Sussex County Council
Public/Media Packet

MEETING:
March 1, 2016

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SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
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Sussex County Council

A G E N D A

MARCH 1, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Bill Andrew, President & CEO, Delaware Electric Cooperative – Check Presentation

Consent Agenda

1. **Wastewater Agreement No. 887-3**
   Sussex County Project No. 81-04
   Batson Creek Estates – Phase 4
   Johnson's Corner Sanitary Sewer District

2. **Wastewater Agreement No. 638-5**
   Sussex County Project No. 81-04
   The Estuary – Phase 1C – 1A (Construction Record)
   Miller Creek Sanitary Sewer District

3. **Wastewater Agreement No. 638-6**
   Sussex County Project No. 81-04
   The Estuary – Phase 1B (Construction Record)
   Miller Creek Sanitary Sewer District

EQUAL HOUSING OPPORTUNITY

Todd Lawson, County Administrator

1. **Proposed Amendment to Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS"**

2. **Administrator's Report**

Gina Jennings, Finance Director & COO

1. **Clean Water and Flood Abatement Task Force Update**

2. **Council Grant Application Form**

Hans Medlarz, County Engineer

1. **Bulk Delivery of Sodium Hypochlorite, Project No. 16-12**

   A. **Recommendation to Award**

2. **Bulk Delivery of Granular Lime, Project No. 16-13**

   A. **Recommendation to Award**

3. **Irrigation Rigs Replacement, West Rehoboth Sanitary Sewer District**

   A. **Bid Award**

John Ashman, Director of Utility Planning

1. **Proposed Herring Creek Area Sewer and Water District Update**

Joe Wright, Assistant County Engineer

1. **Taxiway B, Asphalt Tie-Down and Ramp Rehabilitation Project, Contract 16-01**

   A. **Recommendation to Reject Bids**

2. **Woods at Walls Creek – Approval of Sussex Conservation District Proposal**

Steve Hudson, Director of Technical Engineering

1. **Improve Utilities (Airfield Lighting), Project No. 15-11**

   A. **Change Order No. 1 and Substantial Completion**

Old Business

Change of Zone No. 1782
Robert Attalian

Grant Requests

1. **Lewes – Rehoboth Rotary Club for Trail Guide**

2. **Children of the Delaware National Guard Youth Camp for camp operations**

3. **Delaware Seaside Railroad Club for expenses**

4. **Lewes Historical Society for the Annual Chautauqua Tent Show**

5. **Laurel Historical Society for improvements to the Heritage Museum**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Collective Bargaining and Pending/Potential Litigation pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:00 p.m. – Sussex County Comprehensive Plan Workshop

Location: Sussex County West Complex – Conference Room

*** Members of the Sussex County Planning & Zoning Commission are invited; a quorum may be present.**

Adjourn

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Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 23, 2016 at 4:50 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

# # # #

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 9, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 9, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	**President**
Samuel R. Wilson, Jr.	**Vice President**
George B. Cole	**Councilman**
Joan R. Deaver	**Councilwoman**
Robert B. Arlett	**Councilman**
Todd F. Lawson	**County Administrator**
Gina A. Jennings	**Finance Director**
J. Everett Moore, Jr.	**County Attorney**

The Invocation and Pledge of Allegiance were led by Mr. Vincent.

Call to Order

Mr. Vincent called the meeting to order.

M 087 16 Amend and Approve Agenda

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting "Executive Session – Personnel pursuant to 29 Del. C. §10004(b)" and "Possible Action on Executive Session Items"; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Minutes

A correction to the minutes of January 5, 2016 was approved by consent.

The minutes of February 2, 2016 were approved by consent.

Corre-spondence

Mr. Moore read the following correspondence:

YMCA OF DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.

Public Comments

<u>Public Comments</u>

Paul Reiger commented on appointments to the Planning and Zoning Commission and Board of Adjustment.

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Caroling on The Circle Food Drive Recognition

Mr. Lawson announced that over 23,500 food items were collected during the Caroling on The Circle Food Drive; additionally, $6,000 was also collected and used to purchase food items. The Council thanked and recognized the following participants who helped in this effort:

Little Einstein Preschool	**151 items**
Georgetown Middle School	**200 items**
All Span, Inc.	**240 items** **$200.00**
Sussex County Association of REALTORS®	**300 items** **$250.00**
Sussex Academy	**307 items**
West Bay Homeowners Association	**480 items** **$400.00**
Colonial East, L.P.	**480 items** **$400.00**
H. O. Brittingham Elementary School	**500 items**
Fuqua, Yori and Willard, P.A.	**600 items** **$500.00**
Milton Elementary School	**650 items**
A.P. Croll and Son, Inc.	**1,000 items**
Sussex County Employees	**1,352 items**
Georgetown Elementary School	**2,405 items**
Millsboro Middle School	**2,452 items**
First State Manufactured Housing Association	**2,502 items** **$2,085.00**
Delaware Manufactured Homeowners Association	**2,561 items** **11 bags of clothing**
Long Neck Elementary School	**2,622 items**
Aloft AeroArchitects	**3,074 items** **$2,000.00** **48 turkeys**

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Recognition (continued)

Mr. Lawson recognized Mark Roethel for donating the pod that was used for storing food items as they were collected during the month of December and Best Equipment, Inc. for donating the use of a wagon for the festivities.

Board of Assessment Review Appointment

Mr. Lawson reported that Thomas O'Hagan's term on the Board of Assessment Review expires in February and that Mr. O'Hagan has agreed to serve another term. Mr. O'Hagan is the District 3 appointment. The Board of Assessment Review meets the first fifteen working days of March each year to consider property assessment appeals.

M 088 16 Approve Reappointment/ Board of Assessment Review

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the reappointment of Thomas O'Hagan to the Board of Assessment Review, effective February 1, 2016, for a term of five years.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

Administrator's Report

Mr. Lawson read the following information in his Administrator's Report:

1. <u>Delaware State Police Activity Report</u>

Per the attached Delaware State Police activity report for November, there were 337 violent crime arrests with 232 clearances; 2,963 property crimes with 1,049 clearances; and 42,410 total traffic charges with 29,772 corresponding arrests. Of those traffic arrests, 904 were for DUI. Finally, there were 4,799 total vehicle crashes investigated in November. In total, there were 189 troopers assigned to Sussex County for the month of November.

[Attachments to the Administrator's Report are not attachments to the minutes.]

Airport Advisory Committee Appointments

Jim Hickin, Director of Airport and Industrial Park Operations, presented a recommendation to reappoint the members of the Airport Advisory Committee.

The Advisory Committee consists of seven appointments by the Sussex County Council; the members serve a term of one year and expire at the end of each year. The Committee's current membership is as follows: one representative of the Fixed Base Operator (Garrett Dernoga), one non-commercial airport tenant (Larry Kelley), one commercial airport tenant (Jeff Reed), two airport-based aircraft owners (Rick Garner & Gus Croll), one Industrial Park tenant representative (Mark Ryan), and one representative at-large (Richard Wilson). The County Council's representative is Councilman Arlett; Councilman Arlett's appointment was

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(continued) **approved by Council on January 5, 2016.**

M 089 16 Approve Appointments to Airport Advisory Committee

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, that the Sussex County Council appoints Robert Arlett, Gus Croll, Garrett Dernoga, Larry Kelley, Jeff Reed, Rick Garner, Mark Ryan, and Richard Wilson to the Sussex County Airport Advisory Committee appointments for 2016.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

Old Business/ CU 2017

Under Old Business, the Council considered the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2017) filed on behalf of Eli and Victoria Zacharia (Tax Map I.D. 334-18.00-7.00) (911 Address – 20336 John J. Williams Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on this application on August 13, 2015 at which time the Commission deferred action. On September 24, 2015, the Commission recommended that the application be denied.

The County Council held a Public Hearing on this application on September 22, 2015 at which time the Council deferred action and left the record open to allow the Applicant to obtain a feasibility study from DNREC that their current septic capacity is adequate for the proposed use, a two unit multi-family dwelling structure within the existing dwelling by conversion of the garage into an apartment.

Lawrence Lank, Director of Planning and Zoning, reported that on December 30, 2015, DNREC issued Permit No. 231402 to upgrade the existing septic system to allow an increase in the number of bedrooms from 4 to 5 and on January 8, 2016, a Certificate of Satisfactory Completion was issued for the upgrade.

Council members and Mr. Lank discussed garage/studio apartments, multi-family dwelling structures containing two units, separate and attached buildings, guest houses, "mother-in-law" suites, etc.

Lawrence Lank, Director of Planning and Zoning, clarified that it is a house with a garage, and the garage is proposed to be converted to an apartment. It was noted that no new structures are proposed.

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Old Business/ CU 2017 (continued)

Mr. Lank noted that Council discussed this application on February 2, 2016 and deferred action to allow time for Legal Counsel to prepare conditions of approval and Findings of Fact for Council's consideration.

Mr. Moore read proposed Findings of Fact and the conditions of approval, as follows:

A. This is the application of Eli and Victoria Zacharia to consider the Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 22,500 square feet, more or less. The property is located northwest of John J. Williams Highway (Route 24) 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision (911 Address: 20336 John J. Williams Highway, Lewes) Tax Map I.D. 334-18.00-7.00.

B. Council found that DelDOT commented that Level of Service "E" of John J. Williams Highway will not change as a result of this proposed application.

C. Council found that the Sussex Conservation District commented that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that no off-site drainage improvements will be required; that it may be possible that on-site drainage improvements will be required; and that no tax ditches are affected.

D. Council found that the Sussex County Engineering Department Utility Planning Division commented that the property is located in the Goslee Creek Planning Area; that the parcel has not been provided with a sewer connection point; that the project is not capable of being annexed into a County operated sanitary sewer district at this time; that conformity to the North Coastal Area Planning Study will be required; that when the County provides central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a concept plan is not required.

E. Council found that, at the Planning and Zoning Commission hearing, Mr. Lank, Director of Planning and Zoning, advised the Commission that if the use is approved a minimum of four parking spaces will be required, and that the MR Medium Density Residential zoning classification permits Conditional Use applications for multi-family dwelling structures.

F. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Eli Zacharia and Sammy Zacharia were present at the Planning and

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Old Business/ CU 2017 (continued)

Zoning Commission hearing and Eli Zacharia was present at the Council hearing; that, in response to questions raised at the Planning and Zoning Commission hearing, Eli Zacharia presented a sketch showing the intended parking area; that they stated they have an attached garage that has been remodeled for extra living space with a kitchen; that Sammy Zacharia or a seasonal employee will reside in the converted garage unit; and that separate electrical meters have already been installed.

G. Council found that no parties appeared in opposition to the application.

H. Council found that the use will not adversely affect neighboring properties or area roadways.

I. Based on the record of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to the following eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties:

1. The multi-family residential use shall be limited to the existing structures on the property, being the existing residence and the attached garage which has been converted to a residential unit. No additional structures shall be permitted for residential use.

2. All entrances and roadway improvements shall be subject to DelDOT approvals.

3. All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.

4. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

5. The site shall have a minimum of four (4) parking spaces on the premises.

6. In the event the County provides central sewer service to the area at a later date, the Applicant shall be required to abandon the on-site system and connect directly to the County's central sewer system.

7. The location of all buildings, parking areas, and driveways shall be shown on the Final Site Plan and clearly marked on the site itself.

8. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Mr. Cole expressed some concerns about Condition No. 1 and suggested that the wording limit the use to "structure" instead of "structures".

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M 090 16 Amend Condition No. 1

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to amend Condition No. 1 to read as follows: "The multi-family residential use shall be limited to the existing structure on the property, being the existing residence and the attached garage which has been converted to a residential unit. No additional structures shall be permitted for residential use. This application is for a garage apartment only.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

M 091 16 Approve Proposed Conditions

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to approve the proposed conditions, as amended.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea

M 092 16 Adopt Ordinance No. 2436

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2436 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2017) filed on behalf of Eli and Victoria Zacharia, with findings and conditions, as amended, as follows:

A. This is the application of Eli and Victoria Zacharia to consider the Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 22,500 square feet, more or less. The property is located northwest of John J. Williams Highway (Route 24) 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision (911 Address: 20336 John J. Williams Highway, Lewes) Tax Map I.D. 334-18.00-7.00.

B. Council found that DelDOT commented that Level of Service "E" of John J. Williams Highway will not change as a result of this proposed application.

C. Council found that the Sussex Conservation District commented that the applicants will be required to follow recommended erosion and sediment control practices during any construction and to maintain

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M 092 16 Adopt Ordinance No. 2436 (condition)

vegetation after construction; that there are no storm flood hazard areas affected; that no off-site drainage improvements will be required; that it may be possible that on-site drainage improvements will be required; and that no tax ditches are affected.

D. Council found that the Sussex County Engineering Department Utility Planning Division commented that the property is located in the Goslee Creek Planning Area; that the parcel has not been provided with a sewer connection point; that the project is not capable of being annexed into a County operated sanitary sewer district at this time; that conformity to the North Coastal Area Planning Study will be required; that when the County provides central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a concept plan is not required.

E. Council found that, at the Planning and Zoning Commission hearing, Mr. Lank, Director of Planning and Zoning, advised the Commission that if the use is approved a minimum of four parking spaces will be required, and that the MR Medium Density Residential zoning classification permits Conditional Use applications for multi-family dwelling structures.

F. Based on the record before the Planning and Zoning Commission and the hearing before the Sussex County Council, Council found that Eli Zacharia and Sammy Zacharia were present at the Planning and Zoning Commission hearing and Eli Zacharia was present at the Council hearing; that, in response to questions raised at the Planning and Zoning Commission hearing, Eli Zacharia presented a sketch showing the intended parking area; that they stated they have an attached garage that has been remodeled for extra living space with a kitchen; that Sammy Zacharia or a seasonal employee will reside in the converted garage unit; and that separate electrical meters have already been installed.

G. Council found that no parties appeared in opposition to the application.

H. Council found that the use will not adversely affect neighboring properties or area roadways.

I. Based on the record of the Planning & Zoning Commission and the record created before the Sussex County Council, the Conditional Use is approved subject to the following eight (8) conditions which will serve to minimize any potential impacts on the surrounding area and adjoining properties:

1. The multi-family residential use shall be limited to the existing structure on the property, being the existing residence and the attached garage which has been converted to a residential unit. No additional structure shall be permitted for residential use. This

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M 092 16 Adopt Ordinance No. 2436 (condition)

application is for a garage apartment only.

2. **All entrances and roadway improvements shall be subject to DelDOT approvals.**

3. **All dumpsters or trash receptacles shall be screened from view of neighboring properties or roadways.**

4. **Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**

5. **The site shall have a minimum of four (4) parking spaces on the premises.**

6. **In the event the County provides central sewer service to the area at a later date, the Applicant shall be required to abandon the on-site system and connect directly to the County's central sewer system.**

7. **The location of all buildings, parking areas, and driveways shall be shown on the Final Site Plan and clearly marked on the site itself.**

8. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea;**
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Mr. Cole suggested that Planning and Zoning interpret the County ordinance regarding attached and detached and to clarify garage/studio apartments versus multi-family, since multi-family is typically townhouses.

Grant Requests

Mrs. Jennings presented grant requests for the Council's consideration.

M 093 16 Council-manic Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give $500.00 from Mrs. Deaver's Councilmanic Grant Account to Cape Henlopen High School for the Advancement Via Individual Determination (AVID) Program.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea;**
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

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Grant Application Process

Mr. Arlett advised that through the grant application process, he requests applicants to complete a Council Grant Application (for District 5 grants). He noted that, in the packet, the grant request from the River Soccer Club includes a completed application. Mr. Arlett stated that the purpose of the application is to provide a means for full disclosure of financial need and to provide relevant information so that Council can make a decision on a grant. Mr. Arlett encouraged other Council Members to use this application process. It was the consensus of the Council to place the matter on a future agenda, with recommendations from staff.

M 094 16 Council-manic Grant

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give $2,000.00 ($1,500.00 from Mr. Arlett's Councilmanic Grant Account and $500.00 from Mr. Cole's Councilmanic Grant Account) to the River Soccer Club (a/k/a Indian River Soccer Club) for a field construction project.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

M 095 16 Countywide Youth Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to give $2,500.00 from Countywide Youth Grants to Camp Barnes for mess hall renovations.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

Introduction of Proposed Zoning Ordinances

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS" (Change of Zone No. 1796) filed on behalf of Lockwood Design and Construction, Inc. (Tax I.D. No. 334-12.00-127.02, 127.04, 127.05) (911 Address: None Available).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS" (Conditional Use No. 2046) filed on behalf of Lockwood Design and Construction, Inc. (Tax I.D. No. 334-12.00-127.02, 127.04, 127.05) (911

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Introduction of Proposed Zoning Ordinances (continued)

Address: None Available).

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 9.822 ACRES, MORE OR LESS" (Change of Zone No. 1797) filed on behalf of John P. and Sherry B. Disharoon (Tax Map I.D. No. 532-13.00-51.00 (Part of) (911 Address: None Available).

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.99 ACRES, MORE OR LESS" (Change of Zone No. 1798) filed on behalf of David and Veronica Hamm/Clarksville Auto (Tax Map I.D. No. 134-11.00-155.00, 153.00, and 83.01) (911 Address: None Available).

Mr. Moore presented two Proposed Ordinances for re-introduction: Change of Zone No. 1794 and Conditional Use No. 2044. He noted that the re-introduction is necessary due to corrections that needed to be made to the Proposed Ordinances after they were first introduced on January 26, 2016.

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.9192 ACRES, MORE OR LESS" (Change of Zone No. 1794) filed on behalf of JCBB, LLC (Tax Map I.D. No. 235-30.00-63.00 & 63.01) (911 Address: 26526 Lewes Georgetown Highway, Harbeson).

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF AN EXISTING BORROW PIT OPERATION LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 7.85 ACRES, MORE OR LESS" (Conditional Use No. 2044) filed on behalf of Edward J. Kaye (Tax I.D. No. 430-23.00-41.00) (911 Address: 20956 Coverdale Road, Bridgeville).

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(continued) **The Proposed Ordinances will be advertised for Public Hearing.**

Council Members' Comments

Council Members' Comments

Mr. Cole commented on the quality of the Sussex County seal used in a recent publication.

Mr. Cole commented on the Slam Dunk to the Beach event.

Mrs. Deaver referenced a comment made by an elected official from another County regarding the roads in Sussex County.

Mr. Wilson commented on County roads.

Mr. Arlett recognized the Register of Wills Cindy Green and he stated that he had the opportunity to take a tour of her office and meet the staff.

Mr. Arlett announced that, last week, he was sworn in as an Honorary Troop Commander for Delaware State Police, Troop 4. He noted that Delaware State Police has a new program throughout the State to improve relations with the public and to improve transparency. Through this effort, they have selected honorary troop commanders for each troop.

Mr. Arlett commented on the Sussex County Legislative Breakfast hosted by the Indian River Volunteer Fire Company on Saturday, February 6th. This event was sponsored by the Sussex County Fire Chief's Association and the Sussex County Volunteer Firefighter's Association.

Mr. Arlett commented on a public meeting held in Georgetown with the Common Interest Community Ombudsman regarding Homeowners Associations.

Mrs. Deaver referenced ordinances that were to be considered relating to the Comprehensive Land Use Plan Update and she questioned the status of the ordinances.

In regard to the discussion on roads, Mr. Vincent clarified that the County does not build or maintain any roads in the County.

Council Meeting

Mr. Lawson proposed that the February 16th Council meeting be cancelled due to the lack of agenda items.

M 096 16 Cancel 2/16/16 Meeting

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to cancel the February 16, 2016 Council meeting due to a lack of agenda items.

Motion Adopted: 5 Yeas.

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M 096 16 (continued)

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

M 097 16 Recess Regular Session/ Convene Sign Ordinance Joint Workshop

At 11:06 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess the Regular Session and to relocate to Sussex County's West Complex for the Sign Ordinance Joint Workshop.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

M 098 16 Reconvene

At 11:35 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett to reconvene.

Motion Adopted: **5 Yeas.**

Vote by Roll Call: **Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**

Sign Ordinance Joint Workshop

The following were in attendance:

Michael H. Vincent	**President, Sussex County Council**
Samuel R. Wilson, Jr.	**Vice President, Sussex County Council**
George B. Cole	**Councilman, Sussex County Council**
Joan R. Deaver	**Councilwoman, Sussex County Council**
Robert B. Arlett	**Councilman, Sussex County Council**
Todd F. Lawson	**County Administrator**
Lawrence Lank	**Director of Planning & Zoning**
Janelle Cornwell	**Planning & Zoning Manager**
Dale Callaway	**Chairman, Board of Adjustment**
Jeff Hudson	**Member, Board of Adjustment**
John Mills	**Member, Board of Adjustment**
Bud Rickard	**Member, Board of Adjustment**
Brent Workman	**Member, Board of Adjustment**
Bob Wheatley	**Chairman, Planning & Zoning Commission**
Marty Ross	**Member, Planning & Zoning Commission**
Everett Moore	**County Attorney**
Vince Robertson	**Assistant County Attorney**
Jamie Sharp	**Assistant County Attorney**
Kyle Gulbronson	**Member, Sign Ordinance Working Group**
David Hutt, Esq.	**Member, Sign Ordinance Working Group**
Lynn Rogers	**Member, Sign Ordinance Working Group**
Bill Murphy	**Member, Sign Ordinance Working Group**
Nancy Chernoff	**Member, Sign Ordinance Working Group**

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Sign Ordinance Joint Workshop (continued)

Mr. Lawson stated that no decisions would be made at the workshop; in the future, a draft ordinance will be presented to the Board of Adjustment, Planning and Zoning Commission, and the County Council for consideration.

Jamie Sharp, with a powerpoint presentation, highlighted the Sign Ordinance Working Group's recommendations. Topics discussed were billboards (size, separation distances, height, location, non-conforming / replacement), electronic message centers (LED signs), scenic byways, bandit signs, on-premise signs, and enforcement.

Mr. Lawson referenced Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS" which was adopted on September 15, 2015 and which imposes a moratorium on off-premises signs for a period of six months from the date of adoption and he stated that the moratorium ends on March 15, 2016.

Mr. Lawson noted that an ordinance on signs needs to be drafted for consideration. He asked that the Board of Adjustment and the Planning and Zoning Commission place this matter on a future agenda (as soon as possible) for the purpose of providing feedback/direction on the information presented at this workshop. Thereafter, the County Council will place the matter on its agenda for discussion for the purpose of drafting an ordinance.

M 099 16 Adjourn

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 1:15 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

{An audio recording of this meeting (a.m. session only) is available on the County's website.}

DRAFT

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799

Sussex County
DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 17, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BATSON CREEK ESTATES - PHASE 4
AGREEMENT NO. 887 - 3

DEVELOPER:

Mr. Thomas Natelli, Jr.
Fenwick Communities LLC.
506 Main Street, 3rd Floor
Gaithersburg,, MD 20878

LOCATION:

West side CR#384, 1650 feet North of CR#20

SANITARY SEWER DISTRICT:

Johnson's Corner Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Single Family Cluster Home Subdivision
21 lots in this phase

SYSTEM CONNECTION CHARGES:

$121,275.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
07/12/13

Department Of Natural Resources Plan Approval
02/21/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 35
Construction Admin And Construction Inspection Cost – $13,909.80
Proposed Construction Cost – $92,732.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 18, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE ESTUARY - PHASE 1C-1A (CONSTRUCTION RECORD)
AGREEMENT NO. 638 - 5

DEVELOPER:

Mr. Steve Brodbeck
Estuary Development, LLC
8965 Guilford Road, Suite 200
Columbia, MD 20146

LOCATION:

South RD 363on RD 364, east of 381

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

9 single family lots

SYSTEM CONNECTION CHARGES:

$51,975.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
11/06/15

Department Of Natural Resources Plan Approval
11/24/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 35
Construction Admin And Construction Inspection Cost – $18,772.14
Proposed Construction Cost – $125,147.57

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 18, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE ESTUARY - PHASE 1B (CONSTRUCTION RECORD)
AGREEMENT NO. 638 - 6

DEVELOPER:

Mr. Steve Brodbeck
Estuary Development, LLC
8965 Guilford Road, Suite 200
Columbia, MD 20146

LOCATION:

South RD 363on RD 364, east of 381

SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

8 single family lots

SYSTEM CONNECTION CHARGES:

$46,200.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
11/06/15

Department Of Natural Resources Plan Approval
11/24/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 40
Construction Admin And Construction Inspection Cost – $41,390.52
Proposed Construction Cost – $275,936.79

TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable Robert B. Arlett
The Honorable George B. Cole
The Honorable Joan R. Deaver

FROM: Todd F. Lawson
County Administrator

RE: ***PROPOSED AMENDMENT TO ORDINANCE NO. 2414 REGARDING OFF-PREMISES SIGNS***

DATE: February 26, 2016

During Tuesday's meeting, you are scheduled to consider a proposed amendment to Ordinance No. 2414 entitled "AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS." The amendment will extend the Moratorium.

When Ordinance No. 2414 was written and approved, Section 2 of the Ordinance was included to permit the Council to amend the Ordinance for an extension through a majority vote. A copy of the Ordinance is attached.

Should the Council choose to extend the Moratorium an additional period of time, you can do so through a Motion that we will have prepared for your consideration.

Please let me know if you have any questions.

TFL/sww

Attachment

pc: J. Everett Moore, Jr., Esquire
Vincent G. Robertson, Esquire
Mr. Lawrence B. Lank

ORDINANCE NO. 2414

AN ORDINANCE TO ESTABLISH A MORATORIUM UPON THE ACCEPTANCE OF SPECIAL USE EXCEPTION APPLICATIONS FOR OFF-PREMISES SIGNS

WHEREAS, Sussex County Code ("County Code") currently allows off-premises signs to be approved for a special use exception by the Sussex County Board of Adjustment in certain zoning districts; and

WHEREAS, an off-premises sign is defined in the County Code, Chapter 115 as a "sign directing attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where the sign is maintained"; and

WHEREAS, Sussex County Council views the placement of off-premises signs as an important public safety issue in Sussex County and believes that the recent proliferation of off-premises signs has a detrimental effect on the safety and welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address the safety issues and its other concerns with off-premises signs and that the continued approval of off-premises signs under the current County Code provisions will exacerbate the issues associated with these signs; and

WHEREAS, Sussex County is in the process of engaging a consultant to study land use planning issues, including off-premises signs; and

WHEREAS, in order to avoid exacerbating the issues with the off-premises signs and to allow Sussex County a reasonable time period for the review and study of off- premises signs, the preparation of proposed legislation to address resultant issues, and the consideration of said legislation, Sussex County Council desires to establish a moratorium upon the acceptance of any special use exception application for an off-premises sign for a period of six (6) months from the date of adoption of this Ordinance, unless otherwise extended, modified or terminated by a majority vote of County Council.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That a moratorium upon the acceptance of any special use exception application for off-premises signs be hereby imposed for a period of six (6) months after the date of adoption of this Ordinance, unless extended, modified, or terminated in accordance with this Ordinance. During the period of said moratorium, the office of the Sussex County Planning and Zoning Director is hereby directed to decline to accept all special use exception applications for an off-premises sign. The meaning of "off-

premises sign" shall be as defined in Sussex County Code, Section 115-157(B).

Section 2. This Ordinance may be extended, modified, or terminated at any time by a majority vote of all members of the County Council of Sussex County.

Section 3. This Ordinance shall become effective upon its adoption.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2414 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 15TH DAY OF SEPTEMBER 2015.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
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gjennings@sussexcountyde.gov

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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable Robert B. Arlett
The Honorable George B. Cole
The Honorable Joan R. Deaver

FROM: Gina A. Jennings
Finance Director

RE: ***CLEAN WATER AND FLOOD ABATEMENT TASK FORCE***

DATE: February 26, 2016

On Tuesday, I will give you an update on the Clean Water and Flood Abatement Task Force. The Task Force met on February 23 where a second version of draft legislation was discussed and is attached.

If you remember, in December, legislation was drafted to add a Clean Water Fee to the property tax bill. The new legislation adds a flat $45 fee to all residential sewer bills and an increased fee for businesses. DNREC would be responsible to invoice all septic system users. The Bill states that most of Delaware's waters do not meet water quality standards for their designated uses, such as drinking, swimming, and supporting fish and other aquatic life. Delaware's list of impaired waters include 377 bodies of water that suffer from excess nutrients, low dissolved oxygen, toxins, and bacteria. Extensive analysis of chemical contaminants in fish has led to advisories that fish are unsafe to eat in more than 30 waterways statewide." The Bill also states it is in the public's interest to establish a Clean Water Trust Fund to coordinate the available resources for State drinking water, wastewater, stormwater, non-point source pollution reduction, toxics removal and ecological restoration. Attached is the list of funding needs that was provided by DNREC.

The fee from Sussex County property owners is estimated to generate over $5 million to the Clean Water Trust Fund. The County would be responsible to invoice $3 million to our customers annually. I, along with other members of the committee, brought up questions that is generating another version of this legislation. I expect to get another draft by our next meeting, which is scheduled on March 17, at 10 a.m. at the Buck Library in New Castle.

Please let me know if you have any questions.

Attachments

SPONSOR: Rep. Mulrooney & Sen. Townsend

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO.

AN ACT TO AMEND TITLES 29, 7, AND 30 OF THE DELAWARE CODE RELATING TO THE CLEAN WATER ACT FOR DELAWARE ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

Section 1. Amend Title 29, Chapter 80 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Subchapter Ill. Clean Water for Delaware Act

§ 8070. Short title.

This Act shall be known and may be cited as the "Clean Water for Delaware Act."

§ 8071. Legislative findings.

(a) The General Assembly finds that:

(1) The State of Delaware has a compelling interest in ensuring that all Delawareans have access to clean water.

(2). Delaware's continued economic vitality is dependent upon maintaining the state's water and wastewater infrastructure, protecting and enhancing the state's water resources as an attraction for tourism and new employers

(3) As of the date of this Act:

a. Some Delawareans do not have access to potable drinking water or basic wastewater disposal in their homes.

b. Most of Delaware's waters do not meet water quality standards for their designated uses, such as drinking, swimming, and supporting fish and other aquatic life.

c. Many Delaware communities are at risk from flooding and drainage hazards

d. Delaware's list of impaired waters includes 377 bodies of water that suffer from excess nutrients, low dissolved oxygen, toxics, and bacteria.

e. Extensive analysis of chemical contaminants in fish has led to advisories that fish are unsafe to eat in more than 30 waterways statewide.

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(4) Although certain federal grants are available to local governments through the Safe Drinking Water Act, the Clean Water Act and other programs, federal funding is insufficient to meet the State's demands, and existing State resources are inadequate to meet current and future needs.

(5) It is fitting and proper for the State to encourage local governments, private entities, and farmers to undertake clean water projects by establishing state mechanisms to finance such projects at the lowest reasonable costs.

(6) It is fitting and proper for the State to more effectively leverage and maximize the impact of all public, private, and philanthropic resources available for achieving clean water standards in all Delaware waterways.

The General Assembly therefore determines that it is in the public interest to establish the Delaware Clean Water Trust Fund to maximize and coordinate the management of resources available to the State for drinking water, wastewater, stormwater, non-point source pollution reduction, toxics removal, ecological restoration, public education and outreach efforts, and other eligible projects to be funded from the following sources:

(1) A Clean Water Fee as established pursuant to §8075 of this subchapter, which shall be levied on wastewater connections, septic, and other wastewater disposal systems.

(2) Grants from the U.S. Environmental Protection Agency ("EPA") under the Clean Water Act and the Safe Drinking Water Act, together with any matching state funds, or funds received from any other federal agency.

(3) Moneys received as repayments of principal and interest on loans, interest received on invested funds and other funding made available to the Delaware Water Pollution Control Revolving Loan Fund established pursuant to 29 Del. C. § 8003, or the Drinking Water Revolving Loan Fund established pursuant to 29 Del. C. § 7903.

(4) Funds from the Hazardous Substance Cleanup Fund for remediation projects related to water quality improvements pursuant to 7 Del C. §§ 9113 et seq.

(5) Moneys received from other sources for the purposes directed by this subchapter.

§ 8072. Definitions.

For purposes of this subchapter, the following terms shall have the following meanings:

(1) "Applicant" means a person who submits an application to the Department to receive funds from the Fee Account.

(2) "Clean Water Act" means the federal Water Pollution Control Act (33 U.S.C. §1251 et seq.) as the same may be amended from time to time.

(3) "Clean Water Fee" means the Clean Water for Delaware Fee established pursuant to § 8075 of this subchapter.

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(4) "Clean Water Fee Account" means the account established under § 8075 of this subchapter and into which the Clean Water Fee shall be deposited.

(5) "Water Pollution Control Fund" means the Delaware Water Pollution Control Revolving Fund established under § 8003 of this title.

(6) "Clean Water Revenue Bonds" or "Bonds" mean any revenue bonds, notes, or other obligations issued by the Trust pursuant to § 8077 of this subchapter, repayment of which is secured and repaid as provided therein.

(7) "Conservation Project" means a waterway or land conservation, a habitat or stream restoration, a wetlands or stormwater mitigation bank, a project that generates water quality or quantity credits or a recreational infrastructure project as permitted by § 5423 of Title 30 or § 6102A of this title; provided however, that no regional infrastructure project hereunder shall be deemed to be a Conservation Project unless it is related to the provision, preservation, or maintenance of clean water or water quality.

(8) "Cost" means the cost of all labor, materials, machinery and equipment, lands, property, rights and easements, financing charges, interest on bonds, plans and specifications, surveys or estimates of costs and revenues, engineering and legal services, and all other expenses necessary or incident to all or part of a Project.

(9) "DHSS" means the Department of Health and Social Services.

(10) "DNREC" or "Department" means the Department of Natural Resources and Environmental Control.

(11) "Drinking Water Fund" means the Delaware Safe Drinking Water Revolving Fund established pursuant to 29 Del. C. § 7903(14).

(12) "EPA Eligible Project" means any project permitted to be funded under the Safe Drinking Water Act and Clean Water Act.

(13) "Funds" mean, collectively, the Clean Water Fee Account, the Drinking Water Fund, the Water Pollution Control Fund, and the Hazardous Substance Cleanup Fund.

(14) "Issuing officers" means the Trust.

(15) "Local government unit" means a State authority, county, city, town, or any other political subdivision of the State authorized to undertake any of the following:

a. Operation and maintenance of wastewater treatment systems.

b. Operation and maintenance of a public water supply system.

c. Construction, rehabilitation, operation or maintenance of water supply facilities.

d. Other provision of water for human consumption.

(16) "Project" means the acquisition, construction, installation, modification, renovation, repair, extension, renewal, replacement, or rehabilitation of land, interest in land, buildings, structures, facilities, other improvements or administration of such activity and the acquisition, installation, modification, renovation, repair, extension, renewal,

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replacement, rehabilitation or furnishing of fixtures, machinery, equipment, furniture, or other property of any nature whatsoever used on, in, or in connection with an such land, interest in land, building, structure, facility, or other improvement all for the purpose of or relating to the provision preservation or maintenance of clean water or water quality and reduction of flooding. The term "Project" shall include any project described in § 8076(a) of this subchapter.

(17) "Public water utility" means any investor-owned water company or small water company.

(18) “Secretary” means the Secretary of the Department of Natural Resources and Environmental Control.

(19) "Safe Drinking Water Act" means the federal Safe Drinking Water Act, 42 U.S.C. 300f et seq., as the same may be amended from time to time.

(20) “Small Business” means any not-for-profit enterprise, sheltered workshop, or business enterprise which is engaged in any phase of manufacturing, agricultural production or personal service, regardless of the form of its organization, when such enterprise or workshop employs fewer than 50 persons, has gross receipts of less than $10,000,000 and is not owned, operated or controlled by another business enterprise. To meet the definition of “small business” there are three components:

(a) A not for profit enterprise, sheltered workshop, or business enterprise engaged in manufacturing, agricultural production, or personal service regardless of form of organization; and

(b) Employs fewer than 50 persons and has gross receipts of less than $10M; and

(c) It is not owned, operated, or controlled by another business enterprise (note: the owner controller entity is not limited by size or receipts

(21) "Small water company" means any company, purveyor, or entity, other than a governmental agency, that provides water for human consumption and which regularly serves less than 1,000 customer connections. This term includes nonprofit, non-community water systems owned or operated by a nonprofit group or organization.(Definition needs review)

(22) "Stormwater management system" means any equipment, plants, structures, machinery, apparatus management practices, or land, or any combination thereof, acquired, used, constructed, implemented or operated to prevent nonpoint source pollution, abate improper cross-connections and interconnections between stormwater and sewer systems, minimize stormwater runoff and flooding, reduce soil erosion, or induce groundwater recharge, or any combination thereof.

(23) "Trust" means the Delaware Clean Water Trust Fund authorized pursuant to this subchapter.

(24) "Trust Board" or "Board" means the board of directors of the Trust established pursuant to § 8073 of this subchapter.

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(25) "Wastewater" means residential, commercial, industrial, or agricultural liquid waste, sewage, seepage, stormwater runoff, or any combination thereof, or other liquid residue discharged or collected into a sewer system or stormwater management system, or any combination thereof.

(26) "Wastewater treatment system" means any equipment, plants, structures, machinery, apparatus, land, or any combination thereof, acquired, used, constructed, or operated for the storage, collection, reduction, recycling, reclamation, disposal, separation, or other treatment of wastewater or sewage sludge, or for the collection or treatment, or both, of stormwater runoff and wastewater, or for the final disposal of residues resulting from the treatment of wastewater, including pumping and ventilating stations, treatment plants and works, connections, outfall sewers, interceptors, trunk lines, stormwater management systems, and other personal property and appurtenances necessary for their use or operation. "Wastewater treatment system" shall include a stormwater management system or a combined sewer system

(27) "Wastewater treatment system project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility, or equipment or real or personal property necessary for, or ancillary to, any wastewater treatment system; or any work relating to any of the stormwater management or combined sewer overflow abatement projects identified in the stormwater management and combined sewer overflow abatement project priority list or any work relating to any other project eligible for financing under applicable law.

(28) "Water supply facilities" means the real property and the plants, structures, interconnections between existing water supply facilities, machinery and equipment and other property real, personal and mixed, acquired, constructed, or operated or to be acquired, constructed, or operated, in whole or in part. by or on behalf of a public water utility or small water company, or by on the behalf of the State or local government unit for the purpose of augmenting the natural water resources of the State and making available an increased supply of water for all uses, or of conserving existing water resources, and any and all appurtenances necessary, useful, or convenient for the collecting, impounding, storing, improving, treating, filtering, conserving, or transmitting of water, and for the preservation and protection of these resources and facilities, and providing for the conservation and development of future water supply resources, and facilitating incidental recreational uses thereof. (Section of definitions for discussion)

(29) "Water supply project" means any work relating to the acquisition, construction, improvement, repair or reconstruction of all or part of any structure, facility or equipment, or real or personal property necessary for or ancillary to water supply, or any work relating to the purposes set forth in Section 8076 of this subchapter, or any work relating to any other EPA Eligible Project for funding pursuant to the Safe Drinking Water Act.

§ 8073. Establishment of Clean Water for Delaware Trust Fund and Board; members; compensation; designees; dissolution.

(a) There is hereby established a body corporate and politic, to be known as the “Delaware Clean Water Trust Fund.” (the “Trust”) The Trust shall be a public instrumentality of the State exercising public and essential governmental

functions, and the exercise by the Trust of the powers conferred by this chapter is hereby determined to be an essential governmental function of the State in order to create a coordinated plan to clean the State's waterways, ensure clean and safe drinking water for all Delawareans, and protect the State's citizens from the effects of flooding. The exercise of power by the Trust pursuant to this chapter is hereby mandated by the State as sovereign (needed?)

(b) All action by the Authority shall be taken by resolution of the Board of Directors comprised of the Secretary of Natural Resources and Environmental Control, who shall be Chair, the Secretary of Finance, and a person with expertise in public and private finance to be appointed by the Governor and confirmed by the Senate. The position of Trust Fund Administrator shall be created within the Department of Natural Resources and Environmental Control, to be appointed by the Board to serve at the pleasure of the Board

(c) Each appointed director shall serve until his successor has been appointed and qualified. A director is eligible for reappointment. Any vacancy shall be filled in the same manner as the original appointment, but for the unexpired term only.

(d) The Trust may be dissolved by an act of the General Assembly on condition that the Authority has no debts or obligations outstanding or that provision has been made for the payment or retirement of such debts or obligations. Upon any such dissolution of the Trust, all property, funds and assets thereof shall be vested in the State.

(e) The Trust shall make an annual report of its activities to the Governor, the Speak of the House of Representatives and the President Pro Tempore of the Senate of the General Assembly, the Controller General and the Auditor of Accounts. Each such report shall contain a complete operating and financial statement covering the Trust's operations during the past fiscal year of the Trust and shall include copies of the audits required to be obtained by the Trust pursuant to this chapter.

(f) No director, officer, employee or agent of the Trust shall be interested, either directly or indirectly, in any project or in any contract, sale, purchase, lead or transfer of real or personal property to which the Authority is a party. The existence of any such interest shall not affect the validity of bonds issued pursuant to this chapter.

(g) No director, officer, employee, or agent of the Trust shall be deemed to have forfeited or shall forfeit any other state office or employment or any benefits or emoluments thereof by reason of acceptance of an office of the Trust or services therefor, subject to this chapter

§ 8074. Powers of the Trust related to Clean Water for Delaware Projects

(a)The Trust shall be responsible for oversight of the financial assets of the Funds to maximize, and coordinate the management of, the resources available for projects.

(b) At such time as the Trust determines that demand for funding for projects exceeds all available resources, the Trust is authorized to issue bonds, notes, and other obligations as set forth in § 8077 of this subchapter, including the prior enactment of an Authorization Act authorizing the issuance of such Bonds.

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(c) In coordination with the Water Infrastructure Council, the Trust shall develop the framework required to maximize private and philanthropic resources pursuant to the requirements set forth in this subchapter, determine program structure, obtain and maintain credit ratings, maintain and manage cash and investment accounts including those necessary for debt service or private financing repayment, coordinate bond and financing closings, disburse proceeds, and maintain compliance with regulatory requirements.

§8075. Establishment of Water Infrastructure Council; members; compensation

(a) (There is hereby established a corporate body functioning as a subsidiary of the Clean Water for Delaware Trust Fund to be known as the "Water Infrastructure Council" (the "Council").

(b) (The Council shall consist of up to 13 members, to be appointed by the Governor and confirmed by the Senate:

Chairperson

New Castle County Resident

Kent County Resident

Sussex County Resident

City of Wilmington

Delaware League of Local Governments

Delaware Association of Counties

Delaware Farm Bureau

Delaware Nutrient Management Commission

Delaware Association of Conservation Districts

Environmental Representative

American Council of Engineering Companies – Delaware

National Association of Water Companies - Delaware

(c) Members of the Council shall initially be appointed for staggered terms of from 1 to 3 years and shall thereafter be appointed for 3 year terms. A member is eligible for reappointment up to a maximum of three terms. Each appointed member may serve until his successor has been appointed and qualified.)

(d) Members of the Council shall not be compensated, but shall be reimbursed for reasonable expenses associated with service on the Council

Powers of the WIC [See WIAC Authorization in §8011 Title 29]Existing authority? Do we need to include language?

(e) The Water Infrastructure Council shall issue loans and grants in consideration of the common platform developed by the Council with the approval of the Trust, for soliciting, prioritizing, determining creditworthiness, closing, and managing loans and grants in accordance with EPA policy

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(f) The Council shall be permitted to transfer funds available for loans between the Drinking Water and the Clean Water programs based on demand and contingent on the requirements of the EPA and others and providing that such transfers are identified in the Annual Plan for each revolving loan fund and consistent with financial policies established by the Trust

(c) Agricultural project set-aside.

(1) The Council shall add the cost-share and other soil and water conservation projects approved by the Conservation Districts to the Council's project priority listing as submitted.

(2.) If additional resources from the Clean Water Fund or other sources are to be provided for any project, the Council shall consider the addition of such funds using the Council's overall project prioritization process.

(d) Hazardous Substance Cleanup projects set-aside

(1.) The Department shall submit a list of ranked HSCA projects to the Council for inclusion in the Council's annual plan.

(2.) If additional resources from the Clean Water Fund or other sources are to be provided for any HSCA project, the Council shall consider the addition of such funds using the Council's overall project prioritization process.

(e) Flooding and drainage project set-aside

(3.) The Council shall set aside the lesser of $2,000,000 or 20% of Clean Water Fee annually for flooding and drainage projects approved by the Conservation Districts under a prioritization process approved by the General Assembly.

(4.) Projects approved under the set-aside may not exceed $250,000

(5.) The Council shall have the sole authority to provide funding above the project cap or set-aside amount, provided the project(s) meet the prioritization criteria of the annual plan and the Clean Water Plan.

(i) The Trust and the Council shall provide an annual report to the General Assembly Joint Committee on Capital Improvement and the Natural Resources Committee of both the House of Representatives and the Senate on accounting of revenues, expenditures, and cash management, five year project priority lists, and progress toward achieving the State's Clean Water Plan. The annual report shall be delivered publicly to the aforementioned committees jointly by the Secretary of the Department and the Chair of the Water Infrastructure Council and made available for public review.

§ 8075. Establishment of Clean Water Fee.

(a) The Clean Water Fee ("Fee") is hereby established to provide sustainable financial resources for undertaking activities designed to enhance the quality of the waters of the State. The Clean Water Fee shall be assessed, collected and administered, and handled as set forth in this section.

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(b) Calculation of Clean Water Fee.

(1) For all single family residential entities, including but not limited to single family homes, duplexes, townhouses, condominium units, and mobile homes which consist of one single family residential unit, the Clean Water Fee shall be levied at the fixed rate of $45 per annum

(2) For all entities defined as small business the Fee shall be levied at the fixed rate of $150 per annum.

(3) For all business entities not included in the definition of Small Business shall be levied the Clean Water Fee at the fixed rate of $500.00 per annum.

(4) Each farm shall be liable for only one Clean Water Fee.

(5) The Clean Water Fee shall be reduced by 30% percent for entities located within municipalities and within those unincorporated portions of a county that have created a local stormwater utility which assesses at least $50 per year.

(8) Entities liable for payment of the Clean Water Fee shall be subject to billing beginning July 1, 2017 for Fiscal Year 2018.

(c) Collection of Clean Water Fee; Reimbursement of expenses

(1) Public Wastewater Systems

(a.) Wastewater systems operated by a county or municipal shall collect the Clean Water Fee from all its customers who are liable for the Fee by adding an identified Clean Water Fee line to their regular bill and shall deposit the funds collected with the State Treasurer to the account of the Delaware Clean Water Trust Fund.

b. When in question, the Department shall determine the whether the customer should be classified as a residential, small business, or business user.

c. The public entity collecting the Fee is hereby authorized and shall charge the same late fees and penalties as apply to regular wastewater charges. When so authorized under the local governing laws, the Fee shall be due and owing until paid and may be considered a lien on the property on which it was levied. Further, for purposes of collecting the Clean Water Fee, the Department shall be considered a 'claimant agency' under §545(b)(1), Title 30 of the Delaware Code.

(2) Private Wastewater Systems which bill customers

(a.) Wastewater systems operated by a private entity shall collect the Clean Water Fee from all its customers who are liable for the Fee by adding an identified Clean Water Fee line to their regular bill and shall deposit the funds collected with the State Treasurer to the account of the Delaware Clean Water Trust Fund.

(b.) If the rates charged by the private wastewater utility are governed by the Delaware Public Services Commission, the Clean Water Fee shall be considered part of the rate base and not subject to review or approval by the PSC [need to amend Code and add to bill title?]

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(c.) The private entity collecting the Fee is hereby authorized and shall charge the same late fees and penalties as apply to regular wastewater charges. At lease annually, the private wastewater entity shall provide the Department with an accounting of delinquent customers. For purposes of collecting the Clean Water Fee, the Department shall be considered a 'claimant agency' under §545(b)(1), Title 30 of the Delaware Code.

(3) Private Wastewater Systems that do not bill its users

(a.) The Department shall bill, or cause to be billed, private wastewater systems, including but not limited to community septic systems, the Clean Water Fee as a single business entity and shall deposit the collected Fee with the State Treasurer to the account of the Delaware Clean Water Trust Fund.

(b.) Wastewater systems with fewer than 5 connections shall be billed as a Small Business [$150]

(c.) Wastewater systems with greater than 5 connections shall be billed as a Business. [500]

(d.) For purposes of collecting the Clean Water Fee, the Department shall be considered a 'claimant agency' under §545(b)(1), Title 30 of the Delaware Code.

(4) Individual private wastewater systems

(a.) The Department shall bill, or cause to be billed, individual private wastewater systems, such as septic systems and cesspools, the Clean Water Fee at the appropriate fee level and shall deposit the collected Fee with the State Treasurer to the account of the Delaware Clean Water Trust Fund.

(b.) For purposes of collecting the Clean Water Fee, the Department shall be considered a 'claimant agency' under §545(b)(1), Title 30 of the Delaware Code.

(5) Public and private entities which bill and collect the Clean Water Fee are eligible for reimbursement of their actual and overhead costs not to exceed the lesser of 5% of monies collected or $500,000. The Department shall be reimbursed its actual costs of direct billing small and individual wastewater systems.

(d) Clean Water Fee Account.

(1) 100% percent of revenues generated by the Clean Water Fee shall be allocated to the Trust

(2). Lockbox language **Constitutional amendment see SB 166**

(3) Under the oversight of the Trust, the Water Infrastructure Council will manage and administer the Clean Water Fee Account for the exclusive purpose of funding specific, sustainable activities designed to enhance the State's water quality in accordance with the Trust's fiscal policies and the Clean Water Plan. The Clean Water Fee Account may be expended for the purposes of this subchapter including, but not limited to, providing low-interest loans, grants, leveraged financing, and other incentives, including the purchase or funding the development of water quality or quantity credits, to implement Projects, including those designated to reduce

toxics, pollution, sediment, or nutrient loads, and bacteria impacts in the surface and ground waters of Delaware as well as to increase the resiliency of communities, enhance economic development, and reduce the risk of flooding.

(4) The Clean Water Fee Account shall constitute a Special Fund of the State.

(5) An amount not exceeding 7% of the funds deposited in the Clean Water Fee Account may be used to pay the costs of administering this Act, including the 2% allowable for costs of collection of the Fee.

§ 8076. Clean water loans or grants issued by the WIC

(a) The Trust may make and contract to make loans or grants to state agencies, local government units, non-profit entities, private entities, or private persons that are legally authorized to borrow or receive funding to finance the costs of any project. Project applications must include details on how infrastructure, preservation, and conservation practices will be sustained and maintained and reduce the level of pollution going into Delaware's waterways. The projects eligible for loans or grants shall include the following:

(1) Upgrades to wastewater treatment systems, including connecting properties with septic systems, seepage pits, failing community systems to central sewer systems or repairing or replacing failing or at-risk individual, community, non-profit or homeowner association-owned systems.

(2) Upgrades to drinking water treatment systems, including source water protection and other water supply projects.

(3) Stormwater management and resiliency projects that both reduce flooding risks and improve water quality.

(4) Projects that eliminate, reduce, or sequester toxics in waterways or adjacent soils as identified in the Watershed Approach to Toxics Assessment and Restoration work plan.

(5) Agricultural natural resource conservation cost-share programs developed with the Department of Agriculture and Conservation Districts, including but not limited to cover crops, forested and grass buffers, manure relocation, tax ditch restoration, and other best management practices that are consistent with and implement nutrient management plans.

(6) Conservation Projects, including but not limited to protection and ecological restoration of wetlands, forests, stream restoration, and habitat conservation, and the establishment and maintenance of watershed mitigation banks.

(7) EPA Eligible Projects.

(8) Hazardous waste cleanup projects related to the provision, preservation, or maintenance of clean water or water quality.

(b) Preference shall be given to projects that do one or more of the following:

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(1) Utilize and enhance natural infrastructure to provide ecological benefits that both improve water quality, provide flood and drainage mitigation and improve community resilience to extreme weather, sea-level rise, and other climate impacts.

(2) Benefit low-income and traditionally underserved communities through lower interest rates and affordability grants.

(3) Leverage public funds through the attraction of private and philanthropic investment through innovative financing models, including the purchase, generation, or sale of water quality or quantity improvements or water quality and quantity credits.

(c) The loans or grants made pursuant to this section shall be made subject to such terms and conditions as the Council shall determine to be consistent with the purposes hereof. Each loan by the Trust and the terms and conditions thereof shall be consistent with the fiscal policies established by the Trust.

(d) The Council shall review information, statistical data, and reports of independent consultants or experts as it shall deem necessary in order to evaluate the requested loan or grant. Each loan to a local government unit, public water utility, or any other person shall be evidenced by notes, bonds, or other obligations issued to the Trust. In the case of each local government unit, notes and bonds to be issued to the Trust by the local government unit shall be authorized and issued as provided by law for the issuance of notes and bonds by the local government unit. Each loan to a local government unit, public water utility, or any other person and the notes, bonds, or other obligations thereby issued shall bear interest at such rate per annum as the Trust and the applicant may agree.

§8077 Clean Water Revenue Bonds; refunding bonds: security for obligations.

(a) Except as otherwise expressly provided herein, the Trust may from time to time issue Clean Water Revenue Bonds in any principal amounts, subject to this subchapter, as in the judgment of the Trust and on the advice of the Council shall be necessary to provide sufficient funds for any of its corporate purposes, including the funding of loans made for any project, the establishment or increase of reserves or other funds to secure or to pay the Clean Water Revenue Bonds, as the case may be, or interest thereon, and all other costs or expenses of the Trust incident to and necessary to carry out its corporate purposes and powers. Such Clean Water Revenue Bonds may only be issued in the amounts as shall be approved by an Authorization Act of the General Assembly.

(b) Clean Water Revenue Bonds of the Trust shall be negotiable instruments and securities under the Uniform Commercial Code of the State.

(c) Clean Water Revenue Bonds of the Trust shall be authorized by a resolution of the Trust and may be issued in one or more series and shall bear such date, mature at such time, bear interest at such rate, be in such denominations, be of a single denomination payable in installments, be in such form, either registered or book-entry, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in any coin or currency of the

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United States which at the time of payment is legal tender for the payment of public and private debts, at such place or places within or without the State, and be subject to such terms of redemption by the Trust or the holders thereof, with or without premium, as such resolution may provide. A resolution of the Trust authorizing the issuance of Clean Water Revenue Bonds may provide that such Clean Water Revenue Bonds be secured by a trust indenture between the Trust and a trustee, vesting in the trustee any property rights, powers and duties in trust as the Trust may determine.

(d) Prior to issuance of the Clear Water Revenue Bonds, the issuing officers shall approve the issuance of such Clean Water Revenue Bonds by resolution adopted by the unanimous vote of the issuing officers. Each issuing officer may designate a deputy to represent the issuing officer at meetings of the issuing officers with full powers to act and vote on the issuing officer's behalf. Clean Water Revenue Bonds shall be issued for the purposes authorized by this subchapter. Clean Water Revenue Bonds may be issued regardless of the treatment of interest thereon for federal income tax purposes.

(e) Following approval by the Board, the Clean Water Revenue Bonds shall be executed by the chair of the Trust and shall not require additional consent of any department, division, board, bureau, or agency of the State and without any other proceedings or the happening of any other conditions or things, other than those consents, proceedings, conditions, or things which are specifically required by this section.

(f) Clean Water Revenue Bonds may be sold at any price and in any manner as the Trust may determine. Each such Bond shall mature and be paid not later than 30 years from the effective date thereof. All Clean Water Revenue Bonds may be sold at public or private negotiated sale for such price as the Trust shall determine. If sold at public sale, the procedures applicable to the sale shall be set forth in the resolution.

(g) Clean Water Revenue Bonds issued hereunder shall not be general obligations of the State and shall not pledge the full faith and credit of the State. Other than as provided in this subchapter, such Bonds shall not be considered as debt of the State and shall not be treated as a tax supported obligation of the State as that term is defined in § 7422 of Title 29. All Bonds, unless funded or refunded by Clean Water Revenue Bonds, shall be payable solely from revenues or funds pledged or available for their payment as authorized herein. Each Clean Water Revenue Bond shall contain on its face the statements to the effect that:

(1) The Trust is obligated to pay the principal thereof or the interest thereon only from its revenues, receipts or funds pledged or available for their payment.

(2) Neither the State nor any political subdivision thereof is obligated to pay the principal of, or interest on, such Clean Water Revenue Bonds.

(3) The faith and credit of the State, or any political subdivision thereof, is not pledged to the payment of the principal of or the interest on the Clean Water Revenue Bonds.

(4) The Trust has no taxing power other than collecting revenues, including the Clean Water Fee, delineated in this subchapter.

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(h) All Clean Water Revenue Bonds issued pursuant to this section and the interest thereon shall be exempt from income taxation by the State or any political subdivision thereof.

(1) The aggregate principal amount of Clean Water Revenue Bonds shall not exceed the amount approved from time to time by Acts of the General Assembly. Such limitation shall exclude all the Clean Water Revenue Bonds, which shall be issued for refunding purposes whenever the refunding shall be determined to result in a savings.

(2) The Trust may authorize the issuance of refunding bonds to refund, prior to their stated maturity, all or any portion of the outstanding Clean Water Revenue Bonds, issued by the Trust and costs incidental thereto; provided, however, that the present value of the aggregate principal and interest payments of the refunding bonds must be less than the present value of the aggregate principal and interest payments on the Clean Water Revenue Bonds to be refunded.

(3) Refunding bonds may be issued in a principal amount which exceeds the principal amount of the respective Clean Water Revenue Bonds to be refunded, so long as the present value of the aggregate principal and interest payments of the refunding bonds are less than the present value of the aggregate principal and interest payments on such Clean Water Revenue Bonds to be refunded.

(i) Each issue of Clean Water Revenue Bonds shall be issued as special obligations thereof payable out of particular revenues, receipts, or funds and may be secured by one or more of the following as set forth in the resolution:

(1) Pledge of revenues and other receipts to be derived from the payment of the interest on and principal of notes, bonds, or other obligations issued by state agencies, local government units, or private companies and held in the Water Pollution Control Fund or the Drinking Water Fund. Said notes, bonds, and obligations shall be designated and described in the Trust's resolution authorizing the issuance of the Bonds, and may only be pledged if such issuance complies with all EPA requirements applicable to the Water Pollution Control Fund and the Drinking Water Fund. Subject to the foregoing, DNREC and DHSS are hereby authorized to assign and pledge such notes, bonds or other obligations as security for any Clean Water Revenue Bonds.

(2) Pledge of payments made pursuant to loans to be made by the Trust from the proceeds of the Clean Water Revenue Bonds or from amounts held in the Clean Water Fee Account, the Land and Water Conservation Trust Fund, and the Hazardous Substance Cleanup Fund.

(3) Pledge of the Clean Water Fee and all amounts held in the Clean Water Fee Account and the Hazardous Substance Cleanup Fund.

(4) Pledge of all moneys, funds, accounts, securities, and other funds held pursuant to a trust indenture securing the Clean Water Revenue Bonds, including the proceeds of the Clean Water Revenue Bonds.

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§ 8078. Agreement not to abridge Trust powers; preventing diversion of funds through securitization; pledges of future revenues.

(a) The State does pledge to and covenant and agree with the holders of any bonds of the Trust issued pursuant to the authorization of this subchapter that the State will not limit or alter the rights or powers vested in the Trust to perform and fulfill the terms of any agreement made with the holders of the bonds or to fix, establish, charge and collect any rents, fees, rates, payments or other charges as may be convenient or necessary to produce sufficient revenues to meet all expenses of the Trust and to fulfill the terms of any agreement made with the holders of Bonds, including the obligations to pay the principal of and interest and premium on those Bonds, with interest on any unpaid installments of interest, and all costs and expenses in connection with any action or proceedings by or on behalf of the holder and shall not limit or alter the rights and powers of any local government unit to pay and perform its obligations owed to the Trust in connection with loans received from the Trust, until the Bonds of the Trust, together with interest thereon, are fully met and discharged or provided for.

(b) Any pledge of revenues, receipts, moneys, funds or other property or instruments made by the Trust shall be valid and binding from the time when the pledge is made. The revenues, receipts, moneys, funds, loans, or other property so pledged and thereafter received by the Trust or by the Water Pollution Control Fund, the Drinking Water Fund, the Clean Water Fee Account, or the Hazardous Substance Cleanup Fund shall immediately be subject to the lien of the pledge without any physical delivery thereof or further act and the lien of any pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Trust, DNREC, DHSS, or any of the Funds, irrespective of whether the parties have notice thereof. Neither the resolution, trust indenture, nor any other instrument by which a pledge under this section is created need be filed or recorded, except in the records of the Trust.

(c) Any loan held in the Water Pollution Control Fund or Drinking Water Fund, and any loan made by the Trust pursuant to the powers set forth in this subchapter shall be subject to the terms of this subchapter and, if applicable, shall be identified as security for any series of Bonds in the resolution of the Trust adopted in connection with the issuance of such Bonds.

(d) The State pledges to the owners of all Clean Water Revenue Bonds that it will not reduce the amount of the Clean Water Fee imposed under Section § 8075 of this subchapter and will not expand any exemptions or discounts from such fee so long as any bonds secured thereby are outstanding.

§ 8079. Personal liability on Clean Water Revenue Bonds.

Neither the Secretaries of Finance or DNREC, nor any person executing Clean Water Revenue Bonds issued pursuant to this subchapter shall be liable personally on such Bonds by reason of the issuance thereof.

§ 8080. Exemption from taxation.

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All bonds of the Trust issued pursuant hereto are declared to be issued by a body corporate and politic of the State and for an essential public and governmental purpose and those bonds, and interest thereon and the income therefrom and from the sale, exchange, or other transfer thereof shall at all times be exempt from taxation by the State or any political subdivision thereof.

§ 8081. Receipts pursuant to Act; application.

Sums of money received, whether as proceeds from the sale of particular Bonds or as particular revenues or receipts of the Trust, are deemed to be funds of the Trust and are to be held and applied solely as provided in the resolution or trust indenture under which a particular series of Bonds are authorized or secured. Any officer with whom, or any bank or trust company with which, those sums of money are deposited as trustee thereof shall hold and apply the same for the purposes thereof, subject to any provision as the aforementioned acts and the resolution or trust indenture authorizing or securing such series of Bonds may provide.

§ 8082. Liberal construction of subchapter.

This chapter, being necessary for the prosperity and welfare of the State and its citizens, shall be liberally construed to effect the purposes hereof.

Section 2. Amend Section 8003, Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8003. Powers, duties and functions of the Secretary.

(12) The Secretary is empowered to administer a state revolving loan program in accordance with the requirements set forth in Title VI of the Federal Water Pollution Control Act.

d. Coordination with Clean Water for Delaware Trust

The administration by the Secretary of the Delaware Water Pollution Control Revolving Fund set forth in this section shall be subject to the provisions of subchapter III of this title. In the event of any conflict or inconsistency between the provisions of this section and said subchapter, the provisions of subchapter III of this title shall govern

Section 3. Amend Section 7903(14) of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 7903 Powers, duties and functions of the Secretary.

The Secretary may:

(14) The Secretary is empowered to administer a state revolving loan program in accordance with requirements set forth in the Federal Safe Drinking Water Act [42 U.S.C. § 300f et seq.].

c. Administration of Fund subject to chapter 80, subchapter III of this Title. -- The administration of the Delaware Safe Drinking Water Revolving Fund shall be subject to the provisions of Subchapter III, Chapter 80 of this title. In the

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event of any conflict or inconsistency between the provisions of this section and said subchapter, the provisions of Subchapter III, Chapter 80 of this title shall govern.

Section 4. Amend Section 9113, Title 7 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 9113. Hazardous Substance Cleanup Fund.

(f) The administration and application of the amount in this Hazardous Substance Cleanup Fund as provided in this chapter shall be subject to the provisions of Subchapter III, Chapter 80 of Title 29. In the event of any conflict or inconsistency between the provisions of this chapter and said subchapter, the provision of subchapter III, Chapter 80 of Title 29 shall control.

Section 5. Amend Section 5423, Title 30 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

Section 6. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect any other provisions or applications of the Act which can be given effect without the invalid provision or application; and, to that end, the provisions of this act are declared to be severable.

SYNOPSIS

This legislation establishes a framework for oversight, implementation and a funding source to enhance Delaware's efforts in cleaning up contaminated streams, rivers, bays and groundwater through construction of much needed wastewater, drinking water and stormwater infrastructure projects and increased use of agricultural best practices. Most of the state's waters do not meet water quality standards to support their designated uses such as for drinking, swimming or to support aquatic life.

The State currently faces a backlog of water infrastructure projects. Over the next five years, more than $500 million in wastewater facility upgrades are needed statewide including wastewater and drinking water systems for underserved communities and numerous at-risk systems currently operated by homeowner's associations in Sussex County. In addition, more than $150 million in stormwater upgrades are needed throughout the state, along with more than $75 million for removing toxics from various waterways. Further, demand for agriculture cost share funds used to reduce pollution from nutrients far surpasses available resources.

Specifically, the legislation creates a Clean Water Fee that will be collected by Total receipts are estimated to be $15 million annually. The Clean Water Fee will leverage more than $60 million in total financing annually for clean water investments and support more than 500 jobs per year in science, engineering and construction. Funds will be placed in a Trust managed by a three-member Board comprised of the Secretaries of the Department of Finance and Natural Resources and Environmental Control, Health and an appointed member with financial expertise. The Trust is authorized to issue Clean Water Revenue Bonds upon authorization by the General Assembly, and a Water Infrastructure Council will administer the funds with the goal of assisting municipal and county governments in implementing more affordable water quality infrastructure projects through low- interest loans, grants and other leveraged funds. The Trust and Council are ~~is~~ required to develop a Clean Water Plan, a five-year project priority list and report annually to the General Assembly on its activities.

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DHSS/DPH
DRINKING WATER FUNDING NEEDS

DRINKING WATER INFRASTRUCTURE PROGRAMS

Drinking Water State Revolving Fund (DWSRF)

Program Description – The Delaware Health and Social Services' Drinking Water State Revolving Fund (DWSRF) program is primarily a source of low-interest loans for public water systems.

Program Needs – State funded grant incentive program is needed to encourage communities to implement sustainable practices; and, address at-risk drinking systems, such as very small, privately/non-municipal owned systems (i.e. Coverdale Crossroads, Holiday Pines, and Morningside Village).

Current Level of Funding - ~$8.7M annually

Leverage - ~$1.7M in state funds annually matches ~$8.5M annually in federal funds.

Institutional Barriers to Funding or Program Delivery – Incentives, such as grant funds, are needed to encourage eligible communities/public drinking water systems to participate in the loan program to improve and update the drinking water infrastructure.

Funding Needs - ~ $1.1B over the next 20 years to fund the replacement value of failing drinking water infrastructure (as reported by drinking water systems to the DWSRF Program in a 2015 Needs Assessment; and, presented to the Water Infrastructure Advisory Council (WIAC) on February 2015.

DRINKING WATER OPERATIONAL PROGRAMS

Office of Drinking Water

Program Description – Delaware Health and Social Services, in Delaware Code, is the drinking water primacy agency in the State. The Division of Public Health's Office of Drinking Water administers the Federal and State Safe Drinking Water Acts through the assessment and monitoring of surface and ground water drinking water systems licensed to provide drinking water to the public.

Program Needs – Additional funding to support the implementation of and compliance with new EPA drinking water mandates for primacy states.

Current Level of Funding - ~$2.12M

Leverage - Federal Public Water Supply Supervision Program Grant - ~$ 550,000.00/year; Fee Revenue - ~$ 110,000.00/year; Federal Drinking Water State Revolving Fund - ~$ 1.46M/year.

Institutional Barriers to Funding or Program Delivery – The Federal Public Water Supply Supervision Program Grant funding has remained static for a decade. Fees established in Delaware Code have never been updated since originally adopted in the enabling legislation.

Funding Needs - Additional ~$ 185,000/year from increased fee for service and operator certification fees to implement new EPA drinking water mandates.

Private Drinking Well Water Testing Program

Program Description - The Division of Public Health Lab provides analytical services (bacteriological and limited chemical analysis) of quality drinking water from private water wells.

Program Needs - Additional funding to support a core public health service.

Current Level of Funding - ~$ 4,500.00

Leverage – The Private Drinking Well Water Testing Program receives indirect support from the Federal Drinking Water State Revolving Grant. The same instrumentation and personnel supported to perform regulatory testing also perfume the analysis of drinking water from private wells.

Institutional Barriers to Funding or Program Delivery – The fee charged from this service has not increased in over 20 years. The consumer cost of a bacteriological test kit is $2.00; the total cost of the analysis is ~$21.00/test. The consumer cost of a limited chemical test kit is $2.00; the true cost of bacteriological analysis is ~$123.00/test.

Funding Needs - ~$ 162,000.00 of annual funding.

FUNDING NEED TOTALS

Drinking Water Infrastructure
$1.01 B over 20 years (at 2015 cost evaluation)

Drinking Water Operations
$347,000 annually

DNREC, DDA & CONSERVATION DISTRICT
CLEAN WATER, WATERWAY MANAGEMENT AND FLOOD ABATEMENT FUNDING NEEDS

CLEAN WATER INFRASTRUCTURE PROGRAMS

Environmental Finance Program Loan and Grants Program for Wastewater, Surface Water, Community Water Quality, Asset Management

Program Description - A state funded grant incentive program is needed to help make Clean Water State Revolving Fund (CWSRF) loans more affordable, and to provide needed grant assistance for project planning and design. In addition grant funds are needed as an incentive tool to facilitate long-term structural changes in areas such as: 1. Sustainability (asset management planning, and utility financial management), energy upgrades, and climate adaptation 2. Establishment of stormwater utilities 3. Upgrade failing/under-performing HOA Systems, and Low-Income/Under-served community systems.

Program Needs - State funded grant incentive program is needed to help make CWSRF loans more affordable, and to provide needed grant assistance for project planning and design. Incentive grants are needed to encourage communities to move forward with sustainability and stormwater utility projects; and due to community size and project affordability HOAs and Low-Income Communities will require grants and loans.
~$1.5M match
~$5M small community systems
~$11.5M affordability grants
~$2M to replace grants currently funded by non-fed administrative account

Current Level of Funding - Limited loan principal forgiveness funds associated with CWSRF federal capitalization grants.

Leverage - ~$1.5M in state funds annually matches ~$7M annually in federal funds.

Institutional Barriers to Funding or Program Delivery - Incentives are need to encourage communities to move forward with other projects associated with sustainability and the establishment of stormwater utilities.

Funding Needs - ~ $20M per year for a state grant/loan program. This includes ~$1.5M annually as match for federal funds. New Castle County has not historically borrowed from the CWSRF Program on an annual basis. Therefore, the demand for CWSRF loans would significantly higher (~ $10 million to $15 million per year) if the County was a borrower.

Watershed Approach to Toxics Assessment (WATAR) -- Toxic Assessment, Remediation, Restoration

Program Description - Delaware's only holistic effort to assess current watershed health and identify chronic sources of legacy toxic contaminants by filling a critical gap between surface toxics and site remediation programs. WATAR prioritizes actions using innovative engineering and science to provide long-term solutions. Goal: fishable, swimmable, potable surface water in shortest time frame possible.

Program Needs - Creation of program to continue assessment of trends and implementation/coordination of priority remediation and restoration projects.

Current Level of Funding - WATAR Program in 4th year of 5 Year Plan with allocated $1m. No dedicated funding for implementation of identified Priority Projects.

Leverage - Primarily, WATAR leverages efforts of two DNREC Sections. Assessment data from Federal, State, county, and local partners provide best results, when possible. Remediation/restoration projects have leveraged efforts and funds to achieve multiple stakeholder goals.

Institutional Barriers to Funding or Program Delivery - No dedicated staff/Program funding beyond initial 5-Year Plan.

Funding Needs - Program - $1M / Year for dedicated staff members and data collection costs to track trends. Priority Projects - up to $10M/year for 5 years minimum to supplement remediation efforts.

Conservation Programs, Non Point Source (NPS), Cost-share Practices, Conservation Reserve Enhancement Program (CREP) in the Chesapeake, Inland Bays, St. Jones, Broadkill, Murderkill and Christina Watersheds. Includes some restoration and watershed management planning

Program Description - Conservation Program Best Management Practices (BMP's) and program delivery for 6 priority watersheds throughout the State to meet the goals and pollutant load reductions in major watershed plans.

Program Needs - Cost-share BMP's for Conservation Practices such as cover crops, buffers, manure and nutrient management, CREP and channel restoration practices.

Current Level of Funding - $2.5M through a variety of state capital and Federal grant program sources of funding.

Leverage - Federal grant match and leverage of funding from EPA/USDA and USFW funding.

Funding Needs - $6.5M of additional funding annually to meet the needs of the requirements in priority watershed plans and TMDL's.

CLEAN WATER OPERATIONAL PROGRAMS

Water Quality Monitoring and Assessment Program

Program Description - Statewide efforts to assess and monitor the state surface and ground waters through a variety of sampling and monitoring programs.

Program Needs - Additional stream gauge, well and monitoring stations and support for program and staffing.

Current Level of Funding - $1.5 - 2.0 M.

Leverage - Some state TMDL funding leverages EPA monitoring money.

Institutional Barriers to Funding or Program Delivery - Long term - needs include deferred maintenance not reflected in the current estimates.

Funding Needs - Additional $1.5-2.0M in monitoring needs annually.

Water Permitting and Core Service Programs

Program Description - Includes the Water Supply, Surface Water Discharges, Groundwater Discharges, and Wetlands and Subaqueous Lands Sections Issues well and water allocation permits, issues licenses to well contractors, statewide drought management, ground water quality monitoring, wellhead and source water protection programs, and water withdrawal. Programs are responsible for permitting programs associated with water withdraws and all types of wastewater discharges along with activities that impact wetlands and subaqueous lands.

Program Needs - Additional funding to support core services and timely issuance of permits.

Current Level of Funding - ~$ 6.1 M from a combination of General Funds, Federal Grants, Fees and non-Fed Admin support.

Leverage - In 2015, the Division of Water core services programs received $1.8 M in Federal Grants and $512,000 in non-Fed Admin support.

Funding Needs - $1.2 M of additional annual funding.

Ag Programs for Nutrient Management

Program Description - Ag Programs for Nutrient Management.

Program Needs - Funding for Nutrient Management Program.

Current Level of Funding - $657,000 in State General Funds for Nutrient Management Planning, Education, Transport and Cover Crops.

Leverage - Leverage of State and Federal USDA and EPA Grant Funds.

Funding Needs - $600,000 in additional funding would be used for transportation of animal manure, nutrient management planning and new technologies.

WATER MANAGEMENT/FLOOD ABATEMENT

Tax Ditch Program

Program Description - Provide for TD technical assistance for 215 TD organizations statewide.

Program Needs - Additional funding beyond the current cost-share funds provided by the operating budget.

Current Level of Funding - $225,000.

Leverage - Required match by the county governments in statute.

Funding Needs - Additional $225,000 with a required additional match by county governments.

Institutional Barriers to Funding or Program Delivery - Some capacity issues with program delivery and local match.

Drainage Assistance Program

Program Description - Provide for the technical assistance necessary for planning, surveying, engineering and landowner work for drainage projects statewide.

Program Needs - Additional funding for program.

Current Level of Funding - $1.14 M from Capital Budget.

Leverage - Provides the upfront work for many of the 21st Century fund Projects. Alternate funding would relieve Capital budget funding.

Funding Needs - Additional $300-400K for engineering and survey work.

21st Century Fund Drainage Improvement Projects

Program Description - Provide for the construction of drainage and flood improvement projects throughout the State of Delaware.

Program Needs - Additional funding for program.

Current Level of Funding - Intermittent Capital Budget funding.

Leverage - Funds for construction have mandatory 10% match and other legislative and local funds are utilized.

Funding Needs - Total $3-5M/year.

Large Flood Abatement Projects $500K+

Program Description - Conduct several multi-phased major flood management and reduction projects throughout the state of Delaware.

Program Needs - Continue to engineering and construction funds for several large flood abatement projects statewide annually.

Current Level of Funding - No dedicated level of funding.

Leverage - 21st Century Funds and possible Federal FEMA or ACOE funding.

Funding Needs - $3M/year.

Institutional Barriers to Funding or Program Delivery - Multi-year projects need phased funding.

FUNDING NEED TOTALS

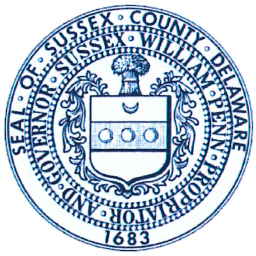
Clean Water Infrastructure
$36.5M annually

Clean Water Operations
$3.8M annually

Water Management/Flood Abatement
$8.625M/annually

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Robert B. Arlett

FROM: Gina A. Jennings
Finance Director

RE: ***COUNTY COUNCIL GRANT APPLICATION***

DATE: February 26, 2016

Attached is the District 5 Grant Application, which we will be discussing at the County Council meeting on Tuesday, March 1, 2016.

GAJ/nc

Attachment

SUSSEX COUNTY GOVERNMENT

DISTRICT 5 – COUNCIL GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

PROJECT NAME: _____

FEDERAL TAX ID: _____ NON-PROFIT: ☐ YES ☐ NO

ADDRESS: _____

_____

_____
(CITY) (STATE) (ZIP)

PHONE: _____ EMAIL: _____

CONTACT PERSON: _____

TITLE: _____

ADDRESS: _____

_____
(CITY) (STATE) (ZIP)

PHONE: _____ EMAIL: _____

TOTAL FUNDING REQUEST:_____

Has your organization received other grant funds from
Sussex County Government in the last year?

☐ YES ☐ NO

If YES, how much was received in the last 12 months? _____

Are you seeking other sources of funding other than Sussex County Council?

☐ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? _____

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

☐ Fair Housing ☐ Health and Human Services ☐ Cultural
☐ Infrastructure[1] ☐ Other _____ ☐ Educational

BENEFICIARY CATEGORY

☐ Disability & Special Needs ☐ Victims of Domestic Violence ☐ Homeless
☐ Elderly Persons ☐ Low to Moderate Income[2] ☐ Youth
☐ Other _____

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:

_____

SECTION 3: PROGRAM SCOPE

Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISTION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal.	
TOTAL EXPENDITURES	
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the_____agrees that:
(Name of Organization)

1) All expenditures must have adequate documentation.
2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Human Service Grant funds.
4) All statements made in this funding request are accurate.
5) All funding will benefit only Sussex County residents.
6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.

SIGNATURE:_____ DATE:_____
(Applicant/Authorized Official Signature)

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BULK DELIVERY OF SODIUM HYPOCHLORITE
SUSSEX COUNTY PROJECT 16-12

Bids for this project were opened on February 10, 2016. Four bids were received, as shown below:

Bidder	Base Bid ($/gal)	Alternate Bid ($/30 gal container)
Intercoastal Trading *	$1.05	$105.00
Coyne Chemical	$1.11	$336.28
Kuehne Chemical	$4.00	No Bid
Colony Pool	No Bid	No Bid

*Apparent low bidder

NOTE: Previous contract award @ $1.078 per gallon to Coyne Chemical

ENGINEERING DEPARTMENT

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AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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PUBLIC WORKS	(302) 855-7703
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COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

BULK DELIVERY OF GRANULAR LIME
SUSSEX COUNTY PROJECT 16-13

Bids for this project were opened on February 10, 2016. One bid was received, as shown below:

Bidder	Base Bid ($/ton)
Greer Lime *	$180.00

*Apparent low bidder

NOTE: Previous contract award @ $175.00 per ton to Greer Lime Company

ENGINEERING DEPARTMENT

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PUBLIC WORKS	(302) 855-7703
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COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

WRSSD IRRIGATION RIGS REPLACEMENT
SUSSEX COUNTY PROJECT 15-18

BRIEF SUMMARYOF PROJECT

The WRSSD Irrigation Rigs Replacement project was developed in order to replace two of the five existing wastewater spray irrigation rigs at the Wolfe Neck Regional Wastewater Facility. The equipment has been in continuous operation for over twenty years and has deteriorated significantly.

Considerable effort was made by the Engineering Department to solicit as many bids as possible. The project was advertised in January 2016. In addition to posting the Invitation to Bid on the County website and in two state-wide newspapers, seven local equipment installers were personally contacted. Despite these efforts, only two installers attended the pre-bid meeting, and one submitted a bid.

As shown on the attachment, the bid is within the amount budgeted for the work. The Engineering Department recommends awarding the bid to Sussex Irrigation Company, Inc., of Laurel, Delaware.

ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

WRSSD IRRIGATION RIGS REPLACEMENT

SUSSEX COUNTY PROJECT 15-18

Bids Received Monday, February 22, 2016

Bidder	Base Bid
Sussex Irrigation Company, Inc.*	$221,548.00

***Apparent Low Bidder** **Engineer's Estimate: $250,000.00**

ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

MEMORANDUM

TO: County Council

FROM: John J. Ashman
Director of Utility Planning

REF: UPDATE ON THE PROPOSED HERRING CREEK SANITARY SEWER DISTRICT AND WINDING CREEK WATER DISTRICT
STATUS UPDATE

DATE: February 26, 2016

The following is a summary for the Public Hearings on the Boundaries for the Proposed Herring Creek **Sanitary** Sewer District and the Winding Creek Village **Water** District.

On February 13, 2016, the Engineering Department made a presentation to over 300 people at Conley's United Methodist Church near Angola. The presentation included maps and a verbal description of the proposed boundaries along with preliminary system infrastructure layouts depicting estimated line sizes and pump station locations. The presentation provided a proposed schedule for the referendum date, the design and construction of the project and the hook-up procedure once the system is operational. It provided estimated costs and rate information as well as the Absentee Ballot information and voter eligibility. This topic raised considerable debate as to who was able to vote, though we stated it was state law and we were unable to change the Code. A primary concern seemed to focus on the eligibility of property owners as compared to eligible residents.

The presentation also provided information on a new program from the Financial Assistance Branch of DNREC that would allow for Additional Subsidization Assistance, for areas where a lower income level could be verified. Ron Graeber, Program Manager, Large Systems Branch for DNREC also provided a presentation on Nutrient Loading in the Inland Bays and the need for on-site septic removal to meet the Pollution Control Strategy.

Since the meeting, the County has received significant requests for additional information and general comments about the proposed district. Some of you may have received the same comments. As a result, we felt it was in the best interest of the communities to postpone the referendum vote and host an additional public meeting at some point in the future.

Last week, we mailed out approximately 796 letters to property owners advising them of the County's decision.

At this point, we are examining our new potential schedule as follows:

- Second public meeting – April-May
- De-briefing to County Council – May
- Council Resolution on Boundary – May
- Referendum – June

As a point of reference, the following costs are the current estimates:

- Annual Service Charge **$302.00** per EDU (billed quarterly)
- Assessment Charge **$8.24** per Front Foot (FF) per year (billed quarterly)
- System Connection Charge **$0 per existing home**, any new homes will pay **$5775** or the fee in place at the time of connection.
- Typical Annual Charge using the above estimates: **Annual Service charge + (FF*$8.24)**
    - 40 FF lot with home **$631.00**
    - 100 FF lot with home **$1,126**

ENGINEERING DEPARTMENT

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PUBLIC WORKS	(302) 855-7703
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

TAXIWAY B, ASPHALT TIE-DOWN, AND RAMP REHABILITATION PROJECT

SUSSEX COUNTY PROJECT 16-01

Bids for this project were opened on February 12, 2016. Two bids were received, and the prices were considerably higher than the engineer's estimate, as shown on the attached sheet.

The Engineering Department recommends that Council approve the recommendation to reject the bid.

The Engineering Department recommends rebidding the project, possibly in two phases, once we agree on a new construction schedule with the Airport and associated tenants.

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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PUBLIC WORKS	(302) 855-7703
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

TAXIWAY B, ASPHALT TIE DOWN AND RAMP REHABILIATION

BID OPENING, 2:00 p.m., FRIDAY, FEBRUARY 12, 2016

Bidder	Base Bid	Base + Add/Deduct Bid
Jerry's Paving *	$546,540	$557,040
George & Lynch	$626,185	$638,705

***Apparent Low Bidder** **Engineer's Estimate $351,000.00**

DIVISION OF ENVIRONMENTAL SERVICES

DIRECTOR	(302) 855-7730
FAX	(302) 539-0981
SOUTH COASTAL WASTEWATER FACILITY	(302) 855-7730
INLAND BAYS FACILITY	(302) 947-0864
WOLFE NECK FACILITY	(302) 644-2761
PINEY NECK FACILITY	(302) 732-9540
WATER DEPARTMENT	(302) 855-7374
WATER & SEWER EMERGENCY	(302) 855-7379

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT
ASSISTANT COUNTY ENGINEER

WOODS AT WALLS CREEK STORMWATER REPAIRS

The original developer for Woods at Walls Creek, Frank Robino Companies L.L.C., failed to complete the stormwater management ponds and associated work in a satisfactory manner. Sussex County Engineering, with permission of Council granted on 3/27/2012, pulled the bond associated with this work. On August 3, 2015 payment of $214,660 was received as the full surety amount.

Sussex Conservation District has reviewed the work remaining and provided the attached proposal to complete this work on behalf of Sussex County Council. Their proposal will allow for reimbursement of actual costs incurred in an amount not to exceed $210,000 and thus be paid in full with proceeds of the bond.

February 22, 2016

Mr. Joe Wright
Sussex County Engineering
2 The Circle
Georgetown, Delaware 19947

RE: Woods at Walls Creek

Dear Mr. Wright:

As requested, the Sussex Conservation District proposes to complete the required improvements to the stormwater infrastructure (ponds, pipes, structures) and the roadside swales in the Woods at Walls Creek subdivision in Georgetown on behalf of Sussex County. This proposal is based on the scope of work discussed during our meeting on February 16, 2016. The District will complete this work on a time and material basis in accordance with the attached rate schedule and at an amount not to exceed $210,000.

On behalf of the Sussex Conservation District, I would like to thank you for your consideration of this proposal. Should you have any additional questions or comments, please feel free to contact Rob Mitchell or myself at anytime.

Sincerely,

David W. Baird
District Coordinator

Enclosure

Effective January 2016

Sussex Conservation District Billing Rates Woods at Walls Creek

SCD Item Number	Description	Rate (hourly unless noted)
N/A	Mobilization	5% of proposal
048	Mini Excavator	98.25
150	Mack Dump Truck	106.25
155	Homestead Dump Trailer	95.00
160	Volvo Excavator	135.00
180	Tractor	75.00
210	Volvo Excavator	133.00
360	John Deere Dozer	150.00
400	VCE Backhoe	90.00
220	Labor	45.00
N/A	Materials, Rentals & Subcontractors	Cost + 10%
N/A	Administrative Rate	10% of Invoice Total

OLD BUSINESS
MARCH 1, 2016

This is to certify that on August 27, 2015 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:
COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

C/Z #1782 – Robert Atallian
An Ordinance to amend the Comprehensive Zoning Map from an AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 4.38 acres, more or less. The property is located south of Lewes-Georgetown Highway (Route 9) 615 feet west of Arabian Acres Road (Road 282) (911 Address: 18501 Stamper Drive, Lewes) Tax Map I.D. 334-4.00-88.00.

The Commission found that the applicant provided a survey/site plan of the property with the application filed on June 15, 2015.

The Commission found that DelDOT provided comments on December 11, 2014 in the form of a letter and Support Facilities Report referencing that the rezoning application can be considered without a Traffic Impact Study and that the need for a Traffic Impact Study will be evaluated when a subdivision or land development plan is proposed.

The Commission found that the Sussex Conservation District provided comments on August 24, 2015 in the form of a memorandum referencing that there are two soil types on this property; that the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas or tax ditches are affected; that it is not likely that off-site drainage improvements will be required; and that it is possible that on-site drainage improvements will be required.

The Commission found that the County Engineering Department Utility Planning Division provided comments on August 24, 2015 in the form of a memorandum referencing that the site is

located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the proposed change of zone is not in an area where the County has a schedule to provide sewer service at this time; and that a concept plan is not required.

The Commission found that Robert Atallian and Bill Massey were present and stated in their presentation that historically this property has been used for an equestrian center, an eye glass business, and an approved antique store, which has an approved expansion for a produce market; that the application was filed to bring the property into the appropriate zoning category to establish the use as a permitted use, not requiring a conditional use; that there are several commercial and business uses across Route 9 and in close proximity to the site, referencing Bada Engineering, TR Roofing, Beaman's Old and GNU Antiques, Building Supply Depot, Grissley's, Millman's Appliances, Steele's Gun Shop, a beauty salon, Beracah Homes, a pet daycare, Hopkin's Dairy Farm, and others; that the existing antique store was established by Conditional Use in 1995; that the produce stand expansion to the site was established Conditional Use in 2013; that they realize that all agency approvals are required before any additional expansions to the site; that two rezonings have been approved recently in the area; that this site has been used historically as a commercial use; that the neighboring property was recently denied for rezoning is a residential property; that the applicant would have to apply for additional conditional use application whenever he proposed to expand the business if the property remains AR-1; that they are only asking for conforming zoning to uses that have already been established; that the private drive easement on the property provides access to the Stamper properties to the rear; and that the two current uses of the property are the retail antiques and produce stand.

The Commission found that the Mr. Atallian provided and displayed an aerial map of the area and a Google map of the area depicting some of the business/commercial uses in the area along Route 9.

The Commission found that no parties appeared in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

On August 27, 2015 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further action. Motion carried 5 – 0.

On September 10, 2015 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend denial of Change of Zone NO. 1782 for Robert Atallian for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing, and for the following reasons:

1) Although the site has been approved for various conditional uses, those approvals are for limited purposes with conditions placed upon them. The applicant has not provided a clear reason to rezone the property to CR-1 Commercial Residential, other than vague possibilities of expanding the existing business. Such expansions could be sought through the Conditional Use process.

2) The site is not appropriate for CR-1 Commercial Residential zoning and the many permitted uses that are allowed in that zoning district.
3) The rezoning is not compatible with the surrounding zoning, which is all AR-1 Agricultural Residential, subject to some limited conditional uses.
4) The traffic that could be generated from the potential permitted uses under a CR-1 Commercial Residential zoning is not compatible with the existing traffic conditions on Route 9.
5) The Commission recently recommended denial of a change in zone from AR-1 Agricultural Residential to B-1 Neighborhood Business for a nearby property. This recommendation of denial is consistent with the denial of that prior application.
6) There are residential properties to the rear of this site which are served by a private drive through this property. A rezoning to CR-1 Commercial Residential would be inconsistent with the adjacent homes and their only means of access.
7) There is simply not a sufficient basis in the record for rezoning this property from AR-1 Agricultural Residential to CR-1 Commercial Residential.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 4 – 0.

Introduced 07/21/15

Council District No. 3 – Deaver
Tax Map I.D. No. 334-4.00-88.00
911 Address: 18501 Stamper Drive, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.38 ACRES, MORE OR LESS

WHEREAS, on the 15th day of June 2015, a zoning application, denominated Change of Zone No. 1782 was filed on behalf of Robert Atallian; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1782 be _____; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

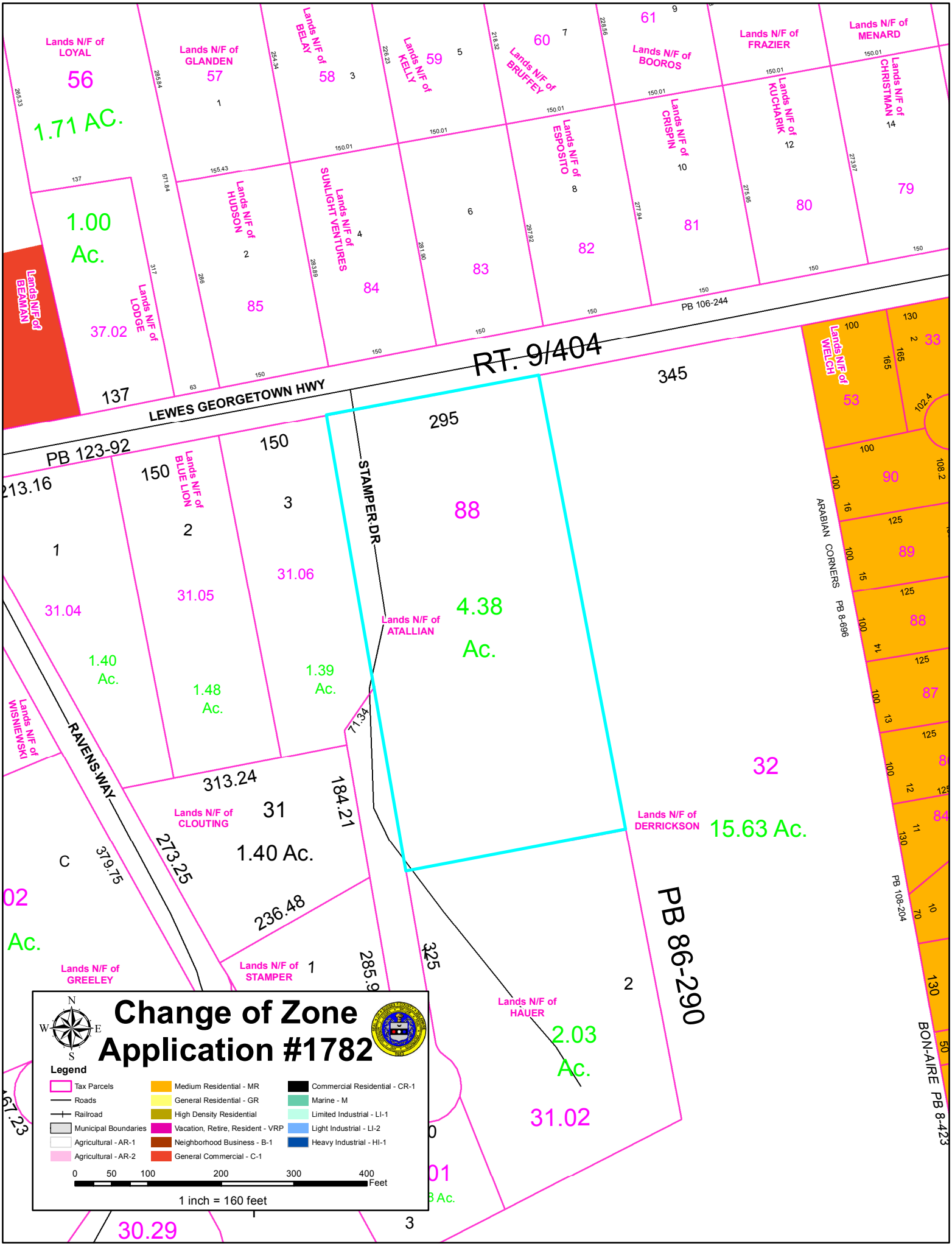
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District as it applies to the property hereinafter described.

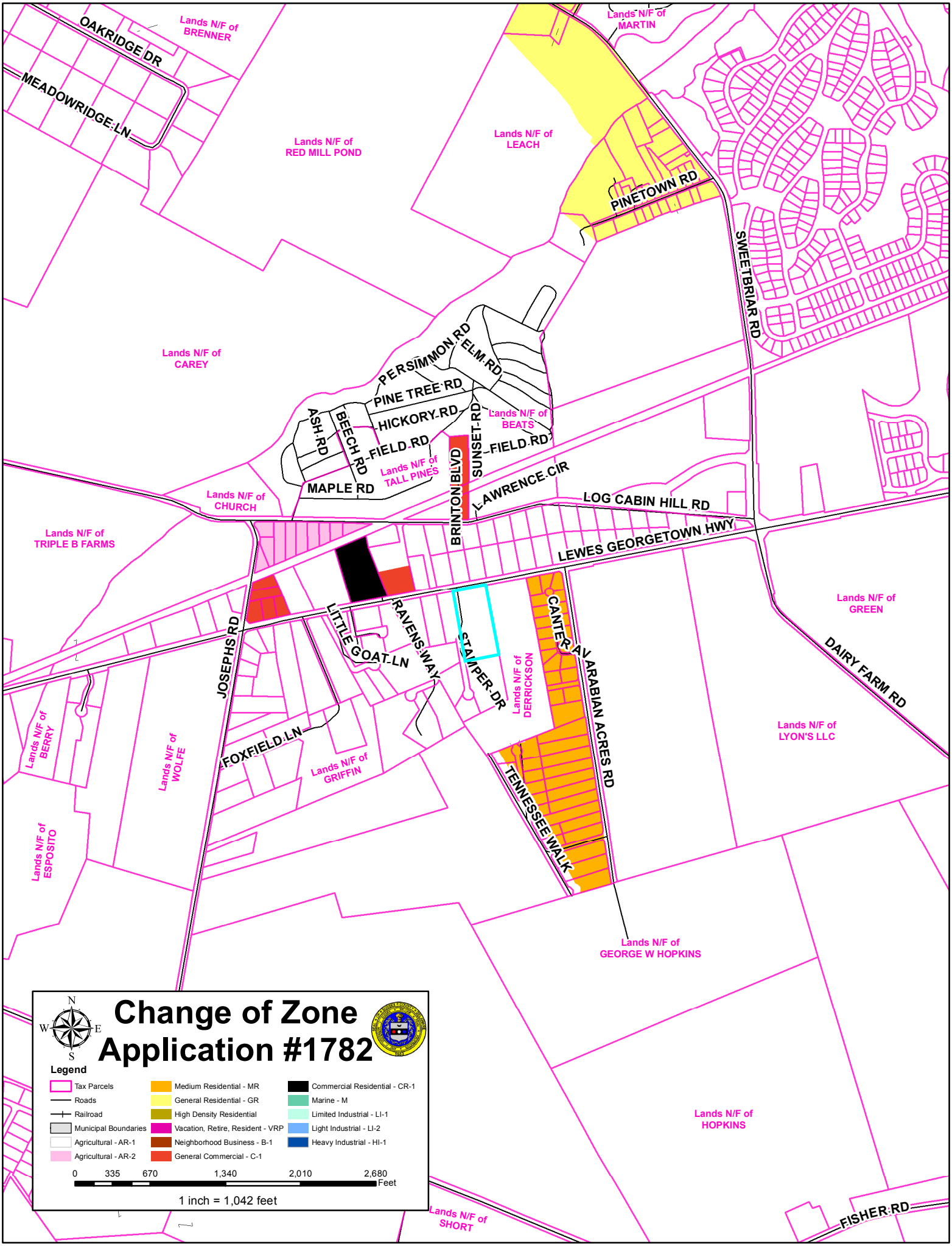
Section 2. The subject property is described as follows:

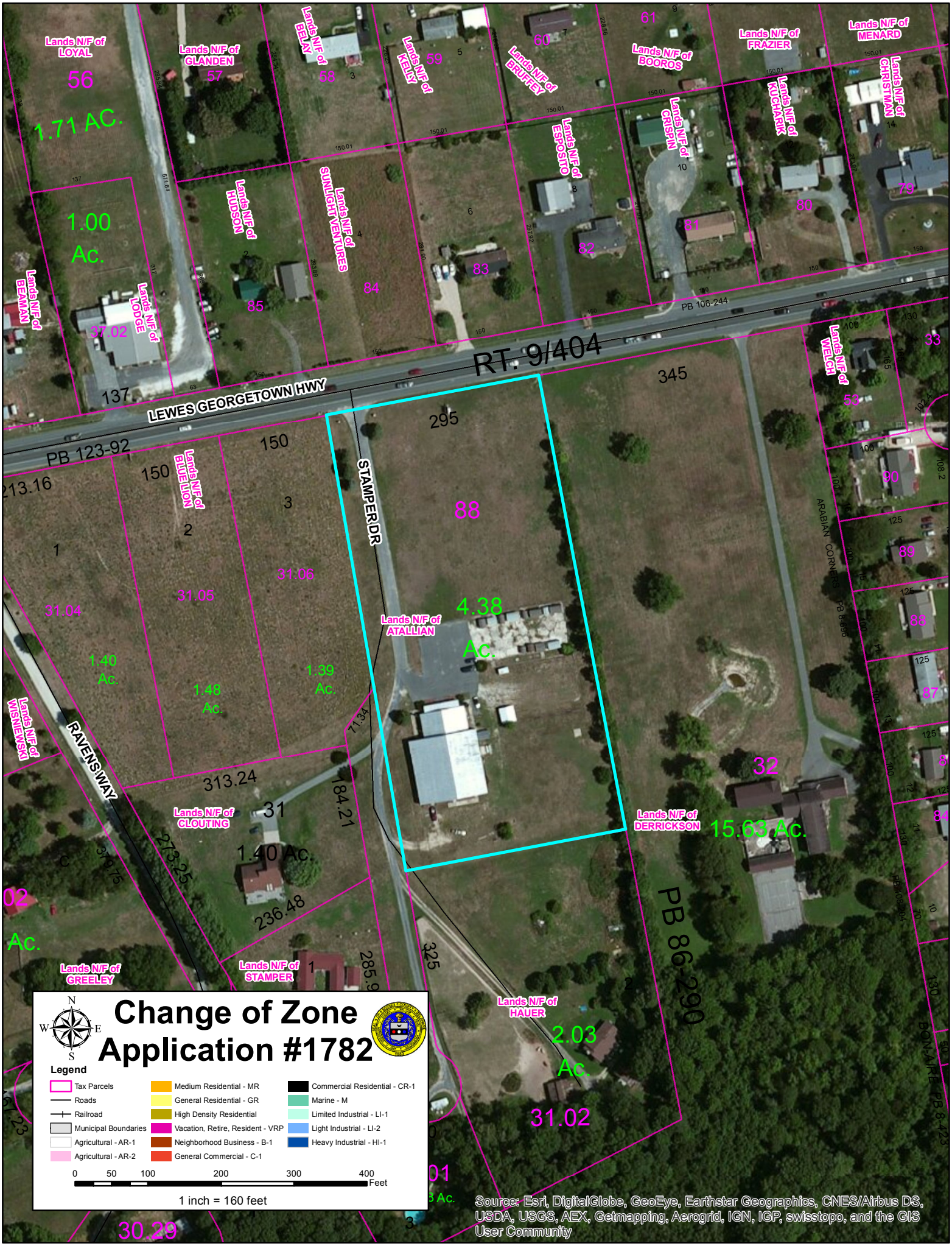
All that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of Lewes-Georgetown Highway (Route 9) 615 feet west of Arabian Acres Road (Road 282) and being more particularly described in Deed Book 2344 Page 265 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.38 acres, more or less.

This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

PROPOSED


Change of Zone
Application #1782
Legend
Tax Parcels
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 50 100 200 300 400 Feet
1 inch = 160 feet
RT. 9/404
LEWES GEORGETOWN HWY
PB 106-244
PB 123-92
STAMPER DR
RAVENS WAY
ARABIAN CORNERS
PB 8-696
PB 108-204
BON-AIRE
PB 8-423
PB 86-290
Lands N/F of LOYAL
Lands N/F of GLANDEN
Lands N/F of BELAY
Lands N/F of KELLY
Lands N/F of BRUFFEY
Lands N/F of BOOROS
Lands N/F of FRAZIER
Lands N/F of MENARD
Lands N/F of CHRISTMAN
Lands N/F of KUCHARIK
Lands N/F of CRISPIN
Lands N/F of ESPOSITO
Lands N/F of SUNLIGHT VENTURES
Lands N/F of HUDSON
Lands N/F of LODGE
Lands N/F of BEAMAN
Lands N/F of BLUE LION
Lands N/F of WELCH
Lands N/F of ATALLIAN
Lands N/F of CLOUTING
Lands N/F of DERRICKSON
Lands N/F of WISNIEWSKI
Lands N/F of GREELEY
Lands N/F of STAMPER
Lands N/F of HAUER
56 1.71 AC.
57
58
59
60
61
1.00 Ac.
37.02
85
84
83
82
81
80
79
137
345
295
150
213.16
31.04
1.40 Ac.
31.05
1.48 Ac.
31.06
1.39 Ac.
88
4.38 Ac.
33
53
90
89
88
87
32
15.63 Ac.
313.24
31
1.40 Ac.
184.21
273.25
379.75
236.48
285.9
325
2.03 Ac.
31.02
30.29


Change of Zone
Application #1782
Legend
Tax Parcels
Roads
Railroad
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
0 335 670 1,340 2,010 2,680 Feet
1 inch = 1,042 feet
N
S
E
W
OAKRIDGE DR
MEADOWRIDGE LN
Lands N/F of BRENNER
Lands N/F of RED MILL POND
Lands N/F of LEACH
Lands N/F of MARTIN
PINETOWN RD
SWEETBRIAR RD
Lands N/F of CAREY
PERSIMMON RD
ELM RD
PINE TREE RD
HICKORY RD
ASH RD
BEECH RD
FIELD RD
SUNSET RD
FIELD RD
Lands N/F of BEATS
Lands N/F of TALL PINES
MAPLE RD
BRINTON BLVD
LAWRENCE CIR
LOG CABIN HILL RD
Lands N/F of CHURCH
Lands N/F of TRIPLE B FARMS
LEWES GEORGETOWN HWY
Lands N/F of GREEN
DAIRY FARM RD
LITTLE GOAT LN
RAVENS WAY
STAMPER DR
CANTER
ARABIAN ACRES RD
Lands N/F of DERRICKSON
JOSEPHS RD
FOXFIELD LN
Lands N/F of BERRY
Lands N/F of WOLFE
Lands N/F of GRIFFIN
TENNESSEE WALK
Lands N/F of LYON'S LLC
Lands N/F of ESPOSITO
Lands N/F of GEORGE W HOPKINS
Lands N/F of HOPKINS
Lands N/F of SHORT
FISHER RD



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

2/8/16

To: Sussex County Council

This past year, the Council was pictured on Page 77 of the Lewes – Rehoboth Trail Guide and we Lewes-Rehoboth Rotarians hope that you will again purchase a full page color ad in the Trail Guide. The cost has remained the same: $375.00. The 25,000 copies of this guide makes this a very cost effective communications tool, which we deliver to sponsors through-out the area.

Please provide the ad along with payments to:

Lewes-Rehoboth Rotary Club Guide Book
C/O Cape Gazette
P.O. Box 213
Lewes, DE 19958

Our advertising deadline: March 15, 2016

Thanks,

Mike South
Lewes – Rehoboth Rotary Club

Children of the Delaware National Guard Youth Camp

A 503(c)3 non-profit organization EIN # 27-1126085

Kim King
Camp Director

Gerry WillemsendeBock
Chief Administrator

Chris Slicer
Head Counselor

MaryAnn Brennan
Secretary

Shirley Shellton
Treasurer

Ernie Colwell
Director Emeritus

Fund Drive

In this era of shrinking budgets and belt tightening we are asking for your support to ensure that the Children of the Delaware National Guard Youth Camp continues to provide our children the best summer camp experience and adventure that for which "Camp Colwell" is known for. The mission statement of Camp Colwell is to provide an opportunity for Delaware National Guard youth to experience a quality summer camp and to foster a sense of well-being, while forming bonds with fellow National Guard youths of different ages, communities and backgrounds. To better understand the roles of the Guard in the State and Federal missions and to better understand why parents serve in the Delaware National Guard.

In order to achieve this goal, Camp Colwell provides a positive experience for the youth of the National Guard Family in a safe and caring environment. The Camp is located at the Delaware National Guard Training Site, Bethany Beach, DE. The seven-day residential Camp accommodates approximately 110 youth and 60 volunteers. Campers are 9-12 year olds and the Junior Counselor Corps are 13-17 years old. The campers participate in classes, excursions, arts and craft activities, recreational events and team building activities. It's important to note that the Executive Council and all 60 staff volunteer members are unpaid volunteers.

The Junior Counselor Corps goes through leadership training that could ultimately enable them to become Senior Counselors and Administrators. They participate in leadership learning seminars, interpersonal skill development and health and safety courses, which equip them to become leaders in their communities, schools, home and camp. They also participate in excursions, recreational events and other fun learning activities.

The Senior Counselor volunteer staff is divided into several sections - Administration, Counselors, Arts & Crafts, Medical and Food Service. The Camp is open to dependent children of the Delaware Army and Air National Guard at the cost of $50.00 per Camper and $75.00 per Junior Counselor. There is no cost for children of deployed parent(s). Funding is provided by monetary and material donations of businesses, organizations and individuals as well as grants. The total cost for the week per camper/junior counselor is approximately $350.00.

Funding is provided by monetary and material donations of businesses, organizations and individuals. The children of our Delaware Air and Army National Guard appreciate any contribution you are able to provide. Checks should be made payable to: Camp Colwell and your tax deductible donation should be mailed to Children of the DNG Youth Camp c/o Ernie Colwell, Camp Director 7 Weatherford Court New Castle, DE 19720. Children of the DNG Youth Camp is a non-profit organization.
Our Tax ID# is 27-1126085.

Thank you for your support,

Kim King

Kim King
Camp Director

CAMP DATES 17-23 JULY 2016

DELAWARE SEASIDE RAILROAD CLUB, INC.*

* A 501 (C) (3) NON-PROFIT ORGANIZATION

To all our Sponsors;

Thank you doesn't begin to express our appreciation for your sponsorship last year. We moved into our new home in July and had a very successful half-year, over 2,000 visitors.

In 2016, we are looking forward to a record year of visitors to our home in Dagsboro. Our rent for the home is $1,000 per month. In order to meet our financial obligations, we need your continuing support.

This year we will be upgrading our 0-gauge layout, expanding our youth program and planning for more adult participation.

The new Sponsor brochure is included in this mailing. As in the past, we are asking for a donation of $100.00 or more. A club member will follow up. He/she will be able to answer any questions you may have about our activities or organization. You can also look us up on line at www.delawareseasiderailroadclub.com. or email us at dsrc@delawareseasiderailroadclub.com..

Better yet, visit us at our home. We are open on Wednesday nights from 5:00pm to 8:00pm and Saturdays from 10:00am to 3:00pm. If you would prefer a private showing, contact me at 302-827-4278.

Respectfully,

Bill Mixon

Chairperson - Fundraising Committee

P.O. Box 479, Ocean View, DE 19970

LEWES
Chamber of Commerce
and Visitors Bureau, Inc.

February 12, 2016

Councilwoman Joan Deaver

Dear Joan,

The 18th Annual Chautauqua Tent Show event to be held in Lewes on June 19-23, 2016 promises to be an exciting, educational and fun-filled community event. Events will be held at Zwaanendael Park, The Lewes Historical Society and Stango Park. We plan to have tents at the Lewes Historical Society and Zwaanendael Park. All activities are offered at no charge.

This year's theme is Fifty Years of Preservation in Delaware. There are lectures, musical entertainment and actors from the American Historical Theatre, both during the day and in the evening.

In past years, the Chautauqua Tent events were partially funded through a grant from the Delaware Humanities Forum (DHF). Ten years ago, DHF asked the community to take over this popular free event and they began phasing out their financial support of the event. With the support of in-kind funding from our Chamber, The Lewes Historical Society and for the past eight years the Delaware Division of Historical and Cultural Affairs (HCA), we have been able to continue to Chautauqua Tent performances here in Lewes for five days and evenings in June. HCA makes a significant financial and in-kind contribution that has allowed the performances to continue. Since we don't receive funding from DHF, we are looking for support from additional sources. We are appealing to businesses and other funding sources in the Lewes area to help underwrite the estimated costs of $12,000 associated with the operating expenses.

We are grateful for the financial support you have given in the past and are requesting $1,000 for this year's Chautauqua Tent activities.

Donors will be recognized with signage at the events in Zwaanendael Park at the Lewes Historical Society complex. Checks can be made payable to the Lewes Historical Society as they are the only 501c3 organization on the planning committee. These funds do not support the Lewes Historical Society, the Lewes Chamber of Commerce or the Delaware Division of Historical and Cultural Affairs. They are used solely to pay the expenses for the Chautauqua Tent Shows.

Thank you for your consideration for funding this wonderful community event and I hope your schedule will allow you to attend and be recognized for your significant contribution, enabling the shows to go on!

Sincerely,

Betsy Reamer, on behalf of the Chautauqua Tent organizing committee
Lewes Chamber of Commerce executive director

George R. Denney, III Vice President
Laurel Historical Society
32584 Laurel Drive
Laurel, DE 19956
(302) 745-1963

Honorable Mike Vincent, President
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

Dear Councilmen Vincent:

The Laurel Historical Society Heritage Museum exterior is in dire need of painting. A few years ago the County Council awarded the Society a grant for painting the exterior; however, the cost of painting far exceeded the grant and the Society's ability to supplement the grant funding. Consequently, the exterior of the Museum continues to deteriorate at an accelerated rate. The original grant award remains in escrow until such time as enough funding is secured to complete the project.

Therefore, the Laurel Historical Society is requesting the Sussex County Council consider granting $6,000.00 for painting the exterior of the Laurel Historical Society Heritage Museum.

The Laurel Historical Society Heritage Museum is vital in connecting the past with the future legacy of Laurel and western Sussex. Please contact me if you need additional information. Thank you for your consideration.

Sincerely,

George R. Denney, III

George R. Denney, III

Photographs Enclosed