of Sewer Maintenance as set forth in
25 Exhibit "B" is adopted.
26

27 Section 3. The Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek
28 Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-
29 CIO, Affiliate Local 1607, effective July 1, 2025 through June 30, 2026, is hereby amended
30 by adding the material that is underscored as set forth in Exhibit "C."
31

32 Section 4. The Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek
33 Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-
34 CIO, Affiliate Local 1607, effective July 1, 2026, is hereby amended by adding the material
35 that is underscored as set forth in Exhibit "D."

36 Section 5. The Pay Plan and Rates of Pay for Non-Union Classified Service
37 Employees, effective July 1, 2025 through June 30, 2026, is hereby amended by removing
38 the material that is stricken as set forth in Exhibit "E".
39

40 Section 6. The Pay Plan and Rates of Pay for Non-Union Classified Service
41 Employees, effective July 1, 2026, is hereby amended by removing the material that is
42 stricken as set forth in Exhibit "F".
43

44 Section 7. This Ordinance shall become effective immediately upon its adoption by
45 County Council and approval by the County Executive, or as otherwise provided in 9 Del.
46 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, eliminates the class specification of Operations Services Manager (Pay Grade 30) from County usage and removes it from the Pay Plan and Rates of Pay for Non-Union Classified Service Employees. This Ordinance also adopts the class specification of Chief of Sewer Maintenance (Pay Grade 30) and adds the position title to the Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607, as recommended by the Human Resources Advisory Board at their meeting on February 5, 2026. The Chief Human Resources Officer concurs with the recommendation.

FISCAL IMPACT: This Ordinance, if approved, eliminates the class specification Operations Services Manager (Pay Grade 30) from County usage and removes it from the Pay Plan and Rates of Pay for Non-Union Classified Service Employees. This Ordinance also adopts the class specification of Chief of Sewer Maintenance (Pay Grade 30) and adds the position title to the Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek Employees Represented by the Delaware Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607.

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

Acknowledged by the Chief Financial Officer February 11, 2026.

EXHIBIT A

NEW CASTLE COUNTY GOVERNMENT

Number 0675

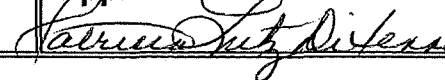
Page 1 of 2

CLASS SPECIFICATION

Date 05/01/03

Title: OPERATIONS SERVICES MANAGER

Approved:



GENERAL STATEMENT OF DUTIES: Manages and supervises the delivery of sanitary sewer services, including the operation and maintenance of the New Castle County sanitary sewer system, and coordinates the delivery of storm drainage services; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class applies technical and managerial knowledge and skills to the operation, maintenance, and rehabilitation of sanitary sewer facilities and the delivery of sanitary sewer and storm drainage services. Responsibilities include the direction and coordination of subordinate technical, supervisory, and support staff. This employee also performs administrative tasks in line with these responsibilities. Assignments are broad in scope and considerable independent judgement is required.

EXAMPLES OF WORK: (Illustrative only)

- Manages, assigns, schedules, and directs the activities of subordinates, technicians, survey personnel, inspectors, and support staff;
- Manages, plans, develops, and oversees the operations and maintenance of the New Castle County sanitary sewer system;
- Investigates and resolves complaints and service requests related to sanitary sewer services and storm drainage programs or projects;
- Prepares and administers the operating budget;
- Prepares capital budget and project cost estimates;
- Prepares specifications for materials, supplies, equipment, and contracted services;
- Reviews plans and specifications prepared by consultants;
- Authorizes work to be performed by New Castle County personnel and contract vendors, inspects work, and accepts work for final acceptance and payment;
- Coordinates sanitary sewer and storm drainage activities with the State of Delaware Department of Natural Resources and Environmental Control and the Department of Transportation;
- Responds to emergency calls involving the sanitary sewer system, including nights, weekends, and holidays;
- Attends, speaks at, and/or conducts various sanitary sewer and/or storm drainage service-related public meetings as the official representative of New Castle County;
- 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 data processing terminal, personal computer, and other related equipment in the course of the work.

NEW CASTLE COUNTY GOVERNMENT

Number 0675

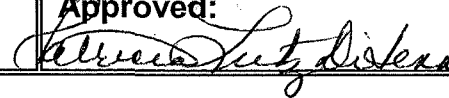
Page 2 of 2

Date 05/01/03

CLASS SPECIFICATION

Title: OPERATIONS SERVICES MANAGER

Approved:



REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of the principles and practices of operating, maintaining, and rehabilitating sanitary sewer and storm drainage systems; skill in the use of a personal computer including database, spreadsheet, and word processing software; ability to plan, layout, and direct work of subordinates; ability to plan projects and work schedules and prepare related estimates and specifications; ability to make comprehensive recommendations on complex situations; ability to establish and maintain effective working relationships with others; ability to communicate courteously and effectively, both verbally and in writing; ability to make effective presentations before groups; ability to pass a Class III County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: At least five years professional experience specializing in the operation, maintenance, and rehabilitation of sanitary sewer, storm drainage, or public water supply systems and possession of a Bachelor's Degree from an accredited college or university with major course work in engineering or environmental science; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENTS: Possession of a valid Delaware Class D driver's license or its equivalent.

HISTORY OF REVISIONS:

Established: 09/18/98
Revised: 05/01/03

NEW CASTLE COUNTY GOVERNMENT**Number** XXXX**Page** 1 of 2**CLASS SPECIFICATION****Date** XX/XX/XXXX**Title:** CHIEF OF SEWER MAINTENANCE**Approved:**

GENERAL STATEMENT OF DUTIES: Manages and supervises the operation and maintenance of the New Castle County gravity wastewater system; does related work as required.

DISTINGUISHING FEATURES OF THE CLASS: An employee in this class applies technical and managerial knowledge and skills to lead the operation and maintenance of the New Castle County wastewater collector and gravity transmission systems and the delivery of wastewater services to customers. Responsibilities include the direction and coordination of subordinate technical, supervisory, and administrative personnel and contractors. This role also involves administrative duties aligned with operational oversight. Assignments are broad in scope and considerable independent judgement is required.

EXAMPLES OF WORK: (Illustrative only)

- Manages the assignment, scheduling and direction of field activities related to the gravity wastewater system;
- Investigates and resolves complaints and customer service requests related to wastewater services;
- Prepares and administers the operating budget, supports preparation of the capital budget;
- Prepares specifications for materials, supplies, equipment, vehicles, and contracted services;
- Reviews plans and specifications prepared by consultants;
- Authorizes work to be performed by New Castle County operation and maintenance personnel and contract vendors, inspects work, and accepts work for final acceptance and payment;
- Coordinates regulated activities with the State of Delaware Department of Natural Resources and Environmental Control and the Department of Transportation as required;
- Responds to emergency calls involving the wastewater system, including nights, weekends, and holidays;
- Represents the Department of Public Works at public meetings;
- Promotes an ongoing attitude of dedication to excellent public service and ensures that external and internal stakeholders are provided with the highest quality level of service;
- Commitment to safety protocols and environmental stewardship

NEW CASTLE COUNTY GOVERNMENT**Number** XXXX**Page** 1 of 2**Date** XX/XX/XXXX**CLASS SPECIFICATION****Title:** CHIEF OF SEWER MAINTENANCE**Approved:**

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES: Thorough knowledge of the principles and practices of operating, maintaining, and rehabilitating gravity wastewater systems; proficient in computerized maintenance management systems, database and spreadsheet tools, Geographic Information Systems, project management systems, and other Microsoft Office Suite applications; ability to analyze performance metrics and generate reports for data driven decision-making; ability to plan, organize, and direct work of subordinates; ability to plan projects, work schedules, and prepare related cost estimates and specifications; Strong analytical skills to make sound recommendations in complex situations; knowledge of regulatory compliance standards; ability to establish and maintain collaborative and effective working relationships with internal teams, contractors, and the public; excellent communication skills, both verbal and written, including the ability to deliver clear and effective presentations; ability to pass a Class III County physical examination.

ACCEPTABLE EXPERIENCE AND TRAINING: At least five years professional experience specializing in the operation, maintenance, and rehabilitation of wastewater, potable water, or storm drainage systems and possession of a Bachelor's Degree from an accredited college or university with major course work in engineering or environmental science; or any equivalent combination of experience and training which provides the required knowledge, skills, and abilities.

ADDITIONAL REQUIREMENTS: Possession of a valid Delaware Class D driver's license or its equivalent.

HISTORY OF REVISIONS:

Established:

Revised:

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

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

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

Revised: 11/25/2025 (Ordinance 25-138)

Revised: xx/xx/xxxx (Ordinance xx-xxx) - CHIEF OF SEWER MAINTENANCE

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

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

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

Revised: 11/25/2025 (Ordinance 25-138)

Revised: xx/xx/xxxx (Ordinance xx-xxx) - CHIEF OF SEWER MAINTENANCE

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

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

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

CLASSIFICATION	PAY GRADE	1	2	3	4	5	6	7	8	9	10	11
DEPARTMENT FINANCE OFFICER 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 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	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 26-009) - County Assessor (Pending Council Approval)**Revised: xx/xx/xxxx (Ordinance xx-xxx) - Strike Operations Services Manager*

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 26-009) - County Assessor (Pending Council Approval)
Revised: xx/xx/xxxx (Ordinance xx-xxx) - Strike Operations Services Manager

**NEW CASTLE COUNTY
MINUTES OF HUMAN RESOURCES ADVISORY BOARD MEETING**

February 5, 2026

Board Members Present:

Valencia L. Brown, J.D., Chair
Nakishia Williams Bailey, Member

Board Members Absent:

None

Others Present:

Dusty Blakey – Office of Human Resources
Candy Boayue – Office of Human Resources
Yiannis Floropoulos – Office of Human Resources
Laura McDermott – Office of Human Resources
Carol Meadows – Office of Human Resources
Jacquelyn Moore – Office of Human Resources
Patricia Purnell – Office of Human Resources
Christopher Shetzler – Office of Human Resources
Michael Begatto – Community Services Department
Kenneth Dunn – Executive Office
Carla Geiersbach – Office of Finance
Dawn Morrison – Office of Finance
Kellie Kemble – Land Use Department
Iran Garcia-Domenech – Office of Law, Attorney representing the Board
Aysha Gregory – Office of Law
Maria Knoll – Office of Law, Attorney representing Human Resources
Cleon Cauley – Public Works
JulieAnne Cross – Public Works
Paul Frese – Public Works
Michael Heverin – Public Works
Ha Nguyen – Public Works
Kevin Penozza – Public Works
Robert Roff – Public Works
John Spence – Public Works
Jason Zern – Public Works

The meeting was held on Thursday, February 5, 2026, in-person and by Teams video and audio conference, in the Managers Room, New Castle County Government Center, 87 Reads Way, New Castle, Delaware. Board Chair Valencia Brown called the meeting to order at 8:40 a.m. Dr. Brown introduced herself and asked those present in the room and on the call to introduce themselves.

Dr. Brown read the first Agenda item (listed below).

1. Approval of Meeting Minutes of January 8, 2026

Board Member Nakishia Williams Bailey made a motion to approve the meeting minutes of January 8, 2026. Board Chair Valencia Brown seconded the motion, thanking the staff that the

minutes are always done so well. All board members voted in favor of the motion. The motion passed.

Dr. Brown read the next Agenda item.

2. Approval of Human Resources Advisory Board Annual Report 2025

Board Chair Lynn Brown thanked the staff for putting this together. Board Member Nakishia Williams Bailey made a motion to approve the Human Resources Advisory Board Annual Report for 2025. Board Chair Valencia Brown seconded the motion. All board members voted in favor of the motion. The motion passed.

Dr. Brown read the next Agenda item.

3. Recommendation of new class specification of Chief of Sewer Maintenance (Pay Plan and Rates of Pay for Classified Service 40-Hour Workweek Employees Represented by the DE Public Employees Council 81, AFSCME, AFL-CIO, Affiliate Local 1607) Pay Grade 30 (\$80,832 to \$131,670)

Jason Zern, Sr. Manager Public Works, spoke. The new position, Chief of Sewer Maintenance, is kind of a rejuvenation of an old position that once was with Public Works. Back about 25-26 years ago, we went with a different spec called Operation Services Manager. It was equivalent, but it was a merit position. The intent is to directly replace Operation Services Manager with the Chief of Sewer Maintenance position. The position, as the title infers, maintains and is responsible for the maintenance of our sewer system. It is a highly responsible position. I think the budget is almost \$10 million for which they are responsible. They lead an organization of approximately 50 employees. All those employees are 40-hour work week employees, which is why this position is also 40 hours. If you remember back in the fall, we came before the HRAB to transition positions from 35-hour work weeks to 40-hour work weeks. This position is very similar in nature to that transition. It is very much in line with the department and in line with the responsibilities of very similar positions. We did tweak the language from the Operation Services Manager a little bit. That position hadn't been revised since 2003, so we updated the spec, changed the title, but really it serves as a direct replacement for that position. We did provide an organization chart so you can see where it fits within the department. We did review the spec with the 1607 Union, and they had no objections to this new position.

Dr. Brown asked about doing this work before we revamped and reinstituted this position. Mr. Zern replied that two of the former Operation Services Managers were here today. Kevin Penzoza, and before him it had been Rob Roff. Kevin was recently promoted to Division Manager, the Sewer Operations Manager, so they would report directly to Kevin. Dr. Brown thanked Mr. Zern for the presentation.

Board Member Nakishia Williams Bailey made a motion to approve the Recommendation of new class specification of Chief of Sewer Maintenance. Board Chair Valencia Brown seconded the motion. All board members voted in favor of the motion. The motion passed.

Board Chair Valencia Brown adjourned the Human Resources Advisory Board meeting at 8:51 a.m.

Prime Sponsor(s):	Ms. Durham
Requested by:	Executive Office
Date of Introduction:	February 24, 2026

RESOLUTION NO. 26-030

CONSENTING TO THE RE-APPOINTMENT OF DR. JENNA DILEUTERIO TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

1 **WHEREAS**, the Police Officer Standards and Training Commission (the
2 “Commission”), under its authority provided by 11 *Del. C. § 8404*, requires that all police
3 departments establish, either individually or in combination with other departments, police
4 accountability committees or boards to provide advice to departments on policy, training,
5 and other issues relating to or affecting the department and the communities served by
6 the department; and

7
8 **WHEREAS**, the New Castle County Council created the New Castle County Police
9 Accountability Board (the “Board”) to allow community members an opportunity to provide
10 input on how communities are policed and give the New Castle County Division of Police
11 the benefit of constructive feedback to reform police policies and practices, improve
12 police-community relations, and enhance public safety; and

13
14 **WHEREAS**, the Board shall consist of eleven (11) residents of the County,
15 appointed by the County Executive with the advice and consent of County Council and
16 two (2) non-voting, ex-officio members. The County Executive shall appoint the
17 chairperson. The Board shall elect the vice chairperson from among its members. Board
18 members shall serve two (2) year terms, which may be renewed. No voting members
19 shall be members of law-enforcement; and

20
21 **WHEREAS**, the County Executive may solicit recommendations from non-profit
22 organizations, including social services, civil rights, faith-based, education, mental health,
23 criminal justice reform and victims’ rights organizations. To the extent practicable the
24 members of the Board shall reflect the racial, gender identity or expression, sexual
25 orientation, socioeconomic, and cultural diversity of the County. Membership shall include
26 at a minimum two (2) members of the community who have been impacted directly or are
27 immediate family members or caregivers of those impacted by the juvenile or adult
28 criminal justice system; One (1) religious leader from the community who has experience
29 with justice-involved individuals; and

30
31 **WHEREAS**, Dr, Jenna DiEleuterio has been an educator since 2011, where she
32 currently holds the role as Reading Specialist for Brandywine School District. She has
33 initiated Community Peace Walks in Knollwood (Claymont area), where several of her
34 middle school students live and bring together the Community, Local Officials and Public
35 Safety to build relationships, trust and collaboration between all parties. Dr. DiEleuterio
36 is also a participant and supporter of Safe United Neighborhoods along Pastor Sandra
37 Ben. Dr. DiEleuterio was named the 2026 Delaware Teacher of the Year.
38

39 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
40 Castle County that County Council hereby consents to the re-appointment of Dr. Jenna
41 DiEleuterio to the New Castle County Police Accountability Board for a term to begin
42 immediately upon adoption of this Resolution and expire on February 24, 2028.

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. George
Requested by: Executive Office
Date of Introduction: February 24, 2026

RESOLUTION NO. 26-031

CONSENTING TO THE APPOINTMENT OF KAY FITZGERALD TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

1 **WHEREAS**, the Police Officer Standards and Training Commission (the
2 “Commission”), under its authority provided by 11 *Del. C.* § 8404, requires that all police
3 departments establish, either individually or in combination with other departments, police
4 accountability committees or boards to provide advice to departments on policy, training,
5 and other issues relating to or affecting the department and the communities served by
6 the department; and
7

8 **WHEREAS**, the New Castle County Council created the New Castle County Police
9 Accountability Board (the “Board”) to allow community members an opportunity to provide
10 input on how communities are policed and give the New Castle County Division of Police
11 the benefit of constructive feedback to reform police policies and practices, improve
12 police-community relations, and enhance public safety; and
13

14 **WHEREAS**, the Board shall consist of eleven (11) residents of the County,
15 appointed by the County Executive with the advice and consent of County Council and
16 two (2) non-voting, ex-officio members. The County Executive shall appoint the
17 chairperson. The Board shall elect the vice chairperson from among its members. Board
18 members shall serve two (2) year terms, which may be renewed. No voting members
19 shall be members of law-enforcement; and
20

21 **WHEREAS**, the County Executive may solicit recommendations from non-profit
22 organizations, including social services, civil rights, faith-based, education, mental health,
23 criminal justice reform and victims’ rights organizations. To the extent practicable the
24 members of the Board shall reflect the racial, gender identity or expression, sexual
25 orientation, socioeconomic, and cultural diversity of the County. Membership shall include
26 at a minimum two (2) members of the community who have been impacted directly or are
27 immediate family members or caregivers of those impacted by the juvenile or adult
28 criminal justice system; One (1) religious leader from the community who has experience
29 with justice-involved individuals; and
30

31 **WHEREAS**, Kay Fitzgerald is a resident of New Castle County and is an
32 experienced construction project manager with extensive professional experience
33 overseeing large, complex projects, managing budgets, ensuring regulatory compliance,
34 and coordinating among diverse stakeholders. Ms. Fitzgerald currently serves as a
35 Project Manager with Bancroft Construction and has previously managed commercial
36 construction and renovation projects across multiple jurisdictions, demonstrating strong
37 skills in negotiation, conflict resolution, risk management, and adherence to safety and

38 regulatory standards. Ms. Fitzgerald holds a Bachelor of Arts degree in Political Science
39 from Hartwick College and a Bachelor of Arts degree in Criminal Justice from Thomas
40 Edison State University, providing her with a strong foundation in public policy, legal
41 systems, and accountability. Ms. Fitzgerald is a graduate of the New Castle County
42 Citizen's Police Academy and has demonstrated a commitment to civic engagement and
43 community service through her involvement with organizations including the Junior
44 League of Wilmington.

45
46 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
47 Castle County that County Council hereby consents to the appointment of Kay Fitzgerald
48 to the New Castle County Police Accountability Board for a term to begin immediately
49 upon adoption of this Resolution and expire on February 24, 2028.

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 discernible fiscal impact upon the adoption of this legislation.

Prime Sponsor(s):	Mr. Caneco
Co-sponsor(s):	Ms. Williams-Johns
Requested by:	Executive Office
Date of Introduction:	February 24, 2026

RESOLUTION NO. 26-032

CONSENTING TO THE APPOINTMENT OF KERWIN GAINES, MBA TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

1 **WHEREAS**, the Police Officer Standards and Training Commission (the
2 "Commission"), under its authority provided by 11 *Del. C. § 8404*, requires that all police
3 departments establish, either individually or in combination with other departments, police
4 accountability committees or boards to provide advice to departments on policy, training,
5 and other issues relating to or affecting the department and the communities served by
6 the department; and
7

8 **WHEREAS**, the New Castle County Council created the New Castle County Police
9 Accountability Board (the "Board") to allow community members an opportunity to provide
10 input on how communities are policed and give the New Castle County Division of Police
11 the benefit of constructive feedback to reform police policies and practices, improve
12 police-community relations, and enhance public safety; and
13

14 **WHEREAS**, the Board shall consist of eleven (11) residents of the County,
15 appointed by the County Executive with the advice and consent of County Council and
16 two (2) non-voting, ex-officio members. The County Executive shall appoint the
17 chairperson. The Board shall elect the vice chairperson from among its members. Board
18 members shall serve two (2) year terms, which may be renewed. No voting members
19 shall be members of law-enforcement; and
20

21 **WHEREAS**, the County Executive may solicit recommendations from non-profit
22 organizations, including social services, civil rights, faith-based, education, mental health,
23 criminal justice reform and victims' rights organizations. To the extent practicable the
24 members of the Board shall reflect the racial, gender identity or expression, sexual
25 orientation, socioeconomic, and cultural diversity of the County. Membership shall include
26 at a minimum two (2) members of the community who have been impacted directly or are
27 immediate family members or caregivers of those impacted by the juvenile or adult
28 criminal justice system; One (1) religious leader from the community who has experience
29 with justice-involved individuals; and
30

31 **WHEREAS**, Kerwin Gaines, MBA, is a highly experienced public-sector and
32 cybersecurity executive with extensive experience in governance, compliance, risk
33 management, policy development, and oversight within state, federal, and private-sector
34 environments. Mr. Gaines currently serves as a Cybersecurity Consultant and Virtual
35 Chief Information Security Officer for the State of Delaware, where he provides strategic
36 leadership, manages multimillion-dollar public programs, collaborates with legislative and

37 municipal leaders, and ensures compliance with federal and state requirements. Mr.
38 Gaines has a proven record of working collaboratively with cross-functional stakeholders,
39 facilitating complex oversight initiatives, managing budgets responsibly, and ensuring
40 transparency and accountability in government operations. Mr. Gaines brings additional
41 perspective through his service as an adjunct instructor teaching cybersecurity, law,
42 governance, and compliance, as well as his experience as a media host engaging the
43 public on policy and governmental issues.

44
45 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
46 Castle County that County Council hereby consents to the appointment of Kerwin Gaines,
47 MBA to the New Castle County Police Accountability Board for a term to begin
48 immediately upon adoption of this Resolution and expire on February 24, 2028.

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. Durham
Requested by: Executive Office
Date of introduction: February 24, 2026

RESOLUTION NO. 26-033

**CONSENTING TO THE RE-APPOINTMENT OF JOHN GRIESHABER TO THE
NEW CASTLE COUNTY BOARD OF LICENSE INSPECTION AND REVIEW**

1 **WHEREAS**, pursuant to 9 *Del. C.* § 1315, County Council, by ordinance, may
2 provide for the establishment of a Board of License Inspection and Review, which shall
3 have 5 members to be appointed by the County Executive; and
4

5 **WHEREAS**, pursuant to *New Castle County Code* § 2.05.103, the County
6 Executive, with the advice and consent of County Council, shall appoint four (4)
7 members who shall serve for terms of four (4) years, provided that the terms of the
8 original members shall be established in a manner that one (1) shall expire each year.
9 The County Executive shall appoint one (1) member who shall be Chairperson and who
10 shall serve at the pleasure of the County Executive. Preference shall be given by the
11 County Executive to appointing members who are qualified as professionals and are
12 members of a recognized trade association in the fields of construction engineering,
13 architecture, plumbing, sanitary engineering and the home building and construction
14 industry; and
15

16 **WHEREAS**, the Board is authorized to provide an appeal procedure whereby
17 any person aggrieved by the issuance, transfer, renewal, refusal, suspension,
18 revocation or cancellation of any County license, or by any notice, order or other action
19 as a result of any County inspection affecting him or her directly shall, upon request, be
20 furnished with a written statement of the reasons for the action taken and afforded a
21 hearing thereon by the Board; and
22

23 **WHEREAS**, the Board shall hear any evidence, which the aggrieved party or the
24 County may desire to offer, shall make findings and render a decision in writing within
25 90 days of the filing of the appeal, and that the Board may affirm, modify, reverse,
26 vacate or revoke the action from which the appeal was taken to it; and
27

28 **WHEREAS**, the Board shall have the power to make and revise or rescind such
29 rules as it may deem necessary or appropriate to provide an appeal procedure and
30 otherwise conduct its affairs; and
31

32 **WHEREAS**, the County Executive has submitted for the advice and consent of
33 County Council the re-appointment of John Grieshaber to the Board; and
34

35 **WHEREAS**, Mr. Grieshaber is a registered professional engineer in 20 states
36 and the District of Columbia and has more than 35 years of direct experience in design,
37 evaluation and inspections of building structures.

38 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
39 Castle County that County Council hereby consents to the re-appointment of John
40 Grieshaber to the New Castle County Board of License, Inspection and Review for a
41 term to begin upon adoption of this resolution and to expire on February 24, 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. Sheldon
Requested by:	Executive Office
Date of Introduction:	February 24, 2026

RESOLUTION NO. 26-034

CONSENTING TO THE RE-APPOINTMENT OF JARRET “POSI” HARRIS TO THE NEW CASTLE COUNTY PUBLIC ARTS COMMISSION

1 **WHEREAS**, New Castle County, with the adoption of *New Castle County Code*
2 Chapter 2, Article 5, Section 2.05.516, created the New Castle County Public Arts
3 Commission (the “Commission”). The Commission has responsibility of looking at public
4 art, holistically. Among other things, the Commission is to engage the public, promote,
5 and advocate for public visual arts projects that reflect the cultural, natural, and historical
6 diversity of New Castle County. The Commission also has the responsibility of advising
7 and updating County Council, the County Executive, and the Department of Community
8 Services on public arts in New Castle County; and
9

10 **WHEREAS**, *County Code* Section 2.05.516 provides that the Commission shall
11 consist of 9 members, including the Chair. The County Council shall appoint 5 members,
12 including ex officio designees, with the advice and consent of the County Executive. The
13 County Executive shall appoint 4 members, with the advice and consent of the County
14 Council. The County Executive, with the advice and consent of County Council, shall
15 appoint 1 member from the 9 nominated members as the Chair, who shall serve at the
16 pleasure of the County Executive. Recommendations for membership are sought from
17 local visual arts organizations, education institutions, and community leaders in the visual
18 arts field. Except for certain initial appointments, all Commission members other than the
19 Chair and ex officio positions serve 4-year terms, which may be renewed; and
20

21 **WHEREAS**, membership of the Commission consists of: at least 1 representative
22 from a visual arts organization, including art museums, that are located or operated within
23 the County; at least 2 County residents who are visual artists (including but not limited to
24 a sculptor and painter) or who have demonstrated involvement in public art; at least 1
25 representative from the faculty or governing body of an educational institution with art or
26 architecture programs; at least 1 representative from a non-profit organization engaged
27 in supporting the visual arts; at least 1 registered landscape architect; and the Director of
28 the Delaware Art Museum [ex officio] or designee thereof; and
29

30 **WHEREAS**, the Department of Community Services is to provide administrative
31 and community support as required by the Commission in the performance of its official
32 duties. The Department of Public Works is to provide technical and project management
33 support for the public art installations directed by the Commission. The Commission may
34 engage with other County departments in the performance of their official duties; and

35 **WHEREAS**, the initial appointments of the members of the Commission shall be 2
36 or 4 years to stagger the terms so that approximately half the members will be up for
37 reappointment every 2 years; and
38

39 **WHEREAS**, Jarret “Posi” Harris, a resident of New Castle County, is a visual artist
40 who has been able to tap into his various skill sets and markets throughout New Castle
41 County, working with organizations such as the Delaware Children’s Museum, Delaware
42 College of Art and Design (DCAD) and the Latin American Community Center. Mr. Harris’
43 talents range from painting murals and canvases, graphic design, event photography and
44 drone pilot. He is also a fashion and clothing designer for Circa7.
45

46 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
47 Castle County that County Council, hereby consents to the re-appointment of Jarret “Posi”
48 Harris to the New Castle County Public Arts Commission for a term to begin immediately
49 upon adoption of this Resolution and expire on February 24, 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:	February 24, 2026

RESOLUTION NO. 26-035

CONSENTING TO THE APPOINTMENT OF MATTHEW KELLY TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

1 **WHEREAS**, the Police Officer Standards and Training Commission (the
2 “Commission”), under its authority provided by 11 *Del. C.* § 8404, requires that all police
3 departments establish, either individually or in combination with other departments, police
4 accountability committees or boards to provide advice to departments on policy, training,
5 and other issues relating to or affecting the department and the communities served by
6 the department; and
7

8 **WHEREAS**, the New Castle County Council created the New Castle County Police
9 Accountability Board (the “Board”) to allow community members an opportunity to provide
10 input on how communities are policed and give the New Castle County Division of Police
11 the benefit of constructive feedback to reform police policies and practices, improve
12 police-community relations, and enhance public safety; and
13

14 **WHEREAS**, the Board shall consist of eleven (11) residents of the County,
15 appointed by the County Executive with the advice and consent of County Council and
16 two (2) non-voting, ex-officio members. The County Executive shall appoint the
17 chairperson. The Board shall elect the vice chairperson from among its members. Board
18 members shall serve two (2) year terms, which may be renewed. No voting members
19 shall be members of law-enforcement; and
20

21 **WHEREAS**, the County Executive may solicit recommendations from non-profit
22 organizations, including social services, civil rights, faith-based, education, mental health,
23 criminal justice reform and victims’ rights organizations. To the extent practicable the
24 members of the Board shall reflect the racial, gender identity or expression, sexual
25 orientation, socioeconomic, and cultural diversity of the County. Membership shall include
26 at a minimum two (2) members of the community who have been impacted directly or are
27 immediate family members or caregivers of those impacted by the juvenile or adult
28 criminal justice system; One (1) religious leader from the community who has experience
29 with justice-involved individuals; and
30

31 **WHEREAS**, Matthew Kelly is a resident of New Castle County and is currently
32 employed as a Case Manager/Social Work with the State of Delaware, Division of Aging
33 and Adults with Physical Disabilities within the Department of Health and Social Services.
34 Mr. Kelly’s professional experience in human services, case management, counseling,
35 outreach, and advocacy, including work with vulnerable and diverse populations, and
36 brings strong skills in communication, assessment, conflict resolution, and ethical
37 practice. He holds an associate’s degree in human services from Delaware Technical

38 Community College, where he was recognized as an Outstanding Human Services
39 Graduate, and has received certifications in Mental Health First Aid and Stewards of
40 Children. Mr. Kelly's background in social services, public outreach, and advocacy will
41 contribute valuable perspective and expertise to the work of the Board.

42
43 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
44 Castle County that County Council hereby consents to the appointment of Matthew Kelly
45 to the New Castle County Police Accountability Board for a term to begin immediately
46 upon adoption of this Resolution and expire on February 24, 2028.

47
48 Adopted by the County Council
49 of New Castle County on:
50

51
52
53

Monique Williams-Johns
54 President of County Council
55 of New Castle County
56

57 **SYNOPSIS:** Same as title.
58

59 **FISCAL NOTE:** There will be no discernible fiscal impact upon the adoption of this
60 legislation.

Prime Sponsor(s):	Mr. Hollins
Requested by:	Executive Office
Date of Introduction:	February 24, 2026

RESOLUTION NO. 26-036

CONSENTING TO THE APPOINTMENT OF KENNETH R. WOODS TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

1 **WHEREAS**, the Police Officer Standards and Training Commission (the
2 “Commission”), under its authority provided by 11 *Del. C.* § 8404, requires that all police
3 departments establish, either individually or in combination with other departments, police
4 accountability committees or boards to provide advice to departments on policy, training,
5 and other issues relating to or affecting the department and the communities served by
6 the department; and
7

8 **WHEREAS**, the New Castle County Council created the New Castle County Police
9 Accountability Board (the “Board”) to allow community members an opportunity to provide
10 input on how communities are policed and give the New Castle County Division of Police
11 the benefit of constructive feedback to reform police policies and practices, improve
12 police-community relations, and enhance public safety; and
13

14 **WHEREAS**, the Board shall consist of eleven (11) residents of the County,
15 appointed by the County Executive with the advice and consent of County Council and
16 two (2) non-voting, ex-officio members. The County Executive shall appoint the
17 chairperson. The Board shall elect the vice chairperson from among its members. Board
18 members shall serve two (2) year terms, which may be renewed. No voting members
19 shall be members of law-enforcement; and
20

21 **WHEREAS**, the County Executive may solicit recommendations from non-profit
22 organizations, including social services, civil rights, faith-based, education, mental health,
23 criminal justice reform and victims’ rights organizations. To the extent practicable the
24 members of the Board shall reflect the racial, gender identity or expression, sexual
25 orientation, socioeconomic, and cultural diversity of the County. Membership shall include
26 at a minimum two (2) members of the community who have been impacted directly or are
27 immediate family members or caregivers of those impacted by the juvenile or adult
28 criminal justice system; One (1) religious leader from the community who has experience
29 with justice-involved individuals; and
30

31 **WHEREAS**, Kenneth R. Woods is a lifelong Delaware resident, retired third-
32 generation sheet metal worker, and respected labor and community leader with more
33 than thirty-four (34) years of professional experience in organized labor, workforce
34 development, and public service. Mr. Woods served numerous leadership roles with
35 Sheet Metal Workers Local 19, including Business Agent, Organizer, Recording
36 Secretary, and Trustee of the Joint Apprenticeship Training Fund, demonstrating strong
37 advocacy, organizational oversight, and accountability responsibilities. Mr. Woods has

38 extensive experience in public governance and oversight, having served as an elected
39 member of the New Castle County Council representing the First District from 2016 to
40 2022, where he held leadership roles including Co-Chair of the Public Works Committee
41 and Co-Chair of the Economic Development Committee. Mr. Woods further contributed
42 to public accountability through a decade of service on the Red Clay Consolidated School
43 District Board of Education, including chairing the Facilities Committee and overseeing
44 school construction and capital projects. Mr. Woods's long-standing involvement in labor
45 advocacy, workforce training, public safety organizations, and community service reflects
46 a deep understanding of working families, community trust, and the importance of
47 transparent and accountable public institutions

48
49 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
50 Castle County that County Council hereby consents to the appointment of Kenneth R>
51 Woods to the New Castle County Police Accountability Board for a term to begin
52 immediately upon adoption of this Resolution and expire on February 24, 2028.

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
Co-sponsor(s):	Ms. Williams-Johns
Requested by:	Executive Office
Date of Introduction:	February 24, 2026

RESOLUTION NO. 26-037

CONSENTING TO THE RE-APPOINTMENT OF JAMES “RAY” RHODES TO THE NEW CASTLE COUNTY PUBLIC ARTS COMMISSION

1 **WHEREAS**, New Castle County, with the adoption of *New Castle County Code*
2 Chapter 2, Article 5, Section 2.05.516, created the New Castle County Public Arts
3 Commission (the “Commission”). The Commission has responsibility of looking at public
4 art, holistically. Among other things, the Commission is to engage the public, promote,
5 and advocate for public visual arts projects that reflect the cultural, natural, and historical
6 diversity of New Castle County. The Commission also has the responsibility of advising
7 and updating County Council, the County Executive, and the Department of Community
8 Services on public arts in New Castle County; and
9

10 **WHEREAS**, *County Code* Section 2.05.516 provides that the Commission shall
11 consist of 9 members, including the Chair. The County Council shall appoint 5 members,
12 including ex officio designees, with the advice and consent of the County Executive. The
13 County Executive shall appoint 4 members, with the advice and consent of the County
14 Council. The County Executive, with the advice and consent of County Council, shall
15 appoint 1 member from the 9 nominated members as the Chair, who shall serve at the
16 pleasure of the County Executive. Recommendations for membership are sought from
17 local visual arts organizations, education institutions, and community leaders in the visual
18 arts field. Except for certain initial appointments, all Commission members other than the
19 Chair and ex officio positions serve 4-year terms, which may be renewed; and
20

21 **WHEREAS**, membership of the Commission consists of: at least 1 representative
22 from a visual arts organization, including art museums, that are located or operated within
23 the County; at least 2 County residents who are visual artists (including but not limited to
24 a sculptor and painter) or who have demonstrated involvement in public art; at least 1
25 representative from the faculty or governing body of an educational institution with art or
26 architecture programs; at least 1 representative from a non-profit organization engaged
27 in supporting the visual arts; at least 1 registered landscape architect; and the Director of
28 the Delaware Art Museum [ex officio] or designee thereof; and
29

30 **WHEREAS**, the Department of Community Services is to provide administrative
31 and community support as required by the Commission in the performance of its official
32 duties. The Department of Public Works is to provide technical and project management
33 support for the public art installations directed by the Commission. The Commission may
34 engage with other County departments in the performance of their official duties; and

35 **WHEREAS**, the initial appointments of the members of the Commission shall be 2
36 or 4 years to stagger the terms so that approximately half the members will be up for
37 reappointment every 2 years; and
38

39 **WHEREAS**, James “Ray” Rhodes, a resident of New Castle County, is a qualified
40 representative for the Non-Profit Organizations representative on the Commission,
41 serving as the Executive Director of Christina Cultural Arts Center. Mr. Rhodes is actively
42 involved in community initiatives such as REACH Riverside and Kingswood Community
43 Center. He is a trusted leader in various organizations, including Kappa Alpha Psi
44 Fraternity, Inc., the 100 Black Men of America (Delaware Chapter) and Suakim Temple,
45 where he serves as a Noble. Mr. Rhodes’ unwavering commitment to serving the needs
46 of New Castle County residents and putting them above profits defines his dynamic
47 leadership style.
48

49 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
50 Castle County that County Council, hereby consents to the appointment of James “Ray”
51 Rhodes to the New Castle County Public Arts Commission for a term to begin immediately
52 upon adoption of this Resolution and expire on February 24, 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
Requested by: Executive Office
Date of Introduction: February 24, 2026

RESOLUTION NO. 26-038

CONSENTING TO THE APPOINTMENT OF NURELDEEN STOREY TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

1 **WHEREAS**, the Police Officer Standards and Training Commission (the
2 “Commission”), under its authority provided by 11 *Del. C.* § 8404, requires that all police
3 departments establish, either individually or in combination with other departments, police
4 accountability committees or boards to provide advice to departments on policy, training,
5 and other issues relating to or affecting the department and the communities served by
6 the department; and

7
8 **WHEREAS**, the New Castle County Council created the New Castle County Police
9 Accountability Board (the “Board”) to allow community members an opportunity to provide
10 input on how communities are policed and give the New Castle County Division of Police
11 the benefit of constructive feedback to reform police policies and practices, improve
12 police-community relations, and enhance public safety; and

13
14 **WHEREAS**, the Board shall consist of eleven (11) residents of the County,
15 appointed by the County Executive with the advice and consent of County Council and
16 two (2) non-voting, ex-officio members. The County Executive shall appoint the
17 chairperson. The Board shall elect the vice chairperson from among its members. Board
18 members shall serve two (2) year terms, which may be renewed. No voting members
19 shall be members of law-enforcement; and

20
21 **WHEREAS**, the County Executive may solicit recommendations from non-profit
22 organizations, including social services, civil rights, faith-based, education, mental health,
23 criminal justice reform and victims’ rights organizations. To the extent practicable the
24 members of the Board shall reflect the racial, gender identity or expression, sexual
25 orientation, socioeconomic, and cultural diversity of the County. Membership shall include
26 at a minimum two (2) members of the community who have been impacted directly or are
27 immediate family members or caregivers of those impacted by the juvenile or adult
28 criminal justice system; One (1) religious leader from the community who has experience
29 with justice-involved individuals; and

30
31 **WHEREAS**, Nureldeen Storey is a resident of New Castle County and is employed
32 by the Internal Revenue Service, where he has extensive experience in federal taxation,
33 government administration, program management, data analysis, and recruitment
34 strategy. Mr. Storey has served in multiple leadership and analytical roles within the
35 Internal Revenue Service, including Strategic Operating Plan Initiative Team Lead,
36 Management and Program Analyst, Revenue Agent, and National Recruiter,
37 demonstrating strong skills in compliance, investigation, negotiation, and data-informed

38 decision making. Mr. Storey has experience as a federally certified instructor, providing
39 training in federal taxation, recruiting, interviewing, and related human resources
40 subjects, and has a demonstrated ability to communicate complex information clearly and
41 effectively. Mr. Storey has served in leadership roles with the National Treasury
42 Employees Union and has engaged in volunteer service with organizations including the
43 Association for the Improvement of Minorities and the Boys & Girls Club of America,
44 reflecting a commitment to public service and community engagement.

45
46 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
47 Castle County that County Council hereby consents to the appointment of Nureldeen
48 Storey to the New Castle County Police Accountability Board for a term to begin
49 immediately upon adoption of this Resolution and expire on February 24, 2028.

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. Durham
Date of Introduction: February 24, 2026

RESOLUTION NO. 26-039

**APPOINTING DAVID PERRINO TO THE NEW CASTLE
COUNTY BOARD OF ASSESSMENT REVIEW**

1 **WHEREAS**, David Perrino has expressed interest in serving on the New Castle County
2 Board of Assessment Review; and
3

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

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

14 **WHEREAS**, Mr. Perrino resides in Council District 2 in New Castle County; and
15

16 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
17 Castle County that County Council hereby appoints David Perrino to the New Castle
18 County Board of Assessment Review for a term beginning on February 24, 2026 and
19 expiring on February 24, 2030.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: Same as title.

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

Prime Sponsor(s):	Mr. Smiley
Requested by:	Executive Office
Date of Introduction:	February 24, 2026

RESOLUTION NO. 26-040

CONSENTING TO THE RE-APPOINTMENT OF KEVIN EVANS TO THE NEW CASTLE COUNTY POLICE ACCOUNTABILITY BOARD

1 **WHEREAS**, the Police Officer Standards and Training Commission (the
2 “Commission”), under its authority provided by 11 *Del. C.* § 8404, requires that all police
3 departments establish, either individually or in combination with other departments, police
4 accountability committees or boards to provide advice to departments on policy, training,
5 and other issues relating to or affecting the department and the communities served by
6 the department; and
7

8 **WHEREAS**, the New Castle County Council created the New Castle County Police
9 Accountability Board (the “Board”) to allow community members an opportunity to provide
10 input on how communities are policed and give the New Castle County Division of Police
11 the benefit of constructive feedback to reform police policies and practices, improve
12 police-community relations, and enhance public safety; and
13

14 **WHEREAS**, the Board shall consist of eleven (11) residents of the County,
15 appointed by the County Executive with the advice and consent of County Council and
16 two (2) non-voting, ex-officio members. The County Executive shall appoint the
17 chairperson. The Board shall elect the vice chairperson from among its members. Board
18 members shall serve two (2) year terms, which may be renewed. No voting members
19 shall be members of law-enforcement; and
20

21 **WHEREAS**, the County Executive may solicit recommendations from non-profit
22 organizations, including social services, civil rights, faith-based, education, mental health,
23 criminal justice reform and victims’ rights organizations. To the extent practicable the
24 members of the Board shall reflect the racial, gender identity or expression, sexual
25 orientation, socioeconomic, and cultural diversity of the County. Membership shall include
26 at a minimum two (2) members of the community who have been impacted directly or are
27 immediate family members or caregivers of those impacted by the juvenile or adult
28 criminal justice system; One (1) religious leader from the community who has experience
29 with justice-involved individuals; and
30

31 **WHEREAS**, Kevin Evans’ life changed in 2016 when his son was killed due to
32 senseless gun violence. This led him to retiring from the financial industry and
33 collaborating with numerous non-profits in his son’s honor, including Nu Friendship
34 Outreach, Inc., S.H.S. Charities, Inc., and Son of Hank Charitable Foundation, Inc. Mr.
35 Evans is the First African American Male Registered Parliamentarian in the history of the
36 State of Delaware, as well as a life member of Omega Psi Phi Fraternity.

37 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
38 Castle County that County Council hereby consents to the re-appointment of Kevin Evans
39 to the New Castle County Police Accountability Board for a term to begin immediately
40 upon adoption of this Resolution and expire on February 24, 2028.

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. 26-041

**AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN AGREEMENT WITH
BRANDYWINE RED CLAY ALLIANCE TO ASSIST IN THE PURCHASE OF A LAND
CONSERVATION EASEMENT FOR THE PRESERVATION OF ±139 ACRES IN
NEW CASTLE COUNTY**

1 **WHEREAS**, Brandywine Red Clay Alliance ("Brandywine"), a 501(c)(3) Nonprofit
2 organization, is in the process of purchasing a land conservation easement of approximately 139
3 acres encompassing portions of tax parcel nos. 07-005.00-011, 07-005.00-036, and 07-005.00-
4 037, located at 1201 Snuff Mill Road, Wilmington, DE, 19807 ("Property"); and
5

6 **WHEREAS**, since 1945, Brandywine has worked to protect the environment by organizing
7 volunteers, connecting students and outdoor enthusiasts to nature, improving the quality and
8 quantity of water, and uniting its members in standing tall for the natural resources of local
9 communities; and
10

11 **WHEREAS**, New Castle County ("County") and Brandywine have reached an agreement
12 ("Agreement") memorializing their partnership arrangement regarding the Property, with the
13 County agreeing to provide One Million Dollars (\$1,000,000.00) to Brandywine in exchange for
14 third-party rights to enforce the land conservation easement, ensuring the preservation of the
15 Property in perpetuity; and
16

17 **WHEREAS**, the partnership furthers the recommendations in the *New Castle County Land*
18 *Preservation Task Force Report*, which urges the County to find creative solutions for maximizing
19 the quantity and quality of land preserved with the use of limited County funds; and
20

21 **WHEREAS**, the County Executive has presented the Agreement listed below to the New
22 Castle County Council for approval prior to the County Executive's signature; and
23

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

29 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New Castle
30 County that County Council hereby authorizes the County Executive to execute the Agreement
31 as attached as Exhibit "A" as the same may be amended or modified.

Adopted by County Council of
New Castle County on:

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

SYNOPSIS: This Resolution authorizes the County Executive to execute an agreement that memorializes the partnership between New Castle County and Brandywine Red Clay Alliance. The partnership will preserve approximately 139 acres located at 1201 Snuff Mill Road, Wilmington, DE, 19807 as part of the County's commitment to land conservation and open space preservation.

FISCAL IMPACT: The fiscal impact of this agreement is \$1,000,000 in FY2026. Funding is included in the Approved Capital Budget in the Open Space Preservation Capital Project. There is no ongoing cost as this is one time payment assistance.

Acknowledged by the Chief Financial Officer February 11, 2026.

AGREEMENT FOR ACQUISITION OF LAND CONSERVATION EASEMENT

THIS AGREEMENT FOR ACQUISITION OF A LAND CONSERVATION EASEMENT (“Agreement”), made by and between New Castle County (“County”), a political subdivision of the State of Delaware, and Brandywine Red Clay Alliance, a 501c3 Nonprofit, (“Brandywine”). The County and Brandywine are also sometimes referred to herein as the “Parties,” or as a “Party.”

WHEREAS, the County, desires to provide One Million Dollars (\$1,000,000.00) (“funds” or “funding”) to Brandywine to be used towards the purchase of a conservation easement as set forth herein; and

WHEREAS, Brandywine has agreed to use the funds for the purchase of a land conservation easement (“Easement”) of approximately 139 acres encompassing portions of tax parcel nos. 07-005.00-011, 07-005.00-36, and 07-005.00-37, whose physical address is 1201 Snuff Mill Road, Wilmington, DE (“Property”), from the current property owner(s) Frick Real Estate Associates LLC, Honey Badger Associates LLC, and Dog Island Associates LLC; and

WHEREAS, the Parties have agreed to be legally bound by the provisions of this Agreement with respect to the use of the funds.

NOW, THEREFORE, WITNESSETH, that, with the foregoing Recitals incorporated herein by reference and deemed essential parts hereof, and in consideration of the Parties’ mutual promises and agreements herein contained, the receipt and sufficiency of which consideration are hereby mutually acknowledged, and intending to be legally bound hereby, the County and the Brandywine hereby agree as follows:

1. **COUNTY OBLIGATION TO PAY FUNDS.** The County shall pay the funds solely upon Brandywine’s compliance with this Agreement and with the approval of New Castle County Council.
2. **LIMITATION OF FUNDING.** The funds shall be expended solely for the purchase of the Easement and for no other purpose. Any funding expended for a non-approved purpose shall become immediately due and owing to the County. If such repayment is not made within 30 days Brandywine agrees that any costs incurred in the collection of such repayment by the County shall be borne exclusively by Brandywine, and Brandywine hereby agrees to waive any legal claims challenging the County’s attempt to collect the repayment amount through judicial process. Nothing in this paragraph shall be read to limit other remedies as outlined herein or otherwise available at law or equity.
3. **EXPIRATION DATE.** Should Brandywine fail to obtain the Easement for the Property by December 31, 2026, this Agreement may be revoked by the County. The County may extend the Agreement expiration date in its sole discretion but only following a written request by Brandywine for an extension, which shall include the reasons the original completion date was not met.

4. **RESTRICTIVE COVENANTS AND OTHER LIMITATIONS.** Brandywine agrees that permanent restrictions requiring the perpetual use of the land for open space, natural resource conservation, agriculture, recreation, and/or public access shall be placed on the Property through the Easement, which shall be recorded at the New Castle County Office of the Recorder of Deeds.

5. **CONDITIONS PRECEDENT TO FUNDING.** At least 25 Business Days prior to the scheduled closing date for the Easement, Brandywine shall provide the County with proof of funds in the amount of six million (\$6,000,000) Dollars that were raised by Brandywine towards the total price of the Easement.

The County shall also have an opportunity to review the Easement agreement to ensure its third-party rights are properly preserved as stated in paragraph 7. Brandywine shall modify the Easement agreement as suggested by the County. The County shall not unreasonably withhold its approval of the final Easement.

6. **PROJECT COST OVERRUNS/OVER-FUNDING.** The County will not fund any portion of the purchase of the Easement in excess of this Agreement, and any cost overruns shall be the sole responsibility of Brandywine. The County will present the funds as identified above seven (7) business days before the closing for the Easement.

7. **COUNTY'S THIRD PARTY RIGHT OF ENFORCEMENT.** In the Easement agreement between Brandywine and the seller for the Property, the County's right to enforce the terms of the Easement shall be expressly reserved as follows:

“Grantor (Seller) hereby grants to New Castle County, a political subdivision of the State of Delaware, the right to enforce the terms of this easement. This third-party right of enforcement shall vest upon acceptance and recordation of the easement in the Office of the Recorder of Deeds of New Castle County and New Castle County shall have the authority to enforce any and all terms of the easement concurrently and without joining the Grantee (Brandywine).”

8. **BRANDYWINE AS AN INDEPENDENT CONTRACTOR.** At all times and for all purposes relative to the completion of the Easement purchase, Brandywine shall be deemed to be acting as an independent contractor, and no person/entity acting on Brandywine's behalf shall be deemed to be an employee or agent of the County or a joint employee of the Parties for any purpose. In no event shall this Agreement be construed as establishing a partnership, joint venture, or other business or similar relationship between the Parties, and nothing herein shall be construed to authorize either Party to act as an agent for the other.

9. **HOLD HARMLESS.** Brandywine shall indemnify and hold the County, its elected and appointed officials, officers, administrators, employees, agents, contractors, subcontractors, successors and assigns, or any of them, harmless from any and all claims, demands, suits, actions, damages and liabilities, including all costs of litigation and attorneys' fees, based upon or arising from any action performed or omitted to be performed by Brandywine and its officers, employees, agents and subcontractors under this Agreement, and shall, at the request of the County, defend any and all actions brought against the County based upon any such claims or demands.

Brandywine's agreement in this respect shall extend to payment of the County's court costs and legal fees in the enforcement of the provisions of this Paragraph and shall survive the termination or completion of this Agreement.

10. **DEFAULT/ENFORCEMENT OF THIS AGREEMENT.** The County shall have the right to enforce this Agreement and the terms of the Easement, as the case may be, by any proceedings at law or in equity against Brandywine or any person(s) or entity(ies) violating or attempting to violate any provision of any of the same; to restrain violations; to require specific performance; and/or to recover damages or request reimbursement of any funding made. The provisions of this paragraph shall survive the acquisition of the Easement upon the property acquired with the funds and shall be fully enforceable by the County upon learning of such actual or attempted default or violation, including following such settlement and the completion and close-out of purchase of the Easement. If the County determines that Brandywine is in violation of the terms of this Agreement or the Easement or that a violation of any of the same is threatened, the County shall give written notice to Brandywine of such violation and shall demand corrective actions sufficient to cure the violation. Where the violation involves a diminution in value of or injury to the property or interest purchased with the funding resulting from any use or activity inconsistent with the restrictions, permitted uses, or other limitations applicable thereto, Brandywine shall restore that portion of the subject property or interest so injured. If Brandywine fails to cure the violation within thirty (30) days after receipt of written notice thereof from the County, or under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, then by the expiration of the time specified by the County to cure the violation, the County may bring an action at law or equity in a Court of competent jurisdiction to enforce the terms of this Agreement, to enjoin the violation ex parte as necessary by temporary or permanent injunction, to recover any damages to which it may be entitled for violation of the terms of this Agreement or injury to any public interest protected by this Agreement, to require the restoration of the subject property or interest to the condition that existed prior to such injury, or seek reimbursement of any funding made earlier. Brandywine hereby acknowledges and agrees that the County's remedies at law for any violation of the terms of this Agreement are inadequate and that the County shall be entitled to the injunctive relief described in this Agreement, both prohibitive and mandatory, in addition to such other relief to which the County may be entitled, including specific performance of the terms of this Agreement without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies. Any costs incurred by the County in enforcing the terms of this Agreement against Brandywine, including, without limitation, costs of suit and attorneys' fees, and any costs of restoration necessitated by Brandywine's violation of the terms of this Agreement, shall be borne by Brandywine.

11. **STATUTORY AND REGULATORY COMPLIANCE.** Brandywine shall comply with all applicable federal, state and local laws, ordinances, rules and regulations in the performance of this Agreement and purchase of the Easement.

12. **REPRESENTATIONS AS TO AUTHORITY.** Each Party represents unto the other that all necessary actions have been taken to approve this Agreement and that this Agreement is a legal, valid and binding obligation of each and legally enforceable in accordance with its terms.

13. **ASSIGNMENT PROHIBITED.** Brandywine shall not transfer or assign this Agreement, or its rights, duties, obligations or responsibilities hereunder, in whole or in part, without the prior written consent of the County.

14. **NO WAIVER.** The failure of any Party to insist upon strict performance of a covenant hereunder or of any obligation hereunder shall not be a waiver of such Party's right to demand strict compliance therewith in the future.

15. **SEVERABILITY.** If any provision of this Agreement is held to be illegal, void, invalid or unenforceable, it shall not affect the validity, legality or enforceability of the remaining portions of this Agreement, and if any provision is held to be inapplicable to any person, entity or circumstance, it shall, nevertheless, remain applicable and enforceable relative to all other persons, entities and circumstances.

16. **SUCCESSORS AND ASSIGNS.** This Agreement shall be binding upon and shall inure to the benefit of the Parties hereto and their respective successors and assigns.

17. **AMENDMENT.** No change, modification or amendment of this Agreement shall be valid or binding upon the Parties unless such change or modification shall be in writing and signed by the Party against whom the same is sought to be enforced.

18. **ENTIRE AGREEMENT.** This Agreement constitutes the entire agreement between the Parties hereto regarding the subject matter contained herein and there are no agreements, representations, warranties or understandings between the parties other than those expressly set forth herein.

19. **JURISDICTION/VENUE.** The Parties agree that this Agreement shall be interpreted, enforced and governed under the laws of the State of Delaware. Any action to enforce or interpret this Agreement will be brought in the State of Delaware in New Castle County.

20. **EFFECTIVE DATE.** The effective date of this Agreement shall be the latest date of execution hereof by the Parties, as indicated herein below.

IN WITNESS WHEREOF, the Parties, by their undersigned, duly authorized officers/representatives, and intending to be legally bound hereby, have duly executed this Agreement on the dates appearing below.

NEW CASTLE COUNTY

Brandywine Red Clay Alliance

MARCUS A. HENRY
COUNTY EXECUTIVE

JAMES E. JORDAN, JR.
EXECUTIVE DIRECTOR, CEO

Date: _____

Date: _____

RESOLUTION NO. 26-042

**TO TERMINATE THE DECLARATION OF RESTRICTIONS
FOR PROPERTY LOCATED ON THE WESTERN SIDE OF SUMMIT BRIDGE ROAD
TAX PARCEL NUMBERS 23-028.00-243 AND 23-028.00-244;
APPLICATION NO. 2025-0659-D; COUNCIL DISTRICT 6**

1 **WHEREAS**, a Declaration of Restrictions was recorded August 4, 1989, in the Office
2 of the Recorder of Deeds in and for New Castle County and State of Delaware, in Deed Book
3 909, Page 152 (the "Declaration"), imposing certain restrictive covenants upon the real
4 property located on the western side of Summit Bridge Road, identified on the tax maps of
5 New Castle County as tax parcel numbers 23-028.00-243 and 23-028.00-244 (the
6 "Property"); and
7

8 **WHEREAS**, the Property was annexed into the Town of Middletown pursuant to the
9 Annexation Plan dated July 21, 2001, and recorded August 2, 2001, in the Office aforesaid,
10 such that the Property is now subject to the regulations of the Town of Middletown Code; and
11

12 **WHEREAS**, Nucar Middletown Limited Liability Company, the record owner of the
13 Property, consents to the termination of the Declaration as its original purpose no longer
14 applies; and
15

16 **WHEREAS**, *New Castle County Code* Section 40.31.130.G provides that upon receipt
17 of a recommendation report from the Department of Land Use, County Council shall schedule
18 a hearing and render a decision by resolution. A simple majority or seven (7) votes shall be
19 required to approve the resolution when the Department recommends approval. A two
20 thirds (2/3) majority or nine (9) votes shall be required to approve the resolution when the
21 Department recommends disapproval.
22

23 **NOW, THEREFORE, BE IT RESOLVED** by the County Council in and for New Castle
24 County that the County Council of New Castle County hereby approves the Termination of
25 Declaration of Restrictions, attached hereto as Exhibit "A".

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.

EXHIBIT A

Existing Declaration of Restrictions

BOOK 909 PAGE 152

8031

DECLARATION OF RESTRICTIONSDOCUMENTARY
SURCHARGE
PAID \$3.00

THIS DECLARATION made this 31 day of July, 1989, by SHALLCROSS REAL ESTATE PARTNERSHIP, a partnership formed under the laws of the State of Delaware ("Shallcross"), who states as follows;

WHEREAS, Shallcross is seized in fee simple of that certain tract of land situate in St. George's Hundred, New Castle County, State of Delaware, on the west side of Route 896, north of Middletown, south of Armstrong Corner, comprising approximately 2 acres, designated as Tax Parcel No. 13-017.00-072 and part of Tax Parcel No. 13-017.00-006, more particularly described on Exhibit A attached hereto, and hereinafter referred to as the "Premises";

WHEREAS, in connection with recent application to rezone the Premises from the zoning classification of R-2 to C-3, Shallcross desires to impose on the Premises certain restrictions and to bind themselves, their heirs, successors and assigns who may hereafter be owners of the Premises;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that Shallcross hereby covenants and declares for itself and its heirs, successors and assigns, that (1) Shallcross shall and does stand seized of the Premises, and (2) the Premises shall henceforth be subject to the following agreements, easements, covenants, conditions, reservations and restrictions ("Real Covenants"), which Real Covenants shall be deemed to run with the land in perpetuity:

BOOK 939 PAGE 163

1. **Use.** Use of the Premises shall be limited to that permitted in C-1 and C-2 districts, except that the Premises may also be used for the sale of automobiles, including trucks.
2. **Height.** The height of a building or structure hereafter erected or altered shall not exceed three (3) stories or forty-five (45) feet.
3. **Set Back.** Each story or part of a building hereafter erected or altered shall be set back from the line of the street on which the building fronts by at least forty (40) feet.
4. **Rear Yard.** The minimum depth of the rear yard shall be at least twenty (20) feet.
5. **Side Yard.** No side yard is required along the southern side lot line of the Premises, which is adjacent to other property of Shallcross that is currently zoned C-3. Along the northern side lot line of the Premises, which is adjacent to land that is currently zoned R-2, the minimum width of the side yard shall be at least twenty (20) feet.
6. **Access.** No new entrances or exits onto Route 896 will be established, and access to the Premises shall be gained solely through adjacent property of Shallcross to the south of the Premises.
7. **Signage.** No advertising signs, as defined in Section 23-74(f) of the New Castle County Zoning Code, shall be permitted, erected or used on the Premises. Nothing herein shall be construed to prohibit the erection or use on the Premises of business signs, as defined in Section 23-74(e) of the New Castle County Zoning Code.
8. **Amendment.** The foregoing Real Covenants are hereby imposed for the benefit of New Castle County, a political subdivision of the State of Delaware, its successors and assigns, and may not be altered, amended or modified, in whole or in part, without the approval of the County Council of New Castle County, its successors and assigns.

BOOK 909 PAGE 154

IN WITNESS WHEREOF, Shallcross has caused this Declaration of Restrictions to be executed and sealed the day and year first above written.

SHALLCROSS REAL ESTATE PARTNERSHIP,
a Delaware partnership

Dan C. Money
Witness

BY: Fred M. Shallcross, Jr. (SEAL)
Fred M. Shallcross, Jr.,
General Partner

STATE OF DELAWARE

} SS:

NEW CASTLE COUNTY

This instrument was acknowledged before me on July 31, 1989 by Fred M. Shallcross, Jr., as a general partner of Shallcross Real Estate Partnership, a Delaware partnership.

William M. Adams
Notary Public

My Commission Expires: 8-10-89



PROPERTY MAP

BOOK 809 PAGE 155

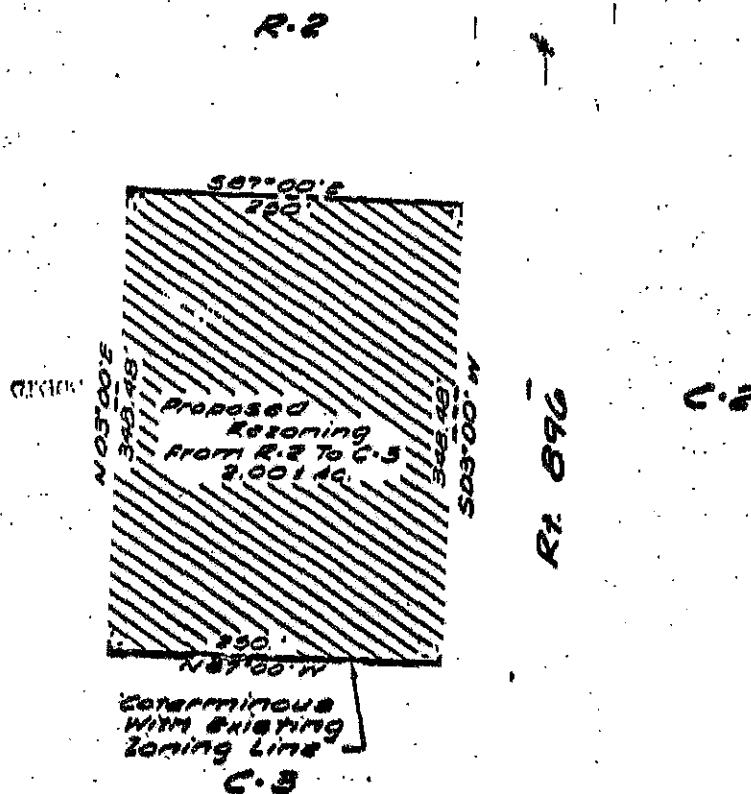
EXHIBIT "A"

APPLICANT Shellicross Real Estate Corporation

ZONING ORDINANCE AS INTRODUCED

PROPOSED REZONING FROM R-2 TO C-3

PZA NO. 88-60
HEARING NO. 2405-2
TAX PARCEL NO. 78-17-12-1-20



HUNDRED St Georges
NEW CASTLE COUNTY, DELAWARE

PERMANENT ORDINANCE NO. 88-253
Date Adopted By County Council _____
Date Approved By County Executive _____

Scale: 1" = 200'
Drawn by: J. Bianchino
Date: 12-1-88

REC'D FOR RECORD AUG 04 1989 EVELYN T. ALMAR, Recorder

Proposed Termination of Declaration of Restrictions

Tax Parcel Nos.: 23-028.00-243
and 23-028.00-244

Prepared by/Return to:
Peter A. Yingst, Esquire
Tarabicos Grosso, LLP
One Corporate Commons
100 West Commons Boulevard, Suite 415
New Castle, DE 19720

TERMINATION OF DECLARATION OF RESTRICTIONS

THIS TERMINATION OF DECLARATION OF RESTRICTIONS (this “Termination”) is hereby made this ____ day of _____, 2025, by **NUCAR MIDDLETOWN LIMITED LIABILITY COMPANY**, a Delaware limited liability company (hereinafter “Declarant”), with the consent of the **NEW CASTLE COUNTY COUNCIL**, and provides as follows:

WHEREAS, the Declarant is the record owner of those certain parcels of land located along the western side of Summit Bridge Road within the Town of Middletown, being further identified on the tax maps of New Castle County as tax parcel numbers 23-028.00-243 and 23-028.00-244 (the “Property”); and

WHEREAS, the Property is subject to that certain Declaration of Restrictions, executed by Fred M. Shallcross, Jr., as General Partner of Shallcross Real Estate Partnership, dated July 31, 1989 and recorded August 4, 1989, in the Office of the Recorder of Deeds in and for New Castle County and State of Delaware, in Deed Book 909, Page 152 (the “Declaration”), which imposed certain restrictive covenants on the Property; and

WHEREAS, pursuant to that certain Annexation Plan, dated July 21, 2001 and recorded August 2, 2001 in the Office aforesaid, the Property was annexed into the Town of Middletown, rendering the Declaration no longer applicable for its original purpose; and

WHEREAS, the Declarant desires to terminate the Declaration; and

WHEREAS, the Department of Land Use has recommended, and the New Castle County Planning Board has voted in favor of terminating the Declaration in the manner set forth above and herein; and

WHEREAS, the New Castle County Council has approved the Declarant's request to terminate the Declaration by adopting Resolution No. _____, a copy of which is attached hereto as **Exhibit 1**.

NOW, THEREFORE, KNOW ALL MEN AND WOMEN BY THESE PRESENTS, that Declarant does hereby stand seized of the Property and does hereby covenant and declare for itself, its successors and assigns, as follows:

1. The Declaration is hereby terminated and extinguished in its entirety and, upon the recordation of this Termination, shall be of no further force or effect.
2. This Termination shall be governed by and construed in accordance with the laws of the State of Delaware.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the undersigned, being the Declarant herein, with the consent and approval of the New Castle County Council, has caused this Termination to be executed and sealed the day and year first above written.

SEALED AND DELIVERED
IN THE PRESENCE OF:

**NUCAR MIDDLETOWN LIMITED
LIABILITY COMPANY**

**By: Broadwater Management
Corporation, its Manager**

By: _____ (SEAL)

Name:

Title:

STATE OF DELAWARE)
) SS.
NEW CASTLE COUNTY)

BE IT REMEMEBERED, that on this _____ day of _____, 2025, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, _____ of Broadwater Management Corporation, the Manager of Nucar Middletown Limited Liability Company, a Delaware limited liability company, party to this Termination known to me personally to be such, and acknowledged this to be his act and deed and the act and deed of the said limited liability company.

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

Notary Public

Print Name: _____

My Commission Expires: _____



New Castle County Department of Land Use

**RECOMMENDATION
DEED RESTRICTION CHANGE**

Application No. 2025-0659-D

0 Summit Bridge Road

December 16, 2025

Location:	397 feet South of the Southwest corner of the intersection of Windmill Lane and Summit Bridge Road.
Tax Parcel No.:	23-028.00-243 & 23-028.00-244
Applicant:	Three Keys Storage IV LLC

DESCRIPTION

To eliminate the declarations of restrictions dated July 31, 1989, by the Shallcross Real Estate Partnership restricting uses, building design and setbacks on the property in excess to the standards for a Commercial (C-3) zoned property. The applicants propose to eliminate the existing restrictions to enable potential future development of the site.

BACKGROUND

Parcels 23-028.00-243 & 23-028.00-244 (at the time parcels 13-017.00-072 & 13-017.00-006), were rezoned from Residential (R-2) to Commercial (C-3) on July 25, 1989 (Ord. 88-253).¹ To provide certainty on development along the west side of Summit Bridge Road (commercial development and zoning on the east side had existed dating back to at least 1954 based on the 1954 zoning map), the applicants volunteered deed restrictions with the County as a party (Book 909, Pages 152-155). The deed restrictions included limitations on the use, signage as well as building and site design (height and setbacks) to ensure this consistency.

Parcels 13-017.00-072 & 13-017.00-006 were annexed into Middletown in 2001 (See Instrument 200108020062694). While no formal development has occurred on the site, it has been used to display jungle gyms (swing sets with slides) since around 2020.

¹ Ordinance 88-253:

<https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86FDA73CE10889AF8BE2305D8EF85FBD31&x=temp.pdf> (Accessed 12/9/25)

Public Hearing – December 2, 2025

Peter Yingst, Esq., attorney for the applicants, described the history of the site and the general nature of the deed restrictions. He further explained that while there is currently no proposed development of the site, that future development would be required to comply with the Town of Middletown's zoning regulations and Comprehensive Plan. Additionally, he explained that future land use of the property in the Middletown Comprehensive Plan is consistent with that of the nearby Business Flex designated area in the unincorporated portion of New Castle County.

In response to the presentation provided by the applicant's representative, Mr. Cantrell had the applicant further elaborate on the existing restrictions. Mr. Yingst discussed the existing restrictions and presented a slide with an image of the deed restrictions. There were no additional comments from Planning Board members.

One resident commented online that she was concerned about the existing runoff from the site and inquired as to how it would be addressed. There were no additional comments from the public.

During his rebuttal, Mr. Yingst explained that while there is no existing development on the site, any future development will need to comply with the Town's drainage and stormwater regulations.

While the record was open the Department did not receive written correspondence from the public.

Department Analysis

In considering whether or not to support an amendment to a deed restriction to which the County is a party to, Section 40.31.130.D of the UDC identifies two (2) areas of evaluation; (1) are the proposed change in the best interests of the parties to the restrictions and (2) are they consistent with the planning goals of the County? When evaluating whether an amendment to a deed restriction is appropriate, it is important to understand the historical context under which the agreements were made.

1. Are the proposed change in the best interests of the parties to the restrictions?

The existing restrictions were recorded accompanying a rezoning from Residential (R-2) to Commercial (C-3), in order to provide comfort to the County that future development would be consistent with development patterns in the area. While over the last 37 years the property has been annexed into the Town of Middletown, it has yet to develop. Eliminating the restrictions will permit the properties to develop in a manner consistent with the zoning regulations and Comprehensive Plan for the Town of Middletown, which is in the best interest of the Town and the county as a whole. Removing the restrictions will also be in the best interest of the property owner by permitting the development of the property consistent with the applicable zoning code,

absent the limitations encumbering the property based on County regulations that were superseded by the Unified Development Code in 1997.

2. Are the proposed changes consistent with the planning goals of the County?

The New Castle County Comprehensive Plan has long recognized the importance of intergovernmental coordination as well as the importance of municipal comprehensive plans. The County has also reviewed the Towns's 2022 Comprehensive Plan and recommended approval of the plan during the review process. Removing the restrictions will permit the property to develop in a manner consistent with the Future Land use designation of Commercial, and zoning designation of the parcel (C-3 Employment/Regional Retail), which is therefore consistent with the County's planning goals.

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the standards in Section 40.31.130.D of the New Castle County Code and other public comments. Based on this analysis the Department is of the opinion that the proposed changes are in the best interest of the parties to the restrictions and that the proposed amendment to the existing deed restriction is consistent with the planning goals for the County. As a result, the Department recommends **APPROVAL** of the deed restriction change as proposed.

PLANNING BOARD RECOMMENDATION

At a business meeting held on December 16, 2025, the Planning Board considered the recommendation provided by the Department of Land Use as well as comments from outside agencies and the public. On a motion made by Robert Ott and seconded by Neal Cantrell, the Board voted to recommend **APPROVAL** of application 2025-0659-D as recommended by the Department of Land Use. The motion was adopted by a vote of 5-0-0-3 (In Favor: Cantrell, Cochran, Ott, Snowden, Visvardis; In Opposition: None; Abstention None; Absent: Daigle, Drake, Gray).

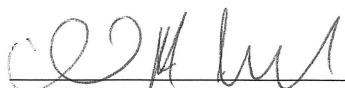
Prior to the vote, the following discussion occurred:

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

There were no questions from the Planning Board.

STATUTORY GUIDELINES

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


David M. Culver
General Manager
Department of Land Use

12-22-25
date


Robert B. Snowden
Acting Chair
New Castle County Planning Board

12/22/2025
date

Prime Sponsor(s): Mr. Tackett
Co-Sponsor(s): Mr. Toole, Ms. Durham,
Ms. Kilpatrick, Mr. Hollins,
Mr. Carter, Ms. George,
Mr. Smiley, Mr. Cartier,
Mr. Sheldon, Mr. Street,
Mr. Caneco, Ms. Williams-Johns
Date of Introduction: February 24, 2026

RESOLUTION NO. 26-043

HONORING THE LIFE AND LEGACY OF FORMER DELAWARE HOUSE REPRESENTATIVE JOHN J. VIOLA

1 **WHEREAS**, John J. Viola was born on June 1, 1950, in Montreal to Guido and Marie
2 (Zaccaria) Viola; and
3

4 **WHEREAS**, John attended Holy Spirit Catholic School in New Castle before
5 graduating from H. Fletcher Brown Vocational High School in 1968. He later earned a degree
6 in Business Administration from Goldey-Beacom College. From there John started his career
7 at Huber Baking Company and Crown Zellerbach Corporation before joining the Delaware
8 Department of Labor's Division of Employment and Training; and
9

10 **WHEREAS**, John continued his public service as a member of the Delaware General
11 Assembly in the House of Representatives, where he was fondly known as "JV". John served
12 as a Delaware Representative for 22 years, from 1998 until 2020; and
13

14 **WHEREAS**, Outside of public service, John remained dedicated to giving back. From
15 serving in the United States Air Force to volunteering in the fire service with several fire
16 companies to coaching softball, John committed himself to helping others; and
17

18 **WHEREAS**, John is remembered for his care towards both neighbors and strangers
19 alike. Friends recognized him for his kindness, while colleagues noted his unparalleled
20 commitment to his constituents and his determination to resolve every issue; and
21

22 **WHEREAS**, John was preceded in death by his parents and his son, Dominic. He is
23 survived by his wife, Anita; his daughter, Andria Bennett; his stepchildren, Jill Reifsnyder and
24 Jimmy Reifsnyder IV; his grandchildren, Francesca Viola and Jimmy Reifsnyder V; and his
25 sister, Mary Ann Cavanaugh.
26

27 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New Castle
28 County, that the Council hereby honors the life and legacy of former Delaware House
29 Representative John J. Viola and extends its condolences to his friends and family.

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.

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: February 24, 2026

RESOLUTION NO. 26-044

**A RESOLUTION HONORING JAMES H. SILLS, JR.
DURING BLACK HISTORY MONTH**

1 **WHEREAS**, Black History Month provides an opportunity to recognize and
2 celebrate the achievements, leadership, and lasting contributions of African Americans
3 who have shaped our communities, our state, and our nation; and
4

5 **WHEREAS**, James H. Sills, Jr., born in North Carolina in 1931, rose from humble
6 beginnings—working as a farm laborer, soldier, and laborer before settling in Wilmington,
7 Delaware—to become a transformative leader and the first African American Mayor of
8 Wilmington; and
9

10 **WHEREAS**, in 1959, at the age of 28, he accepted a position with the Family Court
11 of Delaware and, together with his wife, Evelyn Prescott Sills, made their home on
12 Wilmington’s East Side, a predominantly African American community, where he began
13 decades of tireless civic engagement and service; and
14

15 **WHEREAS**, he devoted himself to community advancement by volunteering with
16 organizations such as the Peoples Settlement Association and the Association of Greater
17 Wilmington Neighborhoods, and by serving as President of the Wilmington NAACP,
18 advocating for civil rights, equity, and neighborhood empowerment during a critical period
19 in our nation’s history; and
20

21 **WHEREAS**, from 1972 to 1997, he served on the faculty of the University of
22 Delaware, where he became the founding director of the Urban Agent Program and, in
23 1987, founded the Delaware Community Reinvestment Action Council to promote
24 economic fairness and expand access to financial resources for underserved
25 communities; and
26

27 **WHEREAS**, following the 1978 federal court order mandating school
28 desegregation, he played a vital role in ensuring a smooth and nonviolent transition by
29 helping establish the Parent Educational Resource Center, demonstrating leadership that
30 helped Wilmington avoid the unrest experienced in many other American cities; and
31

32 **WHEREAS**, his commitment to public service led him to serve on the New Castle
33 County School Board, as Vice President of that Board, on Wilmington City Council, and in
34 1984 as a representative of the Third District in the Delaware House of Representatives,
35 where he served with distinction for eight years; and

36 **WHEREAS**, in 1992, with strong support from the community, he made history by
37 being elected as Wilmington’s first African American Mayor, ushering in a new chapter of
38 inclusive leadership and reaffirming the importance of civic participation and equal
39 opportunity; and

40
41 **WHEREAS**, he was reelected in 1996, continuing to emphasize unity, personal
42 responsibility, family stability, and community strength while acknowledging and
43 addressing the challenges of systemic inequality; and

44
45 **WHEREAS**, in recognition of his enduring contributions, the City of Wilmington
46 renamed the North Market Street Bridge near the East Side in his honor in 2014, and he
47 continues to champion cultural preservation and community development initiatives.

48
49 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
50 Castle County that County Council, during Black History Month, honors James H. Sills, Jr.
51 for his pioneering leadership, steadfast advocacy for civil rights, dedication to education
52 and economic justice, and lifelong commitment to the betterment of Wilmington and the
53 State of Delaware; and

54
55 **BE IT FURTHER RESOLVED** that his life and legacy inspire present and future
56 generations to pursue justice, serve their communities, and work toward a more equitable
57 and united society.

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.

Prime Sponsor(s): Ms. Williams-Johns
Date of introduction: February 24, 2026

RESOLUTION NO. 26-045

**RECOGNIZING ALPHA KAPPA ALPHA SORORITY, INCORPORATED® SIGMA
ZETA OMEGA CHAPTER DURING BLACK HISTORY MONTH**

1 **WHEREAS**, Black History Month provides an opportunity to recognize and
2 celebrate the achievements, leadership, and service of African American individuals and
3 organizations who have strengthened our communities; and
4

5 **WHEREAS**, for 36 years, Alpha Kappa Alpha Sorority, Incorporated® Sigma
6 Zeta Omega Chapter has proudly served the Newark community and surrounding areas
7 in New Castle County, remaining steadfast in its mission of service, sisterhood, and
8 social action; and
9

10 **WHEREAS**, guided by its International Programs, Sigma Zeta Omega works
11 diligently to empower families, build economic wealth, advocate for social justice,
12 enhance environmental sustainability, and uplift communities throughout Delaware; and
13

14 **WHEREAS**, the members of Sigma Zeta Omega are leaders across Delaware in
15 health care, education, government, and finance, and they leverage their expertise to
16 strengthen partnerships and advance meaningful service initiatives; and
17

18 **WHEREAS**, through its Childhood Hunger Initiative Power Pack (CHIPP)
19 program, the Chapter has addressed childhood hunger for the past four years by
20 providing weekly food bags to students in partnership with local schools and community
21 organizations; and
22

23 **WHEREAS**, the Chapter promotes literacy and educational advancement by
24 serving as guest readers at The Bayard School and other elementary schools,
25 establishing the Sigma Zeta Omega Legacy Library at Innovative Kids, and sustaining
26 its 25-year-old AKAette Scholarship Program and Young Leadership Institute, while also
27 overseeing the Epsilon Nu Chapter at Lincoln University to mentor collegiate leaders;
28 and
29

30 **WHEREAS**, Sigma Zeta Omega supports seniors and families by volunteering at
31 the Newark Senior Center, providing meals and assistance at the Hope Center, and
32 collaborating with organizations such as Delaware Adolescent Program, Inc., United
33 Way of Delaware, Hands International, and the Delaware Continuum of Care to meet
34 critical community needs; and

35 **WHEREAS**, the Chapter demonstrates environmental stewardship through
36 highway cleanups along Routes 40 and 7, Arbor Day tree plantings, promotion of home
37 gardening, and community shredding events in partnership with the Delaware Solid
38 Waste Authority; and

39
40 **WHEREAS**, Sigma Zeta Omega promotes civic engagement by certifying
41 members as voter registrars, participating in peace marches for unity and justice,
42 hosting an annual community 5K at the Riverfront, and offering financial education
43 workshops and health-focused initiatives; and

44
45 **WHEREAS**, the Chapter's service efforts are strengthened through its 501(c)(3)
46 foundation, Diamond State Pearls, Incorporated, which supports scholarships and
47 service initiatives.

48
49 **NOW, THEREFORE, BE IT RESOLVED** by and for the County Council of New
50 Castle County that County Council hereby recognizes and commends Alpha Kappa
51 Alpha Sorority, Incorporated® Sigma Zeta Omega Chapter for 36 years of dedicated
52 service, leadership, and community impact throughout New Castle County; and

53
54 **BE IT FURTHER RESOLVED**, that during Black History Month, we honor Sigma
55 Zeta Omega Chapter for its enduring commitment to empowering families, advancing
56 education, promoting civic engagement, and uplifting the Newark community and
57 beyond.

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.

RESOLUTION NO. 26-046

**RECOGNIZING AND HONORING THE LEGACY OF
HOCKESSIN COLORED SCHOOL #107**

1 **WHEREAS**, Black History Month is a time set aside to reflect upon, honor, and
2 celebrate the achievements, sacrifices, and enduring contributions of African Americans
3 whose courage and perseverance have strengthened our communities, advanced civil
4 rights, and expanded the promise of equality in the United States; and
5

6 **WHEREAS**, Hockessin Colored School #107, constructed in 1920 in Hockessin,
7 Delaware, stands as a powerful symbol of both the inequities of segregation and the
8 unwavering determination of African American families to secure educational
9 opportunity for their children; and
10

11 **WHEREAS**, at the time of the school's construction, racial segregation in public
12 education was legally sanctioned under the 1896 United States Supreme Court decision
13 in Plessy v. Ferguson, which established the doctrine of "separate but equal," a policy
14 that in reality perpetuated unequal funding, inferior facilities, and limited resources for
15 Black students across the nation; and
16

17 **WHEREAS**, African American children in Delaware, including those residing in
18 Hockessin and surrounding communities, were prohibited from attending white public
19 schools solely because of their race and were required to attend segregated institutions
20 that often lacked adequate textbooks, supplies, transportation, and infrastructure; and
21

22 **WHEREAS**, the construction of Hockessin Colored School #107 was made
23 possible primarily through the financial support of Delaware philanthropist Pierre S. du
24 Pont, who between 1919 and 1928 funded the building of more than 80 schools for
25 African American students throughout the state, thereby improving physical learning
26 environments while the broader system of segregation remained firmly in place; and
27

28 **WHEREAS**, as a one-room schoolhouse serving multiple grade levels,
29 Hockessin Colored School #107 required a single teacher to educate students of
30 various ages and academic levels within one shared space, fostering discipline,
31 cooperation, mentorship among students, and a deep sense of shared responsibility
32 within the classroom; and
33

34 **WHEREAS**, despite limited material resources, the school became a cornerstone
35 of the African American community in Hockessin, serving not only as a place of
36 instruction but also as a gathering place for meetings, events, and civic engagement,
37 reinforcing the belief that education was essential to advancement, self-determination,
38 and equality; and
39

40 **WHEREAS**, Delaware played a critical and historic role in the landmark 1954
41 United States Supreme Court decision in Brown v. Board of Education, which
42 unanimously declared that "separate educational facilities are inherently unequal,"
43 overturning the "separate but equal" doctrine in public education and marking a defining
44 moment in the Civil Rights Movement; and

45 **WHEREAS**, cases originating in Delaware were among those consolidated into
46 the *Brown* decision, underscoring the state's direct connection to this transformative
47 ruling and its impact on schools such as Hockessin Colored School #107; and
48

49 **WHEREAS**, following the *Brown* decision, Delaware began the gradual process
50 of desegregation, and in 1959 Hockessin Colored School #107 closed as students were
51 integrated into previously all-white schools, signifying both the end of segregated
52 schooling in the community and a step forward toward equal opportunity; and
53

54 **WHEREAS**, in the years since its closure, the building has been preserved and
55 repurposed as a community center, ensuring that the stories of the students, teachers,
56 and families connected to the school are not forgotten and that future generations may
57 learn from this important chapter in local and national history; and
58

59 **WHEREAS**, Hockessin Colored School #107 today stands not only as a historic
60 structure but also as a testament to resilience, perseverance, and the enduring belief
61 that education is a fundamental right and a cornerstone of freedom.
62

63 **NOW, THEREFORE, BE IT RESOLVED**, by and for the County Council of New
64 Castle County that County Council, during Black History Month, proudly recognizes and
65 honors the legacy of Hockessin Colored School #107 and the generations of African
66 American students, educators, and families who demonstrated courage and
67 determination in the face of systemic injustice; and
68

69 **BE IT FURTHER RESOLVED** that we re-commit ourselves to preserving this
70 historic landmark, promoting awareness of its significance, and continuing the work of
71 ensuring equity, inclusion, and access to quality education for all; and
72

73 **BE IT FURTHER RESOLVED** that the story of Hockessin Colored School #107
74 shall serve as both a solemn reminder of the injustices of segregation and an enduring
75 inspiration to pursue justice, opportunity, and equality for every child.

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.

RESOLUTION NO. 26-047

**HONORING ALPHA KAPPA ALPHA SORORITY, INCORPORATED –
ZETA OMEGA CHAPTER**

1 **WHEREAS**, Zeta Omega Chapter has been a pillar of leadership and service in
2 Wilmington, Delaware, and was among the first Black organizations in the State of
3 Delaware to award scholarships, provide vocational guidance, and address critical
4 community issues at a time when women and African Americans were discouraged
5 from civic engagement; and

6 **WHEREAS**, after an initial period of impactful service, the Chapter was
7 reactivated on May 5, 1947, through the vision and determination of members Martha
8 Evans and Venus Johnson, along with original charter member Anna Broadnax; and

9 **WHEREAS**, Martha Evans and Venus Johnson remained active and dedicated
10 members until their passing, with Ms. Venus Johnson achieving the distinguished
11 recognition of Diamond Member, marking 75 years of service; and

12 **WHEREAS**, following its reactivation, Zeta Omega resumed its leadership in the
13 Wilmington community by establishing hallmark programs including Fashionetta's
14 Dream (1948) and the Debutante Ball (1950), a longstanding tradition that has
15 empowered generations of young women for over seven decades; and

16 **WHEREAS**, in 1956, Zeta Omega made history when it hosted the North Atlantic
17 Regional Conference and became the first Black organization to be accepted as
18 conference guests at the historic Hotel du Pont; and

19 **WHEREAS**, Zeta Omega has faithfully advanced the mission of Alpha Kappa
20 Alpha by mentoring and sponsoring undergraduate chapters, including Delta Iota at
21 Cheyney University, Theta Iota at West Chester University, and Lambda Gamma at the
22 University of Delaware, and continues to serve as the sponsoring graduate chapter for
23 Lambda Gamma; and

24 **WHEREAS**, in 2003, the Pearls of Hope Foundation, Incorporated, was
25 established as the charitable arm of the Chapter to expand its mission-driven impact
26 and strengthen partnerships that uplift the community; and

27 **WHEREAS**, Zeta Omega Chapter remains steadfast in its commitment to
28 "Service to All Mankind," continuing to fortify families, empower youth, support
29 education, and address the evolving needs of Wilmington and beyond.

30 **NOW, THEREFORE, BE IT RESOLVED** that the County Council of New Castle
31 County hereby recognizes and honors Alpha Kappa Alpha Sorority, Incorporated® –
32 Zeta Omega Chapter for its historic leadership, unwavering service, and transformative
33 impact on the Wilmington community and the State of Delaware; and

34 **BE IT FURTHER RESOLVED** that County Council extends its sincere
35 appreciation and gratitude to the members of Zeta Omega Chapter for their enduring
36 legacy of scholarship, sisterhood, and service, and commends them for their continued
37 dedication to improving the lives of generations to come.

Adopted by County Council of
New Castle County on: 2/24/26

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.

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: February 3, 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. 26-011

**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:	Reblaze Renewal 2026 (SLCGP)	Ordinance No.	26-013
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

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:	NetSkope Renewal 2026 (SLCGP)	Ordinance No.	26-014
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.

Prime Sponsor(s): Mr. Hollins, Mr. Street
Co-sponsor(s): Mr. Toole, Ms. Williams-Johns
Requested by: Community Services
Date of introduction: February 10, 2026

ORDINANCE NO. 26-016

**AMEND THE GRANTS BUDGET:
APPROPRIATE \$14,424.55 IN PROGRAM INCOME AND \$396.35 IN INTEREST
INCOME TO THE ABSALOM JONES SENIOR CENTER RECREATION GRANT TO BE
ADMINISTERED BY THE DEPARTMENT OF COMMUNITY SERVICES, DIVISION OF
COMMUNITY RESOURCES**

1 **WHEREAS**, the Absalom Jones Senior Center Recreation grant was originally set up
2 to record revenue and expenses for the programs run by New Castle County employees at
3 the State-owned Absalom Jones Recreation Center; and
4

5 **WHEREAS**, authorization is being sought for the appropriation of an additional
6 \$14,424.55 in program income and \$396.35 in interest income to the Absalom Jones Senior
7 Center Recreation grant; and
8

9 **WHEREAS**, the Absalom Jones Senior Center provides a variety of services for the
10 elderly in the surrounding community including transportation to the center, adult programs,
11 activities, and social services; and
12

13 **WHEREAS**, the County Executive has determined that the revenue to be appropriated
14 shall be 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 substantially
17 advance, and are reasonably and rationally related to, legitimate government interests (i.e.,
18 promoting the health, safety, morals, convenience, order, prosperity and/or welfare of the
19 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 deleting the material bracketed and stricken and by adding the material
25 underscored on the attached Exhibit "A."
26

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

Adopted by County Council of
New Castle County on: 2/24/26

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 \$14,424.55 in program income and \$396.35 in interest income to the Absalom Jones Senior Center Recreation Grant, which will be administered by the Department of Community Services, Division of Community Resources.

The Absalom Jones Senior Center provides a variety of services for the elderly in the surrounding community including transportation to the center, adult programs, activities, and social services. The revenue appropriation on this request, if approved, will be used for Tour transportation costs.

FISCAL NOTE: This Ordinance, if approved, will amend the Grants Budget by appropriating \$14,424.55 in program income and \$396.35 in interest income funds to the Absalom Jones Senior Center Recreation Grant to be administered by the Department of Community Services, Division of Community Resources. The revenue appropriation on this request, if approved, will be used for the cost of tour transportation.

The fiscal impact of this Ordinance, if approved, will be an increase in the authorized spending authority of the Grants Budget of \$14,820.90 for FY2026. This increase will affect FY2026 and beyond since this is a continuous program. The Program Income and Interest Income balances after this appropriation will be \$0.00.

Acknowledged by the Chief Financial Officer on January 29, 2026.

DEPARTMENT:	Community Services	EXHIBIT:	"A"
GRANT TITLE:	Absalom Jones Senior Center Recreation	Ordinance No.	26-016
PROGRAM TITLE:	Absalom Jones Senior Center Recreation		

Revenue	Current	Change	Revised
Federal	\$ -	\$ -	\$ -
State	\$ -	\$ -	\$ -
County	\$ -	\$ -	\$ -
Program Income	\$ 301,494.41	\$ 14,424.55	\$ 315,918.96
Other	\$ 5,905.67	\$ 396.35	\$ 6,302.02
Total	\$ 307,400.08	\$ 14,820.90	\$ 322,220.98

Expense	Current	Change	Revised
Salaries and Wages	\$ -	\$ -	\$ -
Benefits	\$ -	\$ -	\$ -
Training/Civic Affairs	\$ 632.05	\$ -	\$ 632.05
Communication/Utilities	\$ 468.33	\$ -	\$ 468.33
Materials/Supplies	\$ 33,217.64	\$ -	\$ 33,217.64
Contractual Services	\$ 269,982.06	\$ 14,820.90	\$ 284,802.96
Equipment	\$ 3,100.00	\$ -	\$ 3,100.00
Grants/Fixed Charges	\$ -	\$ -	\$ -
Land and Structures	\$ -	\$ -	\$ -
Contingency	\$ -	\$ -	\$ -
Operating Transfer Charges	\$ -	\$ -	\$ -
Operating Transfer Credits	\$ -	\$ -	\$ -
Total	\$ 307,400.08	\$ 14,820.90	\$ 322,220.98

SUPPLEMENTAL INFORMATION

Estimated Program Initiation: 10/1/1989

Estimated Program Completion: ongoing

The Local Match: Found in (ORG):

Ordinance Passed:	Date Revised:
22-065	5/24/2022
23-014	1/24/2023
23-099	7/25/2023
24-011	2/13/2024
24-162	11/19/2024

PROGRAM DESCRIPTION:

The Absalom Jones Senior Center Recreation grant assists in providing a variety of services to the elderly population in the neighboring community including transportation to the center, adult programs, activities and social services. Major source of revenue is program income with additional revenue from donations and interest income.

4/8/2025

2/10/2026

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~~

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 towards 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.~~

EB. In addition to meeting all the requirements of Article 11...

FC. Open-loop or once-through cooling is prohibited unless...

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 Battery Energy Storage System ("BESS"). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficiency and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshal's Office.~~

I. ~~All new expanded facilities shall submit documentation outlining the operation of the buildings 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.~~

JD. All data centers must be designed for future integration...

KE. Applicant must submit a statement of coordination with local electric utility...

LF. Applicants must submit a statement of coordination with DNREC Water Allocation Program...

MG. Data Centers must comply with all State and Federal requirements...

NH. Abandonment. ...

111	
112	 . Financial Assurance. ...
113	
114	 . Annual Report. ...

SYNOPSIS: *Floor Amendment No. 2 revises Table 40.03.110 to require that Data Centers in the “I”, “HI” and “EX” zoning districts be subject to Limited review rather than Special Use review, and changes Data Centers in the “ON”, “OR”, “CR”, “BP” and “CN” zoning districts from a prohibited use to a use subject to Limited review as such districts permit Data Centers in the current UDC.*

The amendment also updates Section 40.03.343 to require that proposed Data Center developments or additions greater than two hundred thousand (200,000) square feet of gross floor area comply with Section 40.26.430 (Large Industrial Structures). Additionally, it eliminates various requirements that are already addressed elsewhere in the UDC or are more appropriately addressed by the Building Code.

The amendment also revises Table 40.03.210A by reducing the distance between residential uses and Data Center developments from 1,000 feet contained in the originally introduced ordinance to 500 feet, or, in the alternative, grants the Department the discretion to approve a setback less than 500 feet when it is satisfied current noise standards contained in Chapter 22 will be satisfied through other methods such as berming.

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

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

Substitute No. 2 to Ordinance No. 25-101 is hereby amended in the **WHEREAS** portion of the ordinance by striking the **WHEREAS** provisions that appears at line numbers 41-44, and 46-49 in their entirety.

SYNOPSIS: This floor amendment proposes that the **WHEREAS** provisions currently appearing at line numbers 41-44, and 46-49 be deleted in their entirety.

**FLOOR AMENDMENT NO. 3 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at **line number 71**, Table 40.03.110A. by striking the reference in the upper columns to the designations in the columns in the second, lower line.

Data Centers	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>			Table 40.03.522	Table 40.03.210 Section 40.03.343
<u>Proposed Change</u>					<u>L</u>	<u>S</u>	<u>L</u>	<u>L</u>					<u>L</u>	<u>L</u>			Table 40.03.522	Table 40.03.210 Section 40.03.343

SYNOPSIS: This floor amendment proposes that the language currently appearing at line 71 be amended to reflect the language appearing in the lower row and highlighted as reflected in the **proposed change** row to reflect the language highlighted in **red and yellow**.

**FLOOR AMENDMENT NO. 4 TO
SUBSTITUTE NO. 2 TO ORDINANCE NO. 25-101**

Substitute No. 2 to Ordinance No. 25-101 is hereby amended at **line number 87**, Table 40.03.210A. by striking the reference in the third column to opacity of “0.4” and replacing it with **“0.3”**.

<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u> 0.3	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>500 ft.*</u>						
---------------------	---	--------------------------	---------------------------	---	-----------------	--	--	--	--	--	--

SYNOPSIS: This floor amendment proposes that the *Increase Opacity or Width* requirement be amended from 0.4 to **0.3**.

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.

71

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	C N	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

72

73 **Section 2.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
74 Article 3 (“Use Regulations”), Section 40.03.210 (“Buffering, location, bulk and scale
75 standards”) is hereby amended by adding the material that is underscored and deleting
76 the material that is stricken, as set forth below.

77
78 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**

79
80 Table 40.03.210 provides standards that increase the degree of buffering, govern the
81 location, and reduce the bulk or scale of limited or special uses. The meaning of the
82 different categories contained in the Table is established as follows:

83
84 A. *Location.* ...

85
86 K. *Other.* ...

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>500 ft.*</u>							<u>See Section 40.03.343</u> <u>* See Section 40.03.343.B</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.03.333. - Light Industry uses in OR and CR zoning districts.

- A. Light Industry uses as defined in Subsection 40.33.270.~~E~~ D are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Sec. 40.03.340. - Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~G~~ D.

Sec. 40.03.343. – Data Centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to any data center development or the cumulative expansion of an existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not generate noise levels that exceed 55 dB(A) or dB(C) at the sending property line if the predevelopment noise level is below those levels. If the predevelopment noise exceeds those levels, no net increase in the existing noise level shall be permitted. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be located within 1,000 feet of a residential zoning district. However, as a limited exception, the Department may approve data center structures or accessory uses located less than 1,000 feet, but no closer than 500 feet, from a residential zoning district, upon review and determination that noise levels generated will not exceed the allowable noise levels permitted in this section. The Department may require submission of a site-specific noise study demonstrating that the combined effectiveness of the selected measures will ensure compliance with the noise performance standards set forth herein. Acceptable noise attenuation and screening techniques, including, but not limited to, the following measures, may be considered by the Department in evaluating compliance:

1. Generator Acoustic Enclosures: fully enclosed or “super-silent” housings constructed of brick, masonry, or other acceptable materials with comparable sound transmission ratings.
 2. Acoustic Louvers and Duct Liners: designed to minimize tonal and airflow noise associated with ventilation or cooling systems.
 3. Sound-Absorptive Panels: installed within cooling yards, generator buildings, or perimeter walls to reduce reflected noise.
 4. Porous Absorptive Cladding: such as mineral-wool cores with perforated metal facings to dampen exterior surface reflections.
 5. Vibration Isolation Systems: including spring and neoprene isolators to prevent structure-borne noise transmission from generators, chillers, or HVAC units.
 6. Acoustic Fencing and Walls: solid or composite barriers with a minimum Sound Transmission Class (STC) rating of 35, extending fully above the line of sight between the noise source and the property line.
 7. Building Orientation and Shielding: siting of data center buildings or equipment yards so that structures themselves block direct noise paths toward residential or institutional uses.
 8. Enhanced Landscaping and Earth Berms: incorporation of vegetation, berms, and mounded terrain to provide additional passive sound attenuation and visual screening.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual calculations. Data Centers shall not be converted to any use that exceeds the approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other applicable provisions of this Chapter.
- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems. The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System (“BESS”). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshall’s Office.

- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Applicants must submit a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use.
- M. Data Centers must comply with all State and Federal requirements including but not limited to water supply coordination, cooling water discharges, emission standards, and air quality monitoring.
- N. Abandonment.
1. The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.
 2. The operator or property owner shall either recommence operation and schedule a site inspection with the Department to verify that all use requirements are still intact or shall remove all equipment and systems within six (6) months of being considered abandoned.
 3. Within two (2) years of being considered abandoned, the Data Center site shall be either restored to its predevelopment condition and inspected by the Department, or the property owner shall submit a land use application consistent with this Chapter to establish a new use for the site. Failure to comply with the requirements of this section shall authorize, but not require, the County to remove the Data Center and, when abandoned, restore the site to its predevelopment condition and charge the property owner as set forth in Subsection O. below.
- O. Financial assurance. Prior to issuance of a building permit, the operator or property owner shall provide a bond, surety, letter of credit, or other financial assurance in a form and amount acceptable to the Department to secure

235 payment of one hundred (100) percent of the anticipated cost of removal of all
236 associated site improvements and restoration of the site to its predevelopment
237 condition when the Data Center has been abandoned. Financial assurances for
238 Data Centers are subject to the following:

- 239
- 240 1. The applicant shall provide a decommissioning report that includes the
241 following components:
- 242
- 243 a. An inventory of components installed on the site.
- 244
- 245 b. Expected lifetime of the facility.
- 246
- 247 c. Decommissioning sequence.
- 248
- 249 d. Decommissioning cost estimate based on RSMeans or other software or
250 methodology approved by the Department.
- 251
- 252 2. The financial assurance shall remain in full force and effect while the Data
253 Center remains in place and operating, and shall be renewed every five (5)
254 years and revised as necessary to adjust for inflation and any change in the
255 cost for decommissioning.
- 256
- 257 P. Annual Report, Enforcement and Compliance. The operator of the Data Center
258 shall supply an annual report, as found in Appendix 9, to the Department
259 indicating compliance with all applicable local, state and federal regulations. The
260 Department shall reserve the right to request additional information and establish
261 and update procedures for inspections, monitoring, and enforcement of
262 compliance with this section. Non-compliant facilities will be subject to Division
263 40.31.900 or any other remedy available.

264 **Section 4. New Castle County Code Chapter 40 ("Unified Development Code"),**
265 **Article 33 ("Definitions"), Section 40.33.270 ("Industrial Uses") is hereby amended by**
266 **adding the material that is underscored and deleting the material that is stricken, as set**
267 **forth below.**

268

269 A. Compost operations (NAICS 325314). ...

270

271 B. Data Center. A facility composed of networked computers, servers, storage systems,
272 and telecommunications equipment used for data processing, storage, and
273 distribution (NAICS 518210).

274

275 ~~C~~ B. *Extraction.* ...

276

277 ~~D~~ G. *Heavy industry.* ...

278

279 ~~E~~ D. *Light industry.* ...

280

281 ~~F~~ E. *Recycling or .* ...

282

283 G F . *Solar energy system, large scale.* ...

284
285 H G . *Utility, major.* ...

286
287 I H . *Utility, minor.* ...

288
289 J I . *Utilities, maintenance facilities.* ...

290
291 **Section 5. New Castle County Code Chapter 40** (“Unified Development Code”),
292 Article 33 (“Definitions”), Section 40.33.300 (“General Definitions”) is hereby amended by
293 adding the material that is underscored and deleting the material that is stricken, as set
294 forth below.

295
296 *Abandonment.* ...

297
298 *Closed channel.* A conveyance system not open to the atmosphere (usually, but
299 not always, pipe).

300
301 *Closed-Loop Cooling System.* A Closed-Loop Cooling System is one where the
302 cooling medium is contained within a piping circuit for reuse.

303
304 *Coastal high hazard area or special flood hazard area subject to high velocity wave*
305 *action.* ...

306
307 *Opacity.* The measurement of the screening effectiveness of a bufferyard or fence
308 expressed as the percent of vision that the screen blocks.

309
310 *Open-Loop Cooling System or Once-Through Cooling System.* An Open-Loop
311 Cooling System is one with a cooling method in which water is withdrawn from a surface,
312 groundwater, or public supply source, passed through heat-exchange equipment to
313 absorb heat, and the effluent is then discharged to a surface water body, re-injected into
314 the ground, or discharged into a wastewater treatment system. Open-loop systems
315 typically rely on continuous withdrawals and discharges, frequently resulting in greater
316 thermal or environmental impacts including higher consumptive use of water resources.

317
318 *Reclaimed Water.* Water that has been treated to meet specific quality standards,
319 making it safe for a beneficial reuse. This can include treated effluent from wastewater
320 treatment facilities and remediation activities.

321
322 *Open space.* ...

323 **Section 6. Consistent with Comprehensive Development Plan.** New Castle
324 County Council finds that the provisions of this Ordinance are consistent with the spirit
325 and intent of the New Castle County Comprehensive Development Plan.

326
327 **Section 7. Inconsistent Ordinances and Resolutions Repealed.** All ordinances
328 or parts of ordinances and all resolutions or parts of resolutions that may be in conflict
329 herewith are hereby repealed except to the extent they remain applicable to land use

330 matters reviewed under previous Code provisions as provided in Chapter 40 of the *New*
331 *Castle County Code*.
332

333 **Section 8. Severability.** The provisions of this Ordinance shall be severable. If
334 any provision of this Ordinance is found by any court of competent jurisdiction to be
335 unconstitutional or void, the remaining provisions of this Ordinance shall remain valid,
336 unless the court finds that that the valid provisions of this Ordinance are so essentially
337 and inseparably connected with, and so dependent upon, the unconstitutional or void
338 provision that it cannot be presumed that County Council would have enacted the
339 remaining valid provisions, without the unconstitutional or void one, or unless the court
340 finds that the remaining valid provisions, standing alone, are incomplete and incapable of
341 being executed in accordance with the County Council's intent. If any provision of this
342 Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all
343 applicable former ordinances, resolutions, zoning maps or portions thereof shall become
344 applicable and shall be considered as continuations thereof and not as new enactments
345 regardless if severability is possible.
346

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

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

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

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts
permit the Data Center as a Special Use.

Sec. 40.03.210. This amendment updates the Limited and Special Use Standards Table
to include Data Center uses.

Sec. 40.03.333. This amendment updates references to the definition of Light Industrial
uses based on changes proposed to Section 40.33.270.

Sec. 40.03.340. This amendment updates references to the definition of Heavy Industry uses based on changes proposed to Section 40.33.270.

Sec. 40.03.343. This amendment includes Special Use standards for Data Center uses.

Section 40.33.270. This amendment defines Data Center uses.

Substitute No. 1. The following changes were included in Substitute No. 1:

Sec. 40.03.110. This amendment further updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.343. This amendment clarifies that Data Centers must comply with State and Federal regulations and allows the Department to permit applicants to substitute other technologies that the applicant has demonstrated as being more efficient and have less impact on the environment. This amendment also includes decommissioning, abandonment, and financial assurance provisions for Data Centers.

Section 40.33.300. This amendment defines Closed-Loop Cooling Systems, Open-Loop Cooling Systems, and Reclaimed Water.

Substitute No. 2. The following changes are included in Substitute No. 2:

Sec. 40.03.210. This amendment references Section 40.03.343.B regarding the distancing requirements between Data Center Structures and protected uses.

Sec. 40.03.343. This amendment clarifies that the noise level restrictions are for noises generated by the Data Center and accessory uses. This amendment also allows the Department to approve Data Center structures and accessory uses located less than 1,000 ft. from a residential zoning district, provided that noise levels generated do not exceed the allowable noise levels permitted in Chapter 22 of the *New Castle County Code*, provided however, that no portion of the proposed data center building or accessory uses shall be within 500 ft. of a residential zoning district line.

This amendment changes the effective date of the ordinance to be the date that the ordinance is adopted by County Council and approved by the County Executive or as otherwise provided in 9 *Del. C.* § 1156.

FISCAL NOTE: This Ordinance will have no discernable fiscal impact.

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

Date of Introduction: August 5, 2025

SUBSTITUTE NO. 1 TO ORDINANCE NO. 25-101

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS

1 **WHEREAS**, New Castle County has received an unprecedented proposal for a
2 large-scale data center campus, totaling approximately 6 million square feet; and
3

4 **WHEREAS**, the County currently lacks comprehensive, specific zoning and
5 development regulations tailored to the unique infrastructure demands, environmental
6 impacts, and operational characteristics of hyperscale data centers; and
7

8 **WHEREAS**, data centers are distinct from other industrial and commercial uses
9 due to their high energy consumption, large-scale backup power systems, significant
10 water usage, and potential impacts on surrounding communities through noise, heat, and
11 traffic; and
12

13 **WHEREAS**, technological advancements have precipitated the growth of data
14 centers nationwide, expediting the need for provisions to guide responsible development
15 and mitigate impacts; and
16

17 **WHEREAS**, it is in the public interest to proactively regulate data center
18 development to ensure compatibility with surrounding land uses and to protect the health,
19 safety, and welfare of New Castle County residents; and
20

21 **WHEREAS**, data centers share many characteristics with heavy industry,
22 particularly in terms of energy consumption, building scale, and noise leading to zoning
23 and classification complexities best handled as a separate category of use; and
24

25 **WHEREAS**, the County seeks to encourage economic development while also
26 preserving community character, promoting sustainability, safeguarding public
27 infrastructure capacity, and minimizing land use conflicts; and
28

29 **WHEREAS**, Data Centers are unique land uses that involve large-scale electrical
30 infrastructure, water-intensive cooling systems, and extensive impervious coverage; and
31

32 **WHEREAS**, Data Centers typically utilize backup diesel generators, aboveground
33 and underground fuel storage tanks, cooling towers, and large volumes of electronic and
34 battery equipment that may pose environmental, public health, and safety risks if left
35 abandoned or unmaintained; and

36 **WHEREAS**, advances in information technology, server design, and power
37 delivery may cause individual Data Center facilities to become obsolete within a relatively
38 short operating lifespan, resulting in the risk of abandonment of specialized facilities that
39 are not easily adapted to other uses; and
40

41 **WHEREAS**, the County has a responsibility to protect public health, safety, and
42 welfare by ensuring that abandoned or obsolete facilities are properly removed and that
43 sites are restored to a safe and stable condition; and
44

45 **WHEREAS**, financial assurance requirements for decommissioning are a well-
46 established land use tool in other industries with significant environmental or
47 infrastructure impacts, including telecommunications towers, wind and solar energy
48 projects, and mining operations; and
49

50 **WHEREAS**, requiring a Decommissioning Plan and associated financial
51 assurance for Data Centers will ensure that the County and its taxpayers are not
52 burdened with the cost of restoring sites and remediating environmental impacts in the
53 event of abandonment; and
54

55 **WHEREAS**, County Council intends that the pending ordinance doctrine apply to
56 restrict the acceptance of land development applications submitted after the introduction
57 of this Ordinance that would otherwise be prohibited by the provisions of this Ordinance;
58 and
59

60 **WHEREAS**, County Council has determined that the provisions of this Ordinance
61 substantially advance, and are reasonably and rationally related to legitimate government
62 interests.
63

64 **NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**
65

66 **Section 1.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
67 Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended
68 by adding the material that is underscored and deleting the material that is stricken, as
69 set forth below.
70

71 **Sec. 40.03.110. – Use table.**
72

73 Table 40.03.110 lists the type of uses permitted in each district. Refer to Division
74 40.33.200 for definitions of the various use categories and their components. Should a
75 use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520
76 can be requested. Table 40.03.522 lists the specific parking requirements for several
77 general uses listed in Table 40.03.110. Limited and special use standards are contained
78 in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other
79 standards.

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	CN	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

82 **Section 2.** *New Castle County Code* Chapter 40 (“Unified Development Code”),
83 Article 3 (“Use Regulations”), Section 40.03.210 (“Buffering, location, bulk and scale
84 standards”), is hereby amended by adding the material that is underscored and deleting
85 the material that is stricken, as set forth below.

86
87 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**

88
89 Table 40.03.210 provides standards that increase the degree of buffering, govern the
90 location, and reduce the bulk or scale of limited or special uses. The meaning of the
91 different categories contained in the Table is established as follows:

92
93 A. *Location.* ...

94
95 K. *Other.* ...

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and established daycare center and schools</u>	<u>1,000 ft.*</u>							<u>See Section 40.03.343</u> <u>*At least 1,000 ft. as measured to any building or structure</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.03.333. - Light Industry uses in OR and CR zoning districts.

- A. Light Industry uses as defined in Subsection 40.33.270.~~E~~ D are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Sec. 40.03.340. - Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~G~~ D.

Sec. 40.03.343. – Data Centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to any data center development or the cumulative expansions of existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) or dB(C) at the sending property line. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be within 1,000 ft. from any residential zoning district.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual calculations. Data Centers shall not be converted to any use that exceeds the

approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other applicable provisions of this Chapter.

- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems. The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System ("BESS"). The Department may permit applicants to substitute other technologies that the applicant can demonstrate as being more efficient and have less impact on the environment. Energy storage systems must employ fire-safe technologies as determined and approved by the State Fire Marshall's Office.
- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 must be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Applicants must submit a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use.
- M. Data Centers must comply with all State and Federal requirements including but not limited to; water supply coordination, cooling water discharges, emission standards, and air quality monitoring.
- N. Abandonment.
 - 1. The operator or property owner shall provide written notice to the Department whenever the Data Center is out of active operation for more than six (6) months. Any Data Center that ceases to operate for one (1) year or longer is considered abandoned.

- 195 2. The operator or property owner shall either recommence operation and
196 schedule a site inspection with the Department to verify that all use
197 requirements are still intact or shall remove all equipment and systems
198 within six (6) months of being considered abandoned.
199
200 3. Within two (2) years of being considered abandoned, the Data Center site
201 shall be either restored to its predevelopment condition and inspected by
202 the Department, or the property owner shall submit a land use application
203 consistent with this Chapter to establish a new use for the site. Failure to
204 comply with the requirements of this section shall authorize, but not require,
205 the County to remove the Data Center and, when abandoned, restore the
206 site to its predevelopment condition and charge the property owner as set
207 forth in Subsection O. below.
208

209 O. Financial assurance. Prior to issuance of a building permit, the operator or
210 property owner shall provide a bond, surety, letter of credit, or other financial
211 assurance in a form and amount acceptable to the Department to secure
212 payment of one hundred (100) percent of the anticipated cost of removal of all
213 associated site improvements and restoration of the site to its predevelopment
214 condition when the Data Center has been abandoned. Financial assurances for
215 Data Centers are subject to the following:
216

- 217 1. The applicant shall provide a decommissioning report that includes the
218 following components:
219
220 a. An inventory of components installed on the site.
221
222 b. Expected lifetime of the facility.
223
224 c. Decommissioning sequence.
225
226 d. Decommissioning cost estimate based on RSMeans or other software or
227 methodology approved by the Department.
228
229 2. The financial assurance shall remain in full force and effect while the Data
230 Center remains in place and operating, and shall be renewed every five (5)
231 years and revised as necessary to adjust for inflation and any change in the
232 cost for decommissioning.
233

234 P. Annual Report, Enforcement and Compliance. The operator of the Data Center
235 shall supply an annual report, as found in Appendix 9, to the Department
236 indicating compliance with all applicable local, state and federal regulations. The
237 Department shall reserve the right to request additional information and establish
238 and update procedures for inspections, monitoring, and enforcement of
239 compliance with this section. Non-compliant facilities will be subject to Division
240 40.31.900 or any other remedy available.

Section 4. New Castle County Code Chapter 40 (“Unified Development Code”), Article 33 (“Definitions”), Section 40.33.270 (“Industrial Uses”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

A. Compost operations (NAICS 325314). ...

B. Data Center. A facility composed of networked computers, servers, storage systems, and telecommunications equipment used for data processing, storage, and distribution (NAICS 518210).

~~C B.~~ Extraction. ...

~~D G.~~ Heavy industry. ...

~~E D.~~ Light industry. ...

~~F E.~~ Recycling or

~~G F.~~ Solar energy system, large scale. ...

~~H G.~~ Utility, major. ...

~~I H.~~ Utility, minor. ...

~~J I.~~ Utilities, maintenance facilities. ...

Section 5. New Castle County Code Chapter 40 (“Unified Development Code”), Article 33 (“Definitions”), Section 40.33.300 (“General Definitions”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

~~Abandonment.~~ ...

~~Closed channel.~~ A conveyance system not open to the atmosphere (usually, but not always, pipe).

Closed-Loop Cooling System. A Closed-Loop Cooling System is one where the cooling medium is contained within a piping circuit for reuse.

~~Coastal high hazard area or special flood hazard area subject to high velocity wave action.~~ ...

~~Opacity.~~ The measurement of the screening effectiveness of a bufferyard or fence expressed as the percent of vision that the screen blocks.

Open-Loop Cooling System or Once-Through Cooling System. An Open-Loop Cooling System is one with a cooling method in which water is withdrawn from a surface, groundwater, or public supply source, passed through heat-exchange equipment to absorb heat, and the effluent is then discharged to a surface water body, re-injected into

the ground, or discharged into a wastewater treatment system. Open-loop systems typically rely on continuous withdrawals and discharges, frequently resulting in greater thermal or environmental impacts including higher consumptive use of water resources.

Reclaimed Water. Water that has been treated to meet specific quality standards, making it safe for a beneficial reuse. This can include treated effluent from wastewater treatment facilities and remediation activities.

Open space. ...

Section 6. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 7. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 8. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof and not as new enactments regardless whether severability is possible.

Section 9. Effective Date. Upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156, this Ordinance is effective retroactive to introduction thereof on August 5, 2025, which is the date notice was provided that this Ordinance would be pending. Council Rule 2.2.6 notwithstanding, it is the express legislative intent that the provisions of this Ordinance apply to all land use applications submitted to New Castle County after August 5, 2025. Council expressly waives the provisions of Council Rule 2.2.6 for this Ordinance. Furthermore, it is the intent of County Council that this Ordinance is also subject to the *pending ordinance doctrine* as articulated in *Covington v. Bd. of Adjustment of Rehoboth Beach*, 2016 WL 7242581, at *5 (Del. Super. Dec. 14, 2016), *aff'd*, 170 A.3d 779 (Del. 2017), and other precedent.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

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

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.210. This amendment updates the Limited and Special Use Standards Table to include Data Center uses.

Sec. 40.03.333. This amendment updates references to the definition of Light Industrial uses based on changes proposed to Section 40.33.270.

Sec. 40.03.340. This amendment updates references to the definition of Heavy Industry uses based on changes proposed to Section 40.33.270.

Sec. 40.03.343. This amendment includes Special Use standards for Data Center uses.

Section 40.33.270. This amendment defines Data Center uses.

Substitute No. 1. The following changes are included in Substitute No. 1:

Sec. 40.03.110. This amendment further updates the use table to establish which zoning districts permit the Data Center as a Special Use.

Sec. 40.03.343. This amendment clarifies that Data Centers must comply with State and Federal regulations and allows the Department to permit applicants to substitute other technologies that the applicant has demonstrated as being more efficient and have less impact on the environment. This amendment also includes decommissioning, abandonment, and financial assurance provisions for Data Centers.

Section 40.33.300. This amendment defines Closed-Loop Cooling Systems, Open-Loop Cooling Systems, and Reclaimed Water.

This amendment clarifies the effective date in accordance with Delaware's *Pending Ordinance Doctrine*.

FISCAL NOTE: This Ordinance will have no discernable fiscal impact.

Prime Sponsor(s): Mr. Carter
Co-sponsor(s): Mr. Caneco, Mr. Toole,
Ms. Durham, Mr. Cartier
Mr. Hollins, Mr. Tackett
Date of introduction: August 5, 2025

ORDINANCE NO. 25-101

TO AMEND NEW CASTLE COUNTY CODE CHAPTER 40 (“UNIFIED DEVELOPMENT CODE”), ARTICLE 3 (“USE REGULATIONS”) AND ARTICLE 33 (“DEFINITIONS”) TO ESTABLISH STANDARDS FOR THE REVIEW, SITING, AND OPERATIONS OF DATA CENTERS

1 **WHEREAS**, New Castle County has received an unprecedented proposal for a large-
2 scale data center campus, totaling approximately 6 million square feet; and
3

4 **WHEREAS**, the County currently lacks comprehensive, specific zoning and
5 development regulations tailored to the unique infrastructure demands, environmental
6 impacts, and operational characteristics of hyperscale data centers; and
7

8 **WHEREAS**, data centers are distinct from other industrial and commercial uses due
9 to their high energy consumption, large-scale backup power systems, significant water
10 usage, and potential impacts on surrounding communities through noise, heat, and traffic;
11 and
12

13 **WHEREAS**, technological advancements have precipitated the growth of data
14 centers nationwide, expediting the need for provisions to guide responsible development
15 and mitigate impacts; and
16

17 **WHEREAS**, it is in the public interest to proactively regulate data center development
18 to ensure compatibility with surrounding land uses and to protect the health, safety, and
19 welfare of New Castle County residents; and
20

21 **WHEREAS**, data centers share many characteristics with heavy industry, particularly
22 in terms of energy consumption, building scale, and noise leading to zoning and
23 classification complexities best handled as a separate category of use; and
24

25 **WHEREAS**, the County seeks to encourage economic development while also
26 preserving community character, promoting sustainability, safeguarding public infrastructure
27 capacity, and minimizing land use conflicts; and
28

29 **WHEREAS**, County Council has determined that the provisions of this Ordinance
30 substantially advance, and are reasonably and rationally related to legitimate government
31 interests.
32

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

33
34
35 **Section 1.** *New Castle County Code Chapter 40 (“Unified Development Code”),*
36 *Article 3 (“Use Regulations”), Division 40.03.110 (“Use Regulations”) is hereby amended by*
37 *adding the material that is underscored and deleting the material that is stricken, as set forth*
38 *below.*

Sec. 40.03.110. – Use table.

Table 40.03.110 lists the type of uses permitted in each district. Refer to Division 40.33.200 for definitions of the various use categories and their components. Should a use not be identified in Table 40.03.110, an interpretation pursuant to Section 40.31.520 can be requested. Table 40.03.522 lists the specific parking requirements for several general uses listed in Table 40.03.110. Limited and special use standards are contained in Table 40.03.210 and Division 40.03.300. See Article 4 for district, lot, bulk and other standards.

Table 40.03.110A. General Use Table									Table 40.03.110B. General Use Table								Table 40.03.110C. General Use Table	
Zoning District (Urban and Suburban-Transition Character) Y=permitted, N=prohibited, L=limited review, S=special use review, A=accessory									Zoning District (Suburban and Special Character)								Additional Standards (all districts)	
Land Use	TN *	ST	MM	ON	OR	CR	BP	I	CN	S ***	SE	NC **	HI	EX	SR	P	Parking	Limited & Special Use Standards
Agricultural									Agricultural								Agricultural ...	
Industrial Uses									Industrial Uses								Industrial Uses	
Compost operations	N	N	N	N	N	N	N	L	N	N	N	N	L	L	S	N	Table 40.03.522	Section 40.03.336
<u>Data Centers</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>S</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Table 40.03.522</u>	<u>Table 40.03.210</u> <u>Section 40.03.343</u>
Extraction	N	N	N	N	N	N	N	N	N	N	N	N	N	L	N	N	Table 40.03.522	Section 40.03.324 and Table 40.03.210 ...

49 **Section 2. New Castle County Code Chapter 40** (“Unified Development Code”),
50 Article 3 (“Use Regulations”), Section 40.03.210 (“Buffering, location, bulk and scale
51 standards”), is hereby amended by adding the material that is underscored and deleting
52 the material that is stricken, as set forth below.

53
54 **Sec. 40.03.210. - Buffering, location, bulk and scale standards.**

55
56 Table 40.03.210 provides standards that increase the degree of buffering, govern the
57 location, and reduce the bulk or scale of limited or special uses. The meaning of the
58 different categories contained in the Table is established as follows:

59
60 A. *Location. ...*

61
62 K. *Other. ...*

Table 40.03.210A. Limited and Special Use Standards						Table 40.03.210B. Limited and Special Use Standards						Table 40.03.210C. Limited and Special Use Standards
	Buffer Standards					Locational or Dimensional Standards						Additional Standards
	Bufferyards			Separation		Minimum				Maximum		
Land Use	Location	Increase Opacity or Width	Fence or Berm	Use Protected	Distance from Use to protected parcel	Spacing	Site Area	Road Access	Open Space	Lot Area	Height	Other
Agricultural ...						Agricultural						Agricultural ...
Industrial Uses						Industrial Uses						Industrial Uses
Compost operations												Section 40.03.336
<u>Data Centers</u>	<u>Within 1,000 feet of a residentially zoned parcel or parcel with an established daycare center or school</u>	<u>0.4</u>	<u>Minimum 8 ft. berm</u>	<u>Residential and schools</u>	<u>1,000 ft.</u>							<u>See Section 40.03.343 *1,000 as measured to any building or structure</u>
Extraction	All	0.8 (150 ft.)	8 ft. berm	Residential	100 ft. *		25 ac.					Section 40.03.324 * 100' for Recreation, High Intensity Uses ...

Section 3. *New Castle County Code* Chapter 40 (“Unified Development Code”), Article 3 (“Use Regulations”), Division 40.03.300 (“Additional limited and special use standards”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 40.03.333. - Light Industry uses in OR and CR zoning districts.

- A. Light Industry uses as defined in Subsection 40.33.270.~~E~~ ~~D~~ are considered Limited Uses in the OR zoning district, except that the following uses require a special use permit:

Sec. 40.03.340. - Multifamily conversion.

Multifamily conversions are intended to facilitate and encourage the redevelopment of existing office and commercial sites and increase the diversity in housing opportunities in the county where supporting infrastructure exists. The following requirements apply to all multifamily conversions:

- A. A multifamily conversion is not permitted on a parcel that is within one thousand (1,000) feet of a heavy industry zoned parcel or a parcel with a heavy industry use as defined in Subsection 40.33.270.~~E~~ ~~D~~.

Sec. 40.03.343. – Data centers.

In addition to the requirements of Section 40.31.430, the following requirements apply to any data center development and/or the cumulative expansions of existing data center in excess of 20,000 square feet:

- A. The site shall be designed to minimize noise impact on neighboring residential properties and shall not exceed 55 dB(A) at the sending property line. A noise study shall be submitted to evaluate this impact and to verify consistency with Chapter 22 of the *New Castle County Code* and the study shall include all generators and any other equipment that will be utilized on the site as part of the calculation.
- B. No portion of the proposed data center building or accessory uses shall be within 1,000 ft. from any residential zoning district.
- C. Except for lot lines along an existing office or industrial park or adjacent to an existing industrial use, the bufferyards, street trees, berming and landscaping shall be upgraded, where appropriate to mask the development. The buildings shall meet the requirements for large industrial structures in Section 40.26.260.
- D. Lighting shall be designed so that there is zero (0) footcandles at the property line of the neighboring residential area.
- E. In addition to meeting all the requirements of Article 11, anticipated trip generation for a data center shall be based on the latest published ITE manual

calculations. Data Centers shall not be converted to any use that exceeds the approved Transportation Improvement Study (TIS) or equivalent study, for the site unless another TIS or equivalent study is completed and approved in accordance with all other provisions of the Chapter.

- F. Open-loop or once-through cooling is prohibited unless reclaimed water is used.
- G. All generators shall be Tier IV or utilize natural gas with Selective Catalytic Reduction (SCR) systems unless the applicant can demonstrate another technology that is more efficient with less impact on the environment.
- H. Any energy storage system utilized for this use shall be a Battery Energy Storage System ("BESS") unless the applicant can demonstrate another technology that is more efficient with less impact on the environment and must employ fire-safe technologies as determined and approved by the State Fire Marshall's Office.
- I. All new or expanded facilities shall submit documentation outlining the operation of the building as a LEED Gold or equivalent certification and providing the Total Usage Efficiency ("TUE"), the comprehensive metric for evaluating the overall energy efficiency of a system considering both the energy used by the IT equipment and the supporting infrastructure, with a minimum TUE of 1.15 should be provided unless operational issues are documented and accepted to vary this minimum.
- J. All data centers must be designed for future integration with onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems.
- K. Applicants must submit a statement of coordination with the local electric utility and demonstrate the availability of sufficient grid capacity, or provide onsite generation that meets or exceeds projected load.
- L. Annual Report, Enforcement and Compliance. The operator of the data center shall supply an annual report, as found in Appendix 9, to the Department of Land Use indicating compliance with all applicable local, state and federal regulations. Land Use shall retain the right to request additional information and establish procedures for inspections, monitoring, and enforcement of compliance with this section. Non-compliant facilities will be subject to Division 40.31.900 and/or any other remedy available.

Section 4. New Castle County Code Chapter 40 ("Unified Development Code"), Article 33 ("Definitions"), Section 40.33.270 is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

- A. Compost operations (NAICS 325314). ...

B. *Data Center.* A facility composed of networked computers, servers, storage systems, and telecommunications equipment used for data processing, storage, and distribution (NAICS 518210).

C. *B. Extraction.* ...

D. *C. Heavy industry.* ...

E. *D. Light industry.* ...

F. *E. Recycling or.* ...

G. *F. Solar energy system, large scale.* ...

H. *G. Utility, major.* ...

I. *H. Utility, minor.* ...

J. *I. Utilities, maintenance facilities.* ...

Section 5. Consistent with Comprehensive Development Plan. New Castle County Council finds that the provisions of this Ordinance are consistent with the spirit and intent of the New Castle County Comprehensive Development Plan.

Section 6. Inconsistent Ordinances and Resolutions Repealed. All ordinances or parts of ordinances and all resolutions or parts of resolutions that may be in conflict herewith are hereby repealed except to the extent they remain applicable to land use matters reviewed under previous Code provisions as provided in Chapter 40 of the *New Castle County Code*.

Section 7. Severability. The provisions of this Ordinance shall be severable. If any provision of this Ordinance is found by any court of competent jurisdiction to be unconstitutional or void, the remaining provisions of this Ordinance shall remain valid, unless the court finds that that the valid provisions of this Ordinance are so essentially and inseparably connected with, and so dependent upon, the unconstitutional or void provision that it cannot be presumed that County Council would have enacted the remaining valid provisions, without the unconstitutional or void one, or unless the court finds that the remaining valid provisions, standing alone, are incomplete and incapable of being executed in accordance with the County Council's intent. If any provision of this Ordinance or any zoning map or portion thereof is found to be unconstitutional or void, all applicable former ordinances, resolutions, zoning maps or portions thereof shall become applicable and shall be considered as continuations thereof as not as new enactments regardless if severability is possible.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption by County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* § 1156 and shall only apply to Land Use applications submitted after such date(s) unless the applicant, by written request, agrees to submit to the provisions of this Ordinance.

Adopted by County Council of
New Castle County on:

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

Approved on:

Marcus A. Henry
County Executive
of New Castle County

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

Sec. 40.03.110. This amendment updates the use table to establish which zoning districts permit the Data Center use as a Special Use.

Sec. 40.03.210. This amendment updates the Limited and Special Use Standards Table to include Data Center uses.

Sec. 40.03.333. This amendment updates references to the definition of Light Industrial uses based on changes proposed to Section 40.33.270.

Sec. 40.03.340. This amendment updates references to the definition of Heavy Industry uses based on changes proposed to Section 40.33.270.

Sec. 40.03.343. This amendment includes Special Use standards for Data Center uses.

Section 40.33.270. This amendment defines Data Center uses.

FISCAL NOTE: This Ordinance will have no discernible fiscal impact.



New Castle County Department of Land Use

DEPARTMENT OF LAND USE
RECOMMENDATION REPORT

Ordinance 25-101
Application 2025-0486-T
Data Centers

October 21, 2025

Sponsor: Councilman David Carter (District 6)

Description: Amending New Castle County Code Chapter 40 ("Unified Development Code"), Article 3 ("Use Regulations"), and Article 33 ("Definitions") to establish standards for the review, siting, and operations of data centers.

EXECUTIVE SUMMARY

The Unified Development Code has had standards for Information Services and data processing (NAICS 51 which include Data Centers) dating back to 1998. Originally Data Centers were considered an Office Use permitted by-right in all non-residential zoning districts. The definition was broadened to also consider Data Centers as a Light Industrial Use, maintaining them as a by-right use in industrial zoning districts (HI & I) after limitations were placed on Office Uses in industrial districts. At the time, based on the size, nature of their operation, and impact on nearby properties, the provisions made sense. Traditionally, Data Centers served as an accessory use to support a principal office use or as an individual industrial use typically within an industrial park. As the technology has changed over the past decade, these facilities began to increase in size and placed additional demands on the infrastructure. The electrical demand for data centers across the United States, alone, well surpasses the full electrical demand for data centers of a decade ago, let alone in 1998. Data Centers, as with many other uses, have evolved over time and as such, regulations for these centers need to be revisited.

Application 2025-0486-T (Ordinance 25-101), is a text amendment to amend New Castle County Code to further define data center uses and set Special Use standards to address the specific challenges identified in other municipalities that have considered and approved modern Data Center facilities. Proposed changes to the ordinance presented as a draft substitute to Ordinance 25-101 incorporate specific feedback from the Public Service Commission, DNREC, and other State Agencies at the PLUS hearing and in subsequent communications. The recommended changes also incorporate important protections identified as best practices in other jurisdictions.

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **Conditional Approval** of Ordinance 25-101 with the condition that County Council considers the proposed changes in the draft substitute to Ordinance 25-101.

DESCRIPTION

Application 2025-0486-T (Ordinance 25-101), is a text amendment to amend New Castle County Code to further define data center uses and set Special Use standards.

BACKGROUND

Ordinance 97-172 Unified Development Code

On December 31, 1997, New Castle County adopted the Unified Development Code (UDC) (Ordinance 97-172) and categorizes Data Centers under Information Industries (NAICS 51) as a Light Industry use pursuant to Section 40.33.270.D of the UDC. Per Table 40.03.110 ("GENERAL USE TABLE"), Light Industry uses were permitted within the Office Regional (OR), Business Park (BP), Industrial (I), and Heavy Industry (HI) zoning districts.

Ordinance 98-080 Omnibus

On September 22, 1998, New Castle County adopted Ordinance 98-080 amended the definition of Office Uses to include Information services and data processing (NAICS 514), which in combination with the existing Light Industry use definition permitted Data Centers in every nonresidential zoning district.

Ordinance 99-075 Omnibus

On December 14, 1999, New Castle County adopted Ordinance 99-075 which created Limited Use standards (Section 40.03.333) for Light Industry uses limiting the types of Light Industry uses which are permitted within OR zoning districts.

Ordinance 08-096 Consolidation of Employment Related Uses within the OR, BP, and I Zoning Districts

On December 9, 2008, New Castle County adopted Ordinance 08-096 which redefined specific Light Industry uses as Special Uses within Section 40.03.333 of the UDC and establishing maximum height limitations on specific buildings within 100 feet of residential property lines (Section 40.04.110C).

Ordinance 21-065 Substitute No.1 to Ordinance No. 21-065

On September 9, 2021, New Castle County adopted Substitute No.1 to Ordinance 21-065 which limited Light Industry uses within CR zoning districts to warehousing and storage facilities (NAICS 493) as a Special Use and additional standards set pursuant to Section 40.03.333.B of the UDC.

Ordinance 23-104 Regarding Development, Redevelopment, Large Industrial Structures and Heavy Retail and Service Uses

On January 25, 2024, New Castle County adopted Substitute No. 1 to Ordinance 23-104 which set Limited Use standards for Light Industry uses within BP zoning including distance requirements and design elements when located adjacent to residential uses pursuant to Tables 40.03.110 and 40.03.210 of the UDC. Standards around large industrial structures (Section 40.26.260) changed to apply to a lower gross floor area (GFA) threshold of proposed large industrial structures. These design elements included but were not limited to: landscaping and berm requirements along non-industrial uses, lighting requirements along residential uses, reduction of noise impacts, building design, and other associated improvements.

Ordinance 25-101 Data Centers

Ord. 25-101 was introduced on August 5, 2025, and proposed data centers as a distinct classification of industrial use in Table 40.03.110 of the UDC. The ordinance sets data centers as a Special Use within Industrial (I) and Heavy Industry (HI) zoning districts as well as creates Limited Use standards such as buffering and screening requirements from residential, noise regulations, energy and water usage requirements, and other additional requirements.

PRELIMINARY LAND USE SERVICE (PLUS) REVIEW

The proposed text amendment was reviewed at the PLUS meeting held on September 3, 2025.

The PLUS Review Letter, dated September 5, 2025, includes comments from the Office of State Planning and Coordination, who had no objections. The Public Service Commission (PSC) expressed concerns over the impacts of large data centers and referenced a current petition to the PSC to apply a large load tariff on interconnections larger than 25MW. The PSC had no concerns with the proposed ordinance in terms of land use and environmental issues, however stated that any energy-related requirements should be regulated by the PSC. The Department of Natural Resources and Environmental Control (DNREC) cited concerns over water and energy use, air quality, and noise mitigation. DNREC stated that water usage should be coordinated with the New Castle County Subcommittee of the Water Supply Coordinating Council and that plans should detail any proposed discharging of waters. They mention that data centers could impact the energy adequacy, grid reliability and cost and recommend requirements for coordination with the local utility, emphasis on Battery Energy Storage Systems, and consistency with the State Energy Plan. In terms of air quality, DNREC suggested limitations for on-site generators, limitations on transportation emissions, preconstruction permits, and pre-application air quality modeling. DNREC agreed with the proposed noise limitations in Ord. 25-101. All other State agencies had no comment on the subject ordinance.

PLANNING BOARD PUBLIC HEARING – October 7, 2025

*Please note, the below is a summary. A recording and transcripts of the public hearing are available at the Department of Land Use.¹

Councilman David Carter presented the ordinance. He started by highlighting the key impacts of data centers on various aspects such as; land use, water use, noise pollution, air emissions, and energy use. He reviewed statistics on energy use and the goals of responsible data center siting, infrastructure and environmental standards. He presented to the Planning Board a proposed substitute ordinance which was drafted in response to PLUS comments received in September as well as additional research, and summarized the key provisions of the substitute ordinance including but not limited to: Special Use requirements, noise limitations, setback requirements from residential, standards for backup power, cooling, energy, microgrid requirements, and other associated standards. Councilman Carter proceeded to address the comments received by PLUS, outline a decommissioning process for all proposed data centers, and provide details on the application of the proposed ordinance on data center projects if adopted.

Questions from the Planning Board:

Robert Snowden inquired if data center projects would require Special Use permits or be considered by-right. Councilman Carter mentioned that each data center project would require a Special Use permit and have to follow the criteria and standards for a Special Use pursuant to the UDC. Mr. Snowden asked if the substitute ordinance proposed intergovernmental coordination to which Councilman Carter confirmed that the substitute would require approvals from the applicable regulating agencies. Robert Ott questioned the average lifespan of a data center. Councilman Carter detailed the energy issues of existing data centers throughout the country and noted the technology and equipment changes. Neal Cantrell asked about the low frequency noise and potential impacts on surrounding communities, and Councilman Carter stated that the standards for the proposed setbacks was based on existing requirements in other jurisdictions as well as established setbacks in the UDC. Ruth Visvardis inquired about the meaning of “residential zones” when discussing the 1,000-foot setback requirement to which Councilman Carter clarified it meant residential zoning districts found in the UDC. Air quality due to backup generator usage was a point of concern for Mr. Cantrell and Councilman Carter stated that air quality standards and monitoring are subject to DNREC’s regulations. Councilman Carter explained the PLUS process and coordination with the State of Delaware agencies on the details of the ordinance which resulted in some of the conditions presented in the substitute ordinance. Mr. Cantrell cited the supplemental report submitted by Councilman Carter which outlined the potential issues ongoing with data centers in Virginia which sources energy from PJM same as Delaware.²

A conversation occurs between Councilman Carter and Mr. Cantrell regarding energy generation

¹ October 7, 2025 Planning Board Public Hearing: <https://www.newcastlede.gov/agendacenter>

² Councilman David Carter’s Supplemental Report:
<https://www3.newcastlede.gov/PDFDocument/default.aspx?DocumentID=80:FC40FF5826FBF7107D10260598B6C0724428DD1196872F86C5E68CE881F951C292813E0C92628E37A7864BB0E463459C&x=temp.pdf>

concerns for existing data centers located in Virginia and New Jersey and the impacts on energy consumption and cost in Delaware. Mr. Ott asked about any issues with existing data centers in regard to internet data transfer capacity to which Councilman Carter had mentioned Delaware had invested in a very robust fiber optic internet infrastructure which exceeds the data transfer capacity needed for the needs of large-scale data center projects.

Public Comment:

Over 200 people attended the public hearing (online and in-person) 49 of which spoke on the ordinance. Of those who spoke, most of the speakers supported the ordinance stating that the proposed regulations would provide much needed guardrails for the community from any proposed data center projects. Many in attendance expressed concern over data centers and their impacts on the community, citing concerns over environmental and energy impacts. Those in opposition to the ordinance expressed doubts over the additional restrictions on noise, regulations on data centers, and the impact on Delaware's economy.

The Department of Land Use received email correspondence from 12 residents in support, 3 in opposition, and 2 general comments of Ordinance 25-101 during the written public comment period.³ Written public comment mostly paralleled the concerns of data center developments that were mentioned during the public hearing and expressed support of the additional standards proposed in the ordinance. Comments in opposition to the ordinance included concerns over; the effective date (Pending Ordinance Doctrine), additional regulations limiting the construction of data centers, water capacity, the proposed decommissioning and noise standards. The general comments included sentiment that including regulations pertaining to dB(C) is unnecessary, and that it is important for these projects to include agreements to use local union workers.

ANALYSIS

As identified in public comment, and discussed in the Background section of this report, Information Center and data processing (Data Centers) are defined and permitted within the Unified Development Code. Since 1998 Data Centers have been permittable as a by-right use (either Industrial or Office Use) in all nonresidential zoning districts, including those to transition from more intense uses to residential uses (Office Neighborhood and Commercial Neighborhood) limited only by the site capacity restrictions for each zoning district.⁴ The permissive nature in the UDC was intentional since data centers either served in an accessory capacity within a larger office or industrial building at sites like 3 Boulden Circle,⁵ or as individual industrial uses within an industrial park such as 501 Bear Christiana Rd & 4001 Governor Printz Blvd (Bank One Core Data Center 1 & 2)⁶.

³ Project #20250486: <https://www3.newcastlede.gov/project/details/default.aspx?ProjectKey=832887>

⁴ Application 2025-0473-V: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=832143> , (Accessed 10/15/25)

⁵ 3 Boulden Circle: <https://www3.newcastlede.gov/parcel/details/default.aspx?ParcelKey=86869> , (Accessed 10/15/25)

⁶ Application 2003-0001-S: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=122344> & Application 2004-0372-S: <https://www3.newcastlede.gov/Project/details/default.aspx?ProjectKey=155142> , (Accessed 10/15/25)

Over the past decade, much like the shift from general warehousing to the logistic/fulfilment facility led by the growth in ecommerce, Data Centers have grown exponentially to serve the growing needs for technology and artificial intelligence. Not only has the technology expanded past what was originally conceived as information services and data processing in the UDC, but with increased demands in processing so to have the impacts on our electrical grid, environment, and nearby communities, Ordinance 25-101 was drafted to continue to permit development of data centers, while providing needed protections for nearby communities and the environment as a whole. The ordinance, as introduced, provided:

1. Defines Data Centers as an Industrial Use limited to Industrial (I) and Heavy Industry (HI) zoning districts, as opposed to being both an Office and Industrial use permitted in the Office Neighborhood (ON), Commercial Neighborhood (CN), Office Regional (OR), Commercial Regional (CR) Business Park (BP), Industrial (I), Heavy Industry (HI), and Extractive Use (EX).

Under the existing provisions the primary limiting factor on siting, from a land use regulatory standpoint, are the permitted gross floor area (GFA) based on site capacity and availability of adequate utilities (electric and water). As discussed, earlier Data Centers have changed significantly in size and nature of their operation. When facilities are accessory or ancillary to permissible office uses (as opposed to the principal use), their size and impact on infrastructure and the surrounding community is low, however as a principal use, they are more industrial in nature.

2. Establishes Special Use standards specifically tailored to impacts of Data Centers.

Ordinance 25-101 includes specific standards to mitigate impacts Data Centers serving as the principal use including:

- Limitations noise level at the property line
- Distancing requirements from residential zoning district lines
- Increased buffering and landscaping
- Limitations on conversion to other uses based on traffic impact – Data Centers generate a low volume of traffic
- Prohibition of open-loop or once-through as a means of cooling – eliminates the warming of our natural waterways, thereby protecting vulnerable ecological habitats
- Requirements for backup power supplies to have minimal impact on the environment and adjacent communities, both generators and battery energy storage systems
- Requirement that the buildings to be built to meet LEED Gold standards or better

- Requirement that sites be designed to be long term viable with the potential to be modified to provide onsite or communal microgrid components that include various energy generation sources, energy storage systems, a distribution network, a control system, and metering/billing systems
- Requirements for applicants to submit a statement of coordination with utility companies and an annual report for the operation.

As with Special Uses that include use specific standards, the requirements are largely objective and measurable, not unlike that of Limited Uses which is reviewed by the Department. Data Centers, as they have evolved, based on size and impact on the surrounding community and environment, present unique conditions with respect to their relationship to the community.⁷ As such, being a Special Use, Data Centers will not only gain a public hearing at the Board of Adjustments, but will need to be evaluated based on the following additional standards:

- The use meets the requirements of Division 40.03.300 (Limited and Special Use Standards).
- The use is consistent with the Comprehensive Development Plan.
- The use is compatible with the character of the land in the immediate vicinity.
- The design minimizes the adverse effects, including visual impact on adjacent lands.
- The use minimizes adverse impacts on the environment or government services.
- The intensity of the use shall not exceed that permitted by Article 5. A lower intensity may be mandated based upon the record.⁸

These standards are combined with the Board of Adjustment's ability to establish site specific conditions and restrictions to:

- Ensure the special use is developed as presented in drawings, exhibits, and assertions made at the public hearing.
- Ensure the general purposes, goals, and objectives of the Comprehensive Development Plan and this Chapter are met.
- Prevent or minimize the adverse effects from the proposed use and development on other properties in the neighborhood, and on the public health, safety, and general welfare.⁹

The additional standards and conditions afforded by the Special Use Permit process provides a powerful motivation for developers of Data Centers to work with neighboring communities and to

⁷ Section 40.31.430.A – Standards for a Special Use Permit

⁸ Section 40.31.430.B – Standards for a Special Use Permit

⁹ Section 40.31.431 – Conditions and Restrictions

minimize their impact, bolstered by conditions and restrictions tailored to specific sites to be sensitive and mindful of surrounding communities and environmental resources.

At the October 7 Planning Board Public Hearing, Councilman Carter discussed several changes to Ordinance 25-101 that could be included in a substitute ordinance. While the record was open, Mr. Carter submitted into the record a draft of a substitute ordinance for consideration, which included the following:

- Expands the zoning districts that allow Data Centers as a Special Use to include the Extractive Use (EX) district – Extractive uses are industrial in nature, and should a site meet the requirements set forth in Ordinance 25-101, the use would be appropriate
- Includes considerations for dB(C) as opposed to just dB(A) – This factors not just frequencies evaluated by dB(A) (representative of the sensitivity of the human ear), but also the impact of low frequency noises as evaluated by dB(C).
- Allows the Department to permit applicants to substitute alternative backup power supplies (battery and generators) if those supplies are demonstrated to be more efficient and have less of an impact on the environment.
- Requires submission of a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council and demonstrate the availability of sufficient water supply to meet or exceed projected water use
- Clarifies the requirement to comply with State and Federal requirements
- Sets standards for abandoning, decommissioning and financial assurances – This assures that if a facility ceases to operate for a year that either a new permitted use is established in the facility, or the restored to its predevelopment condition, assuring that as the technology and hard infrastructure needs evolve and become more efficient these sites are not left vacant.
- Sets the effective date to the date of introduction, thereby preventing applications made after its introduction from avoiding the standards specifically designed for Data Centers as a use, including in zoning districts that would not allow Data Centers as a use should the ordinance be adopted.

The Department has reviewed the Ordinance 25-101, the proposed changes in the draft substitute to the ordinance, as well as public comment (in support, opposition, and general comments). Concerns were brought in correspondence from Joseph Fitzgerald on behalf of the Delaware Contractors Association, Delaware State Chamber of Commerce, Associated Business and Contractors and New Castle County Chamber of Commerce, voiced concerns that designating Data Centers as a Special Use and including “unnecessary and unduly robust regulation” sends the wrong message. He additionally voiced opposition with the effective date being the date of Ordinance’s introduction, which was echoed and expanded on by Shawn Tucker, Esq. Mr. Tucker

argues that Data Centers have been around since 1945, which he asserted expanded substantially in the 2000's (25 years ago), and that they are already regulated today, albeit as a "by-right" use in the OR, CR, BP and I (his letter omits that it is also a by-right use in the ON and CN districts).

Uses are designated as Special Uses, not to discourage the use, but **when they "present unique conditions with respect to their relationship to the community."** There are thirteen uses designated in Table 40.03.110 as Special Uses including:

- Adult Uses
- Agricultural Support and Other Rural Services
- Airports
- Composting Operations
- Exterior Lighting for Outdoor Recreational Uses
- Heavy Industry
- Heavy Retail and Service
- High Intensity Recreation
- Light Industry
- Major Utilities
- Parking Structures
- Protective Care
- Retail Marijuana Stores

These uses typically include objective standards specific to the potential impact of each use, but more importantly provide the public an opportunity to evaluate the impact that the use would have adjacent communities and the consistency with the Comprehensive Plan. The Department agrees that information services and data processing (Data Centers) existed in the county, however, we would argue that the size and impact are dramatically different than early facilities or even at the early years of the internet revolution (early 2000s). While electrical consumption is not a perfect measure of total impacts (it doesn't account for environmental impacts outside of the generation and transmission of electricity) the change is proportionate. Between 2014 and 2016 the annual cumulative electrical demand from data centers was roughly 60 TWh. By 2018 the consumption had increased by more than 26% to 76TWh (1.9% of the total energy consumed in the United States). Between 2018 and 2023 cumulative electrical demand from Data Centers rose by 131.6% to 176 TWh (4.4% of all electricity consumed in the United States). This was all before the release of programs such as ChatGPT 4, Microsoft Copilot, and Google Gemini. Forecasts expect as high as 580 TWh to be needed per year to support Data Centers (about 12% of all

electric demand in the United States)¹⁰

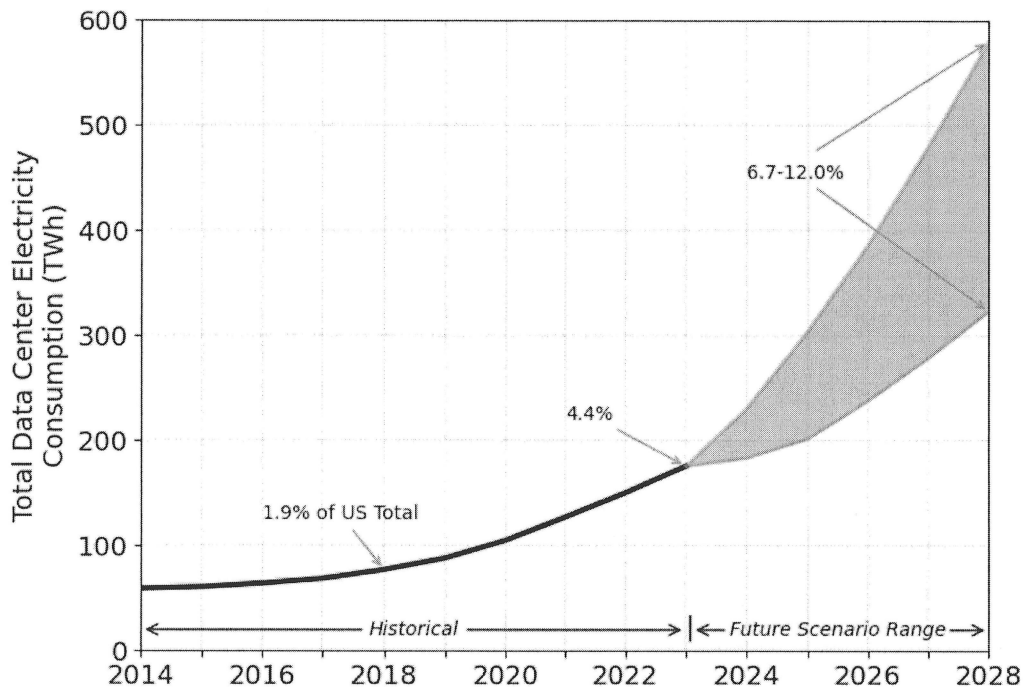


Figure ES-1. Total U.S. data center electricity use from 2014 through 2028.

These facilities typically consume roughly 50% of their electrical demand on equipment operation and 38%-40% on cooling systems.¹¹ Cooling systems not only consume electricity but also exchange heat to local waterbodies if not a closed loop system. It was recommended that any regulations be a product of coordination with DNREC, which the Department of Land Use concurs. Ordinance 25-101 was presented to PLUS on September 3, 2025. DNREC provided thoughtful comments and recommendations at the hearing. They also continued to work with Councilman Carter recommending additional standards which were incorporated into the Draft Substitute to Ordinance 25-101.

¹⁰ 2024 United States Data Center Energy Usage Report, Berkley Lab Energy Analysis & Environmental Impacts Division: <https://eta-publications.lbl.gov/sites/default/files/2024-12/lbnl-2024-united-states-data-center-energy-usage-report.pdf?stream=top>, Accessed (10/16/2025)

¹¹ Data Centers and Their Energy Consumption: Frequently Asked Questions, Congressional Research Service, August 26, 2025: <https://www.congress.gov/crs-product/R48646>, (Accessed 10/16/2025)

Standards for Text Amendment – Section 40.31.420 of the New Castle County Code

Pursuant to Section 40.31.420 of the New Castle County Code, in determining whether a text amendment shall be recommended or approved, all the following factors shall be considered:

A. Implementation of a new portion of the Comprehensive Development Plan.

N/A

B. Implementation and achievement of the Comprehensive Plan's goals and objectives.

The changes proposed by Ordinance 25-101 will help the County achieve several important goals and objectives in the Comprehensive Plan including:

Objective 3.1 of the Comprehensive Plan:

Continue to ensure water services and drinkable water supply is sufficient to meet demand.

Setting standards and defining “Closed-Loop Cooling Systems” to ensure the recycled use of water (or usage of reclaimed water) to ensure the protection, quality, and conservation of water supply to New Castle County residents. Continue to coordinate with the local water utilities to ensure minimal impact on the needs of the community.

Objective 13.2 of the Comprehensive Plan:

Strengthen/improve resiliency in the face of climate change threats through changes to the built environment (infrastructure, transportation, etc.) so to minimize risk and impacts to all people and communities.

Ordinance 25-101 proposes various protections from the impacts of data center operation including but not limited to: noise, setbacks from residential zoning, lighting, water and energy usage, and emissions.

Objective 16.1 of the Comprehensive Plan:

Increase diversity of engagement in community planning activities of all county residents regardless of age, race, income, native language, abilities, etc.

Ordinance 25-101 proposes to define data centers as a Special Use within industrial zoning districts requiring all proposed data center uses to seek a Special Use permit from the Board of Adjustment. This process not only ensures projects to demonstrate the standards for Special Use permits (Section

40.31.430 of the UDC), but in addition ensures an opportunity for public comment at the Board of Adjustment.

Objective 17.1 of the Comprehensive Plan:

Planning/investment decisions integrate across governments and jurisdictions

Ordinance 25-101 sets requirements that the applicant provide applicable jurisdictional approvals and permits from Local/State/Federal agencies. Applicants are to submit a statement of coordination with the local electric utility to demonstrate sufficient grid capacity, provide a statement of coordination with DNREC Water Allocation Program and Water Supply Coordinating Council to demonstrate sufficient water supply, and proof of compliance with all State and Federal requirements relating to data center impacts.

C. Consistency with the provisions of this Chapter and the standards for similar uses.

Large Industrial Structure Standards (Section 40.26.260 of the UDC)

Some design requirements proposed in Ordinance 25-101 are currently applied to large industrial structures such as berming, lighting standards, and noise impact. This ordinance proposes noise impacts along shared residential property lines, zero footcandle lighting requirement along residential property lines, and a minimum eight-foot berm to screen the site.

Large-scale Solar Energy System Standards (Section 40.03.337 of the UDC)

The needs and demands for data center real estate is difficult to predict with rapidly changing technology. To ensure that a developed data center site will be restored to its predevelopment condition, changes proposed in a draft substitute to Ordinance 25-101 outlines a decommissioning requirement to ensure data center developments do not create an undue impact on the surrounding community after ceasing operation unless the property owner submits a land use application to establish a new use for the site. A financial assurance is put in place prior to the issuance of a building permit to cover one hundred percent of the anticipated cost of removal in instances of site abandonment. This process is currently utilized for large-scale solar energy systems as these systems may be temporary in nature (about 10-25 years).

D. Necessity to respond to State and/or Federal legislation.

N/A

E. Flexibility in meeting the objectives of this Chapter.

N/A

F. Changes to conditions, interpretations, and/or clarifications to existing language for new uses.

N/A

G. Consideration of specific problems found in this Chapter.

N/A

DEPARTMENT OF LAND USE RECOMMENDATION

The Department of Land Use has considered the Standards for Text Amendment in Section 40.31.420 of the New Castle County Code and comments received from other agencies and the public. Based on this analysis, the Department recommends **Conditional Approval** of Ordinance 25-101 with the condition that County Council considers the proposed changes in the draft substitute to Ordinance 25-101.

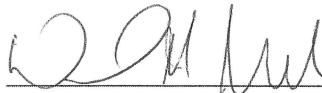
PLANNING BOARD RECOMMENDATION

At a business meeting held on October 21, 2025, the Planning Board considered the recommendation provided by the Department of Land Use as well as comments from outside agencies and the public. On a motion made by Mr. Cantrell and seconded by Ms. Visvardis, the Board voted to recommend **CONDITIONAL APPROVAL** of Ordinance 25-101 as subject to the condition recommended by the Department of Land Use. The motion was adopted by a vote of 6-1-0-1 (In Favor: Cantrell, Daigle, Drake, Ott, Snowden, Visvardis; In Opposition: Cochran; Abstention: None; Absent: Gray).

Prior to the vote, there were no comments or questions by Planning Board members.

STATUTORY GUIDELINES

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

 10/21/25

David M. Culver date
General Manager
Department of Land Use

 10/21/25

Robert Snowden date
Acting Chair
Planning Board