



# **Sussex County Council Public/Media Packet**

**MEETING:  
May 12, 2015**

**\*\*DISCLAIMER\*\***

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**Sussex County Council  
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MICHAEL H. VINCENT, PRESIDENT  
SAMUEL R. WILSON JR., VICE PRESIDENT  
ROBERT B. ARLETT  
GEORGE B. COLE  
JOAN R. DEAVER



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# Sussex County Council

## AGENDA

MAY 12, 2015

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. **Wastewater Agreement No. 733-7  
Sussex County Project No. 81-04  
Bishop's Landing  
Millville Expansion of the Bethany Beach Sanitary Sewer District**
2. **Rules of Procedure Amendment**
3. **Administrator's Report**
4. **Fiscal Year 2016 Budget Presentation**
5. **Discussion and Possible Introduction of Proposed Ordinances:**

**“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET  
FOR FISCAL YEAR 2016”**

**“AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES,  
ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION  
AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX  
COUNTY WATER AND SEWER DISTRICTS**



**10:15 a.m. Public Hearing**

**Kilby Expansion of the Long Neck Sanitary Sewer District**

**Gina Jennings, Finance Director**

1. Human Service Grants
2. Third Quarter Financial Report

**Hal Godwin, Deputy County Administrator**

1. Legislative Update

**Grant Request**

1. Delmarva Clergy in Social Action Foundation for The Griffin's Place

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – Personnel, Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del. C. §10004(b)**

**Possible Action on Executive Session Items**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountype.gov](http://www.sussexcountype.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 5 , 2015 at 5:25 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, APRIL 21, 2015**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 21, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 148 15  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

**Minutes**

The minutes of April 14, 2014 were approved by consent.

**Corre-  
spondence**

**Correspondence**

John M. Clayton Elementary School Mentoring Program, Indian River School District.

RE: Card in appreciation of Councilmanic Grant.

**Public  
Comments**

**Public Comments**

Paul Reiger commented on the number of animals permitted on properties in the County and referenced proposed legislation regarding livestock running at large. He questioned if the County is going to put livestock under the control of the SPCA, the State's Animal Welfare Office, or the County Constable's Office.

Dan Kramer commented on the cost to the County (\$600,000) for dog control and the State's plans to take over dog/animal control, with the County to still

(continued) pay the \$600,000.

**Tribute/  
Shane  
Abbott** The Council presented a Tribute to C. Shane Abbott, Assistant Director of Planning and Zoning, for 31 years of service. Mr. Abbott will retire from the County on April 30, 2015.

**Procla-  
mation/  
Soil &  
Water** The Council presented a Proclamation entitled “PROCLAIMING APRIL 26 THROUGH MAY 3, 2015 AS SOIL AND WATER STEWARDSHIP WEEK” to David Baird, District Coordinator, Sussex Conservation District.

**Stewardship  
Week** Mr. Baird announced that, on April 22nd, all three of the State’s Conservation Districts will be celebrating Soil and Water Stewardship Week with the Governor’s Conservation Awards. There are two winners from Sussex County: the Town of Greenwood and the Woodbridge School District’s Animal Science Program

**Adminis-  
trator’s  
Report** Mr. Lawson read the following information in his Administrator’s Report:

1. Delaware Solid Waste Authority Reports

There were 28, 267 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of January, February, and March 2015. Attached are reports received for each month.

2. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Coastal Club – Phase 1 A received Substantial Completion effective April 14, 2015.

3. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, April 28th. The next regularly scheduled Council meeting will be held on May 5th at 10:00 a.m.

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

**Legislative  
Update** Hal Godwin, Deputy County Administrator, presented the following legislative update.

House Bill No. 85 – “AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES”

Synopsis: This Bill allows school taxes and property taxes to be collected by tax intercept.

**Legislative  
Update  
(continued)**

**Mr. Godwin reported that similar legislation has passed the House on three separate occasions; however, the Senate has never addressed this legislation and the Bill has died in the past three General Assemblies.**

**Senate Bill No. 5 – “AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO THE DELAWARE UNIFORM COMMON INTEREST OWNERSHIP ACT”**

**Synopsis: This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with.**

**This Bill was introduced in March and assigned to the Community/County Affairs Committee.**

**Mr. Godwin suggested that the County’s Legal Counsel take a careful look at this legislation. Mr. Moore stated that he will have Assistant County Attorney Jamie Sharp look at the legislation for purposes of reviewing it with Council.**

**House Bill No. 74 – “AN ACT TO AMEND TITLE 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES”**

**Synopsis: This Bill requires a utility provider to alert the homeowner’s association for any condominium or cooperative at least 72 hours before shutting off service, in addition to notifying the occupants of the dwelling unit.**

**This Bill was introduced in March and assigned to the Housing and Community Affairs Committee.**

**Senate Bill No. 54 – “AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO RIGHT-TO-WORK ZONES AND THE GROSS RECEIPTS TAX”**

**Synopsis: This Act allows the Director of the Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at least 20 employees. It also exempts those manufacturing businesses from their grow receipts taxes for their first 5 years.**

**Mr. Godwin explained that the right-to-work law secures the right of employees to decide themselves whether or not to join a union.**

**This Bill was introduced in April and is assigned to the Labor and Industrial Relations Committee.**

Legislative  
Update  
(continued)

**House Bill No. 86 – “AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO PUBLIC EMPLOYMENT”**

**Synopsis:** This Bill allows counties and municipalities to elect not to be subject to the State’s Public Employment Relations Act.

This Bill was introduced in April and assigned to the House Labor Committee.

**House Bill No. 87 – “AN ACT TO AMEND TITLES 22 AND 9 OF THE DELAWARE CODE RELATING TO RIGHT-TO-WORK ZONES”**

**Synopsis:** This Act allows each municipality and each county to create right-to-work zones.

This Bill was introduced in April and assigned to the House Labor Committee.

A discussion was held regarding the fact that the State of Delaware is not a right-to-work state and a question was raised as to whether the County Council has the authority to make Sussex County a right-to-work county. Mr. Arlett suggested that this be a topic of discussion/consideration at a future date.

**Un-numbered Bill – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE REALTY TRANSFER TAX”**

**Synopsis:** This Bill will authorize New Castle, Kent and Sussex Counties to limit the first time home buyer’s realty transfer tax exemption to properties for which the purchase price is less than \$417,000. For properties purchased by first time home buyers in excess of \$417,000, transfer tax shall be imposed on any amount in excess of \$417,000. This Bill will apply to purchases after July 1, 2015.

Mr. Godwin stated that he would not take a position on this Bill unless directed by Council to do so.

EMS  
South  
Coastal  
Station 105/  
Change  
Order

Anthony DiGiuseppe, Planning Technician, presented and reviewed Change Order No. 1 for the EMS South Coastal Station 105 Project. He reported that the project is approximately 70 percent complete. The Change Order includes 16 additional working days as requested by the contractor (RBCI, Inc.) due to multiple snow days and days with below freezing temperatures; however, the Sussex County Engineering Department has agreed to only 12 of the 16 days requested. The Change Order also includes mediation of soils due to existing sub-grade soils in the garage area (\$2,500) and the driveway (\$7,500) which were deemed unacceptable for the placement of concrete and hot mix; this request includes 7 additional working days; however, the Engineering Department only agreed to 4 of the 7 days requested. The total Change Order results in a \$10,000 increase to the contract.

**Change Order (continued)**

**Mr. Vincent asked that, in the future, the Engineering Department consider borings in advance of bidding out a project.**

**Mr. Cole questioned if the County could have a staff member certified as a soil scientist. Mr. Lawson and Mr. Izzo will look into this.**

**M 149 15  
Approve  
Change  
Order/  
EMS  
South  
Coastal  
Station 105**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Sussex County Project No. 14-05, Sussex County EMS South Coastal Station 105 with RBCI, Inc. of Easton, Maryland, be approved in the amount of \$10,000 which increases the contract total to \$507,660, and extends the contract term by 16 calendar days.**

**Motion Adopted: 4 Yeas, 1 Nay.**

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

**Pump  
Station 207  
and Force  
Main/  
Change  
Order**

**Juel Gibbons, Project Engineer, presented Change Order No. 1 to Contract 12-23, Pump Station 207 and Force Main, a regional pump station in the West Rehoboth Sanitary Sewer District. Ms. Gibbons stated that the Change Order results in a credit to the contract in the amount of \$4,062.10. The change order is a result of the addition of a flow meter at the pump station and cost savings due to an improved force main alignment.**

**M 150 15  
Approve  
Change  
Order/  
Pump  
Station 207  
and Force  
Main**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract No. 12-23, Pump Station 207 and Force Main, be approved, which decreases the contract amount by \$4,062.10 for a new contract total of \$4,119,748.80.**

**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  
No. 2008**

**Under Old Business, the Council considered Conditional Use No. 2008 filed on behalf of John Martin.**

**The Planning and Zoning Commission held a Public Hearing on this application on February 12, 2015 at which time action was deferred. On February 26, 2015, the Commission recommended that the application be denied.**

**The County Council held a Public Hearing on this application on March 31, 2015 at which time action was deferred and Council directed staff to inspect the site to determine the number of vehicles on the site, the activity on the**

**Old  
Business/  
CU  
2008  
(continued)**

**site, and any violations on the site.**

**Mr. Lank reported that staff inspected the site and determined that the Applicant has one tractor (truck) on site with no trailer; that the other vehicles on the site are his personal and family vehicles; that there is a box trailer on the site which is for the purpose of hauling his race car; and that there were no other tractor trailers or trailers on the site. Mr. Lank reported that there were no violations on the site. Mr. Lank presented a picture of the site.**

**The Council discussed whether or not the Applicant needs a Conditional Use. Mr. Lank commented that, if the Council approves the Conditional Use, it would make it clear to the tenant and the landowner that the Applicant is approved for the purpose he is requesting, with limitations (if there are conditions on an approval).**

**M 151 15  
Adopt  
Ordinance  
No. 2395/  
CU 2008**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2395 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE A TRUCKING BUSINESS AND PARKING OF VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 35,011 SQUARE FEET, MORE OR LESS” (Conditional Use No. 2008) filed on behalf of John Martin, with the following conditions:**

- 1. Owner or occupant shall reside on the site at all times during the use.**
- 2. There shall be no commodities stored or sold, no group instruction, assembly or activity, and no outside storage or display material on the premises.**
- 3. The use shall be limited to storage and routine maintenance on personally owned trucks and other personally owned vehicles.**
- 4. All personal vehicles on site shall be tagged in the name of the owner or occupant and may only be operated by the owner or occupant.**
- 5. No semi-trailers shall be parked on the site.**
- 6. There shall be no commercial vehicle sales on the site. Vehicle sales shall be limited to the sale of personally owned vehicles.**
- 7. Neither owner nor occupant shall employ any persons who will perform commercial services or sales on the site.**
- 8. There shall be no vehicle repair services performed on the site, other than routine repair or maintenance on personally owned vehicles.**
- 9. All oil, and other wastes associated with the repair or maintenance of the vehicles shall be properly disposed of in accordance with State regulations.**
- 10. No towing business shall be operated on the site.**
- 11. Any security lighting shall be downward screened so that it does**

**M 151 15  
Adopt  
Ordinance  
No. 2395/  
CU 2008  
(continued)**

- not shine on neighboring properties or roadways.
12. The Applicant shall comply with all DelDOT requirements, if any, regarding entrances to the property.
  13. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**Grant  
Requests**

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

**M 152 15  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,000.00 from Mrs. Deaver's Councilmanic Grant Account to the Milton Fire Department for a memorial plaque for the Ladies Auxiliary's 50th Anniversary Celebration.**

**Motion Adopted: 5 Yeas.**

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

**M 153 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$2,250.00 (\$1,500.00 from Mr. Cole's Councilmanic Grant Account, \$500.00 from Mr. Arlett's Councilmanic Grant Account, and \$250.00 from Mrs. Deaver's Councilmanic Grant Account) to West Side New Beginnings for the purchase of a van for the West Rehoboth Community Youth Program.**

**Motion Adopted: 5 Yeas.**

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

**M 154 15  
Countywide  
Youth  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from the Countywide Youth Grant Account to Delaware Technical & Community College for the Kids on Campus Program.**

**Motion Adopted: 5 Yeas.**

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

**M 155 15  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to give \$600.000 (\$200.00 from Mr. Wilson's Councilmanic Grant Account and \$100.00 each from Mr. Arlett's, Mr. Cole's, Mrs. Deaver's and Mr.**

**M 155 15**      **Vincent’s Councilmanic Grant Accounts) to the Delaware Community**  
**(continued)**      **Foundation for the Georgetown Millboro Rotary Club’s Flags for Heroes**  
                      **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 156 15**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give**  
**Countywide**      **\$1,000.00 from the Countywide Youth Grant Account to Children of the**  
**Youth**              **Delaware National Guard Youth Camp for camp operations.**  
**Grant**

**Motion Adopted:      5 Yeas.**

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

**Introduction**      **Mr. Cole and Mr. Wilson introduced the Proposed Ordinance entitled “AN**  
**of Proposed**      **ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**  
**Ordinance**        **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 NANTICOKE**  
                              **HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE**  
                              **OR LESS” (Conditional Use No. 1776) filed on behalf of Larry Yoder (Tax**  
                              **Map I.D. No. 430-3.00-11.01) (911 Address: 10862 Shawnee Road,**  
                              **Harrington). The Proposed Ordinance will be advertised for Public**  
                              **Hearing.**

**Council**              **Council Members’ Comments**  
**Members’**

**Comments**        **Mr. Arlett commented on the Budget Workshop scheduled for Thursday,**  
                              **April 23rd.**

**Mr. Arlett commented on events he recently attended, i.e. Little League**  
**events and the Little Miss / Miss Laurel pageant.**

**Mr. Vincent announced good news – 4 year old Brayden of Seaford, who**  
**received a heart transplant 20 days ago, came home on Monday.**

**M 157 15**      **At 12:02 p.m., a Motion was made by Mr. Arlett, seconded by Mrs. Deaver,**  
**Recess**              **to recess the Regular Session and to go into Executive Session.**  
**Regular**

**Motion Adopted:      5 Yeas.**

**Session**



**Public  
Hearing/  
CU 2013**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEADERY MICROBREWERY FOR THE MANUFACTURING OF HONEY WINE AND TASTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED AND BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS” (Conditional Use No. 2013) filed on behalf of TBHM, LLC (Tax Map I.D. 334-4.00-34.00 (Part of) and 235-31.00-15.00) (911 Address – None Available).**

**The Planning and Zoning Commission held a Public Hearing on this application on March 12, 2015 at which time the Commission deferred action and left the record open for 10 days for receipt of a revised preliminary site plan from the applicants, and an additional ten (10) days for public review. On March 12th, the Commission expressed concerns about the reconstruction of the existing buildings due to their condition and stated that the applicant should consider construction of a new building on the easterly side of Coolspring Branch.**

**On April 9, 2015, the Planning and Zoning Commission discussed the application again. On that date, it was announced that the revised site plan had been received. Commissioner Johnson stated that the revised site plan indicating the intent to use the easterly portion of the site for the use will be beneficial to visitors and guests and makes more sense than trying to rebuild the original buildings on the westerly portion of the site. On April 9th, the Commission deferred action again and left the record open for 10 days for interested parties to review the revised site plan and for written comments. Lawrence Lank, Director of Planning and Zoning, reported that the ten days ended on Sunday, April 19th, and that as of April 20, 2015, no written comments were received.**

**(See the minutes of the meeting of the Planning and Zoning Commission dated March 12 and April 9, 2015.)**

**Mr. Lank read a summary of the Commission’s public hearing.**

**Mr. Lank reported that the application is on the Planning and Zoning Commission’s agenda for April 23, 2015.**

**The Council found that John Talkington, President and Co-Owner, and Robert Walker, Vice President, were in attendance on behalf of the application. They explained the mead-making process and how they would dispose of the byproducts; they stated that mead is a honey wine; that mead is an agricultural wine; that they hope their first year of production will be approximately 2,000 gallons (800 cases); that in the future they hope to increase production to 10,000 gallons; that they intend to sell mead manufactured at this location in labeled barrels, bottles or other closed containers to importers licensed for delivery by them to persons inside and**

**Public  
Hearing/  
CU 2013  
(continued)**

outside of Delaware and to sell mead at this location for consumption on or off the premises; that while they are recognized by the State as a microbrewery, they will be operating as a winery; that they propose that mead sold for off-premises consumption shall be limited to a maximum of 5 cases per day to each retail customer; that a tasting area will be provided on the premise; that they plan on selling mead by the glass, growler, keg, pint, or case; that the tasting room would be in the mead hall; that if they reach the 10,000 gallon mark, they would probably hire 5 to 10 employees; that DNREC provided information on wetlands in the area and there are no wetlands near the site; that they would be the first meadery in the State of Delaware; that deliveries will for the most part be by UPS cargo size trucks; and that deliveries will be minimal and distributors will pick up small loads.

Public comments were heard.

The Council found that one of the owners of the property, Shauna Thompson, was present in support of the application.

There were no public comments in opposition to the application.

The Public Hearing and public record were closed.

**M 162 15  
Defer  
Action on  
CU 2013**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to defer action on Conditional Use No. 2013 filed on behalf of TBHM, LLC.

Motion Adopted: 5 Yeas.

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

**Public  
Hearing/  
CZ 1765**

A Public Hearing was held on 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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 29,289 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1765) filed on behalf of Red Mill Pointe, LLC (Tax Map I.D. No. 334-1.00-5.00) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on March 12, 2015 at which time action was deferred. On April 9, 2015, the Commission recommended denial of the application for the following reasons:

- 1) The applicant did not create an adequate record supporting the need to rezone this property from AR-1 to CR-1.
- 2) One of the main reasons stated by the applicant for the rezoning was

**Public  
Hearing/  
CZ 1765  
(continued)**

- the need to relocate a septic system from an adjacent property to this property. The use of the property for a septic system does not require a commercial zoning.
- 3) The applicant stated that there are several other possible future uses for the property that may require a commercial zoning. No definite reason or use was given for the change in zone. The change in zone should not be granted based upon speculative future needs of the property owner.
  - 4) The applicant stated that he would like to combine this parcel with its existing property next door which is already zoned commercial. While this is often a consideration of the Commission, it usually happens in situations where the entire tract of land has a regular shape, or where a single existing tract has multiple zonings. Here, the applicant acquired the land separately from its existing property, and the combination of it with the existing property does not create a regular shape that will lead to uniform boundaries of a commercial zoning district. So, combining these parcels does not justify the change in zone.
  - 5) The applicant has not explained a clear need for the change in zone to CR-1 in this location, or why the existing AR-1 zoning or a conditional use is not appropriate for the site.
  - 6) The site, which is a stand-alone parcel given its shape and 29,289 square foot size, is not adequately sized for CR-1 zoning and the possible uses allowed in that district.

(See the minutes of the meetings of the Planning and Zoning Commission dated March 12 and April 9, 2015.)

Lawrence Lank, Director of Planning and Zoning Commission, read a summary of the Public Hearing before the Planning and Zoning Commission.

The Council found that Hal Dukes, Attorney, was present on behalf of Red Mill Point, LLC and stated that the Applicants are the owners of the adjacent commercial property that is improved with professional offices; that DelDOT has taken 100 foot of the frontage on the adjacent parcel; that DelDOT is obviously intending to take 100 feet of this site also; that the Applicant has tried to connect to Sussex County sewer but it is not available at this site; that they are intending to add this parcel to their adjacent parcel; that the front 100 foot of the adjacent parcel contains the septic system and that they will be utilizing this site for a new septic system and, possibly, some additional parking; that some of the buildings on this site have already been removed or will be removed shortly; that when the highway comes through, the remaining structures will also be moved; that both sides of this site are zoned commercial and this is the only non-commercial piece of property on that strip; that the size of the adjacent property does not work for another septic system; that the medical facility needs a septic system; that the CR-1 Commercial Residential zoning classification has been requested so that the parcels can be combined into

**Public  
Hearing/  
CZ 1765  
(continued)**

one parcel with one zoning classification; that the entrance to the offices already exists; that the adjacent property has no other use except for joining this piece of property; that the hardship was not created by the Applicant, it was created by the expansion of the highway (DelDOT); that there is a pending agreement with the Applicant, that if the septic system needs to be taken, DelDOT would pay for an unspecified period of time for a holding tank; that a holding tank is not an acceptable answer to the problem; that he has asked for the zoning change to maintain the continuity of his medical office facility; that this parcel has not been condemned or conveyed yet by DelDOT; that DelDOT is just saying to not build on it or use it; that it is difficult to determine what DelDOT's plans are; that the lands of the State of Delaware on the plot has been condemned/deeded to the State; and that some of the parcels were deeded recently and some were deeded several years ago.

Mr. Cole expressed concern that rezoning the property will make it more valuable and the Applicant could capitalize on the increase in value. Mr. Cole commented that the County could contact DelDOT to determine what their plans are.

A comment was made to amend the application to cut off the first 100 feet and to not include it in the rezoning request, thereby reducing the size of the rezoning. Mr. Dukes stated that the Applicant would agree to this and that the Applicant just wants to continue to operate his medical offices. Mr. Moore stated that he would like to see a new plot/survey showing the removal of the 100 feet.

There were no public comments.

The Public Hearing and public record were closed.

**M 163 15  
Defer  
Action on  
CZ 1765**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Change of Zone No. 1765 filed on behalf of Red Mill Point, LLC and to leave the record open for the specific purpose of the submittal of an updated survey by the Applicant.

**Motion Adopted: 5 Yeas.**

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

**M 164 15  
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 2:27 p.m.

**Motion Adopted: 5 Yeas.**

**M 164 15  
(continued)**

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

**Respectfully submitted,**

**Robin A. Griffith  
Clerk of the Council**

**DRAFT**

**SUSSEX COUNTY COUNCIL**

**BUDGET WORKSHOP**

**APRIL 23, 2015**

**At 9:00 a.m., the Sussex County Council held a Budget Workshop at the Sussex County Administrative Offices West Complex in Georgetown for the purpose of discussing the proposed FY 2016 Budget.**

**The following were present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>Kathy L. Roth</b>	<b>Budget and Cost Manager</b>

**Mr. Lawson noted that the Budget Workshop is a public meeting and the Agenda and Notice of Meeting were posted 7 days in advance.**

**Mr. Lawson stated that the purpose of the Budget Workshop is to hold an open discussion among the County Council, County Administrator, and staff regarding budget matters and initiatives which will affect the FY 2016 Budget.**

**An overview of FY 2015 Budget accomplishments and highlights of the proposed FY 2016 Budget were presented by Mr. Lawson. Department presentations were provided by the following: Libraries, Constable, Assessment, Emergency Operations Center, Human Resources, Paramedics, and Engineering. Capital improvements projects, as well as councilmanic grant funding and other grant categories were also discussed.**

**During lunch, Ben Muldrow, Arnett Muldrow & Associates, discussed a rebranding strategy for the Sussex County Economic Development Office and Sussex County Airport.**

**No action was taken.**

**The workshop adjourned at 4:23 p.m.**

**Respectfully submitted,**

**Susan W. Webb  
Administrative Secretary**

## 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

May 04, 2015



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
BISHOP'S LANDING - PHASE 2  
AGREEMENT NO. 733 - 7

#### DEVELOPER:

Mr. Steven Brodbeck  
Dove Barrington Development, L.L.C.  
8965 Guilford Road  
Suite 290  
Columbia, MD 21046

#### LOCATION:

Southwest corner of Road 353 and Road 352  
intersection

#### SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

Subdivision consisting of (206) Single Family Homes and (251) Townhomes, w/amenities to include clubhouse, pool, tennis court, dog park, etc. 40 Single Family units in this phase

#### SYSTEM CONNECTION CHARGES:

\$220,000.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
06/11/12

Department Of Natural Resources Plan Approval  
08/23/12

#### SANITARY SEWER CONSTRUCTION DATA:

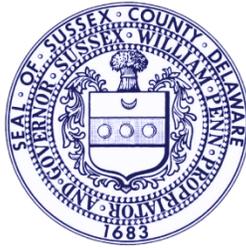
Construction Days – 40

Construction Admin And Construction Inspection Cost – \$17,457.60

Proposed Construction Cost – \$116,384.00

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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# Sussex County

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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**May 12, 2015**

## **PROPOSED MOTION**

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO.

81-04, AGREEMENT NO. 733-7, THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "DOVE BARRINGTON DEVELOPMENT, L.L.C.," FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "BISHOP'S LANDING, PHASE 2), LOCATED IN MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 733-7

TODD LAWSON  
COUNTY ADMINISTRATOR

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: **RULES OF PROCEDURE AMENDMENT**

DATE: May 8, 2015

---

As a result of last week's approval of the 'Failure to Appear' Ordinance, we will need to amend the Rules of Procedure. Attached is a draft new Rule 10.11 for your consideration. The new Rule lays out the procedure for an applicant to seek reconsideration if they fail to appear at the hearing for reasons beyond their control.

Please let me know if you have any questions.

TFL/sww

Attachment



10.11 Under very limited circumstances, if an applicant fails to appear at a scheduled zoning hearing, the applicant may request reconsideration and a new hearing in accordance with Sussex County Code § 115-216D. If a petitioner, applicant or appellant fails to appear, or appear by agent, at the scheduled zoning hearing requesting an amendment, supplement or change, and the failure to appear is for reasons beyond his control, within fifteen (15) days of the scheduled hearing before the Planning and Zoning Commission or the County Council, applicant may submit a Petition for Reconsideration to the appropriate body. Petitions submitted after the deadline shall not be considered.

The Petition for Reconsideration shall contain detailed facts sufficient to demonstrate that applicant's failure to appear was beyond his control. Reasons may include, but are not limited to, the following:

- a. Emergency medical situations for applicant or applicant's immediate family;
- b. Death of a family member;
- c. Automobile accident;
- d. Failure to receive proper notice of the hearing; and
- e. Such other reason as may demonstrate extenuating circumstances or an event or condition that prohibited applicant's appearance at the public hearing.

Applicant shall include with his Petition any supporting documentation available such as a physician's note, hospital admission form, police report, and the like. Only those facts contained in the Petition and supporting documentation submitted with the Petition shall be considered by the Planning and Zoning Commission or County Council, whichever is applicable.

Upon receipt of the Petition, the Planning and Zoning Commission or County Council, whichever is applicable, shall place the Petition on the agenda of its next available regular meeting for discussion and possible action.

If the Petition for Reconsideration is approved, a new public hearing date will be advertised in accordance with the Sussex County Zoning Ordinance. Pursuant to Sussex County Code § 115-216F., if the Petition for Reconsideration is denied, applicant may not re-submit the application, or one substantially similar to it, sooner than one (1) year after the previous failure to appear.

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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# Sussex County

DELAWARE  
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MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING

## Kilby Expansion to the Long Neck Sanitary Sewer District

- I appeared before council on March 31, 2015 for permission to prepare and post notices for the Kilby Expansion of the Long Neck Sanitary Sewer District.
- The area includes parcel **234-23.00-116.06**, a property owned by Rita Jameson-Gray and Rita M. Kilby and is located along Bay Farm Rd. in Long Neck, DE.
- The expansion is based on a letter dated March 17th, 2015 from the land owner in which she requests annexation into the sewer district.
- The property is able to gain sewer service by connecting to an existing lateral previously placed at the property R.O.W.
- The expansion will consist of  $\pm$ .59 acres.
- The property owner will be responsible for system connection charges of **\$4,100** per EDU based on rates from July 1, 2014 through June 30, 2015.
- The parcel and the surrounding areas were posted according to state law for the Public Hearing. To date, we have heard no comments in support or in opposition of the expansion.
- **Any Questions?**



RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE LONG NECK SANITARY SEWER DISTRICT (LNSSD) TO INCLUDE LANDS OF RITA M & RITA JAMIESON KILBY, TAX ID 234-23.00-116.06 BEING SITUATE IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Long Neck Sanitary Sewer District (LNSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County by and contiguous to the LNSSD, the inclusion of these parcels will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Anthony Diguseppe, Jr., a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within thirty days after posting the public notices pass a formal resolution which establishes the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the LNSSD to include parcels of land east of the town of Millsboro, as follows:

**BEGINNING** at a point situate along the southerly right of way (R.O.W) of County Road 299 (Bay Farm Rd.), said point being on the existing LNSSD boundary approximately 360 feet west of the intersection of Bay Farm Road and School Lane, said point also being the northeasternmost corner of lands now or formally (N/F) of Michael & Barbara Munich; thence by and with said lands of Munich in a southwesterly direction  $\pm 226$  feet to a point, said point being a point on the northerly property line of the lands N/F of Cynthia Derstine; thence proceeding by and with said lands of Derstine in a easterly direction  $\pm 110$  feet to a point, said point being the southwesternmost corner of lands N/F of William Sr. & Linda Farley; thence by and with said lands of Farley in a northeasterly direction  $\pm 225$  feet to a point, said point being a point on the LNSSD boundary; thence proceeding by and with said boundary in a northwesterly direction  $\pm 117$  feet to a point, said point being that of the **BEGINNING**.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

PROPOSED EXPANSION OF THE LONG NECK SANITARY SEWER DISTRICT  
AFFIDAVIT FOR POSTING OF NOTICES

STATE OF DELAWARE )(

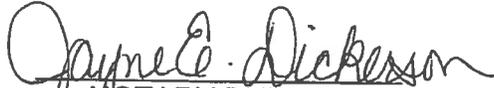
COUNTY OF SUSSEX )(

BE IT REMEMBERED that the subscriber, ANTHONY DIGIUSEPPE, JR., personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On April 22, 2015 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On April 22, 2015 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
  1. On a bulletin board inside the Laundromat Dry Cleaner located in the Long Neck Shopping Plaza.
  2. On a bulletin board inside the Long Neck Deli located in the Long Neck Shopping Plaza.
  3. On the area of land being considered for the proposed expansion of the Long Neck Sanitary Sewer District in four locations as follows:
    - a. On a driven stake near the northeasterly property corner of parcel 2-34-23.00-116.06;
    - b. On a driven stake along the easterly property line of parcel 2-34-23.00-116.06;
    - c. On Delaware Electric utility pole #26602 located near the northwesterly property corner of parcel 2-34-23.00-116.06;
    - d. On a driven stake near the southerly right of way of County Road 299 (Bay Farm Rd) and along the northerly property line of parcel 2-34-23.00-116.06.
  4. On community bulletin board inside entrance of BP Gas Station, 32369 Long Neck Road, Millsboro DE, 19966.
  5. On a bulletin board inside Our Clothesline Laundromat in the Back Bay Shopping Center.

  
ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 23<sup>rd</sup> day of April A.D., 2015.

  
NOTARY PUBLIC

Jayne E. Dickerson  
Notary Public  
Commission Expires 5/31/2015

My Commission Expires \_\_\_\_\_.

**PUBLIC NOTICE**  
**PROPOSED EXPANSION OF THE LONG NECK SANITARY SEWER DISTRICT**  
**TO INCLUDE LANDS OF RITA M & RITA JAMIESON KILBY BEING TAX ID #**  
**234-23.00-116.06**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on March 31, 2015, to consider extending the boundary of the Long Neck Sanitary Sewer District (LNSSD) to include an area of land east of State Route 24 (John J. Williams Hwy), east of the town of Millsboro, known as tax id: 234-23.00-116.06, being in Indian River Hundred, Sussex County, Delaware. File number OM-7.08.28.

This action is in conformity with 9 Del.C. §6502.

A description of the area, which is contiguous to and to be added to the LNSSD is described as follows:

**BEGINNING** at a point situate along the southerly right of way (R.O.W) of County Road 299 (Bay Farm Rd.), said point being a point on the existing LNSSD boundary approximately 360 feet west of the intersection of Bay Farm Rd. and School Lane, said point also being the northeasternmost corner of lands now or formally (N/F) of Michael & Barbara Munich; thence by and with said lands of Munich in a southwesterly direction  $\pm 226$  feet to a point, said point being a point on the northerly property line of lands N/F of Cynthia Derstine; thence proceeding by and with said lands of Derstine in a easterly direction  $\pm 110$  feet to a point, said point being the southwesternmost corner of lands N/F of William Sr & Linda Farley; thence by and with said lands of Farley in a northeasterly direction  $\pm 225$  feet to a point, said point being a point on the LNSSD boundary; thence proceeding by and with said boundary in a northwesterly direction  $\pm 117$  feet to a point, said point being that of the **BEGINNING**.

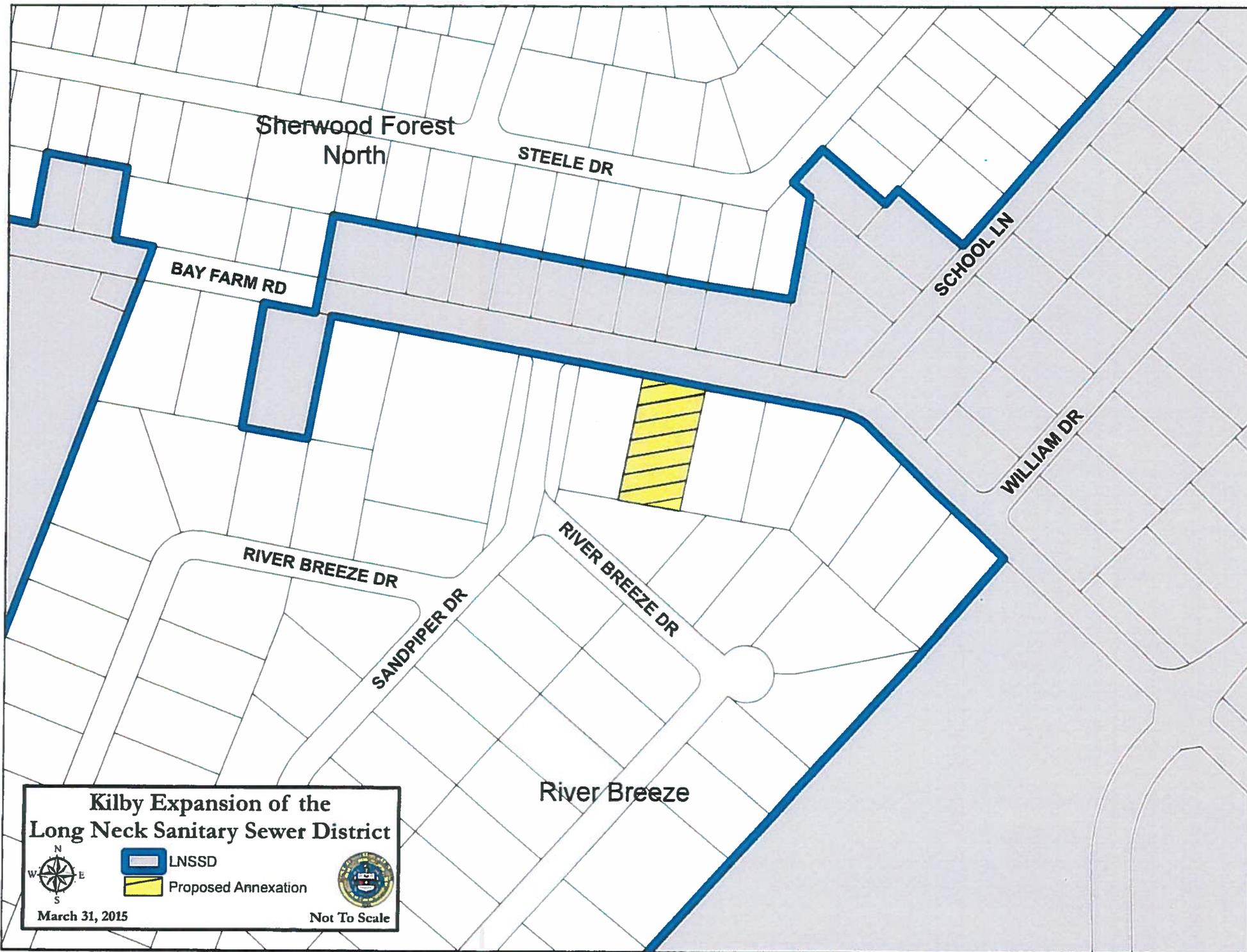
The proposed expansion of the LNSSD is within these boundaries and said to contain .59 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Number 2-34-23.00.

A map outlining and describing the extension to the LNSSD is attached. The area involved is crosshatched.

The public hearing will be held on this issue at 10:15 a.m. May 12, 2015, in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7718.

Michael A. Izzo, P E.  
County Engineer



Sherwood Forest  
North

STEELE DR

BAY FARM RD

SCHOOL LN

WILLIAM DR

RIVER BREEZE DR

SANDPIPER DR

RIVER BREEZE DR

River Breeze

**Kilby Expansion of the  
Long Neck Sanitary Sewer District**



LNSSD



Proposed Annexation



March 31, 2015

Not To Scale

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR  
(302) 855-7741 T  
(302) 855-7749 F  
gjennings@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

MEMORANDUM:

TO:                   The Honorable Michael H. Vincent  
                          President, Sussex County Council

                          The Honorable Samuel R. Wilson, Jr.  
                          Vice President, Sussex County Council

                          The Honorable George B. Cole  
                          Sussex County Councilman

                          The Honorable Joan R. Deaver  
                          Sussex County Councilwoman

                          The Honorable Robert B. Arlett  
                          Sussex County Councilman

FROM:               Gina A. Jennings  
                          Finance Director

RE:                   **2015 HUMAN SERVICE GRANTS – ROUND 2**

DATE:                May 8, 2015

Attached is a schedule of the 2015 Human Service Grants, as well as an overview of the program. On Tuesday, May 12, 2015, I will be recommending to Council that we approve those grants listed for payment.

Please call me prior to the meeting if you would like to discuss further.

GAJ/nc

Attachments

2015 Human Service Grants

<b>Organization</b>	<b>Award</b>
The Ministry of Caring, Inc.	\$ 3,000.00
Pathways to Success, Inc.	\$ 1,000.00
The ARK Educational Consulting, Inc.	\$ 2,000.00
Hearts Unlimited, Inc.	\$ 250.00
People's Place II, Inc.	\$ 1,500.00
Best Buddies International, Inc.	\$ 1,500.00
Laurel Community Foundation, Inc	\$ 500.00
West Side New Beginnings, Inc.	\$ 1,000.00
Thresholds of Delaware	\$ 500.00
Easter Seals Delaware & Maryland's Eastern Shore	\$ 1,000.00
U Count, Inc.	\$ 1,000.00
The Delaware Adolescent Program, Inc.	\$ 1,500.00
Shechinah Empowerment Center, Inc.	\$ 500.00
Primeros Pasos Inc.	\$ 1,500.00
Delaware Housing Coalition	\$ 1,500.00
Booker Street Church of God	\$ 2,000.00
Reading Assist Institute	\$ 2,500.00
Kent-Sussex Industries, Inc.	\$ 4,000.00
Catholic Charities, Inc.	\$ 2,000.00
DFRC, Inc.	\$ 3,000.00
The Arc of Delaware, Inc.	\$ 1,000.00
YMCA of Delaware - Sussex Family Branch	\$ 2,500.00
Delaware Hospice, Inc.	\$ 2,500.00
Food Bank of Delaware	\$ 3,000.00
Delaware Center for Homeless Veterans, Inc.	\$ 4,000.00
Delaware Nature Society/Abbott's Mill Nature Center	\$ 1,500.00
Sussex Community Crisis Housing Services, Inc	\$ 2,000.00
Cancer Support Community Delaware	\$ 1,000.00
Love INC of Mid Delmarva, Inc	\$ 5,000.00
Big Brothers Big Sisters of Delaware, Inc.	\$ 2,000.00
Meals on Wheels of Lewes & Rehoboth, Inc.	\$ 5,000.00
New Hope Recreation and Development Center	\$ 800.00
Boys & Girls Clubs of Delaware	\$ 4,000.00
Southern Delaware Therapeutic and Recreational Horseback Riding, Inc.	\$ 2,500.00
Church of God and Saints of Christ	\$ 3,000.00
Everlasting Hope Ministries	\$ 4,000.00
Delaware Guidance Services for Children and Youth, Inc.	\$ 4,000.00
Sussex RSVP Advisory Council	\$ 1,000.00
The Jefferson Awards for Public Service	\$ 2,300.00
New Coverdale Outreach Mission	\$ 3,500.00
Clothing Our Kids	\$ 2,000.00
Milford Senior Center, Inc.	\$ 5,000.00
Indian River Senior Center, Inc.	\$ 5,000.00
Cape Henlopen Senior Center	\$ 5,000.00
The Way Home, Inc.	\$ 4,000.00
La Red Health Center, Inc	\$ 5,000.00
Ronald McDonald House of Delaware	\$ 5,000.00
Harry K Foundation	\$ 3,000.00
Sussex Senior Transportation Cooperative	\$ 5,000.00
Joseph Patrick Fabber Memorial Foundation	\$ 4,000.00
La Esperanza Inc.	\$ 4,000.00
Milton Historical Society	\$ 3,500.00
Delaware Lions Foundation, Inc.	\$ 3,000.00
Laurel Senior Center Inc.	\$ 5,000.00
Delaware Police Chiefs' Council, Inc.	\$ 2,050.00
Delaware Crime Stopper	\$ 1,500.00
<b>Total</b>	<b>\$ 148,400.00</b>

# Sussex County Human Service Grant Program

Fiscal Year 2015



# Human Service Grant Purpose

The opportunity for Sussex County to partner with countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy and self-sufficient community. Funds provide grants that assist organizations with resources in support of programs or capital purchases.

# Criteria

- Applied online by March 31, 2015
- Non-profit
- Show a financial need
- Countywide (serve at least 3 of the 5 council districts)
- Meet the purpose of a Human Service Grant



Government

Citizens

Visitors

Business

Services



Stay Connected

- ▶ County Council
- ▶ County Directory & Contacts
- ▶ Open Government
- ▶ Meetings, Minutes & More



Property Search



Sheriff Sales



Meeting Calendar

### Human Service Grant Application

#### Section I: Applicant Information

Project Name \*

Federal Tax ID \*

Non-Profit \*

Yes

No

Please include a copy of a letter from the IRS stating your current non-profit status \*

Files must be less than 5 MB.  
Allowed file types: gif jpg png bmp txt rtf pdf doc docx.

Legal Name of Agency/Organization \*

Address \*

Address

City \*

State \*

ZIP Code \*

Email Address



## Section 2: Program Description

### Program Category (choose all that apply) \*

- Fair Housing
- Health and Human Services
- Cultural
- Infrastructure [1]
- Educational
- Other...

[1] Infrastructure could include roadway construction, trash disposal, well and septic repair, public water and sewer hookup, street lighting, and construction for accessibility purposes.

### Beneficiary Category \*

- Disability & Special Needs
- Victims of Domestic Violence
- Homeless
- Elderly Persons (62 +)
- Low to Moderate Income [2]
- Minority
- Other...

[2] To qualify as low to moderate income, the project must benefit households that have less than 80% of AMI for Sussex County which is defined annually by the U.S. Department of Housing & Urban Development. For 2014, 80% of AMI for a family size of one is \$26,220.

### Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program \*

### Which Council Districts benefit by this project? (choose all that apply) \*

- District 1
- District 2
- District 3
- District 4
- District 5

Visit <http://www.sussexcountyde.gov/county-council> to see what areas these districts represent.

### Does this project affect any communities outlined by the Community Development impacted communities study? (choose all that apply)

- Cedar Creek
- Concord
- Cool Spring
- Coverdale Crossroads
- Diamond Acres
- Dog Patch

### 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) \*

#### 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/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal.

Description	Amount
<input type="text"/>	\$ <input type="text"/>
<b>TOTAL EXPENDITURES</b>	\$ <input type="text"/>

	\$	
<b>TOTAL EXPENDITURES</b>	\$	
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	\$	

Section 5: Statement of Assurances

If this grant application is awarded funding,

Name of Organization \*

agrees that:

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, national origin, handicap/disability, familial status, sex, creed, marital status, age, sexual orientation, or gender identity 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.

Applicant/Authorized Official \*

Date  
2014 Oct 15

Submit Application

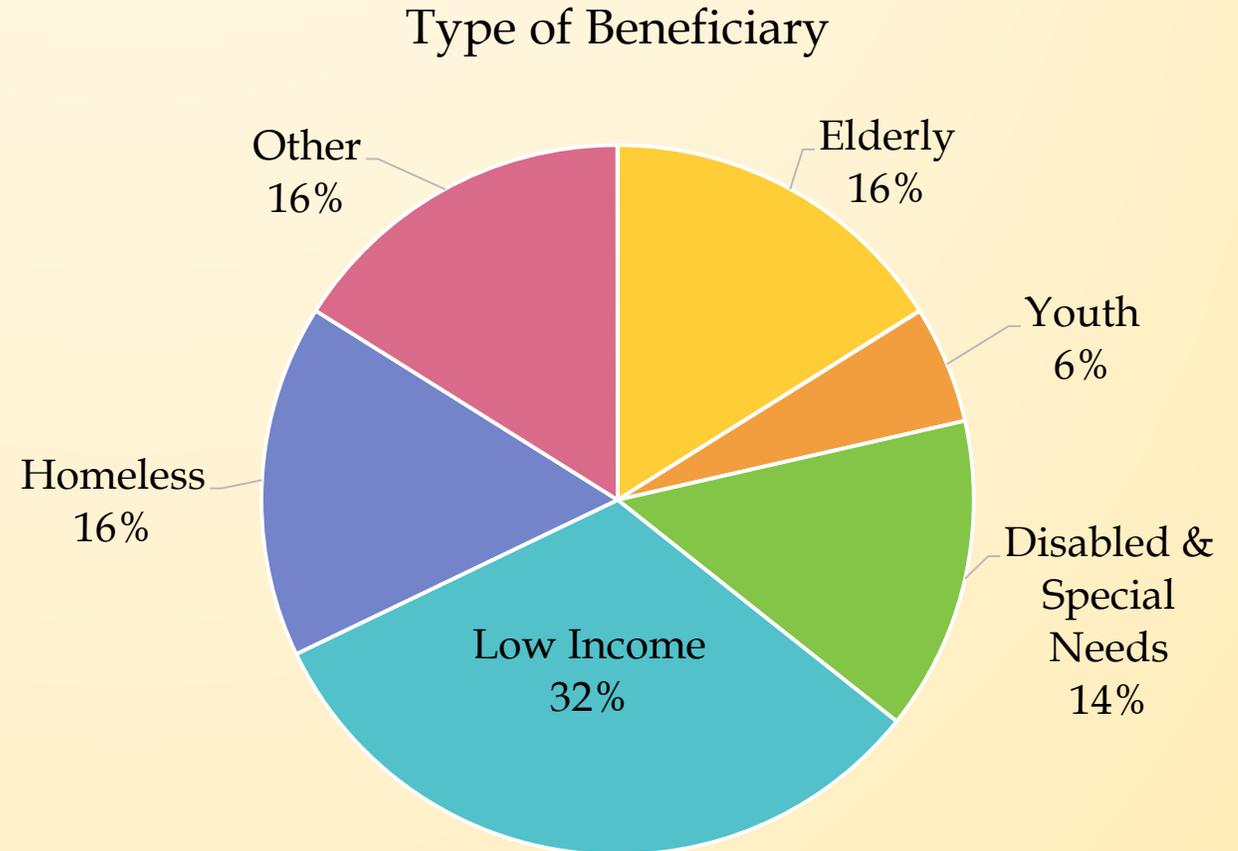
# Formula to Distribute Budget of \$148,400

Criteria	Amount Proposed per Non-profit*
Less than 100 Sussex County Beneficiaries	
Project financial need of less than \$5,000	\$1,000
Project financial need of \$5,000 to \$10,000	\$1,500
Project financial need of \$10,000 or greater	\$2,000
Between 100 and 200 Sussex County Beneficiaries	
Project financial need of less than \$5,000	\$2,000
Project financial need of \$5,000 to \$10,000	\$2,500
Project financial need of \$10,000 or greater	\$3,000
200 or greater Sussex County Beneficiaries	
Project financial need of less than \$5,000	\$3,000
Project financial need of \$5,000 to \$10,000	\$3,500
Project financial need of \$10,000 or greater	\$4,000

\*Recipient's that had over a \$75,000 deficit received another \$1,000  
 Senior Centers received \$5,000

# Application Statistics

- Received \$324,328 in requests from 56 qualified organizations
- 139,834 Sussex County beneficiaries
- Organizations raise approximately \$7.0 million of other types of support for these projects



# Recipients

Best Buddies International, Inc.

Big Brothers Big Sisters of Delaware, Inc.

Booker Street Church of God

Boys & Girls Clubs of Delaware

Cancer Support Community Delaware

Cape Henlopen Senior Center

Catholic Charities, Inc.

Church of God and Saints of Christ

Clothing Our Kids

Delaware Center for Homeless Veterans, Inc.

Delaware Crime Stopper

Delaware Guidance Services for Children

Delaware Hospice, Inc.

Delaware Housing Coalition

Delaware Lions Foundation, Inc.

Delaware Nature Society

Delaware Police Chiefs' Council, Inc.

DFRC, Inc.

Easter Seals Delaware

Everlasting Hope Ministries

Food Bank of Delaware

Harry K Foundation

Hearts Unlimited, Inc.

Indian River Senior Center, Inc.

Joseph Patrick Fabber Memorial Foundation

Kent-Sussex Industries, Inc.

La Esperanza Inc.

La Red Health Center, Inc

Laurel Community Foundation, Inc

Laurel Senior Center Inc.

Love INC of Mid Delmarva, Inc

Meals on Wheels of Lewes & Rehoboth, Inc.

Milford Senior Center, Inc.

Milton Historical Society

New Coverdale Outreach Mission

New Hope Recreation and Development Center

Pathways to Success, Inc.

People's Place II, Inc.

Primeros Pasos Inc.

Reading Assist Institute

Ronald McDonald House of Delaware

Shechinah Empowerment Center, Inc.

Southern Del Therapeutic Horseback Riding

Sussex Community Crisis Housing Services, Inc

Sussex RSVP Advisory Council

Sussex Senior Transportation Cooperative

The Arc of Delaware, Inc.

The ARK Educational Consulting, Inc.

The Delaware Adolescent Program, Inc.

The Jefferson Awards for Public Service

The Ministry of Caring, Inc.

The Way Home, Inc.

Thresholds of Delaware

U Count Inc.

West Side New Beginnings, Inc.

YMCA of Delaware - Sussex Family Branch

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR  
(302) 855-7741 T  
(302) 855-7749 F  
gjennings@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 George B. Cole  
The Honorable Joan R. Deaver  
The Honorable Robert B. Arlett

FROM: Gina A. Jennings   
Finance Director

RE: ***FINANCIAL REPORT FOR THE QUARTER ENDING  
MARCH 31, 2015***

DATE: May 8, 2015

Attached is the Unaudited Estimated Revenue and Expense Report for the quarter ending March 31, 2015, which I will be presenting to Council on Tuesday, May 12, 2015.

GAJ/nc

Attachment

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of March 31, 2015**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD	Annual Projected
		Annual	YTD		
<b>REVENUES</b>					
<b>TAXES</b>					
Property tax *	10,524,065	14,032,087	10,524,065	0.0%	14,224,281
<b>TOTAL TAXES</b>	10,524,065	14,032,087	10,524,065	0.0%	14,224,281
<b>REALTY TRANSFER TAX</b>	16,000,000	16,000,000	12,000,000	33.3%	16,000,000
<b>SERVICES - BUILDING AND CONSTRUCTION</b>					
Fire service fee (pass through)	918,925	1,000,000	750,000	22.5%	1,225,233
Building permit and zoning fee	1,196,186	1,325,000	993,750	20.4%	1,594,915
Building inspections	827,989	1,040,000	780,000	6.2%	1,103,986
Private road - review/inspection	485,507	377,000	282,750	71.7%	647,343
Mobile home placement tax (pass through)	76,635	74,000	55,500	38.1%	102,180
<b>TOTAL SERVICES - BUILDING AND CONSTRUCTION</b>	3,505,243	3,816,000	2,862,000	22.5%	4,673,657
<b>SERVICES - GOVERNMENTAL FEES</b>					
General government fee (911 system fee)	419,727	559,630	419,723	0.0%	559,630
Dog licensing	61,417	74,000	55,500	10.7%	74,000
Other department fees	19,122	51,000	38,250	-50.0%	25,496
<b>TOTAL SERVICES - GOVERNMENTAL FEES</b>	500,267	684,630	513,473	-2.6%	659,126
<b>INTERGOVERNMENTAL</b>					
Federal operating grants	132,775	181,200	135,900	-2.3%	181,200
Federal capital grants	36,900	-	-	100.0%	36,900
State operating grants	3,510,101	4,401,599	3,301,199	6.3%	4,511,141
Community development	897,565	1,775,000	1,331,250	-32.6%	1,775,000
<b>TOTAL INTERGOVERNMENTAL</b>	4,577,341	6,357,799	4,768,349	-4.0%	6,610,887
<b>CONSTITUTIONAL OFFICES</b>					
Clerk of the peace	99,728	134,000	100,500	-0.8%	134,000
Recorder of deeds	2,534,444	3,370,000	2,527,500	0.3%	3,379,258
Register of wills	755,124	950,000	712,500	6.0%	1,006,832
Sheriff	1,700,869	2,150,000	1,612,500	5.5%	2,267,825
<b>TOTAL CONSTITUTIONAL OFFICES</b>	5,090,164	6,604,000	4,953,000	2.8%	6,787,916
<b>RENT</b>					
Airport fuel sales	10,110	17,000	12,750	-20.7%	20,219
Industrial airpark rent	328,002	455,820	341,865	-4.1%	455,820
Land rent	3,710	3,710	2,783	33.3%	3,710
Emergency operations center (SUSCOM)	17,500	17,500	13,125	33.3%	17,500
Miscellaneous rentals	12,886	16,960	12,720	1.3%	16,960
<b>TOTAL RENT</b>	372,208	510,990	383,243	-2.9%	514,209
<b>MISCELLANEOUS</b>					
Investment earnings	392,157	400,000	300,000	30.7%	522,876
Fines	20,308	22,000	16,500	23.1%	27,077
Prothonotary	11,135	-	-	100.0%	14,846
Project income - community development	157,906	-	-	100.0%	157,906
Other charges	220,157	217,080	162,810	35.2%	293,542
Appropriated project reserves	-	3,000,000	2,250,000	-100.0%	-
<b>TOTAL MISCELLANEOUS</b>	801,661	3,639,080	2,729,310	-70.6%	1,016,246
Transfers in from sewer and water	76,588	300,000	225,000	-66.0%	376,588
<b>TOTAL REVENUES</b>	41,447,536	51,944,586	38,958,440	6.4%	50,862,910
* Accruals					

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of March 31, 2015**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD	Annual Projected
		Annual	YTD		
<b>EXPENDITURES</b>					
General Government					
County council	496,594	556,910	417,683	18.9%	556,910
County administration	425,128	1,203,240	902,430	-52.9%	1,203,240
Legal	445,896	370,000	277,500	60.7%	510,000
Finance	1,429,311	1,877,486	1,408,115	1.5%	1,877,486
Assessment	1,156,871	1,534,093	1,150,570	0.5%	1,534,093
Building code	550,026	797,457	598,093	-8.0%	733,368
Mapping	546,808	739,108	554,331	-1.4%	729,077
Human resources	417,219	558,704	419,028	-0.4%	556,292
General employment and retirement	188,410	305,285	228,964	-17.7%	305,285
Boards and Commissions	58,831	67,927	50,945	15.5%	67,927
Building and grounds	1,329,689	1,840,220	1,380,165	-3.7%	1,772,918
Security	327,002	428,032	321,024	1.9%	428,032
Information Technology	1,172,083	1,511,881	1,133,911	3.4%	1,511,881
Constable	169,670	284,561	213,421	-20.5%	276,956
Constable - dog control	556,232	742,400	556,800	-0.1%	741,642
Grant-in-aid programs	6,370,697	9,512,361	7,134,271	-10.7%	9,512,361
Planning and zoning	869,541	1,291,477	968,608	-10.2%	1,159,388
Paramedic	10,335,228	13,599,670	10,199,753	1.3%	13,672,029
Emergency operations center administration	389,724	496,474	372,356	4.7%	496,474
Emergency operations center dispatchers	1,586,332	1,992,429	1,494,322	6.2%	2,115,109
Communications	289,537	460,364	345,273	-16.1%	386,050
Local emergency plan program	55,136	74,762	56,072	-1.7%	73,515
Economic development	65,620	125,517	94,138	-30.3%	92,143
Airpark	434,226	663,993	497,995	-12.8%	663,993
Community development	1,196,568	2,048,741	1,536,556	-22.1%	2,048,741
Engineering - administration	1,005,952	1,170,193	877,645	14.6%	1,341,269
Engineering - public works	458,458	624,071	468,053	-2.1%	611,277
Engineering - solid waste	74,457	156,100	117,075	-36.4%	129,276
Records management	114,282	183,247	137,435	-16.8%	152,376
Library	2,838,126	4,067,496	3,050,622	-7.0%	4,067,496
Marriage Bureau	139,482	178,953	134,215	3.9%	178,953
Recorder of deeds	765,469	1,163,209	872,407	-12.3%	1,163,209
Register of wills	412,274	541,317	405,988	1.5%	541,317
Sheriff	476,707	691,408	518,556	-8.1%	635,609
Interfund transfers	64,125	85,500	64,125	0.0%	85,500
<b>TOTAL EXPENDITURES</b>	<b>37,211,709</b>	<b>51,944,586</b>	<b>38,958,440</b>	<b>-4.5%</b>	<b>51,931,192</b>
<b>EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES</b>	<b>4,235,827</b>	<b>-</b>	<b>-</b>		<b>(1,068,282)</b>

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

**Sussex County Council**  
**Unaudited Revenue and Expense Report**  
**As of March 31, 2015**

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD	Annual Projected
		Annual	YTD		
<b>CAPITAL IMPROVEMENT REVENUES</b>					
Federal airport grant	550,575	270,000	202,500	171.9%	550,575
State airport grant	-	7,500	5,625	-100.0%	7,500
State library grant	14,195	100,000	75,000	-81.1%	100,000
State paramedic grant	-	435,000	326,250	-100.0%	435,000
State capital grant	-	500,000	375,000	-100.0%	500,000
Reimbursements and refunds	375	-	-	100.0%	375
Realty Transfer	532,704	4,000,000	3,000,000	-100.0%	6,043,605
Investment earnings	35,033	20,000	15,000	133.6%	46,711
Bonus Density/Open Space	300,000	-	-	100.0%	300,000
Operating Transfers	-	-	-		
Appropriated reserves		1,763,485	1,322,614	-100.0%	-
<b>TOTAL CAPITAL IMPROVEMENT REVENUES</b>	<b>1,432,882</b>	<b>7,095,985</b>	<b>5,321,989</b>	<b>-73.1%</b>	<b>7,983,766</b>
<b>CAPITAL IMPROVEMENT EXPENDITURES</b>					
General government	209,534	1,440,000	1,080,000	-80.6%	279,379
Paramedics	480,971	1,450,000	1,087,500	-55.8%	641,295
Emergency Preparedness	-	800,000	600,000	-100.0%	100,000
Engineering	-	550,000	412,500	-100.0%	3,000,000
Library	(89,447)	200,000	150,000	-100.0%	-
Airpark	1,477,848	2,655,985	1,991,989	-25.8%	1,970,464
<b>TOTAL CAPITAL IMPROVEMENT EXPENDITURES</b>	<b>2,078,906</b>	<b>7,095,985</b>	<b>5,321,989</b>	<b>-60.9%</b>	<b>5,991,138</b>
<b>EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES</b>	<b>(646,023)</b>	<b>-</b>	<b>-</b>		<b>1,992,628</b>

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.



# Sussex County Council

## Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator  
May 12, 2015

Bill No.	Description and Purpose	Action
<b>2015-2016 BILLS</b>		
HB 25	This bill authorizes the Department of Natural Resources and Environmental Control to allow the harvesting of gray foxes and permitting of same.	3/17/15 – Passed the House Senate is rewriting the bill
HB 33	This bill clarifies the types of signs that are permitted to be erected in the State's right-of-way by an outside entity, with department approval. The legislation provides consistency with federal regulations for outdoor advertising.	1/27/15 – Introduced and assigned to Transportation/Land Use & Infrastructure Committee in House No progress – Bill has been forwarded to Vince Robertson for review 4/1/15 – Reported out of Committee 4/21/15 – Passed the House; assigned to Senate Highways & Transportation Committee 4/29/15 – Released from Senate Committee 5/07/15 – Passed the Senate
SB 29	This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.	3/18/15 – Passed the Senate; assigned to House Health & Human Development Committee 4/22/15 – Released from Committee

Bill No.	Description and Purpose	Action
HB 68	As the law stands now, following a writ of possession, a Landlord must store a manufactured home of the tenant that was left unclaimed for 30 days. Following that 30-day period, the home is deemed abandoned by operation of law, and the Landlord may dispose of the home as the Landlord wishes. However, in order to acquire title to the home, the Landlord must wait 1 year under Chapter 40. This bill will permit the Landlord to acquire title following the 30-day waiting period.	3/26/15 – Introduced in the House with four Sussex County sponsors 4/1/15 – Reported out of Committee
HB 85	This bill allows school taxes and property taxes to be collected by tax intercept.	Representative Short introduced this bill again on 4/1/15. Similar legislation has passed the House on three separate occasions previously; however, the Senate has never addressed this legislation, and the bill has died in the three past General Assemblies. I am encouraged with this new draft for the following reasons: (1) the list of sponsors is much longer and broader, and includes three State senators who could be helpful with Senate consideration; and (2) this draft of the tax intercept bill details all of the delinquent school taxes per school district statewide. I have spoken with Representative Short and we are optimistic for this bill's improved chances of adoption.
SB 5	This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with. This Act may be cited as the Benjamin Kuntz Act, a dedicated Delawarean who spent countless hours chairing the Kent County Levy Court's Homeowners Associations Resolving Problems (HARP) Committee. He advocated tirelessly for homeowner associations.	3/26/15 – Introduced and assigned to Community/County Affairs Committee 4/29/15 – Released from Committee 5/06/15 – Senate Amendment No. 1 was added to the Bill; this Amendment deletes repetitive language. 5/07/15 – The amended Bill passed the Senate.
HB 74	This bill requires a utility provider to alert the homeowner's association for any condominium or cooperative at least 72 hours before shutting off the service, in addition to notifying the occupants of the dwelling unit.	3/31/15 – Introduced and assigned to Housing & Community Affairs Committee

Bill No.	Description and Purpose	Action
SB 54	This Act allows the Director of the Delaware Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at least 20 employees. It also exempts those manufacturing businesses from their gross receipts taxes for their first 5 years.	4/2/15 – Introduced and assigned to Labor & Industrial Relations Committee 4/29/15 – Stalled in Committee
HB 79	This bill provides that a striped bass must be tagged by a commercial fisherman before it is landed or put on shore.	4/2/15 – Introduced and assigned to Natural Resources Committee
HB 86	This bill allows counties and municipalities to elect not to be subject to the State’s Public Employment Relations Act.	4/16/15 – Introduced and assigned to House Labor Committee
HB 87	This Act allows each municipality and each county to create right-to-work zones.	4/16/15 – Introduced and assigned to House Labor Committee 4/22/15 – Amended per typo 5/07/15 – Tabled in Labor Committee
HA 1 to HB 87	This amendment makes a technical correction.	4/22/15 – Amended
SB 64	At the recommendation of the Joint Sunset Committee and in an effort to make it less difficult to find qualified members to fill the Open Space Council, this Act simplifies the appointment terms and expirations and requires that all three counties be represented generally, rather than require specific numbers of members from each county. In addition, this Act adds language for the removal of Council members for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance. This Act also makes technical corrections to conform to the style and formatting guidelines of the <i>Delaware Legislative Drafting Manual</i> .	4/21/15 – Introduced 4/30/15 – Passed the Senate 5/05/15 – Introduced and assigned to Sunset Committee in the House 5/07/15 – Reported out of Committee
SA 2 to SB 64	This amendment clarifies that the Governor’s appointments to the Delaware Open Space Council serve at the pleasure of the Governor and establishes that the 3 appointing authorities have	4/30/15 – Introduced, added to the Bill, and passed the Senate

Bill No.	Description and Purpose	Action
SA 2 to SB 64 (continued)	equal authority to remove Council members, without notice and hearing. This amendment also makes a technical correction regarding the number of appointments which may expire at the same time.	
SB 26	This bill provides for recording and maintaining a record of all deliberations made by public bodies during public hearings, including any discussion made "off the record."	1/29/15 – Introduced 4/21/15 – Passed the Senate 4/22/15 – Assigned to House Administration Committee 5/06/15 – Amendment No. 1 added to the Bill 5/07/15 – Amendment No. 2 added to the Bill
SB 66	<p>This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction.</p> <p>A land bank is a non-profit organization created by a political subdivision of the State, or through an intergovernmental agreement between two or more political subdivisions of the State, and would serve as the repository for vacant, abandoned and tax-delinquent properties that, left unaddressed, can contribute to crime, depress the local real estate market, and deplete the tax base of Delaware's communities.</p> <p>A land bank would have the authority to obtain such properties at sheriff's sales instituted by the jurisdiction that established the land bank, where such properties have been abandoned by their owners because of unpaid property taxes or substantial liens arising from property code violations. The land bank would have the ability to do one or more of the following: (1) purchase liens from the local jurisdiction; (2) acquire properties at a sheriff's sale on credit from the local jurisdiction; (3) assert a trump bid at a sheriff's sale that would allow the land bank to acquire abandoned properties for the price of the outstanding liens.</p>	4/22/15 – Introduced and assigned to Senate Banking & Business Committee 4/30/15 – Reported out of Committee

Bill No.	Description and Purpose	Action
	<p>The land bank would retain the acquired properties until such time as a suitable and vetted buyer could be found who would be able to return the property to productive use. Funding for land banks created under this Act would come from governmental and private grants, private investments and property sale proceeds. Additionally, any land bank created under this Act could, at the election of the local jurisdiction, be funded through the allocation to the land bank of 50% of the real property taxes on the property for a 5-year period once the property returns to productive use or such other funding sources established by the local jurisdiction.</p> <p>Through this Act, jurisdictions throughout Delaware would have the ability to alleviate the blight caused by vacant, abandoned and tax delinquent properties in the area, and revitalize communities by turning vacant spaces into vibrant places.</p>	
HB 124	<p>The Delaware Farmland Preservation Fund was created under the Delaware Agricultural Lands Preservation Act in order to conserve, protect, and encourage improvement of agricultural lands within the State. The Legislature has previously expressed its desire that \$10 million in receipts from the State Realty Transfer Tax be allocated annually to this fund in order to accomplish its goals. This Act is the first leg of a constitutional amendment that will make this allocation binding on all future administrations and General Assemblies, thus allowing this essential program to continue protecting one of our State's most important resources.</p>	5/05/15 – Introduced and assigned to the Ag Committee



SPONSOR: Sen. Lawson

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 5

- 1 AMEND Senate Bill No. 5 by deleting “, or a preexisting common interest community may select particular
- 2 additional sections of this Chapter to apply to that community without adopting the entire chapter” as it appears on lines 43,
- 3 44 and 45 thereof.

SYNOPSIS

This Amendment deletes repetitive language.

AUTHOR: Sen. Lawson



SPONSOR: Sen. Townsend

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 66

1 AMEND Senate Bill No. 66 on line 84 by inserting “No more than half of the members of the board of a land bank  
2 shall be public officials or municipal employees.” after “a board member.”.

3 FURTHER AMEND Senate Bill No. 66 on line 86 by deleting “who is not a public official or municipal employee  
4 and”.

5 FURTHER AMEND Senate Bill No. 66 on line 90 and 91 by deleting “At least half of the members of the board  
6 of a large jurisdictional land bank shall not be public officials or municipal employees.”.

7 FURTHER AMEND Senate Bill No. 66 on line 203 by deleting “make reasonable efforts to” and inserting in lieu  
8 thereof “shall”.

9 FURTHER AMEND Senate Bill No. 66 by deleting lines 254 through 257 in their entirety and inserting in lieu  
10 thereof the following:

11 “governmental unit that initiated the sale of such property. If the land bank is the successful bidder for such  
12 property, the property shall be deemed sold to the land bank and the bid of the land bank shall be paid as to its form,  
13 substance, and timing according to such agreement as is mutually acceptable to the foreclosing governmental unit and the  
14 land bank.”.

15 FURTHER AMEND Senate Bill No. 66 on line 262 by inserting “The land bank shall identify, on its website,  
16 those parcels for which it is considering asserting a trump bid at least one week prior to the applicable sheriff’s sale.” after  
17 “third parties.”.

18 FURTHER AMEND Senate Bill No. 66 on line 265 by deleting “an interest” and inserting in lieu thereof  
19 “standing to file such an action”.

20 FURTHER AMEND Senate Bill No. 66 by deleting lines 266 and 267 in their entirety.

21 FURTHER AMEND Senate Bill No. 66 by deleting lines 295 through 297 in their entirety.

22 FURTHER AMEND Senate Bill No. 66 by deleting line 307 in its entirety and inserting in lieu thereof the  
23 following:

24 “tax, fee, assessment, fine, or penalty do not exceed the projected operating costs and expenses of the land bank.  
25 Any failure to reauthorize such tax, fee, assessment, fine, or penalty shall be deemed an election by the foreclosing  
26 governmental unit to cease imposing or levying such tax, fee, assessment, fine, or penalty at the end of the applicable 5 year  
27 period.”.

28 FURTHER AMEND Senate Bill No. 66 after line 348 and before line 349 by inserting the following:

29 “(d) A land bank shall be required to maintain a publicly-available website, which shall set forth the inventory  
30 required in § 4709(d) of this title and the bidding information required in § 4712(d) of this title.”.

31 FURTHER AMEND Senate Bill No. 66 on line 350 by inserting “(a)” before “A land bank”.

32 FURTHER AMEND Senate Bill No. 66 by deleting lines 354 through 359 in their entirety and inserting in lieu  
33 thereof the following:

34 “outstanding bonds of the land bank.

35 (b) The foreclosing governmental unit or units that created the land bank may dissolve the land bank by repeal of  
36 the local law, ordinance, resolution, or intergovernmental cooperation agreement that created the land bank under § 4705(a)  
37 or (b) of this title. Dissolution shall be effective no sooner than 60 calendar days after such repeal. Prior to dissolution, the  
38 land bank shall publish notice of the dissolution in a local newspaper of general circulation, and shall provide notice by  
39 certified mail to the trustee of any outstanding bonds of the land bank. In the event that 2 or more foreclosing governmental  
40 units created a land bank under § 4705(b) of this title, the withdrawal of 1 or more foreclosing governmental units shall not  
41 result in the dissolution of the land bank unless the intergovernmental cooperation agreement entered into under § 4705(b)  
42 of this title so provides and there is no foreclosing governmental unit that desires to continue the existence of the land bank.

43 (c) Upon dissolution of the land bank, all real property, personal property, and other assets of the land bank shall  
44 become assets of the foreclosing governmental unit that created the land bank.”.

45 FURTHER AMEND Senate Bill No. 66 on line 379 by deleting “§ 4715” and inserting in lieu thereof “§ 4717”.

#### SYNOPSIS

This Amendment clarifies the composition of the board of directors of a land bank and the powers and responsibilities of the land bank.

Author: Senator Townsend



SPONSOR: Sen. Townsend

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 2

TO

SENATE BILL NO. 66

1 AMEND Senate Bill No. 66 on line 84 by inserting "No more than half of the members of the board of a land bank  
2 shall be public officials or municipal employees." after "a board member.".

3 FURTHER AMEND Senate Bill No. 66 on line 86 by deleting "who is not a public official or municipal employee  
4 and".

5 FURTHER AMEND Senate Bill No. 66 on line 90 and 91 by deleting "At least half of the members of the board  
6 of a large jurisdictional land bank shall not be public officials or municipal employees.".

7 FURTHER AMEND Senate Bill No. 66 on line 203 by deleting "make reasonable efforts to" and inserting in lieu  
8 thereof "shall".

9 FURTHER AMEND Senate Bill No. 66 by deleting lines 254 through 257 in their entirety and inserting in lieu  
10 thereof the following:

11 "governmental unit that initiated the sale of such property. If the land bank is the successful bidder for such  
12 property, the property shall be deemed sold to the land bank and the bid of the land bank shall be paid as to its form,  
13 substance, and timing according to such agreement as is mutually acceptable to the foreclosing governmental unit and the  
14 land bank.".

15 FURTHER AMEND Senate Bill No. 66 on line 262 by inserting "The land bank shall identify, on its website,  
16 those parcels for which it is considering asserting a trump bid at least two weeks prior to the applicable sheriff's sale.  
17 Subsequent to such notice the board shall hold a meeting to accept public comment on the possibility of it asserting a trump  
18 bid." after "third parties.".

19 FURTHER AMEND Senate Bill No. 66 on line 265 by deleting "an interest" and inserting in lieu thereof  
20 "standing to file such an action".

21 FURTHER AMEND Senate Bill No. 66 by deleting lines 266 and 267 in their entirety.

22 FURTHER AMEND Senate Bill No. 66 by deleting lines 295 through 297 in their entirety.

23 FURTHER AMEND Senate Bill No. 66 by deleting line 307 in its entirety and inserting in lieu thereof the  
24 following:

25 “tax, fee, assessment, fine, or penalty do not exceed the projected operating costs and expenses of the land bank.  
26 Any failure to reauthorize such tax, fee, assessment, fine, or penalty shall be deemed an election by the foreclosing  
27 governmental unit to cease imposing or levying such tax, fee, assessment, fine, or penalty at the end of the applicable 5 year  
28 period.”.

29 FURTHER AMEND Senate Bill No. 66 after line 348 and before line 349 by inserting the following:

30 “(d) A land bank shall be required to maintain a publicly-available website, which shall set forth the inventory  
31 required in § 4709(d) of this title and the bidding information required in § 4712(d) of this title.”.

32 FURTHER AMEND Senate Bill No. 66 on line 350 by inserting “(a)” before “A land bank”.

33 FURTHER AMEND Senate Bill No. 66 by deleting lines 354 through 359 in their entirety and inserting in lieu  
34 thereof the following:

35 “outstanding bonds of the land bank.

36 (b) The foreclosing governmental unit or units that created the land bank may dissolve the land bank by repeal of  
37 the local law, ordinance, resolution, or intergovernmental cooperation agreement that created the land bank under § 4705(a)  
38 or (b) of this title. Dissolution shall be effective no sooner than 60 calendar days after such repeal. Prior to dissolution, the  
39 land bank shall publish notice of the dissolution in a local newspaper of general circulation, and shall provide notice by  
40 certified mail to the trustee of any outstanding bonds of the land bank. In the event that 2 or more foreclosing governmental  
41 units created a land bank under § 4705(b) of this title, the withdrawal of 1 or more foreclosing governmental units shall not  
42 result in the dissolution of the land bank unless the intergovernmental cooperation agreement entered into under § 4705(b)  
43 of this title so provides and there is no foreclosing governmental unit that desires to continue the existence of the land bank.

44 (c) Upon dissolution of the land bank, all real property, personal property, and other assets of the land bank shall  
45 become assets of the foreclosing governmental unit that created the land bank.”.

46 FURTHER AMEND Senate Bill No. 66 on line 379 by deleting “§ 4715” and inserting in lieu thereof “§ 4717”.

47

#### SYNOPSIS

This Amendment clarifies the composition of the board of directors of a land bank and the powers and responsibilities of the land bank. It is identical to Senate Amendment 1 except for the trump bid modification. This amendment adds a public meeting component in addition to the online public notice provision found in Senate Amendment 1.

Author: Senator Townsend



SPONSOR: Rep. Wilson & Sen. Pettyjohn;  
Reps. D. Short, Hudson, Briggs King, Collins, Dukes,  
Gray, Hensley, Kenton, Miro, Outten, Peterman, Ramone,  
Smyk, Spiegelman, Yearick, Carson; Sens. Hocker,  
Lawson, Richardson

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 124

AN ACT PROPOSING AN AMENDMENT TO THE DELAWARE CONSTITUTION RELATING TO THE REALTY  
TRANSFER TAX.

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

1 Section 1. Amend Article VIII of the Constitution of the State of Delaware by making deletions as shown by  
2 strike through and insertions as shown by underline as follows:

3 § 12 Restriction on use of Realty Transfer Tax

4 Section 12. Beginning in the fiscal year 2018, no monies received by the State as a result of a State imposed real  
5 estate transfer tax shall be appropriated or drawn from the treasury unless and until \$10,000,000 in receipts are transferred  
6 to the Delaware Farmland Preservation Fund.

SYNOPSIS

The Delaware Farmland Preservation Fund was created under the Delaware Agricultural Lands Preservation Act in order to conserve, protect, and encourage improvement of agricultural lands within the State. The Legislature has previously expressed its desire that \$10 million in receipts from the State Realty Transfer Tax be allocated annually to this fund in order to accomplish its goals. This Act is the first leg of a constitutional amendment that will make this allocation binding on all future administrations and General Assemblies, thus allowing this essential program to continue protecting one of our State's most important resources.

NEWORLEANS

01/27/05



## Delmarva Clergy United in Social Action Foundation

April 10, 2015

*Bishop M. Foster*  
**President/CEO**

*Dr. Aaron Green*  
**Board Member**

*Harold Truxon*  
**Board Member**

*Elder William Downing*  
**Board Member**

*Bessie Andrews*  
**Board Member**

*Diaz Bonville*  
**Board Member**

*Sam Brooks*  
**Board Member**

*Juanita Gill*  
**Board Member**

*Sandra Green*  
**Board Member**

*Barbara Gibbs*  
**Board Member**

*Anthony Taylor*  
**Board Member**

*Carl Godwin*  
**Board Member**

Sussex County  
2 The Circle  
P. O. Box 589  
Georgetown, Delaware 19947

To whom it may concern:

Founded in 1986, Delmarva Clergy United in Social Action Foundation (DCUSA), is a group of people from all ages and religious affiliations that strive to develop and cultivate the human potential of self-esteem and dignity for all people. We practice the principles of love, caring, inclusiveness, justice and peace to enhance the emotional, physical and social wellbeing of individuals and families in our communities.

On behalf of the Board of Directors and staff, I respectfully submit this request for funding in the amount of, **\$3,000.00** in support of one of many programs that DCUSA offers to the community, The Griffin's Place. Over the years, more than fifteen programs have been created and successful in assisting families within the community and its surrounding areas.

DCUSA has established The Griffin's Place, which focuses on the needs of young men between the ages of 18 through 21 years old that have exit out of foster care. By providing educational training, safe and stable housing and life skill resources, the young man will have the necessary skills to become productive members of society.

Your consideration of this request for funding will aid in the purchase of major kitchen supplies that needed to complete our final stage of kitchen supplies. Without the generosity of such organizations as your own, the dream of providing a safe haven for these young men will never come to fruition. It is our hope that you will assist in making this dream a reality.

Sincerely,

Helena Gibbs  
Executive Director

Dr. Bishop Major Foster  
President/CEO

**To Be Introduced 5/12/15**

**Council District No. 3 - Deaver  
Tax Map I.D. No. 330-5.00-7.04 and 8.00  
911 Address: None Found**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12,394 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 20th day of February 2015, a zoning application, denominated Change of Zone No. 1775 was filed on behalf of Charles R. Auman, Jr.; 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. 1775 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 [GR General 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 Cedar Creek Hundred, Sussex County, Delaware, and lying at the northeast end of the dead-end of Lighthouse Road (Road 203) 1.0 mile north of Cedar Beach Road (Route 36) and being more particularly described in Deed Book 3272 Page 295 and Deed Book 2823 Page 309 in the Office of the Recorder of Deeds in and for Sussex County, and containing approximately 12,394 square feet, 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.**