



Sussex County Council Public/Media Packet

**MEETING:
May 24, 2016**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
GEORGE B. COLE
JOAN R. DEEVER



2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
(302) 855-7743 T
(302) 855-7749 F
sussexcountype.gov

Sussex County Council

A G E N D A

MAY 24, 2016

1:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Appointments to Board of Adjustment & Appeals
2. Appointment to Planning and Zoning Commission
3. Administrator's Report

Gina Jennings, Finance Director

1. First Quarter Employee Recognition Awards

Hans Medlarz, County Engineer

1. Runway 4-22, 24 Inch Storm Drain Lining, Project #16-16

A. Recommendation to Award

Grant Requests

1. Eastern Shore AFRAM Festival for staging and audio expenses
2. Delaware Senior Olympics for AED/CPR certified training



3. Delmarva Clergy United in Social Action Foundation for program expenses

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearing

**"AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115
("ZONING"), ARTICLE XXI ("SIGNS")**

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 17, 2016 at 4:15 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, MAY 17, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 17, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 235 16
Approve
Amended
Agenda**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to amend the Agenda by deleting "Introduction of Proposed Zoning Ordinances" and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of May 10, 2016 were approved by consent.

**Corre-
spondence**

Mr. Cole read the following correspondence:

River Soccer Club, Ocean View, Delaware.
Re: Letter in appreciation of grant.

**Public
Comments**

Public Comments

Cathie Barnes, Jean Ward, Susan Harrison, and Jeanette Cosgrove commented on the Proposed Herring Creek Sanitary Sewer District and DNREC's regulations on sewer systems. (Kathy Barnes and Jeanette Cosgrove handed out maps relating to the proposed sanitary sewer district.)

Dan Kramer commented on the audio system in the Council Chambers.

Memorial Poppy Karen Merry was in attendance on behalf of the American Legion Auxiliary Post #28 to present Memorial Poppies to the Council in remembrance of our Veterans. Ms. Merry introduced Little Miss Poppy Kiera Supplee.

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Bishop's Landing – Phase 4 and The Resort at Masseys Landing received Substantial Completion effective May 9th and May 11th, respectively.

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

Unified Sewer District Proposal Mrs. Jennings presented a proposal for a Sussex County Unified Sanitary Sewer District. Currently in Sussex County there are twenty four (24) sanitary sewer districts; the existing districts have expanded to the point where, in many cases, their boundaries are adjacent to one another. All of the existing districts are currently served by wastewater treatment and disposal facilities and in many cases, share these facilities. Mrs. Jennings explained that, by consolidating the existing districts into a single Sussex County Unified Sanitary Sewer District, the County would be able to utilize greater efficiency and streamlined organization by maintaining a single district versus separate sanitary sewer districts.

Mrs. Jennings reported that, last fall, the Council approved moving forward with combining districts resulting in the posting of notices, advertising, and creating a webpage.

Mrs. Jennings presented, for Council's consideration, a Proposed Resolution to consolidate the individual sewer districts to the Sussex County Unified Sanitary Sewer District. She noted that the result would be that connection fees can be used in different areas and that large improvements can be divided equally among all users. Mrs. Jennings also noted that this is a continuation of what the County has been doing for the last seven years and that the Proposed Resolution would make it official.

M 236 16 Adopt R 009 16 Unified Sewer District Resolution A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Resolution No. R 009 16 entitled "CONSOLIDATION OF THE ANGOLA NECK, BETHANY BEACH, SOUTH BETHANY, FENWICK ISLAND, JOHNSON'S CORNER, GOLF VILLAGE, HENLOPEN ACRES, BLADES, ELLENDALE, WOODLANDS OF MILLSBORO, LONG NECK, HOLTS LANDING, DAGSBORO-FRANKFORD, MILLER CREEK, BAYVIEW ESTATES, SEA COUNTY ESTATES, SOUTH OCEAN VIEW, OAK ORCHARD, CEDAR NECK, MILLVILLE, NORTH BETHANY, OCEAN VIEW, DEWEY BEACH AND WEST REHOBOTH SANITARY SEWER DISTRICTS INTO A SINGLE "SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT".

**M 236 16
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Fiscal
Year
2017
Budget**

Mr. Lawson, along with Gina Jennings, Finance Director, and Kathy Roth, Deputy Finance Director, presented the proposed \$119 million budget for Fiscal Year 2017.

Mr. Lawson stated that, thanks to the Council's leadership and the budget team's conservative approach, the County will continue without raising taxes for another year.

He stated that the Fiscal 2017 forecast is consistent with Fiscal 2016 to which the County is seeing continued growth in the building sector. Revenues from the housing sector are projected to increase by 7 percent over last year. The County's largest revenue source, Realty Transfer Tax, is expected to climb to over \$20 million for the third year in a row. The County continues to take a very conservative approach and developed a budget that remains below predicted taxable assessments, because expenses must remain at a sustainable level. As a result, budgeted revenues are forecasted to increase a modest 3 percent. While the Realty Transfer Tax (RTT) trajectory is expected to continue its climb for a third year in a row, RTT is only budgeted at \$19 million, or 80 percent of projection.

Mr. Lawson reported that the Budget Committee has made assumptions as the budget was prepared. The Committee assumes that the County will continue to receive 1.5 percent of Realty Transfer Tax on eligible properties in unincorporated areas. The Committee also assumes the County will continue to receive the 30 percent grant from the State of Delaware to fund the paramedic program. Mr. Lawson noted that, if the State were to change these revenue sources or to pass any legislation that would further cut revenues or raise expenses, the County would have to reevaluate the entire budget.

Mr. Lawson stated that the budget represents a collaborative effort among the budget team and department heads.

Mr. Lawson presented 2017 Budget highlights:

- **No change in County property tax rate or general fund fees**
- **No increase in sewer and water service charges**
- **EDU sewer growth of 2.1 percent**
- **Net increase of full-time staffing levels by one position**
- **General Fund is up \$1.5 million, or 2.8 percent**
 - **Increase to public safety staff by 5 positions**
 - **Total increase in county-operated public safety - \$1.4 million**
 - **Increase in public safety grants - \$217,000**

**Fiscal
Year
2017
Budget
(continued)**

- **Total library funding - \$5.2 million**
- **Governmental capital plan without general fund debt - \$11.3 million**

Mr. Lawson highlighted personnel and workforce goals and objectives:

- **Health insurance costs are stable**
 - **No increase anticipated**
 - **\$8.5 million (\$16,000 per employee)**
 - **No change for the employees**
- **Pension**
 - **25% of gross salaries**
 - **\$5.7 million contribution**
 - **Continue 3 percent contribution for new hires**
- **13 paid holidays with 2 floating holidays**
- **COLA – 1%**
- **Merits**
- **Workforce is down 52 positions, or 10%, since 2009**
- **Overall, the budget is increasing by 1 employee (net)**

Mrs. Jennings presented the budget summary:

- **General Fund - \$54,971,380**
- **Capital Projects – General Fund - \$11,258,100**
- **Water & Sewer Fund - \$37,429,740**
- **Capital Projects – Water & Sewer - \$9,570,154**
- **Pension Fund - \$5,850,000**

Mrs. Jennings noted that the total proposed budget is \$119,079,374 which results in a decrease in the budget of \$3.8 million or 3.1% in comparison to the 2016 Budget.

Gina Jennings, Finance Director, presented General Fund highlights:

- **No fee or tax increases**
- **Total budget increase of 2.8 percent, or \$1.5 million**
- **No appropriated reserves used to cover operating expenses**
- **Taxable assessments increased 3.0%, \$390,000**
- **Building related revenues increased \$591,000**

Mrs. Jennings presented General Fund funding sources: Realty Transfer Tax – \$19 million or 35%; Property Taxes – \$16 million or 29%; Charges for Services (building permits, inspection fees, deeds, wills, etc.) – \$10.6 million or 19%. Mrs. Jennings noted that the projection for Realty Transfer Tax is \$23.2 million; however, \$19 million is budgeted; any Realty Transfer Tax collected over the \$19 million will be transferred to the Capital Projects Fund.

**Fiscal
Year
2017
Budget
(continued)**

Mrs. Jennings reviewed General Fund expenditures: Public Safety (which includes paramedics and emergency preparedness) - 33%; General Government – 23%; and Grant-in-Aid - 18%.

Mrs. Jennings explained that the grant program is a \$9.8 million program: Public Safety - \$6.3 million or 64%; Libraries - \$2.3 million or 24%; Community Assistance - \$922,735 or 9%; and Agriculture and Drainage - \$274,244 or 3%.

Mrs. Jennings reviewed how one County tax dollar is spent: Public Safety (\$.57); Libraries (\$.14); General Government (\$.12); Special Services (\$.07); Housing Rehabilitation and Community Support (\$.04); and Code Enforcement, Planning & Zoning, Permitting, Addressing (\$.06).

Mrs. Jennings discussed the County-owned programs for public safety and she noted that the use of public safety services has increased. Mrs. Jennings stated that, in order for the County to keep up with demand, both of these budgets have increased from the 2016 budget to the 2017 budget. Mrs. Jennings also reviewed the County-partnered programs for public safety.

Mrs. Jennings presented Community Development funding for Fiscal 2017 totaling \$2,248,069; most of this funding is federal or state funding. The local tax dollar supports 12% of this program (\$275,107). Mrs. Jennings reported that an increase in the County Council Emergency Funding is being proposed and she reviewed the distribution of those funds totaling \$165,000.

Mrs. Roth reported on General Fund Capital expenditures in the amount of \$11.2 million.

Mrs. Roth reviewed the highlights for Enterprise (Sewer and Water) Funds:

- **Overall budget increased 1%, or \$386,000**
- **1,414 new EDU's, a 2.1% increase**
- **Sewer service charges are one rate**
- **Sewer system connection charges are one rate for all facilities**
- **Will continue the 100 foot cap on assessment charges**

Mrs. Roth reviewed the recommendation for connection fees, one-time fees that new users pay; these fees pay for the growth required in the treatment plants and in the regional sewer infrastructure to serve new customers.

Mrs. Roth reviewed sewer expense highlights:

- **Operations and Maintenance – decreased 2% or \$233,000**
- **Capital Expense – increased 8.5% or \$435,000**
- **Debt expense – decreased 1.3%, or \$453,000**

Mrs. Roth reviewed annual assessment fees for each sewer area.

**Fiscal
Year
2017
Budget
(continued)**

Regarding the Water Fund (Dewey Water), Mrs. Roth reported that expenses are up \$266,550 as a result of needed improvements; however, no change in rate is proposed.

Mrs. Roth reported on the Enterprise Capital Projects which total \$9.5 million; \$6.2 million will be paid with connection fees and \$3.2 million is federal and state funding. These projects are extended over multiple years and are not funded by operating funds.

Mrs. Roth noted that the Budget Committee is recommending \$149,310,610 in 5-Year Capital Improvements Funding - \$23.3 Million in Non-Water & Sewer Capital Projects and \$126 Million in Water & Sewer Capital Projects.

Mrs. Roth reported that the budget and the accompanying budget presentation will be available on the County's website. Public Hearings on the budget will be held on June 21, 2016. The public can comment in person on that date, or submit comments through the County's website at budget@sussexcountytde.gov.

Council members discussed the proposed budget, including the following topics: the fire service fee collected by the County, Local Law Enforcement Grant funding, State Police Contract funding, staffing, and vehicles.

**Introduction
of Proposed
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2017".

Mr. Cole introduced the Proposed Ordinance entitled "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".

The Proposed Ordinances will be advertised for Public Hearing.

**Legislative
Update**

Legislative Update

Mrs. Jennings reported on the recent meeting of the Clean Water and Flood Abatement Task Force and the drafting of legislation entitled "AN ACT TO AMEND TITLES 29, 7, AND 30 OF THE DELAWARE CODE RELATING TO THE CLEAN WATER FOR DELAWARE ACT". Mrs. Jennings stated that the task force is still in the process of drafting the legislation. As of the last meeting of the task force, the counties have been taken out and will not be required to administrate the program and collect the money. The State will administrate the program and collect the money, which will be through a building permit / license surcharge of \$45.00 and a personal income tax (there is a proposal for \$35.00 for individuals and \$70.00 joint filing (the cap), or 15%); this would bring in \$20 million into the fund. The drafting of the legislation will be monitored and any action

**Legislative
Update
(continued)**

reported to Council.

Mr. Lawson reported on Senate Bill No. 256 entitled “AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, ARTICLE IV, AND THE SCHEDULE OF THE DELAWARE CONSTITUTION RELATING TO THE REGISTER OF WILLS”.

This would be an amendment to the Delaware Constitution and would remove the Register of Wills Office from each County and the elected official running the Register of Wills Office; there would be one statewide appointed position.

Mr. Lawson noted that, if this legislation is enacted, it would do away with the County’s staff members within the Register of Wills Office; this office would operate out of the Court of Chancery.

Synopsis: This Act is the first leg of a constitutional amendment to provide for an integrated and state-wide Register of Wills office. At the present time, the three counties operate three separate offices that handle the functions of the Register of Wills. Each operates using its own requirements and procedures, each provides services solely in its respective county, and each is managed by a different elected official. This proposed constitutional amendment will enable the General Assembly to create by statute a more cost-effective and efficient system of Register of Wills offices. The proposed amendment removes the constitutional provisions requiring that the Register of Wills be an elected office. Because the Register of Wills presently acts as a clerk to the Court of Chancery, the proposed amendment reorganizes that function under the leadership and jurisdiction of the Court of Chancery. The intent of this amendment is to develop legislation that will make the integration revenue neutral for the counties, so that the counties will not lose an important funding source and will retain the fees collected from the administration of estates, net of costs.

Mr. Wilson spoke in opposition to the proposed legislation.

Mr. Arlett reported that Senate Bill No. 60 entitled “AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO TRUST BETWEEN IMMIGRANTS AND DELAWARE LAW ENFORCEMENT AGENCIES” has been pulled.

Mr. Arlett questioned the receipt of information on the number of undocumented citizens that are in the State of Delaware and specifically, in Sussex County. Chip Guy, Director of Communications, reported on the results of his inquiry into the question raised by Mr. Arlett.

**Inland
Bays RWF
Project**

Hans Medlarz, County Engineer, reported on the bid results for Project 14-17, Inland Bays RWF Switchgear Replacement. He stated that this project is to replace obsolete power equipment at the Inland Bays Regional Wastewater Facility. The equipment is unreliable and repair parts are no

- IBRWF Project (continued)** longer available. Mr. Medlarz reported on the bid results and advised that the Engineering Department recommends that the contract be awarded to John W. Tieder, Inc. of Cambridge, Maryland, at the bid amount of \$281,000.00.
- M 237 16 Award Bid/ Inland Bays RWF Switchgear Replacement** A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the base bid for Contract 14-17, Inland Bays Regional Wastewater Facility Switchgear Replacement, be awarded to John W. Tieder, Inc. of Bristol, Pennsylvania, in the amount of \$281,000.00.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
- PS 172 Odor Control Equipment Project** Hans Medlarz, County Engineer, presented the bid results for Project 16-20, Pump Station 172 Odor Control Equipment. Mr. Medlarz reported that, although considerable effort was taken to reach out to manufacturers for this type of equipment, only one company bid the project. The Engineering Department recommends that the bid be awarded to Bio-Air Solutions, LLC in the bid amount of \$76,700.00.
- M 238 16 Award Bid/ PS 172 Odor Control Equipment Project** A Motion was made by Mr. Wilson, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the base bid for Contract 16-20, Pump Station 172 – Odor Control Equipment, be awarded to Bio-Air Solutions of Voorhees, New Jersey, in the amount of \$76,700.00.
- Motion Adopted:** 4 Yeas, 1 Absent.
- Vote by Roll Call:** Mrs. Deaver, Absent; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea
- PS 43 & 80 Odor Control Equipment Project** Hans Medlarz, County Engineer, presented the bid results for Project 16-25, Pump Station 43 and 80 - Odor Control Equipment. Mr. Medlarz reported that, although considerable effort was taken to reach out to manufacturers for this type of equipment, only one company bid the project. The Engineering Department recommends that the bid be awarded to Bio-Air Solutions, LLC in the bid amount of \$95,500.00.
- M 239 16 Award Bid/ PS 43 & 80 Project** A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the base bid for Contract 16-25, Pump Station 43 and 80 – Odor Control Equipment, be awarded to Bio-Air Solutions of Voorhees, New Jersey, in the amount of \$95,500.00.

M 239 16
(continued) **Motion Adopted: 4 Yeas, 1 Absent.**

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

T-Hangar
Roof
Repair
Project **Hans Medlarz, County Engineer, presented the bid results for Contract 16-27, T-Hangar Roof Repairs: Planned Poultry Renovations - \$25,200.00 and Kent Construction - \$119,267.95, and commented on the discrepancy in the bids. Mr. Medlarz reported that this is a storm related project; one T-Hangar was damaged by a storm in January, and has been damaged several times in the past. Mr. Medlarz noted that this project is insurance coverage eligible for repair or replacement.**

Based on the information received, a new approach was considered to expand the design to a reconstruction bid package and Mr. Medlarz recommended that the County reject all bids and seek a replacement bid with the option to upgrade the hangar to a unit that can accommodate the growth and that meets the Master Plan of the Airport.

M 240 16
T-Hangar
Roof
Repair
Project/
Reject
Bids **A Motion was made Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that all bids for Contract 16-27, T-Hangar Roof Repairs, be rejected and that the contract be rebid at a later date.**

Motion Adopted: 4 Yeas, 1 Absent.

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

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

M 241 16
Council-
manic
Grant **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to the Indian River School District for the Odyssey of the Mind Team.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 242 16
County-
wide
Youth
Grant **A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give a \$2,000.00 Countywide Youth Grant to the Del-Mar-Va Council, Boy Scouts of America for camp scholarships.**

Motion Adopted: 4 Yeas, 1 Absent.

**M 242 16
(continued)**

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

**M 243 16
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 from Mr. Cole's Councilmanic Grant Account to the Rehoboth Summer Children's Theatre for program expenses.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 244 16
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$600.00 (\$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. Vincent's Councilmanic Grant Accounts) to the Delaware Community Foundation for the Georgetown-Millsboro Rotary Club's Flags for Heroes project.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Council
Members'
Comments**

Council Members' Comments

Mr. Arlett commented on the 25th Anniversary Celebration Dinner for Sussex County Emergency Medical Services which was held on Saturday, May 14, 2016.

**Council
Meeting
Time
Change/
Proposed**

Mr. Lawson announced that Council has been invited to the groundbreaking for Bayhealth's new health campus at 10:00 a.m. on Tuesday, May 24, 2016. Mr. Lawson noted that due to the light agenda for that date, it is possible for Council to begin the meeting later in the day.

**M 245 16
Council
Meeting
Time
Change
5/24/16**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, that the Sussex County Council meeting will begin at 1:00 p.m. on Tuesday, May 24, 2016.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 246 16
Go Into
E/S**

At 11:51 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to land acquisition and potential litigation.

M 246 16
(continued) **Motion Adopted: 4 Yeas, 1 Absent.**

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

Executive Session **At 11:55 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to land acquisition and potential litigation. The Executive Session concluded at 1:28 p.m.**

M 247 16
Reconvene **A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 4 Yeas, 1 Absent.

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

E/S Action **There was no action on Executive Session matters.**

Rules **Mr. Moore read the Rules of Procedure for Public Hearings.**

Public Hearings Order **Mr. Moore referenced the order of the Public Hearings on this date and he requested that Change of Zone No. 1794 filed on behalf of JCBB, LLC be heard out of order as the first Public Hearing.**

Request to Withdraw CZ 1794 **Change of Zone No. 1794 filed on behalf of JCBB, LLC**
Lawrence Lank, Director of Planning and Zoning, reported that a letter of request to withdraw this application has been received so that they can reapply. Mr. Lank noted that the Applicant was not present during the Public Hearing before the Planning and Zoning Commission since he did not receive the mailing in time to attend. Mr. Lank advised of the mail returns that were received.

M 248 16
Allow Withdraw of CZ 1794 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to allow the withdrawal of Change of Zone No. 1794 filed on behalf of JCBB, LLC.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Arlett left the meeting.

**Public
Hearing/
CU 2043**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CONDITION NO. 19 OF CONDITIONAL USE NO. 1413 (ORDINANCE NO. 1530) TO ALLOW ADDITIONAL TIME TO COMPLETE THE EXISTING BORROW PIT OPERATION LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 200.5 ACRES, MORE OR LESS” (Conditional Use No. 2043) filed on behalf of Edward J. Kaye (Tax Map I.D. No. 331-4.00-49.00) (911 Address: 22223 Eskridge Road, Seaford).

The Planning and Zoning Commission held a Public Hearing on this application on March 10, 2016 at which time action was deferred for further consideration. On March 24, 2016, the Commission recommended that the application be approved to amend Condition No. 19 of Conditional Use No. 1413 (Ordinance No. 1530) to allow additional time to complete existing borrow pit operations (Condition No. 19), to read as follows: “*After 15 years, the property owner shall complete and pay for an Environmental Impact Study, as the phrase is defined by DNREC, or any successor. Upon certification of DNREC of owner’s compliance with then-existing regulations, the permit shall be extended for an additional twenty (20) years. This permit shall terminate upon the expiration of thirty-five (35) years from the date of enactment.*”

(See the minutes of the Planning and Zoning Commission meeting dated March 10 and 24, 2016.)

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

Mr. Lank distributed Exhibit Books which were provided by the Applicant.

The Council found that Edward J. Kaye was present on behalf of his application along with Dennis Schrader, Attorney, and Bill Childs, President and CEO of Chaney Enterprises in Maryland. They stated that the basis of this application is to request a 10 year extension to the time limit on Conditional Use No. 1413 to allow more time to complete the borrow pit operation; that Mr. Kaye wishes to put together a plan so that his employees will continue to have a place to work into the future; that Mr. Kaye has been in business for 40 years and has entered into a sales agreement to convey Sussex Sand and Gravel and Seaford Concrete Products, LLC to Chaney Enterprises; that the borrow operation was started in 2002 with major activities in 2006; that the real estate market had a downturn and substantially reduced the borrow activities; that all buffers have been completed and remain in place, and no further encroachments are proposed into those areas; that the only intent of the application is to allow continued mining of the borrow product to complete the borrow pit that was originally intended and started; that they acknowledge that an Environmental Assessment Report is due in 2017 and it will be performed and submitted to DNREC; that they will do another

**Public
Hearing/
CU 2043
(continued)**

Environmental Assessment Report in another ten (10) years; that no violations of any regulations exists; that the interior service road is paved within the project; that the sand plant is electric, and creates little to no noise; that access to the site is via the existing commercial truck entrance; that there is an economical demand for the services they provide; and that they understand that all of the other 18 conditions imposed on Ordinance No. 1530 will remain in effect.

There were no public comments.

The Public Hearing and Public Comment were closed.

**M 249 16
Adopt
Ordinance
No. 2448
(CU 2043)**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2448 entitled “AN ORDINANCE TO AMEND CONDITION NO. 19 OF CONDITIONAL USE NO. 1413 (ORDINANCE NO. 1530) TO ALLOW ADDITIONAL TIME TO COMPLETE THE EXISTING BORROW PIT OPERATION LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 200.5 ACRES, MORE OR LESS” (Conditional Use No. 2043) filed on behalf of Edward J. Kaye, amending Condition No. 19 to now read as follows:

“After 15 years, the property owner shall complete and pay for an Environmental Impact Study, as the phrase is defined by DNREC, or any successor. Upon certification of DNREC of owner’s compliance with then-existing regulations, the permit shall be extended for an additional twenty (20) years. This permit shall terminate upon the expiration of thirty-five (35) years from the date of enactment.”

Motion Adopted: 3 Yeas, 2 Absent.

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

**Public
Hearing
CZ 1793**

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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS” (Change of Zone No. 1793) filed on behalf of Church of God of Prophecy (Tax Map I.D. No. 135-23.00-18.01, 18.02 & Part of 18.03) (911 Address: 21950 Zoar Road, Georgetown).

The Planning and Zoning Commission held a Public Hearing on this application on February 25, 2016 at which time action was deferred. On March 10, 2016, the Commission recommended that the application be approved.

**Public
Hearing
CZ 1793
(continued)**

Mr. Lank distributed Exhibit Booklets provided by the Application.

(See the minutes of the Planning and Zoning Commission meeting dated February 25 and March 10, 2016.)

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

Mr. Lank provided the Council with comments prepared by the staff when they reviewed the application. Mr. Lank noted this is a result of a request from the Council several months ago that staff provide more comments in regard to zoning applications and it is planned that this will be done for future zoning hearings.

The Council found that Mark Davidson, Vice President of Pennoni Associates, was present on behalf of this application with Rev. Dr. Anastacio Matamoris, Pastor at Iglesia de Dios de la Profecia (Church of God of Prophecy) in Georgetown. They stated that a portion of the property is already zoned CR-1 Commercial Residential; that the site is in close proximity to the DelDOT and DMV facilities; that they have been working to expand the church facilities; that the sanctuary currently seats approximately 400; that the expansion will allow for approximately 1,000 seats; that the site has appropriate acreage to provide the necessary parking; that a 1.0 acre easement is being proposed with the adjacent Rodney Smith lands for a possible shared access location; that the Town of Georgetown provides central water for drinking and fire protection; that the existing septic system will have to be upgraded in accordance with DNREC's regulations; that hopefully, in the future, wastewater service can be provided by the Town of Georgetown; that DelDOT did not require a Traffic Impact Study; that the site is surrounded on three sides by commercial zoning; that this application is an infill property and is intended to create a contiguous zoning boundary rather than the property having mixed zoning classifications; and that no daycare is proposed.

Public comments were heard. Glenda Scott, an adjoining property owner, expressed concerns about the commercial rezoning and stated that it would allow for a larger commercial activity in the future if plans change.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 250 16
Adopt
Ordinance
No. 2450/
CZ 1793**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Ordinance No. 2450 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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.06 ACRES, MORE OR LESS"

M 250 16 **(Change of Zone No. 1793) filed on behalf of Church of God of Prophecy.**
(continued)

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

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

M 251 16 **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at**
Adjourn **2:38 p.m.**

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

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

{An audio recording of this meeting is available on the County's website.}

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

RUNWAY 4-22 24 INCH STORM DRAIN LINING

The intent of this project is to line the inside of a 24-inch storm drain line that passes under Runway 4-22 inside the Airport. The project involves lining approximately 435 lineal feet of the 24-inch storm drain as well as a pre- and post-rehabilitation closed circuit TV of the line. The engineer's estimate for this project is \$75,000.00. This money is available in the FY 16 budget.

Bids were opened on May 20, 2016. Five (5) bids were received. The bid summary is attached. The Engineering Department recommends that County Council award the contract to Fast Pipe Lining East, Inc., of Newark, Delaware, at the bid amount of \$54,349.00.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

RUNWAY 4-22 24 INCH STORM DRAIN LINING BID OPENING, 10:30 a.m., FRIDAY, MAY 20, 2016

BIDDER	BID AMOUNT
Fast Pipe Lining East, Inc. *	\$54,349.00
Abel Recon, LLC	\$80,280.00
Swerp, Inc.	\$93,150.00
Aqua Infrastructure Rehabilitation Co.	\$188,035.00
AM Liner East, Inc.	\$235,675.00

*Apparent Low Bidder

Engineer's Estimate \$75,000.00



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947



The Eastern Shore AFRAM Festival Committee is grateful for the faithful support of our sponsors each year.

Visitors from Delmarva, neighboring states, and as far away as San Diego, CA have enjoyed this exceptional event. Each year our festival provides an opportunity for people to come together for a positive cultural experience, in a family-friendly setting. Here, traditional African and African American arts, history, and culture can be enjoyed and explored within in a "village" atmosphere.

This year's theme moves forward to the sixth Kwanzaa principle of "IMANI" (FAITH).

The Eastern Shore community is strengthened by your support, which enables cultural exchange, and enhances the sharing of information from community service agencies, institutions of health and education, benevolent organizations, and government/ military services. Your contribution also makes it possible for us to annually honor the local people and organizations who work to improve the quality of life in this community.

We invite you to join us this year on August 13th at 11:30am for the Opening Ceremony as an honored Sponsor and Guest of the Festival – at the Seaford Sports Complex, near the Seaford Library and Cultural Center.

Please visit our web-site: www.easternshoreafram.org for details and updated information about this event.

A tax deductible 2016 contribution (Platinum, Gold, Silver or Bronze) entitles your business or organization to the benefits outlined on Page 2.

Please Circle your preferred level of Sponsorship

Make all checks payable to:

~~AFRAM~~, P. O. Box 687, Seaford, DE 19973

Sincerely,

A handwritten signature in blue ink, appearing to be "Pat A. Jones".

Pat A. Jones

AFRAM Executive Director

The Eastern Shore AFRAM Festival is incorporated as a Delaware non-profit to promote the diverse cultural arts of African Americans. The IRS granted this event a 501C3 tax exempt organization; an ID number can be provided upon request.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Eastern Shore AFRAM Festival, Inc.

PROJECT NAME: Eastern Shore AFRAM Festival 2016/Staging & Audio

FEDERAL TAX ID: 05-0595124 NON-PROFIT: ☒ YES ☐ NO

ADDRESS: % Patricia A. Jones
721 3rd St.
Seaford, DE 19973
(CITY) (STATE) (ZIP)

PHONE: 302.628.1098 EMAIL: pj@easternshoreafram.org

CONTACT PERSON: Herbert G. Quick

TITLE: Treasurer

ADDRESS: PO Box 1431
Seaford, DE 19973
(CITY) (STATE) (ZIP)

PHONE: 302.629.4949 EMAIL: herb@hamiltongraphics.com

TOTAL FUNDING REQUEST: \$ 1,000.00

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

☐ YES ☒ NO

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

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 40%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|--|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input checked="" type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| | <input checked="" type="checkbox"/> Other Festival Attendees | |

BENEFICIARY NUMBER

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

750

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.

Eastern Shore AFRAM Festival 2016 is the 21st edition of a major, annual community festival serving Seaford, DE and neighboring Sussex County, DE communities.

This is a one day, family-friendly event, to be held on Saturday, August 13, 2016 at the Seaford Sports Complex, near Virginia Avenue, Seaford, DE. Event particulars can be found at www.easternshoreafram.org.

This event highlights the contributions of the African diaspora to the Seaford / Sussex County area. By recognizing the contributions of the many, we can foster unity in our communities. The festival is held at no cost to the public, and all are welcome.

The African diaspora contributed numerous art forms throughout the world, music and dance being among the most significant. A variety of performers and exhibitors representing African and domestic aspects of the diaspora will present those art forms to the public.

This grant is requested in order to assist with funding for festival staging & tents, audio, and pre-event internet publication for the 2016 festival performances.

This event is unique. We are not aware of a similar festival held in Sussex County on an annual basis.

Thank you for your support.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 2,600.00
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. (Put amounts in as a negative)	
Production: Audio System	-1250
Equipment Rental: Tents and Staging	-1100
Marketing: Email blasts	-250
TOTAL EXPENDITURES	-\$ 2,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Eastern Shore AFRAM Festival, Inc. agrees that:
(Name of Organization)

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

Herbert G. Quick, Treasurer -

Applicant/Authorized Official

May 13, 2016

DATE



Delaware Senior Olympics

1121 Forrest Avenue, Dover, Delaware 19904

Phone: 302-736-5698 - Fax: 302-736-5977

Toll Free: 888-881-6128

E-Mail: admin@delawareseniorolympics.org

Website: www.DelawareSeniorOlympics.org

May 2, 2016

Sussex County Council
Attn: Susan M. Webb, CPA
Administrative Office Building
2 The Circle
P O Box 589
Georgetown, DE 19947

Subject: Request for Financial Support



Ms. Webb,

Thank you for the financial support of \$500 that we received in 2015. It is the hope of the Delaware Senior Olympics that the Sussex County Council will continue its support in 2016.

The Delaware Senior Olympics (DSO) is a non-profit 501(C) 3 organization whose mission is to promote healthy life styles and fitness for people 50 years and older through competitive and non-competitive activities. We have been doing just that since 1991 through the efforts of a strong, all volunteer Board of Directors, Officers, and Advisors totaling 29 members as well as 40+ volunteer individual sports coordinators. The Delaware Senior Olympics marks its 25th Anniversary this year.

We recognize that our goal of "improving the quality of life and enhancing the vitality of the community" requires more than a series of games conducted in several months. Our goal requires year round effort and activity. Various year-round non-games related training/sports events are held for Delawareans 50 yrs of age and above. Many of these events are held in Sussex County. The sports are Pickleball, Softball and Volleyball.

To ensure the preparedness of our Board Members, Sport Coordinators and staff, we provide CPR training each year. The cost per attendee is \$35. Each person is then AED/CPR certified. This certification is good for 3 years. In this way, we can rotate the attendees to balance the expenses. Please consider a contribution to the Delaware Senior Olympics to help offset the cost of these training classes.

Please let me know if you need any additional information.

Respectfully,

Dee Carroll, Office Manager



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Delaware Senior Olympics		
PROJECT NAME:	Support for AED/CPR certified training		
FEDERAL TAX ID:	51-0336946	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	1121 Forrest Avenue		
	Dover	DE	19904
	(CITY)	(STATE)	(ZIP)
PHONE:	302-736-5698	EMAIL:	admin@DelawareSeniorOlympics.org
CONTACT PERSON:	Dee Carroll		
TITLE:	Office Manager		
ADDRESS:	1121 Forrest Avenue		
	Dover	DE	19904
	(CITY)	(STATE)	(ZIP)
PHONE:	302-736-5698	EMAIL:	admin@DelawareSeniorOlympics.org

TOTAL FUNDING REQUEST: \$ 500.00

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

☒ YES ☐ NO

If YES, how much was received in the last 12 months? \$ 500.00

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 50

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|--|--|---|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input type="checkbox"/> Other _____ | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|---|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| | <input checked="" type="checkbox"/> Other <u>persons aged 50+</u> | |

BENEFICIARY NUMBER

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

300

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.

the Delaware Senior Olympics (DSO) is a non-profit 501(C)3 organization whose mission is to promote healthy lifestyles and fitness for people 50 years and old through competitive and non-competitive activities in various locations across Delaware. We recognize that our goal of "improving the quality of life and enhancing the vitality of the community" requires more than a series of games conducted in several months. Our goal requires year-round effort and activity. To ensure the preparedness of our Board Members, Sport Coordinators and staff, we provide CPR training each year. The cost per attendee is \$35. Each person is then AED/CPR certified. This certification is good for 2 years. In this way, we can rotate the attendees to balance the expenses. Revenue listed below includes \$500 from Kent County Levy Court and \$500 received from Sussex County in October, 2015. Funds received from the Kent County Levy Court are also used to cover other expenses for our Annual Games.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 1,000.00
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. (Put amounts in as a negative)	
Instructor fee (@\$35 per person) for 23 attendees per year	-805.00
Office Personnel to manage project	-600.00
TOTAL EXPENDITURES	-\$ 1,405.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 405.00)

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware Senior Olympics agrees that:
(Name of Organization)

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

Dee Carroll, Office Manager
Applicant/Authorized Official

5/11/16
DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION

NAME: Delmarva Clergy United In Social Action Foundation

PROJECT NAME: Dolls Tea Party

FEDERAL TAX ID: 225330018

NON-PROFIT: ☒ YES ☐ NO

ADDRESS: 13726 South Old State Road

(CITY) Ellendale

(STATE) Delaware

(ZIP) 19941

PHONE: 302-422-2350

EMAIL: info@dcusaoundation.org

CONTACT PERSON: Helena Gibbs

TITLE: Entities Director

ADDRESS: 13726 South Old State Road

(CITY) Ellendale

(STATE) Delaware

(ZIP) 19941

PHONE: 302-422-2350

EMAIL: info@dcusaoundation.org

TOTAL FUNDING REQUEST:

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

☒ YES ☐ NO

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

\$ 2,000.00

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

☒ YES ☐ NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 25%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services
☐ Other _____

- ☐ Cultural
☒ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons

- ☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☐ Other _____

- ☐ Homeless
☒ Youth

BENEFICIARY NUMBER

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

64

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.

The Dolls Tea originated in Ellendale, Delaware. The program began on October 26, 2013. The group began with 11 beautiful young girls, ages ranging from 6 years old to 11 years old. Currently, the group has grown to 62 young girls. Our purpose continues to be to help these young girls learn both naturally and mentally. We strive to equip the girls with knowledge that will entitle them to be life-long learners and achievers. As adults we have learned that this can often be gained through life experiences. Therefore, we have provided these young ladies with various opportunities that make them active in and out of their communities. Some of their experiences have included fashion shows, Christmas caroling throughout the community, ice cream making, trips to the theatre, breakfast at Bob Evans, evenings at Rehoboth Beach Boardwalk, shopping at Walmart and Save-A-Lot, wonderful experiences at Sight and Sound productions. Along with these experiences, we encourage parental support and participation to increase parent involvement. We are aware that this continues to build positive relationships within the participant's home life.

On July 24, 2016 we are attempting to provide our little girls with an all-expense paid, seven day trip to Disney World in Orlando, Florida. The full cost for one Dolls Tea Participant is \$495. This cost includes transportation fees, food expenses, park entrance fees, and hotel costs. We are writing to ask if your organization would be willing to sponsor some of our youth or make a donation that would assist in making the trip a success for our young girls. We greatly appreciate any support you are willing to give at this time.

SECTION 5: STATEMENT OF ASSURANCES


If this grant application is awarded funding, the Delmarva Clergy United In Social Action Foundation 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.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$4,000.00
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. (Put amounts in as a negative)	
Transportation	- \$8,000.00
2 Day Park Pass (Per child)	- \$7,000.00
Lodging	- \$3,500.00
TOTAL EXPENDITURES	\$18,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$14,500.00

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


 Applicant/Authorized Official

5/17/16
 DATE

To Be Introduced 05/24/16

Council District No. 5 – Arlett

Tax I.D. No. 533-10.00-14.00

911 Address: 37058 Roxana Road, Selbyville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN HVAC BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.10 ACRES, MORE OR LESS

WHEREAS, on the 10th day of May 2016, a conditional use application, denominated Conditional Use No. 2053 was filed on behalf of Red Dog Plumbing and Heating c/o Ken Wood; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2053 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use 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, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2053 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 Baltimore Hundred, Sussex County, Delaware, and lying northwest of Roxana Road (Route 17) across from Smith Avenue and 400 feet northeast of Smithfield Acres Road (Road 52B), said parcel containing 1.10 acres, more or less, and being more particularly described as:

BEGINNING at a point in the center of a ditch on the northwesterly right-of-way of Roxana Road (Route 17), at a corner for these subject lands and lands of Clifton C. Murray, Trustee; thence South 48°40'58" West 402.27 feet along the northwesterly right-of-way of Roxana Road to a point in the center of a ditch; thence North 09°23'27" East 376.27 feet with the centerline of said ditch to a point; thence South 66°18'31" East 262.88 feet with the centerline of said ditch to the point and place of beginning and containing 1.10 acres, more or less.

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

PROPOSED

PUBLIC HEARINGS

May 24, 2016

This is to certify that on May 12, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for a new Ordinance. At the conclusion of the public hearing, the deferred action.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Janelle M. Cornwell
Planning and Zoning Manager

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

PUBLIC HEARINGS

**AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115
("ZONING"), ARTICLE XXI ("SIGNS").**

Mr. James Sharp, Esquire, of Moore and Rutt, presented a Power Point presentation to the Commission and summarized the proposed Ordinance; and that a copy of the Power Point presentation is available for review in the Office of Planning and Zoning.

Mr. Burton stated that the working group's recommendations and the proposed ordinance do not match; and that the amended ordinance will create a huge amount of non-conforming signs throughout the County.

Mr. Ross stated that he feels the County should notify current sign owners of the changes to the Ordinance; that a current sign owner under the proposed ordinance may never be able to erect a new sign if destroyed by no intent of the sign owner; that if a proposed sign meets all zoning requirements there should be no need for special use exception hearings with the Board of Adjustment; and that the County regulations should match DelDOT regulations.

Mr. David Hutt, Esquire, of Wilson, James, Halbrook & Bayard, LLP, was present on behalf of and represented Clear Channel Outdoor, Geyer Signs, Hocker Signs, Jack Lingo Realtors, JD Sign Company, Ocean Atlantic, Phillips Signs, Inc., Premier Outdoor Media, LLC, Rogers Sign Co., Inc., and Timmons Outdoor Advertising; that Mr. Hutt submitted exhibits and a proposed alternate version of the proposed ordinance to the Commission for review. Mr. Hutt went through the proposed alternative ordinance. The exhibit booklet and alternate version is available for review in the Office of Planning and Zoning.

The Commission found that Andy Strine, a local business owner, was present in opposition to the proposed ordinance and stated that his family owns a local business and has for many years; that the current sign for their business is non-conforming; that unforeseen circumstances could require them to replace or relocate the sign; that the proposed ordinance does not provide any options to replace the sign, which is critical to their business.

The Commission found that Terry Strine, a local business owner, was present in opposition to the proposed ordinance and stated that the intent of the proposed ordinance needs to be fair; that signs are the life of businesses and crucial to their success; and that to have no options for non-conforming signs to be replaced, repaired, or re-constructed without increasing the non-conformity is counterproductive.

The Commission found that Jason Dean, of JD Signs, was present and responded to questions raised by the Commission on Electronic Message Display signs; that the term Nit measures the output of light from a sign; that average range for signs is 7,500 to 10,000 Nit's; that there is software and hardware available to automatically adjust the ambient light from a sign during different times of the day; that the term foot candle is the brightness of the sign; that tools to measure foot candle are readily available and a good tool to use for enforcement; that an Electronic Message Display is most distracting when the sign is too bright; that animation and screen changes are not distraction issues; that a sign that is too dim to read is also more distracting than a proper working sign; that lack of enforcement is an issue; and that an on-premise sign is the most important tool for small businesses.

The Commission found that Dan Kramer and Paul Rigger, were present and stated that the current enforcement issues need to be addressed.

The Commission found that Dennis Forney was present and stated he was on the working group and there needs to be distance between billboards and better enforcement.

The Commission found that Ben Phillips, Gerald Hocker, Jr., and Lynn Rogers were present and stated that they are in opposition to the proposed ordinance; that they were part of the working group and they feel the proposed ordinance does not reflect the suggestions made by the working group.

Motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action until May 26, 2016 after further consideration. Motion carried 4 – 0.

ORDINANCE NO. __

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115 ("ZONING"), ARTICLE XXI ("SIGNS").

WHEREAS, Sussex County Code ("County Code") currently addresses the types, uses, and placement of signs in its zoning districts; and

WHEREAS, Sussex County Council views the placement of signs as an important public safety issue in Sussex County that impacts the welfare of the citizens of Sussex County; and

WHEREAS, Sussex County Council believes that the current County Code provisions do not sufficiently address its other concerns with the types, usage, and placement of signs in Sussex County; and

WHEREAS, on September 15, 2015, Sussex County Council enacted a moratorium by Ordinance No. 2414 entitled "An Ordinance to Establish a Moratorium Upon the Acceptance of Special Use Exception Applications for Off-Premises Signs" in response to such concerns, which was extended by vote on March 1, 2016; and

WHEREAS, Sussex County engaged a land use planning consultant and formed a working group ("Working Group") to study signs in the context of Sussex County's land use planning initiatives and goals; and

WHEREAS, the Working Group has presented its findings to Sussex County Council; and

WHEREAS, Sussex County Council wishes to end the moratorium upon the acceptance of special use exception applications for off-premises signs concurrent with the enactment of this legislation, as its concerns have been addressed through this legislation; and

WHEREAS, Sussex County Council believes that these amendments will promote the public health, safety and welfare of its citizens.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Sussex County Code, Chapter 115, Section 115-157 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-157. Definitions.

A. General.

ABANDONED ON-PREMISES SIGN

A sign that no longer identifies or advertises an ongoing business, product, location, service, idea, or activity conducted on the premises on which the sign is located.

ABANDONED OFF-PREMISES SIGN

A sign that no longer directs attention to a business, commodity, service or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained.

ANIMATED SIGN

[A mechanical sign or electronically illuminated or nonilluminated sign which displays letters, words, characters, or symbols which are not stationary.]

A sign employing actual motion, the illusion of motion, or light or color changes achieved through mechanical, electrical, or electronic means. Animated signs, which are differentiated from changeable signs as defined and regulated by this article, include the following types:

- (1) Environmentally Activated – Animated signs or devices motivated by wind, thermal changes, or other natural environmental input. Includes spinners, pinwheels, pennant strings, or other devices or displays that respond to naturally occurring external motivation.
- (2) Mechanically Activated – Animated signs characterized by repetitive motion or rotation activated by a mechanical system powered by electric motors or other mechanically induced means.
- (3) Electrically Activated – Animated signs producing the illusion of movement by means of electronic, electrical, or electromechanical input or illumination capable of simulating movement throughout employment of the characteristics of one or both the classifications noted below:

 - (a) Flashing: Animated signs or animated portions of signs whose illumination is characterized by a repetitive cycle in which the period of illumination is either the same as or less than the period of non-illumination. For purposes of this ordinance, flashing will not be defined as occurring if the cyclical period between on-off phases of illumination exceeds ten (10) seconds.

- (b) Patterned Illusionary Movement: Animated signs or animated portions of signs whose illumination is characterized by simulated movement through alternate or sequential activation of various illuminated elements for the purpose of producing repetitive light patterns designed to appear in some form of constant motion.

CANDELA

The basic unit of measurement of light in SI (metric) units.

CANDELA PER SQUARE METER (cd/m²)

The SI (metric) unit used to describe the luminance of a light source or of an illuminated surface that reflects light. Also referred to as Nits.

FOOT CANDLE

An English unit of measurement of the amount of light falling upon a surface (illuminance). One foot candle is equal to one lumen per square foot. Can be measured by means of an illuminance meter.

ILLUMINANCE

The amount of light falling upon a real or imaginary surface, commonly called "light level" or "illumination". Measured in foot candles (lumens/square foot) in the English system, and lux (lumens/square meter) in the SI (metric) system.

INDIRECTLY ILLUMINATED SIGN

...

LUMINANCE

The light that is emitted by or reflected from a surface. Measured in units of luminous intensity (candelas) per unit area (square meters in SI measurement units or square feet in English measurement units.) Expressed in SI units as cd/m², and in English units as foot lamberts. Sometimes also expressed as "nits", a colloquial reference to SI units. Can be measured by means of a luminance meter.

LUX

The SI (metric) unit for illuminance. One lux equals 0.093 foot candles.

MULTIFACED SIGN

[A sign with two or more facings.]

A sign with more than one but no more than two sign faces. The sign faces shall be parallel to each other and there shall not be more than three feet from one sign face to the other sign face.

NIT

A photometric unit of measurement referring to luminance. One nit is equal to one cd/m².

PUBLIC LAND

Land owned by the United States of America, the State of Delaware, or a municipality or political subdivision thereof which is used as park, recreation area, historical site, wildlife refuge, public forest land, preservation land, or greenway. Public lands shall also include lands which are privately owned but have been placed in an agricultural preservation program with the United States of America, the State of Delaware, or a municipality or political subdivision thereof. Public lands shall not include areas which are public streets, roads, utilities, or right-of-ways dedicated for transportation or other means of ingress and egress.

SETBACK

...

SI (International System of Units)

The modern metric system of measurement; abbreviated SI for the French term "Le Systeme International d'Unites."

SIGN

...

SIGN AREA

...

SIGN COPY

The physical sign message including any words, letters, numbers, pictures, logos, and symbols.

SIGN FACE

The surface upon, against or through which the sign copy is displayed or illustrated, not including structural supports, architectural features of a building or sign structure, or decorative trim, or any areas that are separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border.

SIGN STRUCTURE

Any structure designed for the support of a sign.

STREET LINE

...

B. Type.

BULLETIN BOARD

A manually activated changeable sign of permanent character, but with movable letters, words or numerals, indicating the names of persons associated with or events conducted upon or products or services offered upon the premises upon which such a sign is maintained.

CHANGEABLE SIGN

A sign with the capability of content change by means of manual or remote input including the following types:

- (1) Manually activated – a changeable sign whose message copy or content can be changed manually on a display surface.
- (2) Electrically activated – a changeable sign whose message copy or content can be changed by means of remote electrically energized on-off switching combinations of alphabetic or pictographic components arranged on a display surface. Illumination may be integral to the components, such as characterized by lamps or other light-emitting devices; or it may be from an external light source designed to reflect off the changeable component display.

DIRECTIONAL SIGN

...

ELECTRONIC MESSAGE CENTER

An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer or an electronic device onsite or from a remote location.

[ELECTRONIC MESSAGE DISPLAY]

[A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. Changes relating to electronic message display include:

(1) DISSOLVE

A mode of message transition on an electronic message display accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility

simultaneously with the gradual appearance and legibility of the second message.

(2) FADE

A mode of message transition on an electronic message display accomplished by varying the light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

(3) FRAME

A complete stationary display screen on an electronic message display.

(4) FRAME EFFECT

A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.

(5) SCROLL

A mode of message transition on an electronic message display where the message appears to move vertically across the display surface.

(6) TRANSITION

A visual effect used on an electronic message display to change from one message to another.

(7) TRAVEL

A mode of message transition on an electronic message display where the message appears to move horizontally across the display surface.]

INSTRUCTIONAL SIGN

...

NON-CONFORMING SIGN

A sign that was legally installed by permit in conformance with all sign laws, ordinances, and regulations in effect at the time of its installation, but which no longer complies with laws, ordinances, and regulations having jurisdiction relative to the sign.

NON-CONFORMING OFF-PREMISES SIGN

A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained and which was legally installed by permit in conformance with all sign laws, ordinances, and regulations in effect at the time of its installation, but which no

longer complies with laws, ordinances, and regulations having jurisdiction relative to the sign.

OFF-PREMISES ELECTRONIC MESSAGE CENTER

An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer or electronic device onsite or from a remote location which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is maintained.

OFF-PREMISES SIGN

...

ON-PREMISES ELECTRONIC MESSAGE CENTER

An electrically activated changeable sign whose variable message or graphic presentation capability can be electronically programmed by computer or electronic device onsite or from a remote location which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered upon the same premises as those upon which the sign is maintained.

ON-PREMISES SIGN

...

PORTABLE SIGN

...

TEMPORARY SIGN

...

V SIGN

A sign containing two faces positioned at an interior angle subtending less than one hundred seventy-nine degrees (179°) at the point of juncture of the individual faces.

C. Location.

...

Section 2. Sussex County Code, Chapter 115, Section 115-158 shall be amended by the addition of the underlined language, as follows:

§ 115-158. Signs prohibited in all districts.

Signs prohibited in all districts shall be as follows:

A. ...

...

I. Animated signs.

J. Abandoned on-premises signs which have been abandoned for more than 6 months.

K. Abandoned off-premises signs which have been abandoned for more than 6 months.

L. Mirrors. No mirror device shall be used as part of a sign.

M. V signs.

N. Signs which have more than 2 sign faces.

Section 3. Sussex County Code, Chapter 115, Section 115-159 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159. Signs permitted in all districts.

Signs permitted in all districts shall be as follows:

A. ...

...

G. A temporary real estate sign indicating sale, rental or lease of the premises on which it is located, with a maximum area of 10 square feet per [side or facing] sign face, nonilluminated, and one sign for each street frontage on which the premises abuts. Each sign shall contain no more than two sides or facings, back to back.

H. ...

Section 4. Sussex County Code, Chapter 115, Section 115-159.1 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.1. Signs permitted in AR-1 and AR-2 Agricultural Residential Districts and GR General Residential Districts.

A. Signs permitted shall be as follows:

- (1) ...
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such signs shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total of 32 square feet on any [side or facing] sign face is not exceeded by both the bulletin board and the on-premises sign. ...
- (3) One nonilluminated on-premises sign not to exceed six square feet on any [side or facing] sign face, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...
- (4) Nonilluminated on-premises signs not to exceed three signs, of which each sign shall not exceed 32 square feet on any [side or facing] sign face, identifying any truck garden, orchard, nursery, commercial greenhouse, produce sale or public stable permitted on the same premises. ...

B. ...

Section 5. Sussex County Code, Chapter 115, Section 115-159.2 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.2. Signs permitted in MR Medium Density Residential and UR Urban Residential Districts.

A. Signs permitted shall be as follows:

- (1) ...
- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the

total of 32 square feet on any [side or facing] sign face is not exceeded by both the bulletin board and the on-premises sign.
...

- (3) One nonilluminated on-premises sign, not to exceed six square feet on any [side or facing] sign face, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...

B. ...

Section 6. Sussex County Code, Chapter 115, Section 115-159.3 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.3. Signs permitted in HR-1 and HR-2 High-Density Residential Districts.

A. Signs permitted shall be as follows:

(1) ...

(2) One illuminated on-premises sign, not to exceed 10 square feet on any [side or facing] sign face, identifying the name and/or address of management of a multifamily dwelling or group of multifamily dwellings. ...

(3) One nonilluminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face, identifying any motel, hotel, multifamily dwelling structure or townhouse project of eight or more units. ...

B. ...

Section 7. Sussex County Code, Chapter 115, Section 115-159.4 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.4. Signs permitted in B-1 Neighborhood Business Districts, M Marine Districts and UB Urban Business Districts.

A. Signs permitted shall be as follows:

(1) ...

- (2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet on any [side or facing] sign face is not exceeded by both the bulletin board and the on-premises sign.
...
- (3) One nonilluminated on-premises sign, not to exceed six square feet on any [side or facing] sign face, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. ...
- (4) One on-premises ground sign [per street or road frontage] per parcel, not to exceed 200 square feet on any [side or facing] sign face. [Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign must be displayed for a minimum of eight seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a message is changed, it shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.]
- (5) [In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awning, marquee, projecting, wall sign or electric message display not exceeding a combination of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15% of total square footage of wall area where a wall exceeds 1,000 square feet.]

One on-premises wall, illuminated awning, marquee, or projecting sign not to exceed 150 square feet. In the case of a shopping center, a group of stores or other business uses, or a multi-tenant building on a lot held in single or separate ownership, one on-premises wall sign, illuminated awning

sign, marquee sign, or projecting sign not to exceed 150 square feet shall apply with respect to each building, separate store, separate storefront, or separate use.

(6) ...

B. ...

Section 8. Sussex County Code, Chapter 115, Section 115-159.5 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-159.5. Signs permitted in C-1 General Commercial, CR-1 Commercial Residential, LI-1 Limited Industrial, LI-2 Light Industrial and HI-1 Heavy Industrial Districts.

A. Signs permitted shall be as follows:

(1) ...

(2) One indirectly illuminated on-premises sign, not to exceed 32 square feet on any [side or facing] sign face for each building devoted to the following uses: church, school, hospital, nursing home, country club, golf course or similar use. Such sign shall be solely for the purpose of displaying the name of the institution or association and its activities or services. In addition, a bulletin board may be permitted, provided that the total 32 square feet on any [side or facing] sign face is not exceeded by both the bulletin board and the on-premises sign.

...

(3) One nonilluminated on-premises sign, not to exceed six square feet on any [side or facing] sign face, identifying a permitted home occupation on the premises or a permitted use on a farm of five acres or more. A sign shall contain no more than two sides or facings, back to back, and shall conform to the setbacks referenced in Subsection A(2) above.

(4) One on-premises ground sign [per street or road frontage] per parcel, not to exceed 200 square feet on any [side or facing] sign face. [Electric message displays shall be permitted. Such displays shall be limited to frames with displays, messages, animated graphics or images and frame effects that appear or disappear from the display through dissolve, fade, flip or window shade moves. Scrolling left or right and/or flashing messages shall not be permitted. Each message on the sign

must be displayed for a minimum of eight seconds based on a real second measurement of 1000-1, 1000-2, 1000-3, 1000-4, etc., count. When a message is changed, it shall be accomplished in one second or less with all moving parts or illumination changing simultaneously and in unison. Variable message signs shall contain a default design that will freeze the sign in one position if a malfunction occurs or in the alternative shut down.]

- (5) [In addition, each store, shop, office or similar unit shall be permitted an on-premises illuminated awning, marquee, projecting, wall sign or electric message display not exceeding a combination of signs or one sign not exceeding 150 square feet. The sign shall not exceed 15% of total square footage of wall area where a wall exceeds 1,000 square feet.]

One on-premises wall, illuminated awning, marquee, or projecting sign not to exceed 150 square feet. In the case of a shopping center, a group of stores or other business uses, or a multi-tenant building on a lot held in single or separate ownership, one on-premises wall sign, illuminated awning sign, marquee sign, or projecting sign not to exceed 150 square feet shall apply with respect to each building, separate store, separate storefront, or separate use.

- (6) ...

B. Off-premises signs, after obtaining a special use exception, pursuant to § 115-80C, not exceeding [600] 300 square feet [total] per sign face, and provided that:

- (1) [All off-premises signs not exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 20 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.]

All off-premises signs shall have a minimum front yard setback of 40 feet, a minimum side yard setback of 50 feet, and a minimum rear yard setback equal to the required front yard setback for a principal building within the pertinent zoning district. An off-premises sign shall not be erected within 500 feet of a dwelling, church, school, or public lands or within 1,000 feet of another sign regulated by this subsection or within 50 feet of an on-premises sign.

- (2) [All off-premises signs exceeding 200 square feet shall have a minimum front yard setback of 25 feet and a minimum side yard setback of 50 feet and shall not be erected within 300 feet of a dwelling, church, school or public lands or within 300 feet of another sign regulated by this subsection.]

A single off-premises sign structure shall support no more than one sign per side or facing and no more than two signs in total. If a single off-premises sign structure has more than one sign face, the sign faces shall be parallel to each other and there shall be not more than three feet from one sign face to the other sign face. An individual sign face on the off-premises sign structure shall not exceed 300 square feet. The total square footage of the sign faces on the off-premises sign structure shall not exceed 600 square feet. Signs which are stacked or side-by-side on an off-premises sign structure are prohibited.

- (3) [A single off-premises sign structure shall support no more than one sign. No off-premises sign structure shall display more than one three-hundred-square-foot maximum sign on a side or facing. The total square footage of the sign shall not exceed 600 square feet.]

See the general regulations for all districts for signs exceeding 32 square feet.

- (4) [See the general regulations for all districts for signs exceeding 32 square feet.]

An applicant for a special use exception for an off-premises sign must, at the time the application is filed with the Office of Planning and Zoning, submit documentation from the Delaware Department of Transportation which confirms that the Delaware Department of Transportation does not object to the proposed off-premise sign.

- C. No off-premises sign structure or any part of the sign face shall exceed [25] 35 feet in height from ground level.

- D. No variances shall be issued from any of the regulations in this Article for off-premises signs.

[D.]E. Permitted sign locations are marquee, projecting, wall and/or ground.

Section 9. Sussex County Code, Chapter 115, Section 115-160 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-160. General regulations for all districts.

A. No sign, unless herein excepted, shall be erected, constructed, structurally altered or relocated, except as provided in this article and in these regulations, until a permit has been issued by the Director.

(1) ...

(2) ...

(3) [Each sign requiring a permit shall be clearly marked with the permit number and name of the person or firm placing the sign on the premises]. Fees.

(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.

(b) A construction permit shall be charged at a rate of \$0.65 per square foot, with a minimum charge of \$32 per sign for signs larger than 32 square feet.

(c) Annual fees shall be charged at a rate of \$0.32 per square foot, with a minimum charge of \$32 per sign for signs larger than 32 square feet. A one-time fee of \$10.00 will be charged for signs 32 square feet or smaller.

[(4) Fees.

(a) Fees for sign permits shall be in accordance with the adopted schedule, a copy of which is maintained in the office of the Director.

(b) A construction permit shall be charged at a rate of \$0.50 per square foot, with a minimum charge of \$25 per sign for signs larger than 32 square feet.

- (c) Annual fees shall be charged at a rate of \$0.25 per square foot, with a minimum charge of \$25 per sign for signs larger than 32 square feet. A one-time fee of \$7.50 will be charged for signs 32 square feet or smaller.]

B. The following signs may be erected or constructed without a permit but in accordance with structural and safety requirements:

- (1) ...
- (2) ...
- (3) Temporary nonilluminated signs, not exceeding 10 square feet per [side or facing] sign face, advertising real estate for sale or lease or announcing contemplated improvements of real estate and located on the premises, with no more than two sides or facings, back to back, with one such sign for each street frontage.
- (4) Temporary nonilluminated signs not exceeding 10 square feet per [side or facing] sign face erected in connection with new construction work and displayed on the premises during such time as the actual construction work is in progress, with one such sign for each street frontage with no more than two [sides or facings] sign faces, back to back.
- (5) ...
- (6) ...
- (7) Temporary nonilluminated portable signs, not exceeding six square feet per [side or facing] sign face and not exceeding two [sides or facings] sign faces, back to back, in a commercial or industrial district, with one sign for each 50 feet of street frontage.
- (8) ...
- (9) ...
- (10) ...
- (11) Signs in connection with any candidate for elected office, special election or referendum issue may be erected and maintained, provided that the size of any such sign is not in excess of 32 square feet per [side or facing] sign face and

shall contain no more than two [sides or facings] sign faces, back to back. Any such sign shall not be erected more than 90 days prior to any contested election or referendum and removed within 30 days after the election or referendum date.

C. ...

...

I. The Director shall remove or cause to be removed[, at the owner's expense,] any sign erected or maintained in conflict with these regulations at the expense of the owner of the sign, the owner of the real property from which the illegal sign has been removed, and the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign. Removal of a sign by the Director or his designee shall not affect any fines instituted under this article or any legal proceeding instituted against the violator prior to removal of such sign.[, as follows:] [(1) The] Sussex County will be free to dispose of all removed illegal signs and shall not be held liable for doing so. Sussex County will collect a [removal] disposal fee of [\$25] \$100 per sign [from the owner of an illegal sign, or from the owner of the real property from which an illegal sign has been removed, if the owner gave permission for the placement of the illegal sign, and from the owner of the entity whose business or development is being promoted or advertised by the illegally placed sign].

J. ...

K. Except as provided in §115-159.5, n[N]o sign [structure or any part of the sign face] shall exceed 25 feet in height above grade.

L. ...

M. Any person or corporation who shall violate any of the provisions of this article or fail to comply therewith, or with any of the requirements thereof, or who shall build or alter any sign in violation of any detailed statement or plan submitted and approved hereunder, shall be guilty of a misdemeanor or of a civil offense, and shall be liable to a fine of not less than \$100 nor more than \$1,000 or be imprisoned not more than 10 days, or both, and each and every day such violation shall continue shall be deemed a separate offense. The Director or its designee, any other Code Enforcement Official or attorney hired or retained by Sussex County shall bring charges of any violation pursuant to this provision in a court of competent jurisdiction of the State of Delaware in and for Sussex County, which

court shall have original jurisdiction for such matters. The minimum fine of \$100 is mandatory and is not subject to suspension or reduction. Each day on which the violation continues shall be considered a separate offense.

Section 10. Sussex County Code, Chapter 115, Section 115-161 shall be amended by the addition of the underlined language and deletion of the bracketed language, as follows:

§ 115-161. Construction and lighting.

A. ...

B. Lighting of signs.

(1) ...

(2) ...

(3) ...

(4) Signs that have external illumination, whether the lighting is mounted above or below the sign face or panel, shall have lighting fixtures or luminaires that are fully shielded.

(5) All illuminated signs, including Electronic Message Centers, must comply with the maximum luminance level of two hundred fifty (250) cd/m² or Nits at least one-half hour before Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date. All illuminated signs must comply with this maximum luminance level throughout the night, if the sign is energized, until Apparent Sunrise, as determined by the NOAA, at which time the sign may resume luminance levels appropriate for daylight conditions, when required or appropriate.

Section 11. In Sussex County Code, Chapter 115, a new Section 115-161.1 shall be added by the insertion of the underlined language, as follows:

§ 115-161.1 Electronic Message Centers.

A. On-Premises Electronic Message Centers:

- (1) In the B-1 (Neighborhood Business), M (Marine), and UB (Urban Business) districts, after obtaining a special use exception pursuant to §115-80C, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per parcel and that the sign face shall not exceed 200 square feet on any side or facing. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).
- (2) In the C-1 (General Commercial), CR-1 (Commercial Residential, LI-1 (Limited Industrial), LI-2 (Light Industrial), and HI-1 (Heavy Industrial) districts, after obtaining a special use exception pursuant to §115-80C, an On-Premises Electronic Message Center is permitted provided that only one On-Premises Electronic Message Center is permitted per parcel and that the sign face shall not exceed 200 square feet on any side or facing. The electronic message center permitted under this section shall not be in addition to the on-premises ground sign permitted under § 115-159.4(A)(4).
- (3) On-Premises Electronic Message Centers shall be prohibited in the AR-1 and AR-2 (Agricultural Residential), GR (General Residential), MR (Medium Density Residential), UR (Urban Residential), HR-1 and HR-2 (High Density Residential) Zoning Districts.

B. Off-Premises Electronic Message Centers: Off-Premises Electronic Message Centers are prohibited.

C. Electronic Message Centers: The following regulations shall apply to all electronic message centers.

- (1) An Electronic Message Center may be changed at intervals by electronic or mechanical process or remote control provided that:
 - (a) Each message remains fixed for a minimum of at least 10 seconds.
 - (b) When the message is changed, the change must be accomplished in 1 second or less, with all moving parts or illumination changing simultaneously and in unison.
 - (c) An Electronic Message Center must contain a default design that will freeze the sign in one position if a malfunction occurs or, in the alternative, that will shut down.

- (d) An Electronic Message Center may not contain or display any lights, effects, or messages that flash, move, appear to be animated or to move, scroll, or change in intensity during the fixed display period.
- (e) An Electronic Message Center must appropriately adjust display brightness as ambient light levels change and shall have automatic dimming controls, either by photocell, hardwire, or software settings, in order to bring the lighting level at night into compliance with sign illumination standards set forth in this article.
- (f) An owner who seeks approval for an electronic message center shall provide documentation at the time of application which demonstrates that the sign shall appropriately adjust display brightness as ambient light levels change and shall have automatic dimming controls, either by photocell, hardwire, or software settings, designed to bring the lighting level at night into compliance with sign illumination standards set forth in this article.
- (g) A sign that attempts or appears to attempt to direct the movement of traffic or which contains wording, color, shapes, or likeness of official traffic control devices is prohibited.
- (g) After Apparent Sunset, as determined by the National Oceanic and Atmospheric Administration (NOAA), United States Department of Commerce, for the specific geographic location and date, the display on the Electronic Message Center shall not change and shall remain fixed until after Apparent Sunrise, as determined by the NOAA, for the specific geographic location and date, at which time the Electronic Message Center may resume its regular rotation of message displays.
- (h) No Electronic Message Center shall emit any audio or verbal announcement or noises of any kind.
- (2) No variances shall be permitted from the regulations for any electronic message center.

Section 12. In Sussex County Code, Chapter 115, a new Section 115-161.2 shall be added by the insertion of the underlined language, as follows:

§ 115-161.2 Non-Conforming Off-Premises Signs.

- A. A non-conforming off-premises sign may remain and be periodically maintained as a permitted non-conforming structure unless totally destroyed as specified in §115-161.2(B). However, in no case may such signs be reconstructed, expanded, or re-erected.**
- B. Conversion of non-conforming off-premises signs to off-premises electronic message centers is prohibited.**
- C. Any off-premises sign which is destroyed by the forces of nature to any of the following extents for any reason whatsoever shall be considered totally destroyed, shall lose its right to the benefit of any nonconformity provisions, and may not be re-erected. For the purposes hereof, "destruction" shall mean the rendering of the off-premises sign element as unusable and the "facing" shall include the copy area and trim.**
- (1) Destruction of fifty percent or more of the supporting piles or structure located above ground;**
- (2) Destruction of seventy-five percent or more of the facing;**
- (3) Destruction of twenty-five percent or more of the supporting piles or structure located above ground and fifty percent or more of the facing.**

Section 13. Upon the adoption of this Ordinance in accordance with Section 14 hereof, the moratorium imposed by Ordinance No. 2414 entitled "An Ordinance to Establish a Moratorium Upon the Acceptance of Special Use Exception Applications for Off-Premises Signs," any extensions thereof, shall be immediately terminated.

Section 14. This Ordinance shall become effective upon its adoption by a majority of the elected members of Sussex County Council.

Synopsis

This Ordinance revises the provisions of Chapter 115, Article XXI of the Sussex County Code related to the type, usage, and placement of signs in Sussex County. In addition, this Ordinance terminates the moratorium upon the acceptance of any special use exception applications for off-premises signs.