



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

**MEETING:  
June 16, 2015**

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



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# Sussex County Council

## AGENDA

JUNE 16, 2015

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Todd Lawson, County Administrator

1. Airport Marketing and Branding Update
2. Proposed Resolution – Federal Rule relating to the “Waters of the U.S.”
3. Wastewater Agreement – Lewes Crossing (AKA Deep Valley Farm), Phase 4 West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
4. Administrator’s Report

### 10:15 a.m. Public Hearings

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

**Assessment Rolls for Sewer and Water Districts**

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



**Gina Jennings, Finance Director**

1. Workers Compensation RFP Award

**Hal Godwin, Deputy County Administrator**

1. Legislative Report

**Brad Whaley, Director of Community Development and Housing**

1. USDA Housing Preservation Grant

**Rob Davis, Senior Planner**

1. Marsh Farm Estates Annexation  
Angola Neck Sanitary Sewer District
  - A. Request to Prepare and Post Notices

**Grant Requests**

1. Coalition of West Rehoboth for street lighting and building maintenance
2. Seaford Historical Society for building improvements to the Governor Ross Plantation
3. Town of Bridgeville for the Bridgeville Police Department's "Night Out"
4. March of Dimes Foundation for The Farmer and the Chef South event
5. Bridgeville Apple-Scrapple Festival for event expenses
6. Village Improvement Association for fencing and plantings at the Micro Dune Nature Park
7. New Zion United Methodist Church for the Youth Outreach Team's basketball tournament fundraiser

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

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

**Possible Action on Executive Session Items**

**1:30 p.m. Public Hearings**

**Conditional Use No. 2015 filed on behalf of Delaware Division of Facilities Management**  
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SERVICE FACILITY (STATE POLICE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.3 ACRES, MORE OR LESS” (The property is located southwest of Mulberry Knoll Road (Road 284) 1,450 feet northwest of John J. Williams Highway (Route 24) and 2,700 feet southwest of Cedar Grove Road (Road 283) (Tax Map I.D. 334-12.00-16.06) (911 Address – None Available)

**Conditional Use No. 2016 filed on behalf of Cape Henlopen School District**  
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEMENTARY SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.4 ACRES, MORE OR LESS” (The property is located northwest of John J. Williams Highway (Route 24) 500 feet southwest of Mulberry Knoll Road (Road 284) (Conditional Use No. 2016) filed on behalf of Cape Henlopen School District (Tax Map I.D. 334-12.00-45.01) (911 Address: None Available)

**Change of Zone No. 1771 filed on behalf of B. Ray Investments, LLC**  
“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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.062 ACRES, MORE OR LESS” (The property is located east of U.S. Route 13 (Sussex Highway) 0.2 miles north of Road 583 (Adams Road) (Tax Map I.D. 530-14.00-15.00) (911 Address: None Available)

**Adjourn**

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 9, 2015 at 4:40 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, JUNE 2, 2015**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 2, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to  
Order**

Mr. Vincent called the meeting to order.

**M 199 15  
Amend  
and  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to amend the Agenda by deleting “Executive Session – Pending/Potential Litigation pursuant to 29 Del. C. §10004(b)” and “Possible Action on Executive Session Items”, and to approve the Agenda, as amended.

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of May 5 and 12, 2015 were approved by consent.

**Corre-  
spondence**

**Correspondence:**

**CHILDREN OF THE DELAWARE NATIONAL GUARD.  
RE: Letter in appreciation of grant.**

**LOVE, INC., SEAFORD, DELAWARE.  
RE: Letter in appreciation of grant.**

**WEST SIDE NEW BEGINNINGS, INC., WEST REHOBOTH CHILDREN  
AND YOUTH PROGRAM, REHOBOTH, DELAWARE.  
RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments:**

**Dan Kramer commented on the Greenwood Public Library.**

**Chris Pollinger, a resident of Heron Bay, commented on the problems in the Heron Bay Development.**

**Procla-  
mation**

**A Proclamation entitled “PROCLAIMING THE MONTH OF JUNE AS *HOME OWNERSHIP MONTH* IN SUSSEX COUNTY” was presented to representatives of the Sussex County Association of Realtors.**

**Wastewater  
Agreement**

**Mr. Lawson presented a wastewater agreement for the Council’s consideration.**

**M 200 15  
Execute  
Wastewater  
Agreement/  
Forest  
Landing**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 343-9, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Forest Landing Communities for wastewater facilities to be constructed in Forest Landing – Phase 3B, located in the Miller Creek Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

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

**Sheriff’s  
Department/  
Constable  
Certification**

**Mr. Lawson presented the Constable Certification of Sheriff Robert Lee and each of the Sheriff Deputies in the office. In Delaware, the Department of Safety and Homeland Security through the State Police oversees professional licensing and regulates all Certified Constables. All Constable Commissions are reviewed and approved by the Board of Examiners of Constables, per State Code. Mr. Lawson reported that it was determined that the Board needs an updated request letter from Sussex County Council for their files. Sheriff Lee was in attendance to answer questions.**

**M 201 15  
Approve  
Constable  
Commission**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council approves the Constable Commission by the State Board of Examiners for Sheriff Robert T. Lee, Chief Deputy Eric D. Swanson, and Sheriff Deputies Patricia Allegro-Smith, Martin B. Gordy, and George H. Wilson.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator's  
Report**

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

**1. Woodland School House Building Public Meeting**

**On Thursday, June 4, 2015, Sussex County will hold a public meeting to gather community input on the future of the historic Woodland School House.**

**The structure is located on the grounds of the former Woodland Golf Park property, now owned and being repurposed by Sussex County into a low-impact park southwest of Seaford. As part of the redevelopment project, Sussex County is seeking the public's feedback on how best to utilize the building, including the potential to move it to a location where it could be put to use by interested civic groups or private citizens.**

**The meeting will be held at 6:00 p.m. at the Woodland United Methodist Church, 5123 Woodland Church Road, near Seaford. Representatives from County government will give a presentation about the history of the building and the acquisition process. The public is invited to attend the meeting to provide feedback and ask questions. The County also will provide an update on the summertime construction of the Woodland Park project.**

**For more information, please contact County Engineer Michael Izzo at (302) 855-7718.**

**2. Delaware State Police Activity Report – April 2015**

**Per the attached Delaware State Police activity report for April, there were 94 violent crime arrests with 71 clearances; 883 property crimes with 318 clearances; and 15,347 total traffic charges with 10,613 corresponding arrests. Of those traffic arrests, 279 were for DUI. Finally, there were 1,481 total vehicle crashes investigated in April. In total, there were 195 troopers assigned to Sussex County for the month of April.**

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

**Public  
Hearing/  
Proposed  
Route 54  
Expansion  
of the  
Fenwick  
Island SSD**

**A Public Hearing was held on the Proposed Route 54 Expansion of the Fenwick Island Sanitary Sewer District.**

**John Ashman, Director of Utility Planning, reported that on January 6, 2015, he came to Council to request permission to prepare and post notices for the Route 54 Expansion of the Fenwick Island Sanitary Sewer District to include parcels along Route 54 (Lighthouse Road) primarily from Zion Church Road to Williamsville Road. A Public Hearing was held on February 10, 2015 at which time several landowners requested inclusion into the proposed expansion. On that date, the Engineering**

**Public  
Hearing/  
Proposed  
Route 54  
Expansion  
of the  
Fenwick  
Island SSD  
(continued)**

Department was tasked to see if inclusion was possible and to report back to Council on February 17, 2015. On February 17, 2015, County offices were closed due to inclement weather and the County Council meeting was cancelled. This forced the matter outside of a 30-day time period requirement, in accordance with State Law. For this reason, the Engineering Department had to repost the project.

Mr. Ashman reported that petitions were received from many landowners in the proposed expansion area as well as others. He noted that there was strong support from the people. He also noted that not all requesting service can be served by this expansion at this time; however, the remainder may be able to be annexed in the future. The project will install a main trunk line for sewer in Route 54 and serve the parcels on both sides of Route 54.

Mr. Ashman reported that, after they missed the 30-day window, the Department took some time to look at adjacent parcels and are now able to include several additional parcels. The new parcel owners will share in the cost of the infrastructure. Additionally, they have been able to roll the System Connection Charge (SCC) fee into the financing. The revised user cost will be \$7.06 per front foot with an annual service charge of \$294.00/EDU, and any additional SCC fees required would be \$5,500.

Mr. Ashman reviewed the boundaries of the new proposal for expansion which includes 3 additional parcels that requested inclusion, a commercial parcel that also requested inclusion, and additional parcels to get the expansion contiguous to the commercial property. Mr. Ashman reported that Bay View Estates has agreed to allow Engineering a connection through their property.

Mr. Ashman reviewed the general user rate information, estimated user charges, and proposed schedule. He reported that construction will mostly likely start in August 2016 with the system operational by May 2017 (proposed).

Mr. Ashman and Michael Izzo, County Engineer, responded to questions raised by the Council regarding payment plans, front foot costs for the commercial property, extending sewer to farmland, and where sewage will be treated and disposed of.

Mr. Ashman reported that a request was received on this date for inclusion of another parcel of land. Mr. Ashman stated that, with Council's approval, the parcel could be included in the expansion with the understanding that the Department cannot guarantee service. Mr. Izzo stated that the Engineering Department's recommendation would be to include it and if they can serve it, they will.

There were no public comments and the Public Hearing was closed.

**M 202 15**  
**Adopt**  
**Proposed**  
**Resolution**  
  
(No Action)

**A Motion was made by Mr. Arlett to Adopt the Proposed Resolution entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT (FISSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ALONG COUNTY ROAD 54 (LIGHTHOUSE ROAD) PRIMARILY FROM ZION CHURCH ROAD TO WILLIAMSVILLE ROAD, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.**

No action was taken on this Motion.

Council discussed the inclusion of the additional parcel of land (Tax Map #533-18.00-27.00).

**M 203 15**  
**Reopen**  
**Public**  
**Hearing**  
**Record**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to reopen the Public Hearing record.**

**Motion Adopted: 5 Yeas.**

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

**Public**  
**Comment**

**John Lauer confirmed he requested that his parcel (Tax Map #533-18.00-27.00) be included in the proposed expansion.**

The Public Hearing was closed.

**M 204 15**  
**Amend**  
**Proposed**  
**Resolution**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to amend the Proposed Resolution by adding Parcel #533-18.00-27.00 to the proposed expansion of the Fenwick Island Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

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

**M 205 15**  
**Adopt**  
**Resolution**  
**R 007 15**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 007 15 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE FENWICK ISLAND SANITARY SEWER DISTRICT (FISSD) TO INCLUDE ALL THOSE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ALONG COUNTY ROAD 54 (LIGHTHOUSE ROAD) PRIMARILY FROM ZION CHURCH ROAD TO WILLIAMSVILLE ROAD, AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”, as amended by adding Parcel #533-18.00-27.00. (Route 54 Expansion)**

**Motion Adopted: 5 Yeas.**

**M 205 15  
(continued)**

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

**Woods at  
Walls  
Creek/  
Bond  
Payment  
and  
Release**

Vince Robertson, Assistant County Attorney, referenced the authorization that Council gave several months ago to call bonds for The Woods at Walls Creek development. There were two bonds, one for stormwater work and one for road work. Since both were not completed by the original developer, the Bonds were called to complete the work. The County has been in negotiations since the bonds were called with the bonding company (West Chester Fire Insurance Company). The County Engineering Department has performed estimates for the stormwater management work which relates to the same amount as the bond and West Chester has now agreed to pay the full amount of the bond to Sussex County so that the work can be bid out and completed. One of the conditions of the payment is that Sussex County would release the bonding company from any further obligations under the bond. Mr. Robertson reported that it is the opinion of legal staff that the Release should be authorized by the Council.

In regard to the bond for road work, Mr. Robertson reported that the amount exceeds the amount of the road work that needs to be completed so they are working with West Chester to come up with a means whereby the County would bid out the work, get it completed, and West Chester would pay for it.

**M 206 15  
Execute  
Release of  
Insurance  
Company  
and Bond**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to authorize the President of the Sussex County Council to execute a Release of Westchester Fire Insurance Company and its Bond No. K07046480 for the stormwater management work in a development known as The Woods at Walls Creek; the Release shall be held by the Assistant County Attorney pending release of the bond payment, at which time it shall be transmitted to Westchester Fire Insurance Company along with the original bond.

**Motion Adopted: 5 Yeas.**

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

**Mayor's  
Challenge  
to end  
Veterans  
Home-  
lessness  
Program**

Brad Whaley, Director of Community Development and Housing, presented information on the Mayors Challenge to End Veterans Homelessness and reported that the County has been approached by federal, state and local officials regarding this initiative. This initiative is a joint effort combining forces from the U.S. Department of Veterans Affairs, Department of Housing and Urban Development, the U.S. Interagency on Homelessness, the National League of Cities, and state and local governments. The goal is to eliminate veteran homelessness in 2015.

**Mayor's  
Challenge  
to end  
Veterans  
Home-  
lessness  
Program  
(continued)**

**Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, advised that by signing on, Sussex County will join several other local jurisdictions. Governor Markell recently signed on to the initiative on behalf of the State of Delaware; also signing on are New Castle County, Kent County, City of Dover, City of Wilmington, City of Newark, City of Seaford and Town of Georgetown. Mrs. Nauman stated that the County would join with Seaford and Georgetown to establish a Sussex County working group and join forces with the existing statewide working group. She stated that their role would be to help facilitate the coordination of existing resources so that local homeless veterans obtain housing as quickly and efficiently as possible. This year, it was determined that 950 people experienced homelessness in Delaware; of the 950, there were 102 identified as having served in the United States Armed Forces. She noted that this is probably not the true count of the County's homeless population.**

**M 207 15  
Adopt  
Resolution  
R 006 15**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Resolution No. R 006 15 entitled "A RESOLUTION PLEDGING SUSSEX COUNTY COUNCIL'S SUPPORT OF THE MAYORS CHALLENGE TO END VETERAN HOMELESSNESS IN 2015".**

**Motion Adopted: 5 Yeas.**

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

**Inland Bays  
Regional  
Wastewater  
Facility/  
Design  
Contract/  
Class "A"  
Sludge  
Dryer**

**Michael Izzo, County Engineer, presented a proposed Design Contract Amendment with Whitman, Requardt & Associates for the North Coastal Planning Area. The scope of services would include the development of bid documents (plans and specifications) and bid phase assistance for the new sludge dryer facility at the Inland Bays Regional Wastewater Facility. This project would convert the sludge from a Class B product to a Class A product. The proposed contract amendment is \$391,880.00. The estimated construction cost is between \$4.8 million and \$5.8 million. Mr. Izzo noted that there are still variables to consider which will affect cost.**

**Mr. Wilson commented on a steel frame versus a wood frame. Mr. Izzo responded that the Department will look into building material options.**

**M 208 15  
Execute  
Contract  
Amend-  
ment/  
Design  
Contract**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that the Sussex County Council President be authorized to execute a contract amendment with Whitman, Requardt & Associates, LLP for the North Coastal Planning Area for the design of the Class A sludge dryer facility at the Inland Bays Regional Wastewater Facility at a cost not to exceed \$391,880.00.**

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

**M 208 15**

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

**Deerbrook Off-Site Infrastructure Agreement/ Long Neck SSD** John Ashman, Director of Utility Planning, presented the Deerbrook Off-site Infrastructure Agreement between Sussex County and Alpaco V, LLC for the installation of regional infrastructure to connect the project known as Deerbrook to the Long Neck Sanitary Sewer District. The developer will construct infrastructure improvements. As part of this Agreement, a timeline has been submitted based on final recordation of the subdivision; the Agreement also outlines the establishment of an escrow account to cover the cost of the regional infrastructure and the reimbursement of the oversizing costs for the regional facilities. Mr. Ashman noted that, if Council approves this Agreement, the Engineering Department will present an annexation request in the near future.

**M 209 15 Execute Deerbrook Off-Site Infrastructure Agreement/ Long Neck SSD** A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council President is authorized to execute the Deerbrook Off-Site Infrastructure Agreement between Sussex County and Alpaco V, LLC for a regional pump station, force main, and gravity collection system, as presented on June 2, 2015.

**Motion Adopted:** 5 Yeas.

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

**Old Business/ CU 2013** Under Old Business, the Council considered Conditional Use No. 2013 filed on behalf of TBHM, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on March 12, 2015 at which time action was deferred for receipt of a revised preliminary site plan. The Commission discussed the application on April 9, 2015, at which time the application was deferred again and the record was left open for 10 days to allow any interested parties to review and comment on the revised site plan. On April 23, 2015, it was reported that no comments were received; on that date the Commission recommended approval of the application, with conditions.

The County Council held a Public Hearing on this application on April 21, 2015 at which time action was deferred.

**M 210 15 Adopt Ordinance No. 2398/ CU 2013** A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Ordinance No. 2398 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEADERY MICROBREWERY FOR THE MANUFACTURING OF HONEY WINE AND TASTING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN

**M 210 15**  
**Adopt**  
**Ordinance**  
**No. 2398/**  
**CU 2013**  
**(continued)**

**LEWES AND REHOBOTH HUNDRED AND BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.99 ACRES, MORE OR LESS” (Conditional Use No. 2013) filed on behalf of TBHM, LLC, with the following conditions:**

- A. Because this property is divided by Cool Spring Branch, a wetlands delineation must be obtained, with all State and Federal wetlands shown on the Final Site Plan. No wetlands may be disturbed without an appropriate permit.**
- B. The use shall be subject to all regulations of the Delaware Alcoholic Beverage Control Commission and Federal Brewery or Winery requirements.**
- C. The use shall be subject to all DelDOT requirements for entrance and roadway improvements.**
- D. There may be one lighted sign permitted on the property, not to exceed 32 square feet per side.**
- E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**

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

**Grant**  
**Requests**

**Andrea Wall, Manager of Accounting, presented grant requests for the Council’s consideration.**

**M 211 15**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$1,000.00 from Mr. Arlett’s Councilmanic Grant Account to the Indian River High School for the Business Professionals of America Team’s attendance at a national conference.**

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

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

**M 212 15**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$4,500.00 (\$2,000.00 from Mr. Wilson’s Councilmanic Grant Account, \$1,000.00 from Mr. Vincent’s Councilmanic Grant Account, \$500.00 from Mr. Cole’s Councilmanic Grant Account, \$500.00 from Mr. Arlett’s Councilmanic Grant Account and \$500.00 from Mrs. Deaver’s Councilmanic Grant Account) to the Georgetown – Ellendale VFW Post 2931 for the Veteran’s House Build Project.**

**Motion Adopted: 5 Yeas.**

**M 212 15  
(continued)**

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

**M 213 15  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to give \$750.00 (\$500.00 from Mr. Wilson's Councilmanic Grant Account and \$250.00 from Mrs. Deaver's Councilmanic Grant Account) to the Auxiliary of Milford Memorial Hospital for the proposed new health campus.**

**Motion Adopted: 5 Yeas.**

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

**M 214 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to the Milford New Century Club for civic projects.**

**Motion Adopted: 5 Yeas.**

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

**M 215 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to the Greenwood Volunteer Fire Company for a truck housing ceremony.**

**Motion Adopted: 5 Yeas.**

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

**M 216 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,000.00 (\$250.00 each from Mr. Arlett's, Mr. Cole's, Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts) to Delaware Hospice for the annual 5K fundraising event.**

**Motion Adopted: 5 Yeas.**

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

**M 217 15  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$250.00 from Mr. Wilson's Councilmanic Grant Account to the Friends of the Georgetown Public Library for the annual 5K fundraising event.**

**M 217 15  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Defer  
Action**

**Action was deferred for one week on the grant requests from the Lewes Historical Society and Coastal Concerts.**

**M 218 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Wilson's and Mr. Cole's Councilmanic Grant Accounts) to The Home of the Brave Foundation for the homeless women veterans program.**

**Motion Adopted: 5 Yeas.**

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

**M 219 15  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,500.00 from Mr. Wilson's Councilmanic Grant Account to the Milford Museum for their fundraising campaign.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinances**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.53 ACRES, MORE OR LESS" (Conditional Use No. 1777) filed on behalf of Michael Makowski (Tax Map I.D. No. 235-30.00-56.00) (911 Address: None Available).**

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MINI-STORAGE UNITS, AND BOAT AND RV STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.93 ACRES, MORE OR LESS" (Conditional Use No. 2020) filed on behalf of Charles Auman. (Tax Map I.D. No. 330-11.17-18.00 and 330-15.05-6.00) (911 Address: None Available).**

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

**Council Members' Comments**      **Council Members' Comments**

Mr. Cole commented on the “Waters of the United States” Rule that was recently released by the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers. Mr. Lawson stated that he would provide an update on the Rule at the June 9th meeting.

Mrs. Deaver commented on Slaughter Beach being named Delaware’s third National Wildlife Federation-certified Community Wildlife Habitat. This designation was celebrated on May 30th with the unveiling of a new kiosk installed at the town’s pavilion.

Mr. Arlett commended Mrs. Lisa Ashman, the Mentoring Coordinator for the John M. Clayton Elementary School, on being recognized as a State winner.

Mr. Arlett commented on Sussex County’s Annual Emergency Services Awards Banquet and he commended everyone committed to public safety in Sussex County.

Mr. Arlett commented on the Memorial Day services held in Sussex County.

**M 220 15**      **At 11:53 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to recess until 1:30 p.m.**  
**Recess**

**Motion Adopted:      5 Yeas.**

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

**M 221 15**      **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to reconvene at 1:36 p.m.**  
**Reconvene**

**Motion Adopted:      5 Yeas.**

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

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

**Public Hearing/  
CZ 1770**      **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 BROADKILL**

**Public  
Hearing/  
CZ 1770  
(continued)**

**HUNDRED, SUSSEX COUNTY, CONTAINING 114.4821 ACRES, MORE OR LESS” (Change of Zone No. 1770) filed on behalf of TD Rehoboth, LLC.**

**The Planning and Zoning Commission held a Public Hearing on this application on April 23, 2015 at which time the Commission deferred action for further consideration.**

**(See the minutes of the Planning and Zoning Commission dated April 23, 2015.)**

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

**An Exhibit Book and Exhibit Booklet were provided by the Applicant and distributed to the Council members.**

**Mr. Lank reported that the following correspondence has been received: 7 letters of support, 2 neutral letters, and 1,890 petitions, letters and emails in opposition (with duplication).**

**Mr. Lank distributed 3 booklets in opposition, which were received on June 1, 2015.**

**James Fuqua, Attorney, was present on behalf of the application. Also present on behalf of the application were Lou Di Bitonto, Management Partner of TD Rehoboth; Steve Gorski with Duffield Associates, Inc., the Project Manager and Engineer; and Wes Guckert of The Traffic Group, the Traffic Engineer’s consultants.**

**Mr. Fuqua stated that they submitted a number of exhibits and documents for the record, including a letter of support from the Sussex Economic Development Action Committee (SEDAC).**

**Mr. Fuqua addressed two items:**

- **On the Sussex County Comprehensive Plan 2008 Update, the Future Land Use Map, the site is located in a hatched area in the Environmentally Sensitive Development Area (ESDA), one of the designated growth areas. This site was added to the growth area as part of the 2008 Update. The Zoning Ordinance provides that the ESDA is as designated on the Comprehensive Plan. The entire 114 acre parcel is in the growth zone. The zoning map on the County’s website has not been updated to include these lands that were added to the ESDA; it is showing the District as it existed under the 2002 Plan. The Zoning Map on the website has a note indicating that the map should only be used as a general representation and it is not legally binding. In summary, the Zoning Map on the County’s website is incorrect and the land is in the ESDA, which is a growth**

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(continued)**

- zone. It is Mr. Fuqua's opinion that the County's attorneys agree.
- DelDOT issued its reply letter to the Applicant's Traffic Impact Study on September 9, 2014. Page 9 of the letter, under the heading Comprehensive Plan, referred to the County's 2007 Plan Update and it stated that the site was located in the Low Density Area and that the proposed use was not consistent with the County's Comprehensive Plan. This is incorrect and he emailed Troy Brestel of DelDOT informing him of the error. He acknowledged the error and corrected Page 9 of the DelDOT letter and the corrected version was issued to all of the people on the distribution list. The revised Page 9 correctly referred to the 2008 Update, it stated that the site was in the Environmentally Sensitive Development Area, which is a growth zone, and that the requested zoning was appropriate under the Plan and consistent with the Plan. The Applicant thought this was the end of the issue; however, on Friday, the Cape Gazette published an article that was based on DelDOT's original letter and indicated the original representation that this was not consistent with the Plan. The Cape Gazette was not aware of the corrected Page 9. Mr. Fuqua contacted the paper and the paper investigated and immediately posted a retraction and correction to the article on its website. Further, on June 1st, Mr. Fuqua reviewed the exhibits submitted by the opponents and found that one of the exhibits is the September 9, 2014 DelDOT letter with the incorrect Page 9.

Mr. Fuqua submitted copies of the cover email from DelDOT and the correct Page 9.

The following was reported in the Applicant's presentation: that this application is to amend the Sussex County Zoning Map from AR-1 to CR-1 for a 114.48 acre parcel of land located on the northeast side of Delaware Route One across Route One from the intersection of Route One and Cave Neck Road (SR-88) for the construction and operation of retail shopping center with a building area of approximately 852,000 square feet (Overbrook Town Center); that the shopping center would be designed as a traditional shopping center with outside entrances to the various stores and not as a mall; that the shopping center would include quality department stores, national anchor stores, national brand smaller stores, along with a mix of local retailers, restaurants and entertainment venues; that a conceptual site plan was submitted for informational purposes only; that the purpose of this Hearing is only to address the CR-1 zoning change; that if the application is approved, the developer will be required to obtain preliminary and final site plan approval from the Planning and Zoning Commission; that at the time of site plan review, all of the details of the plan (parking, setbacks, buffers, landscaping, stormwater management, etc.) will be reviewed by the Commission and will also include the review of the Combined Highway Corridor Overlay Zone and any other aspects of the Zoning Code that apply; that final site plan also requires approval of all regulatory agencies having jurisdiction over the various aspects of the site plan, including DelDOT's approval of the design of entrances and the

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reconfigured Route 1 / Cave Neck Road intersection and overpass; that three main buildings are proposed containing 790,000 square feet of floor area; that there will be pad sites ranging in size from 1.5 acres to 3 acres and will front along Route 1; that construction of the main area would occur in three phases, corresponding to the three buildings; that each phase would be comprised of between 250,000 to 300,000 square feet of floor area; that the timing of the construction of the buildings would be based upon demand and it is anticipated that the construction would be over an approximate 6 year period; that under the Sussex County Comprehensive Land Use Plan, the parcel is located in the Environmentally Sensitive Developing Area (ESDA); that the ESDA is one of the designated “growth areas” created by the Comprehensive Plan; that the Plan recognizes under the permitted uses section, that retail and office uses are appropriate in the ESDA but larger shopping centers should be confined to selected locations with access to arterial roads, and central water and sewer facilities are strongly encouraged (Comprehensive Plan – pages 3-16); that the Applicant’s parcel is located in the ESDA growth area, adjacent to Route 1, a major arterial road, and will be served by central water and sewer facilities; that based on substantial evidence in the record, the Applicant’s proposal is in conformity with the Comprehensive Plan; that the purpose of the CR-1 Zoning District (Zoning Ordinance Section 115-83.1) is to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, open storage of materials or the nuisance factors of dust, odor and noise associated with manufacturing; that based on substantial evidence in the record, the Applicant’s proposal is in conformity with the purpose of the CR-1 Zoning District; that the CR-1 Zoning District provides that “large scale” commercial uses generally serving a regional area are limited as to their location (Zoning Ordinance Section 115-83.3); that such uses must be adjacent to a major arterial roadway, as defined in Section 99-5 of the Subdivision Ordinance and be located where adequate infrastructure is existing or planned; that based on substantial evidence in the record, the Applicant’s proposal is in conformity with the requirements of the Large Scale Use Section; that the Sussex County Subdivision Ordinance defines “major arterial roadways” (Section 99-S, Subdivision Ordinance). In Eastern Sussex County, the only identified major arterial roadways are A) Delaware Route 1 from the Kent County Line to the Maryland line, B) US Route 9 from its intersection with US Route 13 to Delaware Route 1 and C) US Route 9 from Delaware Route 1 to the Lewes Town limits; that based on substantial evidence in the record, the Applicant’s parcel is located adjacent to and with access to Delaware Route 1 and is in accordance with the requirement of the Large Scale Use Section as to location adjacent to a major arterial road; that the proposed location is appropriate for CR-1 Zoning and large scale use as compared to other locations on major arterial roads in Eastern Sussex County; that Route 9 west of Route 1 is a two lane road which would be inadequate for traffic, Route 9 east of Route 1 to the

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Lewes Town limit has been found inappropriate for the proposed use in a prior rezoning request due to the nature of the area and the location in that area of the Cape Henlopen High School, Route 1 south of the Five Point intersection is highly developed or environmentally restricted providing no adequate location for the proposed use, and Route 1 north of the proposed site is designated by the Comprehensive Plan Future Land Use Map as being either a rural area or protected lands where the proposed use would not be permitted; that as a result, the area adjacent to Route 1, from the Five Points intersection to just north of the proposed site, being in a designated growth area under the Comprehensive Plan, is the only location in Eastern Sussex County where the proposed use would be appropriate and the Applicant's parcel is located within that area; that the parcel will be served by central water for domestic use and fire protection by Tidewater Utilities, Inc.; that the parcel will be served by central sewer facilities; that the parcel is located adjacent to an existing major road (Route 1) where a general mixture of commercial and service activities currently exists including auto repair, a self-storage facility, a farm market, a real estate office, a daycare facility, a guidance service facility, an antique store, a tire and bike business, a piano and keyboard store, a medical equipment store, a mortgage company office and a medical clinic; that, in addition, a significant number of properties in the area are zoned Commercial (C-1) or Business (B-1) along both sides of Route 1; that the parcel is appropriate for CR-1 Zoning since it is located in an Investment Level 3 Area as designated by the Strategies for State Policies and Spending, where growth is anticipated by local, county and state plans in the longer term future; that the entire west side of Route 1 and a significant portion of the east side of Route 1 from Five Points to the Route 1 – Cave Neck Road intersection is designated as Investment Level 1; that DelDOT reviewed the Traffic Impact Study prepared by The Traffic Group, Inc. and DelDOT's Corridor Capacity Preservation Program Manager had no objection to the proposed development provided the Applicant enter into an agreement with DelDOT prior to entrance plan approval for the construction of intersection and roadway improvements as set forth in DelDOT's letter dated September 9, 2014 to the Traffic Group, Inc.; that the proposed CR-1 Zoning will permit a use which will have a beneficial economic impact on Sussex County through the creation of significant employment opportunities both during construction of the facility and operation of the shopping center, as well as secondary economic impact; that the parcel is predominantly cleared and was historically in agricultural use; that the site contains no State or Federal wetlands and will be required to comply with the current DNREC Stormwater Management Regulations which became effective on January 1, 2014 resulting in no adverse environmental impact; that the proposed CR-1 and proposed use does not adversely impact any historical sites or threatened or endangered species; that the proposed CR-1 zoning classification is in accordance with the purposes and requirements of the Sussex County Zoning Ordinance; that the Sussex County Comprehensive Land Use Plan and 9 Del.C. Sec. 6904 in that it promotes the health, safety, morale, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County by providing among other benefits,

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retail and service business at an appropriate location consistent with the direction of the Sussex County Comprehensive Plan and State Strategies Policy, significant employment opportunities in both the construction and operation of the business, substantial economic benefit as a result of County Government revenue, salaries to employees and the secondary impact on the Sussex County economy, utilization of water and sewer services from regulated public utility companies, contribution of \$8 Million to the redesign of the Route 1 / Cave Neck Road intersection which was planned by DelDOT to preserve corridor capacity, promoting the use of public transit to access the site, environmentally appropriate site design to address stormwater management and ground water recharge, protection of the tax base through real estate and transfer tax revenue and job creation, reduction in government expenditure through the contribution of \$8 Million toward road improvements, creation of business that provides shopping opportunities that may not currently exist, protection of non-urban areas by location in a designated “Growth Area” under the Comprehensive Plan and establishing a large scale shopping center in an appropriate location accessible to local area residents, County residents, summer residents and visitors and travelers passing through the area; and that any future use of the property shall be subject to site plan review by the Sussex County Planning and Zoning Commission and compliance with all applicable State and County laws, regulations, and requirements.

Questions were raised by Council members regarding the proposed construction of intersection and roadway improvements and the Applicant’s \$8 million contribution for the improvements. Mark Coté and Bill Brockenbrough of DelDOT were in attendance and responded to questions.

Public comments were heard.

Doug Brown and Christian Hudson (representing Hudson Management) spoke in support of the application and they gave the following reasons for support:

- CR-1 zoning is appropriate for this parcel.
- There is a need for traditional retail that the project proposes.
- The site is along a major highway and located in a growth zone.
- The project will be a benefit to the local economy as it will support jobs and local contractors. The County depends on agriculture and tourism to support the economy.
- Traffic problems will be alleviated with developer funding/private developer dollars. Most improvements on highways are funded by developer projects. The Developer is getting the blame for something DelDOT did more than a decade ago. The plans have been on DelDOT’s books since 2001.
- One of the top two reasons for people staying at hotels is shopping.
- The project will increase property values.

**M 222 15**      **At 4:32 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to**  
**Recess**                      **recess for 10 minutes.**

**Motion Adopted:      5 Yeas.**

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

**M 223 15**      **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to reconvene at**  
**Reconvene**                      **4:46 p.m.**

**Motion Adopted:      5 Yeas.**

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

**Public**                      **Public comments were heard in opposition to the application.**  
**Hearing/**

**CZ 1770**                      **Rob Witsil, Attorney, spoke on behalf of the Overbrook Town Center**  
**(continued)**                      **Coalition, consisting of over 100 members. Mr. Witsil presented the**  
                                 **following in his presentation:**

**If the Council approves the rezoning, there will be no Final Site Plan before the County Council; the Planning and Zoning Commission has that ultimate determination; there is no public hearing before the Planning and Zoning Commission; there will be no public comments; and this is the Council's last chance to determine whether or not this type of commercial zoning is appropriate.**

**The Applicant has not met the requisite burden of proof and the application does not comply with all of the mandatory regulations of 9 Delaware Code Section 6904 (a) and (b); the requested change of zone will not, as indicated by the Applicant and as stated by DelDOT and the opponents, lessen congestion in the streets and highways or reduce the excessive amounts of roads in the area of the application; the Traffic Impact Study provided by the Applicant and the DelDOT PLUS comments indicated that the proposed rezoning for 857,000 square feet of commercial space will generate 27,438 daily vehicular trips on average weekdays and 35,764 on average Saturdays; this level of additional traffic is unacceptable and is neither a "lessening of congestion" or "reducing the waste of excessive amounts of roads"; DelDOT stated to the Planning and Zoning Commission that it was "working with the Developer" on required improvements, that there is "not a definitive timeline for grade separation" and that DelDOT would "finish the improvements"; DelDOT acknowledges that the developer has agreed to contribute \$8 million towards the construction of "grade separation" lanes over Route 1 at Cave Neck Road; however, DelDOT neither suggests nor guarantees that traffic flows on Route 1, Cave Neck Road or other nearby**

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roadways will be lessened or improved as a result of the Developer's or DelDOT's proposed efforts; DelDOT's Level of Service determinations for Route 1 and Cave Neck Road vary between Levels C and D on weekdays to Level F on Saturdays; no evidence from the Applicant or DelDOT suggests that traffic congestion will be improved or lessened by the proposal; DelDOT has made no assurances that the State of Delaware will fund expenditures for the improvement of the Route 1 and Cave Neck Road interchange in the near future; it is admitted by the Developer's engineers, Duffield Associates, that "In order to provide temporary interim access to Route 1, a temporary traffic signal may be installed, if the overpass design and construction falls behind schedule. The temporary signal would be fully funded by the developer. It is feasible that the overpass design and construction may be completed concurrent with the grand opening of the first phase of the project. If this occurs, no signal would be needed."; in a recent interview, DelDOT's Secretary stated that there are too many variables to speculate on the estimated cost of the overpass, but that the cost could be in line with a similar \$29 million dollar overpass in South Frederica (Cape Gazette article, dated 5/28/15); the DelDOT Capital Transportation Program for Fiscal Years 2016 through 2021 does not reference the Route 1 – Cave Neck Road overpass/road improvement program in its list of 98 proposed improvements; DelDOT funding for the necessary highway improvements proposed by the Applicant are not available at any time in the foreseeable future, that the Applicant's offer to contribute \$8 million is insufficient to fund necessary overpass and right of way expenditures, that the proposed commercial center does not present a safe, reasonable or appropriate vehicular plan, and that more likely than not a traffic light will be installed for an unsatisfactory length of time on Route 1 at Cave Neck Road to control the additional traffic created by the proposed use; this traffic scenario would endanger the health and safety of drivers and occupants of vehicles on Route 1 and Cave Neck Road in the vicinity of the site; the proposed site of the application is located in the Strategies for State Policies and Spending Investment Level 3 Area; pursuant to the Office of State Planning Coordination's PLUS Review Report, dated December 20, 2012, "State investment may support future growth in these areas, but please be advised that the State has other priorities for the near future"; that the proposed rezoning will not lessen or reduce traffic congestion, but will cause additional traffic congestion on Route 1, Cave Neck Road, and at intersections north and south of the proposed site; any future plans of DelDOT to provide funding for overpass construction is speculative and cannot be relied upon by Council in its determination of the traffic impact of the proposal; the application fails to comply with the following requirements of 9 Delaware Code Section 6904, to provide adequate provisions for public transportation, protection of the tax base and securing economy in governmental expenditures; the application does not secure safety from fire, flood and other dangers; there is an increased risk of vehicular accidents on Route 1 and intersecting roadways and within the deceleration lanes and interior roadways; the health, safety and welfare of drivers and pedestrians in the area will be at risk from the proposed use; there have been no assurances from the

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**Delaware State Police, the Milton or Lewes fire departments, or the Sussex County Emergency Medical Department that police, fire and EMT services can adequately serve the 114 acre project containing approximately 850,000 square feet of commercial space with over 5,100 parking spaces, an area approximately the size of all three Tanger Outlet shopping centers combined; without such assurances, the health and safety of visitors, shoppers and employees at the proposed facilities are at risk; the Preliminary Land Use Service Map produced by the Delaware Office of State Planning Coordination clearly depicts the agricultural lands, the preserved/protected agriculture average and the natural resources and recreational priority areas surrounding the proposed commercial development; the “highest value” agricultural lands surround the proposed site; the proposed use is not in character with the particularly agricultural and residential nature of the area, despite the several existing small and limited commercial businesses in the vicinity that have developed over the past three decades and the development of residential communities across Route 1 and north of the proposed site; the presently agricultural-residential zoned site is not particularly suitable for a change of zone for a particular commercial large scale “box store” shopping center; the buffer areas proposed by the developer are the minimal areas required by the Zoning Code and are not sufficient to conserve the natural resources of the adjacent areas; the general agricultural and appropriate small business trend and character of the land and building development in the vicinity is not in character with large-scale commercial development; it is apparent that only a portion of the Applicant’s proposed site is described on the Zoning Map as within the Environmentally Sensitive Developing Area Overlay; in regard to the Future Land Use Plan and the Sussex County Zoning Map (2008 Comprehensive Plan Update), there is a discrepancy; the Zoning Map is the official zoning map of Sussex County, it is on the website and it hangs in the Planning and Zoning Office, which clearly indicates that the overlay zone only covers a portion of the southwest corner; perhaps the Zoning Map was not updated; Council must determine if a mistake has been made on the Zoning Map; the opponents believe that it was a mistake to include the 3 or 4 large pieces of agricultural farmland in the ESDA; even if the Council determines that the entire parcel is subject to the Environmentally Sensitive Development District (ESDD) guidelines and regulations, the proposed use is not appropriate in the ESDD; the proposed expansive commercial use is not appropriate in a Delaware Strategies for State Policies and Spending Level 3 Area; the proposed use presents a risk to the natural areas and marshlands so proximate to the proposed site; the Applicant’s proposed stormwater management methods will not limit the amount of runoff from the site; the high amount of impermeable surface and the proximity of the site to critical natural areas should convince the Council that the rezoning is not appropriate; the proposed use is a risk to the nearby environment; there are various and scattered commercial and non-conforming business uses in the vicinity between Cave Neck Road and Red Mill Pond adjacent to Route 1 as mixed commercial uses in an area of AR-1 Agricultural Residential Zoning that is predominantly residential and farmland; the subject 114 acre parcel has always been farmland, as are the**

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surrounding parcels on the east side of Route 1; the two parcels of farmland north of the proposed commercial site have been dedicated to Protected Lands and Agricultural Preservation Districts by owners; the lands to the east and south are actively farmed and the owners of the farms have protested the application stating that the proposed use will detrimentally affect their agricultural operations, and the proposed use is not in character with the general agricultural and residential nature of the area; that a letter was received and submitted from Allen Chorman & Sons, Inc. stating that the Overbrook Town Center will completely ruin their aerial application and waterfowl survey business in a 2 mile radius of the proposed area; that civil aircraft is not permitted to operate below 1,000 feet above ground level over a densely populated area and 500 foot above a sparsely populated area; the Economic Development elements are at risk; the proposed commercial use is not appropriate in Level 3 or Level 4 areas in the Delaware Strategies for State Policies and Spending Investment; the proposed use is not in compliance with Economic Development Element Recommendations of the 2008 Plan Update; the overwhelming economic interests, goals and strategies of the Economic Development Element are to preserve and maintain agricultural based business and the proposed commercial rezoning from AR-1 Agricultural Residential classification is not in compliance with the intent of the Plan; the proposed use will endanger agricultural goals; permitted uses within the C-1 General Commercial District include automobile and truck sales, service and repair, tire sales and service, hotels, motels or motor lodges, garages for parking or storage, enclosed material storage yards, in addition to numerous other commercial enterprises; once zoned C-1, the commercial land could be used for any permitted use; another permitted use is increased density of residential development; additionally, with the approval of a special use exception, other uses such as an asphalt batching plant or a cement batching plant could be approved; DelDOT's Corridor Capacity Preservation Program indicates that the Department does not intend to focus its infrastructure investment in State Spending Level 3 Areas unless State and local governments agree that such actions are necessary to address unforeseen circumstances involving public health, safety and welfare; regarding the ordinance that adopted the 2008 Comprehensive Development Plan and the Zoning Ordinance, an application for rezoning of land within the ESDD requires that all rezonings, subdivisions, business industrial site plans, and conditional use applications involving any development containing 75,000 square feet or more of commercial area, are subject to the process and performance requirements of submitting an environmental assessment and public facilities evaluation report and sketch plan to the Director of Planning and Zoning; that has been done; what has not been done is "a copy of which will be forwarded to the Office of State Planning Coordination and members of the Technical Advisory Committee for review and comment"; no one is forcing the owner to keep this site in agricultural use or in farmland preservation; there are options other than the intense commercial use that is proposed; and because the site is in the ESDD does not require Council to approve such an intensive commercial application. [Mr. Witsil distributed in excess of 25 Exhibits.]

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(continued)**

**Lawrence Lank, Director of Planning and Zoning, commented on the Zoning Map discrepancy and he stated that there were at least 3 properties that asked to be extensions at the time of the adoption of the Comprehensive Plan and to be included in the ESDA. The properties were included by approval of the Commission and the Council with the adoption of the Comprehensive Plan. The Zoning Map on the website and in the Planning and Zoning Department are incorrect (as it pertains to this area) as it shows the original 2003 map, as adopted, and not the amended version of the ESDA as adopted in 2008. Mr. Lank noted that the ESDA is an overlay zone.**

**Also present on behalf of the Opposition was Tom Ford, Owner and Principal of Land Design; Neil Parrott, Traffic Solutions, Inc.; Rich Holtkamp of Milton and member of the Overbrook Town Center Coalition; Rusty Kruglak of Milton and member of the Overbrook Town Center Coalition; Mike Irise of Milton and member of the Overbrook Town Center Coalition; Bob Billmyre of Milton and member of the Overbrook Town Center Coalition; Steve Britz of Lewes and member of the Overbrook Town Center Coalition; and Rich Borrasso of Milton and member of the Overbrook Town Center Coalition.**

**Mr. Ford presented information including a comparison between the existing AR-1 zoning and the proposed CR-1 zoning, the results of the rezoning, and other options for the location of the proposed project. Mr. Ford submitted his comments, in writing, for inclusion in the record of the Public Hearing.**

**Mr. Parrott commented on the Traffic Impact Study Review, including Route One summer traffic counts, the fact that Route 1 is a primary evacuation route, crash history and increased crash risks, roundabout design, temporary traffic signal, proposal of new signals, north bound traffic on Route 1 near the proposed project, and cost. Mr. Parrott submitted a packet of information for inclusion in the record of the Public Hearing.**

**Mr. Holtkamp presented the public's concerns on the proposed rezoning including public safety risks, traffic concerns, environmental risks, home values, future tax burdens, appropriate maintenance of the "in-character" nature of the local area; the necessity for appropriate increases in public service resources; and the desire and demand for more comprehensive land use planning and implementation. Mr. Holtkamp submitted his comments, in writing, along with an Exhibit Book, for inclusion in the record of the Public Hearing.**

**Mr. Kruglak commented on the petition drive in opposition to the application and the negative effects of the proposed development including safety, environment, traffic, and emergency response times. He also commented on demographics and large retailers, vacancies in existing shopping centers along the Route One Corridor, and the exaggerated**

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**financial benefits of the proposed project.**

**Mr. Irise commented on public safety risks, i.e. accidents due to increased traffic, emergency services response time, additional stress on the public safety system with additional calls; and additional tax funding to cover additional personnel, equipment, vehicles and training. Mr. Irise submitted his comments for inclusion in the record of the Public Hearing.**

**Mr. Billmyre commented on property values, impact on lifestyle, the residential character of the area, road improvement costs, and safety and traffic concerns. Mr. Billmyre submitted his comments, in writing, with exhibits for inclusion in the record of the Public Hearing.**

**Mr. Britz commented on the environmental impact and risks of the proposed development: impact on wetlands and the Great Marsh, impervious surface and rain events, stormwater management, and pollutants from runoff. Mr. Britz submitted his comments, in writing, for inclusion in the record of the Public Hearing.**

**Mr. Borrasso thanked the Council on behalf of the Coalition.**

**Mr. Witsil advised that Tab 22 in his handout was incorrectly collated; he would like the opportunity to submit the CR-1 zoning information rather than the C-1 zoning information; and that he would submit them to the County on the next business day.**

**Additional public comments were heard from Mabel Granke, John Vincent, Kenny Hopkins, Jeff Stone, Tara Pride, Marion Jones (Mayor of Milton), Rosemary Hurst, and Jay Koenig:**

- **this monstrosity of an application is dangerous to the area because of its impact**
- **the surrounding area and the cumulative impact have to be taken into consideration**
- **the reasons that there was a Corridor Conservation Project between Route 16 and Five Points was because of the recognition by DeIDOT that Five Points South to Dewey Beach was lost in terms of proper corridor conservation**
- **there is no extra transportation funding**
- **public good and public safety need to be considered**
- **environmental concerns**
- **traffic concerns / increased traffic accidents**
- **impact on farming in the area**
- **wastewater treatment and groundwater recharge**
- **concern about flooding**
- **amount of impervious area**
- **preserving farmland**
- **wildlife habitat will be compromised**

**Public  
Hearing/  
CZ 1770  
(continued)**

- farming practices will have to change
- impact on hunting in the area
- many detrimental impacts
- the role of the governing body is to protect the interests of all citizens and the community
- impact on area businesses
- impact on the Town of Milton
- all main arteries into Milton are State maintained roads and already need infrastructure attention
- Route 5 could become a connector road and shortcut to the proposed project
- traffic studies should be expanded outside of the perimeter of the required PLUS review
- impact on Milton and its quality of life
- questions regarding the \$8 million payment for road improvements
- public safety concerns

Council asked Bill Brockenbrough and Mark Coté of DeIDOT to comment on the Applicant's negotiations with DeIDOT in regard to the \$8 million and the proposed improvements. Mr. Brockenbrough stated that he is not aware of a written agreement between DeIDOT and the Applicant and that it is typical to not have an agreement at this stage. Mr. Coté stated that the \$8 million (up to \$8 million) is contained in the Traffic Impact Study letter as a condition; that it would be a requirement for the Applicant to enter into an agreement with DeIDOT; and that no one would sign an agreement to give DeIDOT \$8 million when they do not know if their project will be approved.

The Public Hearing was closed.

Mr. Arlett commented that additional information may be needed on traffic impact, the Environmentally Sensitive Development Area designation, and the discrepancy on the Zoning Maps and in the Comprehensive Plan.

**M 224 15  
Defer  
Action  
on  
CZ 1770**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action on Change of Zone No. 1770 filed on behalf of TD Rehoboth, LLC, and to leave the record open for a period of 30 days for written comments or questions from Council and/or responses from agencies; thereafter, once comments received have been introduced to the Council and into the public record, the record will remain open for a period of 15 days for anyone to respond to the comments submitted.

**Motion Adopted: 5 Yeas.**

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

**Hearing/  
Audio  
Recording**

**(An audio recording of this Public Hearing is available on the County's website. The recording is part of the audio recording for the June 2, 2015 Council meeting.)**

**M 225 15  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 8:38 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

**DRAFT**

TODD F. LAWSON  
COUNTY ADMINISTRATOR  
(302) 855-7742 T  
(302) 855-7749 F  
tlawson@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

**Memorandum**

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

FROM: Todd F. Lawson   
County Administrator

RE: **PROPOSED RESOLUTION – FEDERAL RULE RELATING  
TO THE “WATERS OF THE U.S.”**

DATE: June 12, 2015

---

As a result of last week’s discussion on the federal rule relating to the definition of “Waters of the U.S.,” during Tuesday’s meeting I will be presenting a proposed resolution for Council’s consideration. The proposed resolution expresses Council’s support for the repeal of the federal rule defining the “Waters of the U.S.” and urges Congress to support H.R. 1732 in repealing the final rule. A copy of the proposed resolution is attached.

If you have any questions, please let me know.

TFL/sww

Attachment



**RESOLUTION NO. R \_\_\_ 15**

**A RESOLUTION EXPRESSING SUSSEX COUNTY COUNCIL'S SUPPORT FOR THE REPEAL OF THE FEDERAL RULE DEFINING THE 'WATERS OF THE U.S.'**

**WHEREAS, the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers have promulgated a federal rule commonly known as the Waters of the U.S.; and**

**WHEREAS, the Waters of the U.S. (WOTUS) rule would expand federal oversight of collection and control systems, including ditches, many of which historically have been regulated by local governments; and**

**WHEREAS, the National Association of Counties (NACo) has formally taken a position in opposition to the Waters of the U.S. rule after repeatedly voicing concerns about the potential adverse effects to local governments across the United States, burdening those bodies with onerous and expensive requirements in order to remain compliant with federal law; and**

**WHEREAS, the rule would affect county-owned and maintained roadside ditches, flood control channels, drainage conveyances, stormwater management systems, green infrastructure construction and maintenance, among other systems; and**

**WHEREAS, a measure to repeal the Waters of the U.S. rule, House Resolution 1732, received bi-partisan support in the U.S. House of Representatives and was approved, and now awaits consideration in the U.S. Senate;**

**NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby joins the National Association of Counties in opposing the Waters of the U.S. rule, and urges Congress to support H.R. 1732 in repealing the final rule, and further urges Congress to compel the U.S. Environmental Protection Agency and the U.S. Army Corps of Engineers to work collaboratively with local governments in developing reasonable regulations that continue to protect and promote clean water across the United States; and**

**BE IT FURTHER RESOLVED that the County Administrator shall send an official copy of this resolution, upon its adoption, to Delaware's U.S. Senators Thomas R. Carper and Christopher A. Coons for consideration.**

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R \_\_\_ 15 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 16TH DAY OF JUNE 2015.**

---

**ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL**

## 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

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

June 04, 2015

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
LEWES CROSSING, (AKA DEEP VALLEY FARM) - PHASE 4  
AGREEMENT NO. 866 - 6

#### DEVELOPER:

Ms. Megan Connor  
Lewes Crossing Capital Partners, LLC  
5950 Symphony Woods Rd.

Columbia, MD 21044

#### LOCATION:

South side Rt. 9, north and south sides of Rd.  
285,  
Beaver Dam Rd.

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

25 Single Family Lots

#### SYSTEM CONNECTION CHARGES:

\$137,500.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
1-3-13  
Department Of Natural Resources Plan Approval  
2-4-13

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30  
Construction Admin And Construction Inspection Cost – \$8,038.50  
Proposed Construction Cost – \$53,590.00

## ENGINEERING DEPARTMENT

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

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**June 16, 2015**

## PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 866-6 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "LEWES CROSSING CAPITAL PARTNERS, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "LEWES CROSSING, (AKA DEEP VALLEY FARM) – PHASE 4", LOCATED IN WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 866-6

TODD LAWSON  
COUNTY ADMINISTRATOR

ORDINANCE NO. \_\_\_\_

AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR  
FISCAL YEAR 2016

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1: The Statement of Anticipated General Fund Revenues for the Fiscal Year  
Ending June 30, 2016 is as follows:

	<u>Amount</u> <u>Year Ending</u> <u>June 30, 2016</u>
<b><u>REVENUES:</u></b>	
<b><u>Taxes</u></b>	
Property – County	\$12,858,007
Property – Library	1,507,580
Realty Transfer	16,700,000
Fire Service	1,000,000
Penalties and Interest	140,000
<b><u>Intergovernmental</u></b>	
Federal Grants	
Emergency Operations	160,000
Housing and Urban Development	1,704,484
Payments in Lieu of Taxes	5,000
State Grants	
Paramedics	4,081,528
Library	340,000
Local Emergency Planning Commission	66,950
Department of Health	10,000
<b><u>Charges for Services</u></b>	
Constitutional Offices Fees	
Marriage Bureau	134,000
Recorder of Deeds	3,300,000
Recorder of Deeds – Town Realty Transfer Tax	30,000
Recorder of Deeds - Maintenance	40,000
Register of Wills	950,000
Sheriff	2,250,000
General Government Fees	
Building Permit and Zoning Fees	1,325,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fees	92,000
Building Inspection Fees	1,007,000
Airport Fees	463,300
Miscellaneous Fees	64,500
Dog Licensing	74,000
Private Road and Inspection Fees	560,000

	<u>Amount Year Ending June 30, 2016</u>
<b><u>Miscellaneous Revenue</u></b>	
Contributions and Donations	\$ 25,000
Economic Loan Repayments	45,000
Fines and Forfeits	23,000
Investment Income	450,000
Reimbursements – Medicare	100,000
Rents other than Airpark	33,210
Miscellaneous Revenue	50,000
<b><u>Other Financing Sources</u></b>	
Reimbursements from other funds	300,000
Appropriated Reserves	3,000,000
<b><u>TOTAL REVENUES</u></b>	<b><u>\$53,449,189</u></b>

**Section 2. The Statement of General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2016 is established as follows:**

	<u>Amount Year Ending June 30, 2016</u>
<b><u>EXPENDITURES:</u></b>	
<b><u>General Administration</u></b>	
County Council Administration	\$ 611,565
Legal	500,420
Finance	500,000
Assessment	1,885,443
Building Code	1,568,802
Mapping & Addressing	741,490
Human Resources	748,410
Records Management	823,292
Buildings and Grounds	194,224
Information Technology	1,584,197
Constable	1,712,157
Dog Control	283,569
<b><u>Planning &amp; Zoning</u></b>	<b>742,546</b>
<b><u>Paramedics</u></b>	<b>1,355,276</b>
<b><u>Emergency Preparedness</u></b>	<b>13,625,093</b>
Administration	524,223
Emergency Operations	2,039,401
Communication Systems	403,549
Local Emergency Planning Committee	75,914

	<b>Amount Year Ending June 30, 2016</b>
<b><u>Engineering</u></b>	
Administration	\$1,193,775
Public Works	705,357
<b><u>Library</u></b>	
Administration	643,378
Operations	2,031,326
<b><u>Economic Development</u></b>	
Economic Development	221,330
Security	445,803
Airport and Industrial Park	732,492
<b><u>Community Development</u></b>	
	1,999,746
<b><u>Grant-in-aid (includes local libraries)</u></b>	
	9,487,194
<b><u>Constitutional Offices</u></b>	
Marriage Bureau	183,292
Recorder of Deeds	1,072,415
Register of Wills	541,958
Sheriff	586,052
<b><u>Other Financing Sources</u></b>	
Transfers Out	3,085,500
Reserve for Contingencies	600,000
<b><u>TOTAL EXPENSES</u></b>	<b><u>\$53,449,189</u></b>

**Section 3.** The Tax Rate, Firemen's Enhancement Funding Program, and Cluster Fees for Fiscal Year Ending June 30, 2016 are established as follows:

- (a) County Property Tax Rate \$ .4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program – Building Permit surcharge of one-quarter of one percent (.25%) of construction values.
- (c) Cluster Fee for a density bonus.
  1. For the Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel, and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
  2. For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
  3. For the Environmentally Sensitive Developing Area - \$20,000 per unit in excess of two dwelling units per acre.

**Section 4. The Statement of Revenues and Expenditures for the Capital Projects Fund for the Fiscal Year Ending June 30, 2016 is as follows:**

	<b>Amount Year Ending June 30, 2016</b>
<b><u>Revenues:</u></b>	
Appropriated Reserves	\$ 4,299,085
Federal Aviation Grant	480,600
Federal Emergency Management Grant	500,000
Investment Income	20,000
State Aviation Grant	16,020
State Paramedic Grant	285,000
Interfund Transfer	<u>3,000,000</u>
<b><u>Total Revenues</u></b>	<b><u>\$ 8,600,705</u></b>
<b><u>Expenditures:</u></b>	
<b>Administrative</b>	
CAMA System	\$ 800,000
Building Improvements	800,000
Multi-use Facility	1,000,000
West Complex HVAC	100,000
<b>Airpark</b>	
Drainage Improvements	131,250
Electrical Improvements	954,900
Water Plant Roof	10,000
Land Acquisition	1,650,000
Pavement Improvements	534,000
Airport Signage	100,000
Security Improvements	20,000
Wind Tree Replacement	20,000
<b>Engineering</b>	
Landfill Property Acquisition	350,000
Woodland Park I	200,000
<b>Emergency Operations</b>	
Mobile Command	800,000
Audio Visual System	180,555
<b>Paramedic</b>	
Buildings	750,000
Land Acquisition	<u>200,000</u>
<b><u>TOTAL EXPENDITURES</u></b>	<b><u>\$ 8,600,705</u></b>

**Section 5. The Statement of Enterprise Funds Budget Revenues and Expenditures for the Fiscal Year Ending June 30, 2016 is as follows:**

	<b>Amount Year Ending June 30, 2016</b>
<b><u>Operating Revenues</u></b>	
Finance Charges	\$ 1,000
Holding Tank Fees	292,000
License, Permit, and Review Fees	740,380
Miscellaneous Fees	203,861
Service Charges	20,512,148
<b><u>Non-Operating Revenues</u></b>	
Assessment Charges	9,234,648
Capitalized Ordinance 38 Fees	1,600,000
Connection Fees	3,472,853
Investment Results	232,100
Miscellaneous Revenues	202,500
<b><u>Other Financing Sources</u></b>	
Transfers In	85,500
Available Funds	467,056
<b><u>TOTAL REVENUES AND OTHER FINANCING SOURCES</u></b>	<b><u>\$37,044,046</u></b>
<b><u>Expenditures</u></b>	
Administrative Costs	\$ 6,452,496
Operation and Maintenance Costs	12,697,525
Capital Expenditures	5,122,525
Debt Service	<u>12,771,500</u>
<b><u>TOTAL EXPENDITURES</u></b>	<b><u>\$37,044,046</u></b>

**Section 6. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.**

**Section 7. The County Pay Plan and Salary Structure for Fiscal Year Ending June 30, 2016 shall be adopted with this Ordinance.**

**Section 8. The County has invested \$10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee, but at the discretion of the Sussex County Council. Sussex County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after Sussex County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or the fire service. Sussex County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.**

**Section 9. This Ordinance shall become effective on July 1, 2015.**

# NOTICE OF PUBLIC HEARING

## ASSESSMENT ROLLS FOR ALL SUSSEX COUNTY SANITARY SEWER AND WATER DISTRICTS

The Dewey Beach Water District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer District (including Sussex Shores, North Bethany Expansion, and Ocean Way Estates, Sections I & II, Ocean View Expansion, Cedar Neck Expansion, and North Millville Expansion), South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, Dagsboro-Frankford Sanitary Sewer District (including the Prince George's Acres Subdistrict), West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Holts Landing Sanitary Sewer District (including The Greens at Indian River Subdistrict), Miller Creek Sanitary Sewer District, Ellendale Sanitary Sewer District (including the New Market Village Subdistrict), Oak Orchard Sanitary Sewer District, Expansion No. 1 and Captain's Grant Expansion of the Oak Orchard Sanitary Sewer District, Bay View Estates Sanitary Sewer District, Sea Country Estates Sanitary Sewer District, South Ocean View Sanitary Sewer District, Angola Neck Sanitary Sewer District, Golf Village Sanitary Sewer District, Johnson's Corner Sanitary Sewer District, and the Woodlands of Millsboro Sanitary Sewer District assessment rolls for the period from July 1, 2015 through June 30, 2016 have been completed and filed in the Sussex County Billing Division located at the County Administrative Offices, 2 The Circle, Georgetown, Delaware. The assessment rolls may be reviewed in the Sussex County Billing Division between the hours of 8:30 a.m. and 4:30 p.m., local time, Mondays through Fridays, except on legal holidays recognized by the Sussex County Council.

The Sussex County Council will meet and hold a public hearing at 10:15 a.m., local time, on Tuesday, June 16, 2015, in Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware to hear and consider any objections that may be made to the assessment rolls.

The proposed annual service and assessment charges used in preparing the assessment rolls are presented below.

<b>SUSSEX COUNTY, DELAWARE</b>				
<b>SUMMARY OF ANNUAL SERVICE CHARGES AND ASSESSMENT CHARGES JULY 1, 2015 – JUNE 30, 2016</b>				
<u>District</u>	<u>Annual Service Charge \$/EDU</u>	<u>Annual Assessment Charge</u>		
		<u>Distribution Or Collection \$/foot</u>	<u>Transmission And/or Treatment \$/foot</u>	<u>Total \$/foot</u>
DEWEY BEACH WATER	305.76	.00	.00	.00
DEWEY BEACH SEWER	298.14	.50	.21	.71
BETHANY BEACH SEWER	286.00	.00	.00	.00
SUSSEX SHORES <sup>1</sup>	286.00	2.83	.00	2.83
NORTH BETHANY EXPANSION <sup>1</sup>	286.00	0.00	0.00	0.00
OCEAN WAY ESTATES I & II <sup>1</sup>	286.00	2.29	.00	2.29
OCEAN VIEW EXPANSION <sup>1</sup>	286.00	2.82	.86	3.68
CEDAR NECK EXPANSION <sup>1</sup>	286.00	2.61	.78	3.39
NORTH MILLVILLE EXPANSION <sup>1</sup>	286.00	4.41	.77	5.18
SOUTH BETHANY SEWER	286.00	.00	.00	.00
FENWICK ISLAND SEWER	286.00	.28	.04	.32
HOLTS LANDING SEWER	286.00	.68	2.58	3.26
THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>4</sup>	286.00	5.23	2.58	7.81
BLADES SEWER	286.00	.00	.00	.00
HENLOPEN ACRES SEWER	487.15	.00	.00	.00
LONG NECK SEWER	286.00	3.34	.23	3.57
DAGSBORO-FRANKFORD SEWER	286.00	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT <sup>5</sup>	286.00	4.63	.22	4.85
WEST REHOBOTH SEWER EXPANSION <sup>2</sup>	286.00	1.77	1.08	2.85
MILLER CREEK SEWER	286.00	6.10	.82	6.92

ELLENDALE SEWER	286.00	.96	.92	1.88
NEW MARKET VILLAGE SUBDISTRICT <sup>3</sup>	286.00	3.97	.92	4.89
OAK ORCHARD SEWER	286.00	2.16	2.19	4.35
EXPANSION NO. 1 & CAPTAINS GRANT EXP.	286.00	2.61	1.58	4.19
BAY VIEW ESTATES SEWER	286.00	4.37	2.81	7.18
SEA COUNTRY ESTATES SEWER	286.00	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	286.00	4.88	.59	5.47
ANGOLA NECK SEWER	286.00	3.45	3.13	6.58
GOLF VILLAGE SEWER	0.00	1.47	0.00	1.47
WOODLANDS OF MILLSBORO	808.00	0.00	.42	.42
JOHNSON'S CORNER	286.00	2.60	1.95	4.55

**Notes:**

1. Part of the Bethany Beach Sanitary Sewer District.
2. Part of the Dewey Beach Sanitary Sewer District.
3. Part of the Ellendale Sanitary Sewer District.
4. Part of the Holts Landing Sanitary Sewer District.
5. Part of the Dagsboro-Frankford Sanitary Sewer District.

“foot” means assessable footage  
“EDU” means equivalent dwelling unit

The Sussex County Council will also consider the proposed system connection charges for the period from July 1, 2015 through June 30, 2016 for the Dewey Beach Water District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer District, South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, Dagsboro-Frankford Sanitary Sewer District, West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Holts Landing Sanitary Sewer District, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, North Millville Expansion of the Bethany Beach Sanitary Sewer District, Miller Creek Sanitary Sewer District, Ellendale Sanitary Sewer District, Oak Orchard Sanitary Sewer District, Bay View Estates Sanitary Sewer District, Sea Country Estates Sanitary Sewer District, South Ocean View Sanitary Sewer District, Johnson's Corner Sanitary Sewer District, Golf Village Sanitary Sewer District, and Angola Neck Sanitary Sewer District.

The System Connection Charge shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service, and shall be billed and payable in a manner determined by the County. The proposed system connection charges are presented below.

<b>SUSSEX COUNTY, DELAWARE</b>			
<b>SUMMARY OF SYSTEM CONNECTION CHARGES</b>			
<b>JULY 1, 2015– JUNE 30, 2016</b>			
<b>District</b>	<b>Connection Charge</b>		<b>Total System Connection Charge \$/EDU</b>
	<b>Transmission \$/EDU</b>	<b>Treatment \$/EDU</b>	
DEWEY BEACH WATER	1,155	0	1,155
DEWEY BEACH SEWER	3,157	1,353	4,510
BETHANY BEACH SEWER	4,042	1,733	5,775
SOUTH BETHANY SEWER	4,042	1,733	5,775
FENWICK ISLAND SEWER	4,042	1,733	5,775
BLADES SEWER	1,071	2,499	3,570
HENLOPEN ACRES SEWER	3,157	1,353	4,510
LONG NECK SEWER	3,157	1,353	4,510
DAGSBORO-FRANKFORD SEWER	4,760	2,040	6,800
WEST REHOBOTH EXPANSION	4,042	1,733	5,775
HOLTS LANDING SEWER	4,042	1,733	5,775
OCEAN VIEW EXPANSION	4,042	1,733	5,775
CEDAR NECK EXPANSION	4,042	1,733	5,775
MILLVILLE EXPANSION	4,042	1,733	5,775
MILLER CREEK SEWER	4,042	1,733	5,775
OAK ORCHARD & OAK ORCHARD EXP. SEWER	3,157	1,353	4,510
ELLENDALE SEWER	5,600	2,400	8,000
BAY VIEW ESTATES SEWER	4,042	1,733	5,775

SEA COUNTRY ESTATES SEWER	4,042	1,733	5,775
SOUTH OCEAN VIEW	4,042	1,733	5,775
JOHNSON'S CORNER SEWER	4,042	1,733	5,775
GOLF VILLAGE SEWER <sup>2</sup>	-	-	-
ANGOLA NECK SEWER	3,157	1,353	4,510
WOODLANDS OF MILLSBORO <sup>3</sup>	-	-	-
<b>Notes:</b>			
1. "EDU" means "Equivalent Dwelling Unit."			
2. Amount equal to the Town of Georgetown's Impact Fee.			
3. Amount equal to the Town of Millsboro's Impact Fee.			

The Sussex County Council will also consider the one-time septic installation charge for the period from July 1, 2015 through June 30, 2016 for the Holts Landing Sanitary Sewer District. The proposed one-time septic installation fee is presented below.

<b>SUSSEX COUNTY, DELAWARE</b>	
<b>ONE-TIME SEPTIC INSTALLATION FEE</b>	
<b>JULY 1, 2015 – JUNE 30, 2016</b>	
<b>District</b>	<b>One-time Septic Installation Fee \$/EDU</b>
Holts Landing Sewer	2,889
Notes: (1) "EDU" means "Equivalent Dwelling Unit."	

After holding the public hearing, the Sussex County Council will establish, at one of its regularly scheduled meetings, the assessment rolls to be known respectively as the "Dewey Beach Water District Assessment," "Dewey Beach Sanitary Sewer District Assessment," "Bethany Beach Sanitary Sewer District Assessment (including Sussex Shores, Ocean Way Estates Sections I and II, Ocean View Expansion, Cedar Neck Expansion, and North Millville Expansion)," "North Bethany Expansion of the Bethany Beach Sanitary Sewer District Assessment," "South Bethany Sanitary Sewer District Assessment," "Fenwick Island Sanitary Sewer District Assessment," "Blades Sanitary Sewer District Assessment," "Henlopen Acres Sanitary Sewer District Assessment," "Long Neck Sanitary Sewer District Assessment," "Dagsboro-Frankford Sanitary Sewer District Assessment," "Prince George's Acres Subdistrict Assessment of the Dagsboro-Frankford Sanitary Sewer District Assessment," "West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Assessment," "Holts Landing Sanitary Sewer District Assessment," "The Greens at Indian River Subdistrict Assessment of the Holts Landing Sanitary Sewer District," "Miller Creek Sanitary Sewer District Assessment," "Ellendale Sanitary Sewer District Assessment," "New Market Village Subdistrict Assessment of the Ellendale Sanitary Sewer District," "Oak Orchard Sanitary Sewer District Assessment," "Expansion No. 1 and Captain's Grant Expansion of the Oak Orchard Sanitary Sewer District," "Bay View Estates Sanitary Sewer District Assessment," "Sea Country Estates Sanitary Sewer District Assessment," "South Ocean View Sanitary Sewer District Assessment," "Johnson's Corner Sanitary Sewer District Assessment," "Angola Neck Sanitary Sewer District Assessment," "Golf Village Sanitary Sewer District Assessment," and "The Woodlands of Millsboro Sanitary Sewer District Assessment." Unless otherwise posted in the Office of the Clerk of the Sussex County Council, the Sussex County Council meets regularly every Tuesday at the posted time, in the County Administrative Offices, 2 The Circle, Georgetown, Delaware. After holding the public hearing, the Sussex County Council may change or amend the assessment rolls as it deems necessary or just and may confirm and adopt the assessment rolls as originally proposed, or as amended, or changed.

ORDINANCE NO.

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 SANITARY SEWER DISTRICTS

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Dewey Beach Water District are established as follows:

- A. For an annual service charge: \$305.76 per EDU;
- B. For distribution, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$1,155.00.

Section 2. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Dewey Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$298.14 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.50;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.21; and
- D. For a connection charge, per equivalent dwelling unit: \$4,510.00.

Section 3. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 4. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Sussex Shores Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.83;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the North Bethany Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ocean Way Estates Extension of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.29;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 7. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the South Bethany Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 8. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Fenwick Island Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.28;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.04; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 9. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Blades Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$3,570.00.

Section 10. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Henlopen Acres Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$487.15 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$4,510.00.

Section 11. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Long Neck Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$3.34;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.23; and
- D. For a connection charge, per equivalent dwelling unit: \$4,510.00.

Section 12. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Dagsboro/Frankford Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.38;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.22; and
- D. For a connection charge, per equivalent dwelling unit: \$6,800.00.

Section 13. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$1.77;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.08; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 14. The annual service charge, annual assessment rate for collection and transmission and/or treatment, connection charge, and one-time septic installation charge for the Holts Landing Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$0.68;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.58;
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00;
- E. For a one-time septic installation charge, per equivalent dwelling unit: \$2,889.00.

Section 15. The annual service charge, annual or one-time assessment rate for collection, annual assessment rate for transmission and/or treatment, and connection charge for The Greens at Indian River Subdistrict of the Holts Landing Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an annual assessment rate per billable front foot: \$5.23;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.58; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 16. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.82;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.86; and
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 17. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.61;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.78; and

D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 18. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the North Millville Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$4.41;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.77;
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 19. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Miller Creek Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$6.10;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.82;
- D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 20. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Oak Orchard Sanitary Sewer District is established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.16;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.19; and

D. For a connection charge, per equivalent dwelling unit: \$4,510.00.

Section 21. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for Expansion No. 1 and Captain's Grant Expansion of the Oak Orchard Sanitary Sewer District is established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$2.61;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.58; and

D. For a connection charge, per equivalent dwelling unit: \$4,510.00.

Section 22. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ellendale Sanitary Sewer District are established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$.96;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.92;

D. For a connection charge, per equivalent dwelling unit: \$8,000.00.

Section 23. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the New Market Village Subdistrict of the Ellendale Sanitary Sewer District are established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$3.97;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.92; and

D. For a connection charge, per equivalent dwelling unit: \$8,000.00.

Section 24. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Bay View Estates Sanitary Sewer District is established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.37;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.81; and

D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 25. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Sea Country Estates Sanitary Sewer District is established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.79;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.04; and

D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 26. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the South Ocean View Sanitary Sewer District are established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.88;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.59; and

D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 27. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Johnson's Corner Sanitary Sewer District are established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$2.60;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.95; and

D. For a connection charge, per equivalent dwelling unit: \$5,775.00.

Section 28. The annual service charge, annual assessment rate for transmission and/or treatment, and connection charge for the Angola Neck Sanitary Sewer District are established as follows:

A. For an annual service charge: \$286.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$3.45;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$3.13; and

D. For a connection charge, per equivalent dwelling unit: \$4,510.00.

Section 29. The connection charge for the Golf Village Sanitary Sewer District is established as follows:

A. For collection, an assessment rate per billable front foot: \$1.47; and

B. For a connection charge, per equivalent dwelling unit: Amount equal to the Town of Georgetown's Impact Fee.

Section 30. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Prince George's Acres Subdistrict of the Dagsboro-Frankford Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$286.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$4.63;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.22; and
- D. For a connection charge, per equivalent dwelling unit: \$6,800.00.

Section 31. The annual service charge, annual assessment rate for transmission and/or treatment for the Woodlands of Millsboro Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$808.00 per EDU; and
- B. For transmission and/or treatment, an assessment rate per billable front foot: \$.42.
- C. For a connection charge, per equivalent dwelling unit: Amount equal to the Town of Millsboro's in-town rate for Impact Fee.

Section 32. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 33. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2015.

Section 34. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the sewer districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

PROPOSED

GINA A. JENNINGS, MBA, MPA  
FINANCE DIRECTOR  
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**Sussex County**  
DELAWARE  
sussexcountyde.gov

**Memorandum**

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

FROM: Gina A. Jennings  
Finance Director

RE: **WORKER'S COMPENSATION INSURANCE RECOMMENDATION**

DATE: June 16, 2015

Last year, the County went out to bid for insurance coverage. We were dissatisfied with the \$1,019,000 bid we received for worker's compensation. We normally do a three-year contract after the bid is awarded. However, we decided it would be best to go out to bid again this year using a broker RFP rather than a traditional insurance RFP in hopes to obtain more responses and options.

We received two complete proposals that contained multiple options of coverage. Our incumbent insurance company, The Travelers Indemnity Company, submitted a guarantee cost proposal and a small deductible proposal. AmeriHealth Casualty Services submitted a guarantee cost proposal, large deductible proposal, and a retrospectively rated proposal. Details of the proposals are included in your packet.

It is my recommendation, as well as that of Kathy Roth, Andrea Wall, Hal Godwin, and Ken Lebo from Pratt Insurance, that the County switch to AmeriHealth Casualty Services for guaranteed cost coverage in the amount of \$713,000. This proposal is a decrease of \$306,000 from this year. AmeriHealth was \$147,500 less than the incumbent Travelers. Not only will our worker's compensation be handled by a reputable company, they are also willing to provide us coverage for volunteers who were not covered under Travelers.

Please let me know if you have any questions. In addition, Ken Lebo will be available on Tuesday to answer any questions.

Attachments

pc: Mr. Todd F. Lawson





# Sussex County Council

## Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator  
June 16, 2015

Bill No.	Description and Purpose	Action
<b>2015-2016 BILLS</b>		
HB 25	This bill authorizes the Department of Natural Resources and Environmental Control to allow the harvesting of gray foxes and permitting of same.	3/17/15 – Passed the House Senate is rewriting the bill 3/25/15 – Senate Amendment No. 1 and Senate Amendment No. 2 added to the bill 6/09/15 – Released from Committee
HB 33	This bill clarifies the types of signs that are permitted to be erected in the State's right-of-way by an outside entity, with department approval. The legislation provides consistency with federal regulations for outdoor advertising.	1/27/15 – Introduced and assigned to Transportation/Land Use & Infrastructure Committee in House No progress – Bill has been forwarded to Vince Robertson for review 4/01/15 – Reported out of Committee 4/21/15 – Passed the House; assigned to Senate Highways & Transportation Committee 4/29/15 – Released from Senate Committee 5/07/15 – Passed the Senate 6/02/15 – Signed by the Governor
SB 29	This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.	3/18/15 – Passed the Senate; assigned to House Health & Human Development Committee 4/22/15 – Released from Committee

Bill No.	Description and Purpose	Action
HB 68	As the law stands now, following a writ of possession, a Landlord must store a manufactured home of the tenant that was left unclaimed for 30 days. Following that 30-day period, the home is deemed abandoned by operation of law, and the Landlord may dispose of the home as the Landlord wishes. However, in order to acquire title to the home, the Landlord must wait 1 year under Chapter 40. This bill will permit the Landlord to acquire title following the 30-day waiting period.	3/26/15 – Introduced in the House with four Sussex County sponsors 4/01/15 – Reported out of Committee
HB 85	This bill allows school taxes and property taxes to be collected by tax intercept.	Representative Short introduced this bill again on 4/01/15. This bill is assigned to the House Education Committee. They met on 5/13/15 but did not discuss this bill. I have sent an email to Danny Short, the sponsor, and to Earl Jaques, the Committee Chair, requesting that this bill be discussed in Committee. 6/10/15 – Released from Committee
SB 5	This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with. This Act may be cited as the Benjamin Kuntz Act, a dedicated Delawarean who spent countless hours chairing the Kent County Levy Court's Homeowners Associations Resolving Problems (HARP) Committee. He advocated tirelessly for homeowner associations.	3/26/15 – Introduced and assigned to Community/County Affairs Committee 4/29/15 – Released from Committee 5/06/15 – Senate Amendment No. 1 added to the bill; this amendment deletes repetitive language. 5/07/15 – Amended bill passed the Senate 5/12/15 – Assigned to House Housing & Community Affairs Committee 6/10/15 – Released from Committee
HB 74	This bill requires a utility provider to alert the homeowner's association for any condominium or cooperative at least 72 hours before shutting off the service, in addition to notifying the occupants of the dwelling unit.	3/31/15 – Introduced and assigned to Housing & Community Affairs Committee 6/12/15 – Released from Committee
SB 54	This Act allows the Director of the Delaware Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at	4/02/15 – Introduced and assigned to Labor & Industrial Relations Committee 4/29/15 – Stalled in Committee

Bill No.	Description and Purpose	Action
SB 54 (continued)	least 20 employees. It also exempts those manufacturing businesses from their gross receipts taxes for their first 5 years.	
HB 79	This bill provides that a striped bass must be tagged by a commercial fisherman before it is landed or put on shore.	4/02/15 – Introduced and assigned to Natural Resources Committee 6/11/15 – Passed the House
HB 86	This bill allows counties and municipalities to elect not to be subject to the State’s Public Employment Relations Act.	4/16/15 – Introduced and assigned to House Labor Committee No Movement
HB 87	This Act allows each municipality and each county to create right-to-work zones.	4/16/15 – Introduced and assigned to House Labor Committee 4/22/15 – Amended per typo 5/07/15 – Tabled in Labor Committee
HA 1 to HB 87	This amendment makes a technical correction.	4/22/15 – Amended
HA 2 to HB 87	This amendment allows Sussex County and Sussex County municipalities to designate and create right-to-work zones. This amendment was requested by the Sussex County Council and other Sussex municipalities.	Representative Dukes has successfully amended this bill to be effective only in Sussex County.
SB 64	At the recommendation of the Joint Sunset Committee and in an effort to make it less difficult to find qualified members to fill the Open Space Council, this Act simplifies the appointment terms and expirations and requires that all three counties be represented generally, rather than require specific numbers of members from each county. In addition, this Act adds language for the removal of Council members for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance. This Act also makes technical corrections to conform to the style and formatting guidelines of the <i>Delaware Legislative Drafting Manual</i> .	4/21/15 – Introduced 4/30/15 – Passed the Senate 5/05/15 – Introduced and assigned to Sunset Committee in the House 5/07/15 – Reported out of Committee

Bill No.	Description and Purpose	Action
SA 2 to SB 64	This amendment clarifies that the Governor's appointments to the Delaware Open Space Council serve at the pleasure of the Governor and establishes that the 3 appointing authorities have equal authority to remove Council members, without notice and hearing. This amendment also makes a technical correction regarding the number of appointments which may expire at the same time.	4/30/15 – Introduced, added to the bill, and passed the Senate
SB 26	This bill provides for recording and maintaining a record of all deliberations made by public bodies during public hearings, including any discussion made "off the record."	1/29/15 – Introduced 4/21/15 – Passed the Senate 4/22/15 – Assigned to House Administration Committee
SB 66	<p>This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction.</p> <p>A land bank is a non-profit organization created by a political subdivision of the State, or through an intergovernmental agreement between two or more political subdivisions of the State, and would serve as the repository for vacant, abandoned and tax-delinquent properties that, left unaddressed, can contribute to crime, depress the local real estate market, and deplete the tax base of Delaware's communities.</p> <p>A land bank would have the authority to obtain such properties at sheriff's sales instituted by the jurisdiction that established the land bank, where such properties have been abandoned by their owners because of unpaid property taxes or substantial liens arising from property code violations. The land bank would have the ability to do one or more of the following: (1) purchase liens from the local jurisdiction; (2) acquire properties at a sheriff's sale on credit from the local jurisdiction; (3) assert a trump bid at a sheriff's sale that would allow the land bank to acquire abandoned properties for the price of the outstanding liens.</p>	<p>4/22/15 – Introduced and assigned to Senate Banking &amp; Business Committee 4/30/15 – Reported out of Committee 5/06/15 – Amendment No. 1 added to the bill 5/07/15 – Amendment No. 2 added to the bill 5/13/15 – Amendment No. 3 added to the bill 5/14/15 – Amendment No. 4 added to the bill; removes Amendment Nos. 1, 2, and 3 5/14/15 – Passed the Senate 6/10/15 – Released from House Economic Development Committee</p>

Bill No.	Description and Purpose	Action
SB 66 (continued)	<p>The land bank would retain the acquired properties until such time as a suitable and vetted buyer could be found who would be able to return the property to productive use. Funding for land banks created under this Act would come from governmental and private grants, private investments and property sale proceeds. Additionally, any land bank created under this Act could, at the election of the local jurisdiction, be funded through the allocation to the land bank of 50% of the real property taxes on the property for a 5-year period once the property returns to productive use or such other funding sources established by the local jurisdiction.</p> <p>Through this Act, jurisdictions throughout Delaware would have the ability to alleviate the blight caused by vacant, abandoned and tax delinquent properties in the area, and revitalize communities by turning vacant spaces into vibrant places.</p>	
HB 124	<p>The Delaware Farmland Preservation Fund was created under the Delaware Agricultural Lands Preservation Act in order to conserve, protect, and encourage improvement of agricultural lands within the State. The Legislature has previously expressed its desire that \$10 million in receipts from the State Realty Transfer Tax be allocated annually to this fund in order to accomplish its goals. This Act is the first leg of a constitutional amendment that will make this allocation binding on all future administrations and General Assemblies, thus allowing this essential program to continue protecting one of our State's most important resources.</p>	<p>5/05/15 – Introduced and assigned to Ag Committee 5/13/15 – Released from Committee</p>
HB 103	<p>This bill removes a conflict in the Delaware Code relating to the duration of tax liens.</p>	<p>4/23/15 – Introduced 5/12/15 - Amendment No. 1 added to the bill 5/14/15 – Released from Committee</p>
HB 140	<p>This bill increases several revenue sources for the Transportation Trust Fund.</p>	<p>5/08/15 – Introduced 5/13/15 – Released from Revenue &amp; Finance Committee 5/14/15 – Amendment No. 1 added to the bill</p>

Bill No.	Description and Purpose	Action
HB 140 (continued)		5/14/15 – Passed the House with Amendment No. 1 5/30/15 – Assigned to Senate Bond Committee 6/03/15 – Released from Committee
HB 149	This Act repeals the Delaware Estate Tax as of July 1, 2015.	5/28/15 – Introduced
HB 151	The purpose of this bill is to amend the timeframe in which Sussex County Council must pass a formal resolution after posting the notices of the establishment or revision of a sanitary sewer or water district. This bill proposes to substitute ninety (90) days for the thirty (30) day timeframe currently permitted under the Code.	5/28/15 – Introduced 6/11/15 – Passed House
HB 162	This bill adds up to 5 citizen members to the Board of Directors of the Center for the Inland Bays in order to include more citizen representation on the Board and to improve the Center's capacity to procure and administer private moneys secured to fulfill the responsibilities pursuant to the protection and restoration of the Inland Bays' watershed.	6/03/15 – Introduced 6/11/15 – Passed the House
HB 177	This bill requires utilities to maintain a third party notification system that allows a customer to designate a third party to receive notice prior to a termination of service. This bill also specifically allows condominium and common interest communities to adopt bylaws that require unit owners to designate the unit owners' association as a third party to receive notification prior to a termination of utility service. Finally, this bill directs the Common Interest Community Ombudsman to promulgate a form bylaw for use by common interest community associations and unit owners to designate the Home Owners' Association as a third party to receive notification of a termination of service pursuant to any third party notification system.	6/09/15 – Introduced 6/10/15 – Out of Committee

Bill No.	Description and Purpose	Action
HB 171	<p>This bill establishes a Telecommunications Tax Modernization Review Group to study and make recommendations for establishing a future funding mechanism to replace the property tax on telecommunications equipment and addressing the projected decrease in revenue to the counties, municipalities and school districts from the transition to new technologies throughout the State. The resulting mechanism should be revenue-neutral to the localities and competitively neutral to providers of like services. To encourage investment in broadband infrastructure, this bill also caps the amount of tax on telecommunications equipment at FY15 rates and eliminates the tax as of June 30, 2018.</p>	6/09/15 – Introduced and assigned to House Telecommunications, Internet & Technology Committee
SB 112	<p>This Act fulfills the recommendation of the Joint Sunset Committee that the Delaware Economic Development Office (“Office”) be required to develop a comprehensive state plan for economic development every 5 years and submit annual reports detailing the Office’s status in meeting its vision, goals, objectives, and strategies.</p>	6/03/15 – Introduced 6/11/15 – Passed the Senate
SB 130	<p>This bill defines criteria for any local government to promote economic development by entering into an agreement with the Department of Transportation to create transit-oriented development districts, called “Complete Community Enterprise Districts.” Complete Community Enterprise Districts may be designated in downtown or urban core areas, traditional towns or villages, or regional activity centers. They are characterized by their mix of land uses, efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.</p>	6/11/15 – Introduced
SB 113	<p>The Regulatory Transparency and Accountability Act of 2015 improves Delaware’s regulatory environment for individuals and small businesses in several significant ways. First, the Act improves transparency by requiring each agency to submit a</p>	6/03/15 – Introduced 6/11/15 – Passed the Senate

Bill No.	Description and Purpose	Action
SB 113 (continued)	<p>“regulatory impact statement” to the Registrar of Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. Among other things, each regulatory impact statement must (1) describe the purpose of the regulation; (2) identify the individuals and/or small businesses subject to it; (3) provide an estimate of the potential costs of compliance; and (4) describe any less intrusive or less costly alternative methods of achieving the purpose of the regulation.</p> <p>In addition, the Act further enhances transparency by requiring the Registrar of Regulations to transmit regulatory impact statements to the appropriate standing committee of the General Assembly. Further, the Act expands the definition of “small business” for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104). The practical effect of this change is that many more small businesses will enjoy the benefits of this chapter because the “universe” of small businesses will be larger. Finally, the Act requires the adoption of Guidelines to assist agencies in fulfilling their obligations under the Act. The Guidelines must be submitted for final publication by November 15, 2015.</p> <p>When enacted, the Regulatory Accountability and Transparency Act is effective for all new or amended regulations submitted to the Registrar of Regulations on or after January 1, 2016.</p>	
SB 120	<p>The Regulatory Transparency and Accountability Act of 2015 improves Delaware’s regulatory environment for individuals and small businesses in several significant ways. First, it requires each agency to submit a “regulatory flexibility analysis” (or “RFA”) to the Registrar of Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. In each RFA, an agency must consider, where applicable, lawful, feasible and desirable, specific methods of reducing the burdens of the regulation on individuals</p>	<p>6/03/15 – Introduced 6/11/15 – Passed the Senate</p>

Bill No.	Description and Purpose	Action
SB 120 (continued)	<p>and/or small businesses, including: (1) establishing less stringent requirements and deadlines; (2) establishing performance standards to replace design standards; (3) exempting individuals and small businesses from all or part of the regulations; and (4) examining other ways to accomplish the regulation's purpose, while minimizing the impact upon individuals and/or small businesses.</p> <p>In addition, the Act provides that no proposed regulatory change may be published in the Register of Regulations unless the proposing agency submits and RFA (if applicable) and any other required information to the Registrar. The Act also amends the Administrative Procedures Act ("APA") to specifically require agencies to submit RFAs to the Registrar for publication. Both of these provisions are important steps to enhance accountability in Delaware's regulatory process.</p> <p>The Act also requires the adoption of Guidelines, which must be submitted for final publication by November 15, 2015, to assist agencies in fulfilling their obligations under the Act. Finally, the Act expands the definition of "small business" for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104).</p> <p>If enacted, the Regulatory Accountability and Transparency Act would become effective for all new or amended regulations submitted to the Registrar on or after January 1, 2016.</p>	
SB 124	<p>This bill expands the number of Trustees of the Delaware Agricultural Lands Preservation Foundation from 12 to 13. The additional Trustee must be an individual actively engaged in farming or some other form of agribusiness who may reside in any county of the State. In connection with the above, this bill also increases from 6 to 7 the number of Trustees required for a quorum.</p>	6/09/15 – Introduced

Bill No.	Description and Purpose	Action
HCR 40	<p>Seeking to address the pervasive problems of littering and illegal dumping in Delaware, this concurrent resolution would create the Delaware Anti-Dumping and Anti-Littering Task Force. The task force would be charged with defining the scope of the problem; developing actionable strategies for curtailing it; and delivering a report to the General Assembly as to how these new policies could be implemented and financed. The task force would be required to issue its report no later than March 15, 2016.</p>	6/10/15 – Introduced



SPONSOR: Rep. Ramone & Sen. Simpson & Rep. Briggs King;  
Reps. D. Short, Hudson, Gray, Kenton, Miro,  
Spiegelman, Wilson, Yearick; Sens. Bonini, Hocker,  
Lavelle, Pettyjohn, Richardson

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 149

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO THE ESTATE TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Chapter 15, Title 30, Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 ~~§ 1501 Definitions relating to this chapter.~~

4 ~~As used in this chapter,~~

5 ~~(1) "Delaware taxable estate" shall mean the modified federal taxable estate of the decedent, reduced, but not~~  
6 ~~below zero, by the exemption amount.~~

7 ~~(2) "Estate tax" shall mean the tax imposed under this chapter.~~

8 ~~(3) "Exemption amount" shall mean:~~

9 ~~a. If the date of the decedent's death is after June 30, 2009, and before January 1, 2010, \$3,500,000;~~

10 ~~b. If the date of the decedent's death is after December 31, 2009, and before January 1, 2011:~~

11 ~~1. If the decedent's personal representative has made an election in accordance with federal law~~  
12 ~~to apply the Internal Revenue Code as though the amendments made by § 301(a) of The Tax Relief, Unemployment~~  
13 ~~Insurance Reauthorization, and Job Creation Act of 2010, Pub. L. No. 111-312, 124 Stat. 3296, do not apply with respect to~~  
14 ~~Chapter 11 of the Internal Revenue Code [26 U.S.C. Chapter 11] and with respect to property acquired or passing from~~  
15 ~~such decedent (within the meaning of § 1014(b) of the Internal Revenue Code) [26 U.S.C. § 1014(b)], \$3,500,000; or~~

16 ~~2. In all other cases, \$5,000,000.~~

17 ~~e. If the date of the decedent's death is after December 31, 2010, the applicable exclusion amount set~~  
18 ~~forth in § 2010(c) of the Internal Revenue Code (26 U.S.C. § 2010(c)) as in effect on the date of the decedent's death.~~

19 ~~(4) "Modified federal taxable estate of the decedent" shall mean the federal taxable estate of the decedent~~  
20 ~~calculated under the provisions of the federal estate tax laws as in effect on the date of the decedent's death,~~

21 a. Increased by the amount of any deduction for state death taxes included in calculating the federal  
22 taxable estate under § 2058 of the Internal Revenue Code (26 U.S.C. § 2058), or any successor provision thereto;

23 b. Increased by the value of property, if any remains as of the decedent's date of death, for which a  
24 marital deduction qualified terminable interest property election was made for the decedent's predeceased spouse on a  
25 timely filed Delaware estate tax return, to the extent such property was not included in the federal taxable estate;

26 e. Decreased by the value of agricultural land, and agricultural buildings on such land, enrolled in  
27 farmland assessment or farmland preservation programs, to the extent such property was included in the federal taxable  
28 estate; and

29 d. Decreased by the value of any interest in property which passes or has passed from the decedent to the  
30 decedent's surviving spouse pursuant to a written irrevocable election to treat property as marital deduction qualified  
31 terminable interest property made by the decedent's personal representative and submitted with or on a timely filed  
32 Delaware estate tax return, regardless of whether such an election was made for such decedent for federal estate tax  
33 purposes, which shall be deemed to be an election as required by § 2056(b)(7)(B)(i), (iii), and (v) of the Internal Revenue  
34 Code (26 U.S.C. § 2056(7)(B)(i), (iii) and (v)), to the extent such interest was included in the federal taxable estate.

35 (5) "Personal representative" shall mean any executor or administrator of the decedent and, with respect to  
36 property which is included in the gross estate for federal estate tax purposes and which is not in the possession or control of  
37 the personal representative, any person in possession of such property.

38 (6) "State," except where the context otherwise indicates, shall mean this State or any other state of the United  
39 States or the District of Columbia.

40 § 1502 Tax on transfers of resident estates.

41 (a) *Imposition of tax.* — A tax is imposed upon the transfer of the property of every decedent who was a resident  
42 of this State at the time of death.

43 (b) *Amount of tax; decedents dying before July 1, 2009.* — Except as provided in § 1503 of this title, the amount of  
44 the tax shall be the amount of credit allowable under the provisions of the federal estate tax laws for estate, inheritance,  
45 legacy and succession taxes paid to any state.

46 (c) *Amount of tax; decedents dying after June 30, 2009.* — Except as provided in § 1503 of this title, the amount of  
47 the tax shall be determined pursuant to the table set forth below:

If the Delaware taxable estate is	The tax shall equal the sum of the figures calculated pursuant to columns (C) and (D)
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If the Delaware taxable estate is		The tax shall equal the sum of the figures calculated pursuant to columns (C) and (D)	
Over (A)	But not over (B)	Tax on lower amount (C)	Plus this % of the excess amount (D)
\$0	\$40,000	\$0	0
\$40,000	\$90,000	\$0	0.8
\$90,000	\$140,000	\$400	1.6
\$140,000	\$240,000	\$1,200	2.4
\$240,000	\$440,000	\$3,600	3.2
\$440,000	\$640,000	\$10,000	4.0
\$640,000	\$840,000	\$18,000	4.8
\$840,000	\$1,040,000	\$27,600	5.6
\$1,040,000	\$1,540,000	\$38,800	6.4
\$1,540,000	\$2,040,000	\$70,800	7.2
\$2,040,000	\$2,540,000	\$106,800	8.0
\$2,540,000	\$3,040,000	\$146,800	8.8
\$3,040,000	\$3,540,000	\$190,800	9.6
\$3,540,000	\$4,040,000	\$238,800	10.4
\$4,040,000	\$5,040,000	\$290,800	11.2
\$5,040,000	\$6,040,000	\$402,800	12.0
\$6,040,000	\$7,040,000	\$522,800	12.8
\$7,040,000	\$8,040,000	\$650,800	13.6
\$8,040,000	\$9,040,000	\$786,800	14.4
\$9,040,000	\$10,040,000	\$930,800	15.2
\$10,040,000		\$1,082,800	16.0

49           ~~(a) Subject to subsection (b) of this section, the Delaware taxable estate of every decedent who was a resident of~~  
50 ~~this State at the time of death shall be allowed a credit against the estate tax otherwise due under this chapter for the~~  
51 ~~aggregate amount of all estate, inheritance, legacy and succession taxes actually paid to any other state with respect to any~~  
52 ~~property owned by such decedent or subject to such taxes as part of or in connection with the estate and for which a credit~~  
53 ~~or deduction for such taxes paid to any other state was allowable under the federal estate tax laws in effect as of the~~  
54 ~~decedent's date of death.~~

55           ~~(b) The credit allowed under subsection (a) of this section above for taxes paid to any other state shall be limited to~~  
56 ~~that amount which does not reduce the estate tax due under this chapter to an amount less than the estate tax otherwise due~~  
57 ~~under this chapter notwithstanding this section, multiplied by a fraction:~~

58           ~~(1) The numerator of which is the value of that part of the decedent's federal taxable estate consisting of real and~~  
59 ~~tangible personal property located in this State plus all intangible personal property; and~~

60           ~~(2) The denominator of which is the value of the decedent's federal taxable estate, excluding real and tangible~~  
61 ~~personal property not located in any state.~~

62           ~~§ 1504 Tax on transfers of nonresident estates.~~

63           ~~(a) Imposition of tax.~~— Subject to subsections (b) and (c) of this section, a tax is imposed upon the transfer of the  
64 ~~estate of every decedent who, at the time of death, was a nonresident of this State and owned real or tangible personal~~  
65 ~~property situated in this State which was taxable under the provisions of Chapter 11 of the Internal Revenue Code (26~~  
66 ~~U.S.C. Chapter 11) as it was in effect on the decedent's date of death.~~

67           ~~(b) Amount of tax.~~— The amount of the tax shall be computed in the same manner as provided in § 1502 of this  
68 ~~title, the result of which is then multiplied by a fraction:~~

69           ~~(1) The numerator of which is the value of that part of the decedent's federal taxable estate consisting of real and~~  
70 ~~tangible personal property located in this State, and~~

71           ~~(2) The denominator of which is the value of the decedent's federal taxable estate, excluding real and tangible~~  
72 ~~personal property not located in any state.~~

73           ~~§ 1505 Returns; time to file return and pay tax.~~

74           ~~(a) Duty to file return.~~— The personal representative shall have a duty to file an estate tax return with this State in  
75 ~~all cases when a representative for the estate of a resident decedent, or a representative for the estate of a nonresident~~  
76 ~~decedent having real or tangible personal property located in this State which is included in the value of the decedent's~~  
77 ~~Delaware taxable estate, is required to file a federal estate tax return under the provisions of the Internal Revenue Code in~~  
78 ~~effect as of the decedent's date of death.~~

79           (b) *Time to file return.*—The estate tax returns required by this chapter shall be filed within 9 months after the  
80 date of the decedent's death.

81           (c) *Time and place for payment of tax.*—The personal representative shall, without assessment, notice or demand,  
82 pay any tax due thereon to the Division of Revenue on or before the date fixed for filing the return. The Director of  
83 Revenue shall prescribe the place for filing any return, declaration, statement or other document required pursuant to this  
84 chapter and for the payment of any tax.

85           § 1506 Collection and payment of tax out of estate; liability of the personal representative.

86           (a) The personal representative shall pay to the Department of Finance the full amount of the Delaware estate tax  
87 when the same is due, out of any moneys belonging to such estate in the personal representative's hands.

88           (b) The personal representative shall have the same powers and duties in respect to the raising of funds for the  
89 payment of such tax as conferred upon an executor under §§ 2205, 2206, 2207A and 2207B of the Internal Revenue Code  
90 [26 U.S.C. §§ 2205, 2206, 2207A and 2207B], and pursuant to the laws of this State in the case of raising funds for the  
91 payment of a decedent's debts generally. Any provision in a decedent's will (or revocable trust) in which a decedent  
92 effectively waives a right of recovery under a section of the Internal Revenue Code referred to in the preceding sentence  
93 shall be deemed a waiver of the corresponding right of recovery under this section, unless the will or revocable trust  
94 specifically states otherwise.

95           (c) Every personal representative of a decedent's estate or any part thereof which is taxable under this chapter is  
96 personally liable for the payment of the estate tax. In addition to personal liability for payment of the estate tax, any  
97 personal representative failing to perform the duties under this chapter shall forfeit any right to commissions for settling the  
98 estate of the decedent.

99           § 1507 Assessment of tax; special lien for estate taxes.

100           (a) *Assessment.*—Notwithstanding the provisions of § 530 of this title, the tax due pursuant to this chapter shall  
101 be deemed assessed on the date of filing the Delaware estate tax return or the due date of the federal estate tax return for the  
102 decedent, whichever is earlier.

103           (b) *Special lien for estate taxes.*—The tax imposed by this chapter shall be a special lien upon the gross estate of  
104 a resident decedent and upon the real and tangible personal property of a nonresident decedent situated in this State at the  
105 time of the decedent's death for 10 years from the date of death. Any property for which a marital or charitable deduction  
106 was allowed for federal estate tax purposes shall be exempt from the lien provided by this subsection.

107           (c) *Extinguishment of lien.*—Notwithstanding the foregoing, the special lien shall be extinguished:

108           ~~(1) Pursuant to § 555 of this title as to such part of the gross estate sold for the payment of charges against the~~  
109 ~~estate and expenses of its administration;~~

110           ~~(2) Upon filing with the register of wills of the county in which the decedent resided and in which the decedent~~  
111 ~~owned real property of 1 of the 2 following certificates:~~

112                   ~~a. Of the Director of Revenue that the estate tax return has been filed and the correct tax has been paid,~~  
113 ~~pursuant to § 2304(a) of Title 12, or~~

114                   ~~b. That no estate tax return or tax was due, pursuant to § 2304(b) of Title 12.~~

115           Section 2. This Act shall be effective for the estates of decedents dying on or after July 1, 2015.

SYNOPSIS

This Act repeals the Delaware Estate Tax as of July 1, 2015.



SPONSOR: Rep. Gray & Rep. Schwartzkopf & Sen. Hocker;  
Reps. D. Short, Hudson, Briggs King, Collins, Dukes,  
Kenton, Outten, Smyk, Wilson; Sens. Lopez, Pettyjohn,  
Richardson, Simpson

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 151

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SANITARY AND WATER DISTRICTS  
IN SUSSEX COUNTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §6502, Title 9 of the Delaware Code by making deletions as shown by strikethrough and  
2 insertions as shown by underline as follows:

3 §6502 Establishment or revision of sanitary or water districts without election.

4 (b) Within ~~30~~ 90 days after the posting of the notices of the establishment of the district in accordance with the  
5 provisions of subsection (a) of this section, the county government shall pass a formal resolution establishing the district,  
6 which shall:

7 (1) Contain a description of the boundaries of the district;

8 (2) Direct the County Engineer and the attorney of the county government to procure the necessary land  
9 and rights-of-way by purchase, agreement, or condemnation in accordance with existing statutes; and

10 (3) Authorize the County Engineer to prepare maps, plans, specifications, and estimates, let contracts for  
11 and supervise the construction and maintenance of, or enlarging and remodeling of, any or all structures required  
12 to provide for the safe disposal of the sewage or furnishing of water in the sanitary or water district.

13 Section 2. This Act shall take effect upon its enactment into law.

SYNOPSIS

The purpose of this bill is to amend the timeframe in which Sussex County Council must pass a formal resolution after posting the notices of the establishment or revision of a sanitary sewer or water district. This bill proposes to substitute ninety (90) days for the thirty (30) day timeframe currently permitted under the Code.



SPONSOR: Rep. Schwartzkopf & Sen. Lopez  
Reps. Briggs King, Carson, Collins, Gray, Heffernan,  
Hudson, Q. Johnson, Kenton, Longhurst, Outten, Potter,  
B. Short, Smyk, Wilson; Sens. Bushweller, Ennis,  
Pettyjohn, Townsend

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 162

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO INLAND BAYS' WATERSHED  
ENHANCEMENT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 7603(a), Title 7 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 7603 Board of Directors.

4 (a) The Center shall be administered by a ~~9-person~~ Board of Directors which shall be no more than 14 in number  
5 and shall consist ~~consisting~~ of the following members:

- 6 (1) Secretary of Delaware Department of Agriculture;
- 7 (2) Secretary of Delaware Department of Natural Resources and Environmental Control;
- 8 (3) Representative from the Sussex Conservation District;
- 9 (4) Administrator from Sussex County;
- 10 (5) Representative from Sussex County Association of Towns;
- 11 (6) Chair of the Inland Bays Scientific and Technical Advisory Committee;
- 12 (7) Chair of the Inland Bays Citizens Advisory Committee;
- 13 (8) A citizen of Sussex County designated by the President Pro Tem of the Delaware Senate; ~~and~~
- 14 (9) A citizen of Sussex County designated by the Speaker of the Delaware House of Representatives;

15 and

16 (10) Up to 5 citizens of Sussex County elected by the voting membership of the Board of Directors.

17 Each member may designate an alternate in the event such member is unable to participate in any decision-making  
18 process of the Board.

SYNOPSIS

This bill adds up to 5 citizen members to the Board of Directors of the Center for the Inland Bays in order to include more citizen representation on the Board and to improve the Center's capacity to procure and administer private moneys secured to fulfill the responsibilities pursuant to the protection and restoration of the Inland Bays' watershed.



SPONSOR: Rep. Bolden & Rep. Schwartzkopf & Sen. Townsend  
Reps. Dukes, Gray, Heffernan, Jaques, J. Johnson, Lynn,  
Matthews, Miro, Osienski; Sens. Ennis, Henry,  
McDowell

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 177

AN ACT TO AMEND TITLES 25 AND 26 OF THE DELAWARE CODE RELATING TO PUBLIC UTILITIES AND  
THE DELAWARE UNIFORM COMMON INTEREST OWNERSHIP ACT.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §81-306(b), Title 25 of the Delaware Code by making insertions as shown by underlining and  
2 deletions as shown by strikethrough as follows:

3 (b)(1) Subject to the provisions of the declaration, the bylaws may provide for any other matters the  
4 association deems necessary and appropriate unless the declaration or this chapter requires that those provisions  
5 appear in the declaration.

6 (2) The bylaws of any condominium or cooperative common interest community may expressly require  
7 that all unit owners designate the unit owners' association for such community as a third party to receive  
8 notification of a termination of utility service under any third party notification program maintained by a utility  
9 pursuant to §117(b), Title 26 of the Delaware Code.

10 Section 2. Amend §117(b), Title 26 of the Delaware Code by making insertions as shown by underlining and  
11 deletions as shown by strikethrough as follows:

12 (b)(1) No person who engages in the distribution and sale of gas, water, wastewater, or electricity for use  
13 or consumption in any dwelling unit shall discontinue service or sale thereof due to nonpayment of past charges  
14 for such service or sale to the occupants of that dwelling unit and owed by the occupants thereof without at least  
15 72 hours' notice to said occupants of intention to so terminate, except as otherwise provided by this section.

16 (2) Each utility shall maintain a voluntary third party notification program whereby a customer may  
17 designate, in writing, a third party to also receive the notice of termination of service required by paragraph (1) of  
18 this subsection. The third party so designated must indicate, in writing, willingness to receive such notice on  
19 behalf of the customer and shall not be held, in any way, liable to the utility by reason of acceptance of third party  
20 status.

21           Section 3. The Common Interest Community Ombudsman shall promulgate a form bylaw which may be used by  
22   declarants, common interest community associations and unit owners in common interest communities to designate the unit  
23   owners' association as a third party to receive notification of a termination of utility service pursuant §117(b) of Title 26.  
24   The Ombudsman shall make information regarding the bylaw so promulgated available on the Office's website and  
25   otherwise disseminate information regarding the rights and responsibilities of unit owners and unit owners' associations  
26   under utility third party notification programs in a manner consistent with §2544 of Title 29.

27           Section 4. The provisions of this Act shall take effect 60 days after enactment.

#### SYNOPSIS

This bill requires utilities to maintain a third party notification system that allows a customer to designate a third party to receive notice prior to a termination of service. This bill also specifically allows condominium and common interest communities to adopt bylaws that require unit owners to designate the unit owners' association as a third party to receive notification prior to a termination of utility service. Finally, this bill directs the Common Interest Community Ombudsman to promulgate a form bylaw for use by common interest community associations and unit owners to designate the Home Owners' Association as a third party to receive notification of a termination of service pursuant to any third party notification system.



SPONSOR: Rep. Bennett & Sens. Hall-Long & McDowell  
Reps. Hudson, Q. Johnson, Keeley, Longhurst,  
Schwartzkopf, M. Smith, Viola; Sens. Blevins, Lavelle,  
Poore, Simpson

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE BILL NO. 171

AN ACT AMENDING TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO TAXES ON SPECIAL BETTERMENTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 8101(e)(8), Title 9 of the Delaware Code, by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 (e) Special betterments, whether or not also considered to be improvements, shall include and be limited to the  
4 following:

5 (8) Poles, wires, cable and conduit for distribution of telephone communication services either above or  
6 below ground; provided, however, that in no event shall the amount of tax imposed on such property exceed the  
7 amount paid on such property to each political subdivision in the fiscal year ending June 30, 2015;

8 Section 2. Amend §2001, Title 22 of the Delaware Code, by making deletions as shown by strike through and  
9 insertions as shown by underline as follows:

10 § 2001 Limitation of municipal taxing powers.

11 (a) Every municipal corporation in this State, regardless of population, shall only have the power to impose, levy,  
12 assess, or collect a tax of any kind whatsoever as expressly authorized in its municipal charter or this title.

13 (b) Any provision in a municipal charter granting the municipal corporation "all powers," or any derivation thereof,  
14 shall not be construed as exempting the municipal corporation from the limitation set forth in subsection (a) of this section.

15 (c) The amount of tax imposed by municipal corporations on poles, wires, conduit and cable for distribution of  
16 telephone communication may not exceed the amount paid on such property to each municipal corporation in the fiscal year  
17 ending June 30, 2015. As of June 30, 2018, no municipal corporation may impose a tax on poles, wires, conduit and cable  
18 for distribution of telephone communications.

19 Section 3. Legislative Findings. The General Assembly finds as follows:

20 a. Competition and changes in technology have expanded types of communications services available to  
21 businesses and consumers in Delaware.

22 b. Most state and local taxes on communications services were adopted before changes in technology and the  
23 emergence of competition.

24 c. Antiquated tax structures, such as taxation of telecommunications poles, wires and conduit, are no longer  
25 suitable for the current and future communications marketplace.

26 d. Tax policy should encourage investment in communications networks because communications services are  
27 vital to the state's economic growth and competitiveness.

28 e. The State, municipalities, school districts and counties all currently receive revenues from communications  
29 taxes, and should participate in any discussions about restructuring those taxes.

30 f. Property taxes received by received by municipalities, school districts and counties on telecommunications  
31 facilities will decrease in the coming years as a result of the transition to new technologies throughout the State.

32 g. More information about the revenue impact of tax restructuring on consumers and local governments receiving  
33 revenues from current taxes is necessary so that the General Assembly may consider tax restructuring options that are  
34 revenue-neutral to local governments and eliminate the disparate treatment of like communications providers during the  
35 2017 legislative session.

36 h. A Review Group of qualified persons representing the interests most affected by tax restructuring should study  
37 the issues and submit a recommendation and proposed legislation to the General Assembly.

38 Section 4. Legislative Directives. The General Assembly directs that a Telecommunications Tax Modernization  
39 Review Group (the "Review Group") be formed for the purpose of studying and making recommendations on funding  
40 mechanisms to replace the current property tax on poles, wires, cable and conduit for distribution of telephone service. The  
41 Review Group should consider options that: (1) are revenue-neutral to the localities, (2) are competitively neutral to  
42 providers of like communications services, and (3) encourage investment in broadband networks.

43 Section 5. The General Assembly further directs the Review Group to report findings and recommendations to the  
44 House of Representatives and Senate by March 1, 2017, or earlier if appropriate.

45 Section 6. The General Assembly further directs that the Chair of the Review Group shall be a member of the  
46 House of Representatives appointed by the Speaker of the House and, in addition to its chair, the Review Group shall have  
47 the following members:

- 48 1. One member of the Senate, appointed by the President Pro Tempore of the Senate;
- 49 2. The Secretary of Finance or his designee;
- 50 3. One representative from New Castle County government, appointed by the County Executive;
- 51 4. One representative from Kent County government, appointed by the President of Kent County Levy Court

- 52           5. One representative of Sussex County, appointed by the President of Sussex County Council;
- 53           4. Two representatives from local governments, appointed by the Chair;
- 54           5. One representative from the school districts, appointed by the Chair; and
- 55           6. One representative from a provider of landline telephone service that pays property tax on poles, wires, cable
- 56 and conduit, appointed by the Chair:

57           Section 7. The General Assembly further directs that the Chair of the Review Group be responsible for guiding the

58 administration of the Review Group by, at a minimum:

- 59           1. Setting dates, times and places for meetings;
- 60           2. Supervising the preparation and distribution of meeting notices, agendas, minutes, correspondence, and reports
- 61 of the Review Group; and
- 62           3. Ensuring that the final report of the Review Group is submitted to the Speaker of the House of Representatives
- 63 and President Pro Tempore of the Senate with a copy to the Governor, the Director of the Division of Research of
- 64 Legislative Council and the Delaware Public Archives.

65           Section 8. The General Assembly further directs that staff support for the Review Group be provided by the

66 Controller General's Office and the Office of the Secretary of Finance, under the direction of the Chair of the Review

67 Group.

68           Section 9. The General Assembly further directs that in order to evaluate the revenue impacts of such proposal, if

69 necessary, the Department of Finance is directed to collect information from municipalities, counties, and any other

70 relevant agencies including itself, to determine the amount of revenue collected and remitted to the respective governments

71 from all current taxes on communications services for the fiscal year beginning July 1, 2014 and ending June 30, 2014. The

72 Department of Finance also may collect information from communications service providers about the amount of revenue

73 paid or collected and remitted to governments from all communications taxes for the fiscal year beginning July 1, 2014 and

74 ending June 30, 2014. Subject to the restrictions provided by § 368 of Title 30 of the Delaware Code, the Department of

75 Finance shall provide the information collected under this section to the Review Group immediately upon receipt, or prior

76 to September 15, 2015.

77           Section 10. The General Assembly further directs that the information collected from communications service

78 providers shall not be disclosed to the public unless it is aggregated so that market share and other sensitive market

79 information for individual companies cannot be determined. Information not so aggregated or other individual company

80 information is not subject to disclosure.

81           Section 11. The General Assembly further directs that the governmental entities, agencies and communications  
82 providers shall cooperate reasonably with the Department of Finance's information gathering under this resolution. The  
83 Department shall have the authority to subpoena any entity, agency or communications provider that fails or refuses to  
84 cooperate reasonably with the Department's information gathering.

85           Section 12. The restrictions imposed on the counties' and municipalities' taxation of poles, wires, cables and  
86 conduit for distribution of telephone communication services in Sections 1, 2 and 3 above shall also apply to school  
87 districts.

88           Section 13. Section 1 of this bill is effective June 30, 2018.

89           Section 14. Sections 2-15 of this bill are effective upon enactment.

#### SYNOPSIS

This bill establishes a Telecommunications Tax Modernization Review Group to study and make recommendations for establishing a future funding mechanism to replace the property tax on telecommunications equipment and addressing the projected decrease in revenue to the counties, municipalities and school districts from the transition to new technologies throughout the State. The resulting mechanism should be revenue-neutral to the localities and competitively neutral to providers of like services. To encourage investment in broadband infrastructure, this bill also caps the amount of tax on telecommunications equipment at FY15 rates and eliminates the tax as of June 30, 2018.



SPONSOR: Sen. Poore & Rep. Brady  
Sens. Lopez, Pettyjohn, Sokola, Townsend;  
Reps. Bennett, Bolden, Dukes, Spiegelman

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE BILL NO. 112

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE ECONOMIC DEVELOPMENT OFFICE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 5002, Title 29 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows and by redesignating accordingly:

3 § 5002. Definitions.

4 (e) "Plan" means the Comprehensive State Plan for Economic Development created by § 5005 of this title.

5 Section 2. Amend § 5005, Title 29 of the Delaware Code by making deletions as shown by strike through and  
6 insertions as shown by underline as follows:

7 § 5005. Delaware Economic Development Office — Powers, ~~duties~~ duties, and functions of Director.

8 The Director shall have the following powers, ~~duties~~ duties, and functions:

9 (16) To develop a 5-year Comprehensive State Plan for Economic Development.

10 a. The Plan shall include all of the following:

11 1. Description of the Office's vision, goals, objectives, and strategies.

12 2. Identification of business sectors, including those sectors which have potential growth in this  
13 State's economy and global business image.

14 3. Strategies to encourage the creation and expansion of businesses in this State and the relocation of  
15 businesses to this State.

16 4. Potential partners for the implementation of the strategy required in paragraph (16)a.3. of this  
17 section, including federal and local governments, local and regional organizations for economic development  
18 growth, chambers of commerce, private businesses and investors, and nonprofit entities.

19 5. Strategies for talent development necessary to encourage economic development growth in this  
20 State, taking into consideration factors such as this State's education and training opportunities and available  
21 workforce.

22 6. Strategies to engage women, veterans, and minorities in developing businesses.

23 7. Strategies to improve and develop tourism.

24 8. An analysis of current and projected economic indicators, which shall be completed through the  
25 Office's coordination with the appropriate State agencies and shall include:

26 A. Unemployment rate.

27 B. Average annual wage.

28 C. Gross domestic product.

29 D. Number of jobs created.

30 E. Number of jobs retained.

31 9. An analysis of the return on investment produced through the Strategic Fund.

32 b. At least two months prior to submitting the Plan as required in this chapter, the Office shall hold a  
33 public meeting to allow public input regarding the Plan. The meeting shall be held in all three counties in this  
34 State. The Office may hold separate meetings in each county or hold one meeting and, through the use of  
35 technology, provide the public with access to attend and participate in the meeting simultaneously from each of the  
36 three counties.

37 c. The Plan shall be submitted every 5 years to the Governor, President Pro Tempore of the Senate,  
38 Speaker of the House of Representatives, and, for public distribution, to the Director of the Division of Research  
39 of Legislative Council and the Director of Public Archives. The Office shall also publish the Plan on the Office's  
40 public website.

41 Section 2. Amend § 5016, Title 29 of the Delaware Code by making deletions as shown by strike through and  
42 insertions as shown by underline as follows and by redesignating accordingly:

43 § 5016. Reports.

44 ~~(a) The Office shall submit an annual report to the Governor and the General Assembly on or before October 15~~  
45 ~~of each year. Such report shall contain summaries of important accomplishments of the Office and summaries of the work~~  
46 ~~of the Council on Development Finance and of the Tourism Advisory Board.~~

47           (a) The Office shall submit an annual report on or before September 1 of each year. The annual report shall detail  
48 the status of the Office's efforts to meet the vision, goals, objectives, strategies, and economic indicators included in its  
49 comprehensive economic development planning.

50           (b) The Office shall submit a summary of the work of the Council on Development Finance on or before October  
51 15 of each year.

52           (b) The Office shall also submit special reports upon the request of the Governor, the General Assembly, the  
53 Council on Development Finance ~~or Finance~~, the Tourism Advisory Board ~~Board~~, or at the discretion of the Director of  
54 those aspects of the Office's work which may be deemed of current interest. Copies of all reports shall be made available  
55 for general distribution or sale and published on the Office's public website.

56           (c) In preparing any reports on its operations, the Office may seek the advice of outside experts in the fields of  
57 tourist and travel promotion or general economic development.

58           (d) The Office shall submit all reports, when due, to the Governor, President Pro Tempore of the Senate, Speaker  
59 of the House of Representatives, and, for public distribution, to the Director of the Division of Research of Legislative  
60 Council and the Director of Public Archives. The Office shall also publish the reports on the Office's public website.

61           Section 3. The first annual report required by Section 2 of this Act shall be submitted by September 1, 2015.  
62 Annual reports for the years 2015 to 2019 shall be based on the Office's Comprehensive Economic Development Strategy.  
63 Annual reports for 2020 and subsequent years shall be based on the Comprehensive State Plan for Economic Development  
64 created by this Act. The first Comprehensive State Plan for Economic Development shall be submitted by September 1,  
65 2019.

#### SYNOPSIS

This Act fulfills the recommendation of the Joint Sunset Committee that the Delaware Economic Development Office ("Office") be required to develop a comprehensive state plan for economic development every 5 years and submit annual reports detailing the Office's status in meeting its vision, goals, objectives, and strategies.

Author: Senator Poore



SPONSOR: Sen. McDowell & Sen. Bonini & Rep. Osinski & Rep. Keeley  
Sens. Blevins, Cloutier, Hall-Long, Henry, Lopez, Poore, Sokola, Townsend; Reps. Barbieri, Baumbach, Brady, Briggs King, Heffernan, Longhurst, Mitchell, Mulrooney, Ramone, B. Short, D. Short

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE BILL NO. 130

AN ACT TO AMEND TITLE 2, TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO TRANSPORTATION AND LAND USE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend Title 2, Delaware Code, by making deletions as shown by strike through and insertions as  
2 shown by underline as follows:

3 Chapter 21. Complete Community Enterprise District.

4 § 2101 Findings and declaration of policy.

5 (a) Findings. The General Assembly hereby finds that:

6 (1) It is essential for the economic well-being of the State that the people of the State receive the highest possible  
7 economic return on both existing and new transportation system investments made by State government.

8 (2) The State has limited resources to fund the operation, maintenance and expansion of the State transportation  
9 system.

10 (3) Most household spending on transportation leaves Delaware's local economy. Lowering the total cost of  
11 transportation for new and existing households can therefore mean more income for Delaware businesses and more  
12 Delaware jobs and is a critical economic development strategy for the State.

13 (4) Reducing road congestion by shifting trips made by new and existing households to non-automotive modes is  
14 a lower cost strategy for the State in the long run than building new road capacity.

15 (5) Traditional communities, built before 1910 in Delaware, are a model for both efficient use of public  
16 infrastructure and of households with lower transportation costs.

17 (6) The relatively high population density of traditional communities permits a more efficient and cost- effective  
18 use of public infrastructure and services.

19 (7) New high density development in downtown or urban core areas, traditional towns or villages, or regional  
20 activity centers is a pre-requisite for the State to be able to economically expand transit service.

21 (8) Households in traditional communities can use less energy and produce less air pollution per capita while still  
22 enjoying a level of mobility and access equal or superior to that which is only available at much higher cost to households  
23 where most daily travel destinations are spread out over large distances.

24 (9) The average housing cost burden in Delaware can be reduced by encouraging housing development that is less  
25 directed by local regulations and restrictions and more market-driven.

26 (b) Policy. It is the policy of this State to:

27 (1) Encourage new development that maximizes the economic value to the citizens and the government of the  
28 State of both existing and new transportation infrastructure.

29 (2) Strategically deploy limited transportation funds in ways that meet the mobility needs of the people of the State  
30 at the lowest total economic cost to the people and government of the State.

31 (3) Provide transportation solutions that enable the formation of new households in the State that have less than  
32 one vehicle per adult worker.

33 (4) Invite municipal and county governments to identify opportunities for local and state government to cooperate  
34 in developing communities in Delaware that have land use characteristics that are economically consistent with expanded  
35 multimodal transportation systems.

36 § 2102 Definitions.

37 As used in this chapter, unless the context indicates a different intent:

38 (a) "Complete Community Enterprise District" means an area of a city and/or county that meets the criteria set  
39 forth in § 2103 and 2104 of this title.

40 (b) "Department" means the Department of Transportation.

41 (c) "District" means a Complete Community Enterprise District, as defined by the criteria set forth in §  
42 2104 of this title.

43 (d) "Farebox recovery ratio" is the fraction of a transit system's operating expenses which are met by the fares  
44 paid by passengers.

45 (e) "Housing cost burden" is the percent of income spent on housing, commonly measured by the ratio of median  
46 house prices and rents to median household income.

47 (f) "Isoperimetric quotient" is a measure of how compact a particular defined District is. It is the ratio of the area  
48 of the District to the area of a circle with the same perimeter as the District.

49 (g) "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations  
50 and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit  
51 or which has been used or developed as a unit.

52 (h) "Project" means any capital-related improvement and addition to the State's transportation infrastructure,  
53 including but not limited to transit systems, facilities, stations and equipment, sidewalks, multi-use paths, protected bike  
54 lanes and bicycle boulevards.

55 (j) "Traditional community" refers to the patterns of land usage that characterized cities and towns built before  
56 1910 in the United States.

57 § 2103 District designation.

58 (a) Any municipality, county or municipality/county partnership may enter into an agreement with the Department  
59 of Transportation to create a District.

60 (b) The municipality and/or county and the Department will agree on the boundaries of the District and create a  
61 Master Development Plan for the District that will subsequently be reviewed through the PLUS process and adopted into  
62 their Comprehensive Plan. The Master Development Plan may include the following:

63 1) A mix of parcels of land zoned for residential, commercial, light industrial and institutional uses, and a guide  
64 for the specific design of the physical form, public spaces and amenities of the District so that transit, walking and cycling  
65 are safe and comfortable modes of travel for all the residents of the District.

66 2) An agreement to modify the level of service requirements.

67 § 2104 District requirements.

68 A Complete Community Enterprise District must meet all of the following requirements:

69 (a) The District is contiguous.

70 (b) The District is more than one square mile but less than nine square miles in area. (c) The District has a compact  
71 shape with an isoperimetric quotient of at least 0.7.

72 (d) All parcels of land zoned for residential use included in the District are zoned and otherwise regulated such that  
73 they may be developed at a density that is high enough to enable the provision of frequent transit service to the residents of  
74 the District.

75 (e) All development on all parcels of land included in the District is exempted from any municipal or county  
76 requirements for the provision of off-street parking.

77 (i) The total area of the District that is zoned for residential use is greater than the total area that is zoned for  
78 commercial or other uses.

79           § 2105 District policies.

80           Once a District has been created, the Department shall:

81           (a) Develop transit capital improvement projects with the goal of increasing transit ridership in the District that  
82 would result in a greater farebox recovery ratio.

83           (b) Identify the most significant barriers to more trips via walking and cycling in the District and develop capital  
84 improvement projects to overcome those barriers.

85           (c) Assign department capital improvement projects within a District the highest weight for Multi-Modal  
86 Mobility, Flexibility/Access, as well as the weight equivalent to projects in Transportation Improvement Districts through  
87 the Department's project prioritization process pursuant to Title 29 § 8419.

88           (d) Establish an engineering design goal of free flowing 85th percentile motor vehicle traffic speeds of 25 mph or  
89 less for all streets and roads that are not limited access in the District.

90           (e) Refrain from developing any projects that expand road capacity in the District unless the Department can  
91 demonstrate that such projects will have no negative effect on transit access, pedestrian safety or on the percentage of trips  
92 that can be made by bicycle under low traffic stress conditions.

93           Section 2. Amend Chapter 26 of Title 9 of the Delaware Code by making insertions as shown by underlining and  
94 deletions as shown by strikethrough as follows:

95           § 2662 Highway capacity.

96           Except as provided in § 2663 of this chapter, the County Council shall not approve any proposed change in the  
97 zoning classification for land (i.e., any "rezoning request") without first complying with the following procedures:

98           § 2663 Complete Community Enterprise Districts.

99           The County Council may approve a packet of changes in zoning classifications for parcels of land as part of a  
100 Complete Community Enterprise District established in § 2103 and 2104 of Title 2.

101           Section 3. Amend Chapter 49 of Title 9 of the Delaware Code by making insertions as shown by underlining and  
102 deletions as shown by strikethrough as follows:

103           § 4962 Highway capacity.

104           Except as provided in § 4963 of this chapter, the county government shall not approve any proposed change in the  
105 zoning classification for land (i.e., any "rezoning request") without first complying with the following procedures:

106           § 4963 Complete Community Enterprise Districts.

107           The Levy Court may approve a packet of changes in zoning classifications for parcels of land as part  
108 of a Complete Community Enterprise District established in § 2103 and 2104 of Title 2.

109 Section 4. Amend Chapter 69 of Title 9 of the Delaware Code by making insertions as shown by underlining and  
110 deletions as shown by strikethrough as follows:

111 § 6962 Highway capacity.

112 Except as provided in § 6963 of this chapter, the county government shall not approve any proposed change in the  
113 zoning classification for land (i.e., any "rezoning request") without first complying with the following procedures:

114 § 6963 Complete Community Enterprise Districts.

115 The County Council may approve a packet of changes in zoning classifications for parcels of land as part of a  
116 Complete Community Enterprise District designation established in § 2103 and 2104 of Title 2.

117 Section 5. Amend Chapter 3 of Title 22 of the Delaware Code by making insertions as shown by underlining as  
118 follows:

119 § 312 Complete Community Enterprise Districts.

120 For any or all the purposes provided in § 301 of this title, the legislative body of the municipality may amend its  
121 zoning regulations for parcels of land as part of a Complete Community Enterprise District established in § 2103 and 2104  
122 of Title 2.

#### SYNOPSIS

This bill defines criteria for any local government to promote economic development by entering into an agreement with the Department of Transportation to create transit-oriented development districts, called "Complete Community Enterprise Districts". Complete Community Enterprise Districts may be designated in downtown or urban core areas, traditional towns or villages, or regional activity centers. They are characterized by their mix of land uses, efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.

Author: Senator McDowell



SPONSOR: Sen. Hocker & Sen. Marshall & Rep. B. Short & Rep. Q. Johnson & Rep. Carson & Rep. Dukes & Rep. Gray & Rep. D. Short & Rep. Smyk & Rep. Spiegelman & Rep. Wilson & Rep. Yearick  
Sens. Blevins, Bonini, Bushweller, Cloutier, Ennis, Hall-Long, Henry, Lavelle, Lawson, Lopez, McBride, McDowell, Peterson, Pettyjohn, Poore, Richardson, Simpson, Sokola, Townsend; Reps. Barbieri, Baumbach, Bennett, Briggs King, Collins, Hensley, Hudson, Jaques, J. Johnson, Kenton, Kowalko, Longhurst, Matthews, Miro, Mitchell, Mulrooney, Osienski, Outten, Paradee, Peterman, Potter, Ramone, Schwartzkopf, M. Smith, K. Williams

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE BILL NO. 113

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE REGULATORY TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 10403, Title 29, Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows and by redesignating the remaining subsections accordingly:

3 § 10403 Definitions.

4 As used in this chapter:

5 (2) "Agency regulatory statement" means any analysis or statement required to be submitted for publication by an  
6 agency to the Registrar of Regulations in accordance with this chapter.

7 ~~(3)(4)~~ "Small business" means any not-for-profit enterprise, sheltered workshop or business enterprise which is  
8 engaged in any phase of manufacturing, agricultural production or personal service, regardless of the form of its  
9 organization, when such enterprise or workshop employs fewer than 20 50 persons, has gross receipts of less than  
10 ~~\$4,000,000~~ \$10,000,000 and is not owned, operated or controlled by another business enterprise.

11 Section 2. Amend § 10404, Title 29, Delaware Code by making deletions as shown by strike through and  
12 insertions as shown by underline as follows:

13 § 10404 ~~Consideration of possible exemptions.~~ [Deleted.]

14 ~~(a) Prior to the issuance of any rule or regulation an agency shall consider whether it is lawful, feasible and~~  
15 ~~desirable for the agency to exempt individuals and small businesses from the effect of the rule or regulation or whether the~~  
16 ~~agency may and should promulgate a rule or regulation which sets less stringent standards for compliance by individuals~~  
17 ~~and/or small businesses.~~

18 ~~(b) The agency's consideration should include the following factors:~~

19 ~~(1) The nature of any reports and the estimated cost of their preparation by individuals and/or small businesses~~  
20 ~~which would be required to comply with a new rule;~~

21 ~~(2) The nature and estimated costs of other measures or investments that would be required by individuals and/or~~  
22 ~~small businesses in complying with a rule;~~

23 ~~(3) The nature and estimated cost of any legal, consulting and accounting services which individuals and/or small~~  
24 ~~businesses would incur in complying with a rule;~~

25 ~~(4) The ability of individuals and/or small businesses to absorb the costs estimated under paragraphs (1), (2) and~~  
26 ~~(3) of this subsection without suffering economic harm and without adversely affecting competition in the marketplace;~~

27 ~~(5) The additional cost, if any, to the agency of administering or enforcing a rule which exempts or sets lesser~~  
28 ~~standards for compliance by individuals and/or small businesses; and~~

29 ~~(6) The impact on the public interest of exempting or setting lesser standards of compliance for individuals and/or~~  
30 ~~small businesses.~~

31 Section 3. Amend Chapter 104, Title 29, Delaware Code by making deletions as shown by strike through and  
32 insertions as shown by underline as follows:

33 § 10404A Regulatory impact statements.

34 (a) Any agency that proposes to adopt or amend any regulation under the Administrative Procedures Act, 29  
35 Del.C. §§ 10101 et seq., that is substantially likely to impose additional costs or burdens upon individuals and/or small  
36 businesses shall submit a regulatory impact statement to be published by the Registrar of Regulations as part of the notice  
37 requirements set forth in § 10115 of this title. Each regulatory impact statement shall include:

38 (1) A specific reference to the statutory provision which allows for the adoption or amendment of the rule  
39 or regulation and the statutory provisions which address the subject matter of the rule or regulation;

40 (2) A description of the purpose of the regulation;

41 (3) An identification of the individuals and/or small businesses that would be subject to compliance under  
42 the regulation;

43 (4) A good-faith estimate by the agency of the potential cost of compliance for individuals and/or small  
44 businesses, which at minimum shall include the projected reporting, recordkeeping, and other administrative costs required  
45 to comply with the proposed regulation; and

46 (5) A description of any less intrusive or less costly alternative methods of achieving the purpose of the  
47 proposed regulation, to the extent such methods are not otherwise described herein.

48 (b) The following regulations are exempt from this section:

49 (1) Regulations that are not substantially likely to impose additional costs or burdens upon individuals  
50 and/or small businesses; provided, however, that any agency making such a determination shall include a statement to that  
51 effect as part of the notice requirements set forth in § 10115 of this title;

52 (2) Emergency regulations adopted pursuant to § 10119 of this title;

53 (3) Regulations that are exempt from the procedural requirements of the Administrative Procedures Act,  
54 29 Del.C. §§ 10101 et seq., pursuant to § 10113(b) of this title;

55 (4) Regulations that define standards of conduct or qualifications of individuals applying for licensure or  
56 as licensed professionals;

57 (5) Regulations that are required by federal law and have already complied with the federal Regulatory  
58 Flexibility Act; and

59 (6) Such other regulations as may be determined from time to time in accordance with this chapter.

60 Section 4. Amend § 10405, Title 29, Delaware Code by making deletions as shown by strike through and  
61 insertions as shown by underline as follows:

62 § 10405 Transmission of ~~rule~~ notice of proposed regulation to General Assembly standing committees; comments.

63 ~~The agency prescribing such rule~~ Upon receipt of a notice from an agency pursuant to § 10115 of this title that  
64 includes an agency regulatory statement, the Registrar of Regulations shall forthwith transmit such ~~rule~~ notice and agency  
65 regulatory statement to, and obtain the comments, if any, of, the appropriate standing committees of the General Assembly  
66 with oversight responsibilities for legislation affecting that agency with respect to the potential impact of such proposed  
67 regulation upon individuals and/or small businesses resulting from implementation of such rules. Nothing in this section  
68 shall require any standing committee to meet, to consider any notice hereunder, or to provide any comments in connection  
69 herewith.

70 Section 5. Amend Chapter 104, Title 29, Delaware Code by making deletions as shown by strike through and  
71 insertions as shown by underline as follows:

72 § 10409. Guidelines.

73 (a) No later than November 15, 2015, the Registrar of Regulations, the Office of Management and Budget (OMB),  
74 and the Department of State, in consultation with such regulatory agencies, boards, and commissions as may be necessary  
75 or desirable, shall submit for final publication guidelines to assist state agencies in preparing the agency regulatory  
76 statements required pursuant to this chapter. The adoption of such guidelines shall be subject to the Administrative  
77 Procedures Act, 29 Del.C. §§ 10101 et seq., with OMB serving as the adopting agency.

78 (b) The guidelines shall include, but are not limited to:

79 (1) Determining when, and under what circumstances, a proposed regulation is substantially likely to  
80 impose additional costs or burdens on individuals and/or small businesses;

81 (2) Identifying and evaluating alternative methods of achieving the purpose of a proposed regulation;

82 (3) Determining the potential cost of complying with a proposed regulation, including projected  
83 reporting, recordkeeping, and other administrative costs; and

84 (4) Evaluating and adopting such additional exemptions from the requirements applicable to agency  
85 regulatory statements as may be necessary or desirable.

86 Section 6. This Act shall be known as “The Regulatory Transparency and Accountability Act of 2015”.

87 Section 7. This Act shall become effective for all new or amended regulations submitted to the Registrar of  
88 Regulations on or after January 1, 2016.

#### SYNOPSIS

The Regulatory Transparency and Accountability Act of 2015 improves Delaware’s regulatory environment for individuals and small businesses in several significant ways. First, the Act improves transparency by requiring each agency to submit a “regulatory impact statement” to the Registrar of Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. Among other things, each regulatory impact statement must (1) describe the purpose of the regulation; (2) identify the individuals and/or small businesses subject to it; (3) provide an estimate of the potential costs of compliance; and (4) describe any less intrusive or less costly alternative methods of achieving the purpose of the regulation.

In addition, the Act further enhances transparency by requiring the Registrar of Regulations to transmit regulatory impact statements to the appropriate standing committee of the General Assembly. Further, the Act expands the definition of “small business” for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104). The practical effect of this change is that many more small businesses will enjoy the benefits of this chapter because the “universe” of small businesses will be larger. Finally, the Act requires the adoption of Guidelines to assist agencies in fulfilling their obligations under the Act. The Guidelines must be submitted for final publication by November 15, 2015.

When enacted, the Regulatory Accountability and Transparency Act is effective for all new or amended regulations submitted to the Registrar of Regulations on or after January 1, 2016.

AUTHOR: Sens. Hocker & Marshall



SPONSOR: Sen. Marshall & Sen. Hocker & Rep. Q. Johnson & Rep. B. Short & Rep. Carson & Rep. Dukes & Rep. Gray & Rep. D. Short & Rep. Smyk & Rep. Spiegelman & Rep. Wilson & Rep. Yearick  
Sens. Blevins, Bonini, Bushweller, Cloutier, Ennis, Hall-Long, Henry, Lavelle, Lawson, Lopez, McBride, McDowell, Peterson, Pettyjohn, Poore, Richardson, Simpson, Sokola, Townsend; Reps. Barbieri, Baumbach, Bennett, Briggs King, Collins, Hensley, Hudson, Jaques, J. Johnson, Kenton, Kowalko, Longhurst, Matthews, Miro, Mitchell, Mulrooney, Osienki, Outten, Paradee, Peterman, Potter, Ramone, Schwartzkopf, M. Smith, K. Williams

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE BILL NO. 120

AN ACT TO AMEND TITLE 29, CHAPTERS 101 AND 104 OF THE DELAWARE CODE RELATING TO THE REGULATORY TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 10403, Title 29 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows and by redesignating the remaining subsections accordingly:

3 § 10403 Definitions.

4 As used in this chapter:

5 (2) "Agency regulatory statement" means any analysis or statement required to be submitted for publication by an  
6 agency to the Registrar of Regulations in accordance with this chapter.

7 (3)(4) "Small business" means any not-for-profit enterprise, sheltered workshop or business enterprise which is  
8 engaged in any phase of manufacturing, agricultural production or personal service, regardless of the form of its  
9 organization, when such enterprise or workshop employs fewer than 20 50 persons, has gross receipts of less than  
10 \$4,000,000 \$10,000,000 and is not owned, operated or controlled by another business enterprise.

11 Section 2. Amend § 10404, Title 29 of the Delaware Code by making deletions as shown by strike through and  
12 insertions as shown by underline as follows:

13 § 10404 ~~Consideration of possible exemptions.~~ [Deleted.]

14 ~~(a) Prior to the issuance of any rule or regulation an agency shall consider whether it is lawful, feasible and~~  
15 ~~desirable for the agency to exempt individuals and small businesses from the effect of the rule or regulation or whether the~~  
16 ~~agency may and should promulgate a rule or regulation which sets less stringent standards for compliance by individuals~~  
17 ~~and/or small businesses.~~

18 (b) The agency's consideration should include the following factors:

19 ~~(1) The nature of any reports and the estimated cost of their preparation by individuals and/or small businesses~~  
20 ~~which would be required to comply with a new rule;~~

21 ~~(2) The nature and estimated costs of other measures or investments that would be required by individuals and/or~~  
22 ~~small businesses in complying with a rule;~~

23 ~~(3) The nature and estimated cost of any legal, consulting and accounting services which individuals and/or small~~  
24 ~~businesses would incur in complying with a rule;~~

25 ~~(4) The ability of individuals and/or small businesses to absorb the costs estimated under paragraphs (1), (2) and~~  
26 ~~(3) of this subsection without suffering economic harm and without adversely affecting competition in the marketplace;~~

27 ~~(5) The additional cost, if any, to the agency of administering or enforcing a rule which exempts or sets lesser~~  
28 ~~standards for compliance by individuals and/or small businesses; and~~

29 ~~(6) The impact on the public interest of exempting or setting lesser standards of compliance for individuals and/or~~  
30 ~~small businesses.~~

31 Section 3. Amend Chapter 104, Title 29 of the Delaware Code by making deletions as shown by strike through  
32 and insertions as shown by underline as follows:

33 § 10404B. Regulatory flexibility analyses.

34 (a) Any agency that proposes to adopt or amend any regulation under the Administrative Procedures Act, 29  
35 Del.C. §§ 10101 et seq., that is substantially likely to impose additional costs or burdens upon individuals and/or small  
36 businesses shall submit a regulatory flexibility analysis to be published by the Registrar of Regulations as part of the notice  
37 requirements set forth in § 10115 of this title. In connection herewith, agencies shall consider, where applicable, lawful,  
38 feasible and desirable, the following methods of reducing the additional costs and burdens of proposed regulations on  
39 individuals and small businesses:

40 (1) The establishment of less stringent compliance or reporting requirements;

41 (2) The establishment of less stringent schedules or deadlines for compliance or reporting requirements;

42 (3) The consolidation or simplification of compliance or reporting requirements;

43 (4) The establishment of performance standards to replace design or operational standards required in the  
44 proposed regulation;

45 (5) The exemption of certain individuals or small businesses from all or part of the requirements  
46 contained in the proposed regulation; and

47 (6) Such other alternative regulatory methods that will accomplish the objectives of the proposed  
48 regulation while minimizing the adverse impact upon individuals and small businesses.

49 (b) The following regulations are exempt from this section:

50 (1) Regulations that are not substantially likely to impose additional costs or burdens upon individuals  
51 and/or small businesses; provided, however, that any agency making such a determination shall include a statement to that  
52 effect as part of the notice requirements set forth in § 10115 of this title;

53 (2) Emergency regulations adopted pursuant to § 10119 of this title;

54 (3) Regulations that are exempt from the procedural requirements of the Administrative Procedures Act,  
55 29 Del.C. §§ 10101 et seq., pursuant to § 10113(b) of this title;

56 (4) Regulations that define standards of conduct or qualifications of individuals applying for licensure or  
57 as licensed professionals;

58 (5) Regulations that are required by federal law and have already complied with the federal Regulatory  
59 Flexibility Act; and

60 (6) Such other regulations as may be determined from time to time in accordance with this chapter.

61 Section 4. Amend Chapter 104, Title 29 of the Delaware Code by making deletions as shown by strike through  
62 and insertions as shown by underline as follows:

63 § 10409. Guidelines.

64 (a) No later than November 15, 2015, the Registrar of Regulations, the Office of Management and Budget (OMB),  
65 and the Department of State, in consultation with such regulatory agencies, boards, and commissions as may be necessary  
66 or desirable, shall submit for final publication guidelines to assist state agencies in preparing the agency regulatory  
67 statements required pursuant to this chapter. The adoption of such guidelines shall be subject to the Administrative  
68 Procedures Act, 29 Del.C. §§ 10101 et seq., with OMB serving as the adopting agency.

69 (b) The guidelines shall include, but are not limited to:

70 (1) Determining when, and under what circumstances, a proposed regulation is substantially likely to  
71 impose additional costs or burdens on individuals and/or small businesses;

72 (2) Identifying and evaluating alternative methods of achieving the purpose of a proposed regulation;

73 (3) Determining the potential cost of complying with a proposed regulation, including projected  
74 reporting, recordkeeping, and other administrative costs; and

75 (4) Evaluating and adopting such additional exemptions from the requirements applicable to agency  
76 regulatory statements as may be necessary or desirable.

77 Section 5. Amend § 10115, Title 29 of the Delaware Code by making deletions as shown by strike through and  
78 insertions as shown by underline as follows:

79 (a) Whenever an agency proposes to formulate, adopt, amend or repeal a regulation, it shall file notice and full text  
80 of such proposals, together with copies of the existing regulation being adopted, amended or repealed, with the Registrar  
81 for publication, in full or as a summary, in the Register of Regulations pursuant to § 1134 of this title. Any submission to  
82 the Registrar hereunder shall include, to the extent applicable, any agency regulatory statement required to be submitted by  
83 the agency pursuant to chapter 104 of this title.

84 Section 6. Amend § 10115, Title 29 of the Delaware Code by making deletions as shown by strike through and  
85 insertions as shown by underline as follows:

86 (d) No regulation being proposed to be formulated, adopted, amended or repealed shall be published if the  
87 requisite notice prescribed in subsection (a) of this section is not submitted with the proposed regulation to the Registrar of  
88 Regulations.

89 Section 7. This Act shall be known as “The Regulatory Transparency and Accountability Act of 2015.”

90 Section 8. This Act shall become effective for all new or amended regulations submitted to the Registrar of  
91 Regulations on or after January 1, 2016.

#### SYNOPSIS

The Regulatory Transparency and Accountability Act of 2015 improves Delaware’s regulatory environment for individuals and small businesses in several significant ways. First, it requires each agency to submit a “regulatory flexibility analysis” (or “RFA”) to the Registrar of Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. In each RFA, an agency must consider, where applicable, lawful, feasible and desirable, specific methods of reducing the burdens of the regulation on individuals and/or small businesses, including: (1) establishing less stringent requirements and deadlines; (2) establishing performance standards to replace design standards; (3) exempting individuals and small businesses from all or part of the regulation; and (4) examining other ways to accomplish the regulation’s purpose, while minimizing the impact upon individuals and/or small businesses.

In addition, the Act provides that no proposed regulatory change may be published in the Register of Regulations unless the proposing agency submits an RFA (if applicable) and any other required information to the Registrar. The Act also amends the Administrative Procedures Act (“APA”) to specifically require agencies to submit RFAs to the Registrar for publication. Both of these provisions are important steps to enhance accountability in Delaware’s regulatory process.

The Act also requires the adoption of Guidelines, which must be submitted for final publication by November 15, 2015, to assist agencies in fulfilling their obligations under the Act. Finally, the Act expands the definition of “small business” for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104).

If enacted, the Regulatory Accountability and Transparency Act would become effective for all new or amended regulations submitted to the Registrar on or after January 1, 2016.

Author: Senator Marshall & Senator Hocker



SPONSOR: Sen. Ennis & Rep. Carson  
Sens. Hocker, Lopez; Reps. Briggs King, Hensley,  
Hudson, J. Johnson, Kenton, Paradee, B. Short, Wilson

DELAWARE STATE SENATE  
148th GENERAL ASSEMBLY

SENATE BILL NO. 124

AN ACT TO AMEND TITLE 3, CHAPTER 9 OF THE DELAWARE CODE RELATING TO THE DELAWARE  
AGRICULTURAL LANDS PRESERVATION FOUNDATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend § 903(a), Chapter 9, Title 3 of the Delaware Code by making deletions as shown by strike  
2 through and insertions as shown by underline as follows and renumbering the remaining paragraphs accordingly:

3 § 903 Delaware Agricultural Lands Preservation Foundation.

4 (a) There is hereby established and created a statewide agricultural lands preservation foundation, a body politic  
5 and corporate constituting a public instrumentality of the State established and created for the performance of an essential  
6 public and governmental function, to be known as the Delaware Agricultural Lands Preservation Foundation. The  
7 Foundation shall be comprised of ~~12~~ 13 trustees, all of whom shall be resident of and qualified to vote in the State. The  
8 President Pro Tem shall appoint 1 member from the Senate and the Speaker of the House shall appoint 1 member from the  
9 House of Representatives each of whom shall serve an indefinite term. The Governor shall appoint the remaining ~~10~~ 11  
10 Trustees and shall designate 1 Trustee as Chairperson, which Trustee shall serve at the pleasure of the Governor and be  
11 confirmed with the advice and consent of the Senate. The composition of the ~~10~~ 11 members appointed by the Governor to  
12 the Board of Trustees of the Foundation shall be as follows:

13 (9) An individual actively engaged in farming or some other form of agribusiness who may reside in any county  
14 of the State.

15 Section 2. Amend § 903(b), Chapter 9, Title 3 of the Delaware Code by making deletions as shown by strike  
16 through and insertions as shown by underline as follows:

17 (b) Upon the expiration of the terms of the original Trustees having designated terms, the terms of such Trustee  
18 positions thereafter shall be 3 years. For the ~~4~~ 5 Trustees appointed to the positions indicated in subsections (a)(6), ~~(a)(7)~~,  
19 ~~(a)(8) and (a)(9)~~ through (a)(10) of this section, Trustees registered in either major political party shall not exceed the other  
20 major political party by more than 1.

21 Section 3. Amend § 903(d), Chapter 9, Title 3 of the Delaware Code by making deletions as shown by strike  
22 through and insertions as shown by underline as follows:

23 (d) For purposes of conducting business of the Foundation, ~~6~~ 7 Trustees shall constitute a quorum. A majority  
24 vote of members constituting the quorum shall be required for action on any matter before the Foundation. All votes on  
25 matters before the Foundation shall be conducted at meetings open to the public, and such meetings shall be timely noticed.  
26 Nothing shall prevent the Trustees of the Foundation from meeting at executive sessions which are closed to the public for  
27 purposes of discussing Foundation matters.

#### SYNOPSIS

This bill expands the number of Trustees of the Delaware Agricultural Lands Preservation Foundation from 12 to 13. The additional Trustee must be an individual actively engaged in farming or some other form of agribusiness who may reside in any county of the State. In connection with the above, this bill also increases from 6 to 7 the number of Trustees required for a quorum.

Author: Senator Ennis



SPONSOR: Rep. Collins & Sen. Lavelle  
Reps. D. Short, Hudson, Ramone, Spiegelman, Wilson,  
Brady; Sens. Ennis, Hall-Long, Hocker, Richardson

HOUSE OF REPRESENTATIVES  
148th GENERAL ASSEMBLY

HOUSE CONCURRENT RESOLUTION NO. 40

CREATING THE DELAWARE ANTI-DUMPING AND ANTI-LITTERING TASK FORCE.

1 WHEREAS, there are countless instances of illegal dumping occurring every year in Delaware; and

2 WHEREAS, there are dozens, if not hundreds, of sites where illegal dumping regularly occurs in our state; and

3 WHEREAS, litter is a pervasive problem in our state, impacting roadsides, parks, waterways, open spaces, and  
4 private and public properties; and

5 WHEREAS, littering and illegal dumping not only degrade Delaware's aesthetics, but also negatively affect our  
6 environmental protection and economic development efforts; and

7 WHEREAS, littering and illegal dumping are issues that cut across partisan and geographical lines and touch  
8 every representative and senatorial district; and

9 WHEREAS, Delaware's struggle to combat these issues has produced insufficient results; and

10 WHEREAS, there is a clear need for Delaware to have a unified plan, including new strategies that will effectively  
11 curtail littering and illegal dumping

12 NOW, THEREFORE:

13 BE IT RESOLVED by the House of Representatives of the 148th General Assembly of the State of Delaware, the  
14 Senate concurring therein, that the Delaware Anti-Dumping and Anti-Littering Task Force be created in the State of  
15 Delaware.

16 BE IT FURTHER RESOLVED that this task force shall consist of the following members:

17 (1) The Delaware Controller General or designee who will serve as the task force chairman.

18 (2) The Secretary of the Department of Natural Resources and Environmental Control (DNREC) or a  
19 designee familiar with the agency's efforts to identify and prosecute illegal dumpers.

20 (3) The Chief Executive Officer of the Delaware Solid Waste Authority or designee.

21 (4) The Secretary of the Department of Transportation or a designee familiar with the challenges posed by  
22 littering and illegal dumping to the agency.

- 23 (5) The Commissioner of the Delaware Department of Correction or a designee familiar with the use of  
24 prison labor to collect litter and other debris.
- 25 (6) The State Attorney General, or a designee who can provide expertise on existing laws on littering and  
26 illegal dumping and the enforcement of these statutes.
- 27 (7) Two members representing Delaware's non-profit environmental advocacy community, as appointed by  
28 the committee chair.
- 29 (8) The Delaware State Farm Bureau executive director or designee.
- 30 (9) One member representing Delaware's waste-hauling businesses, as appointed by the committee chair.
- 31 (10) The leaders of each of the General Assembly's four legislative caucuses may, if desired, each appoint one  
32 task force member.
- 33 (12) The New Castle County Executive may, if desired, appoint a task force member.
- 34 (13) The Kent County Administrator may, if desired, appoint a task force member.
- 35 (14) The Sussex County Administrator may, if desired, appoint a task force member.

36 BE IT FURTHER RESOLVED the task force shall quantify and define the residential and commercial aspects of  
37 Delaware's littering and illegal dumping issues.

38 BE IT FURTHER RESOLVED the task force shall explore what actions the state is already employing to address  
39 these problems and evaluate their effectiveness.

40 BE IT FURTHER RESOLVED that this task force shall identify and review effective anti-dumping and anti-  
41 littering strategies employed in other states.

42 BE IT FURTHER RESOLVED that this task force shall consider creating an annual public awareness and  
43 education campaign to curtail littering and illegal dumping.

44 BE IT FURTHER RESOLVED that this task force may, as it deems appropriate, hold one or more hearings to  
45 gather input and solicit ideas from the public.

46 BE IT FURTHER RESOLVED that all meetings of the task force, unless otherwise prohibited by existing state  
47 law or policy, shall be open to the public.

48 BE IT FURTHER RESOLVED that all meetings of the task force shall be posted in advance and communicated  
49 to the media.

50 BE IT FURTHER RESOLVED that the task force shall compile a report including the following:

51 The scope and nature of littering and illegal dumping in Delaware;

52 Actionable recommendations for reducing littering and illegal dumping in Delaware;

53• A strategy for coordinating the efforts of state agencies combating littering and illegal  
54 dumping;

55 The funding needed to implement these strategies and where such funds may be derived; and

56 Any legislative action that would be needed to implement these strategies.

57 BE IT FURTHER RESOLVED that the Legislative Council Division of Research, the Office of the Controller  
58 General, and the General Assembly shall coordinate and cooperate in providing the staff and administrative support needed  
59 for this task force to carry out its mission.

60 BE IT FURTHER RESOLVED the task force shall hold its first meeting no later than August 30, 2015.

61 BE IT FURTHER RESOLVED that the task force shall report its findings to all members of the General Assembly  
62 and Governor Jack Markell via e-mail no later than March 15, 2016.

#### SYNOPSIS

Seeking to address the pervasive problems of littering and illegal dumping in Delaware, this concurrent resolution would create the Delaware Anti-Dumping and Anti-Littering Task Force. The task force would be charged with defining the scope of the problem; developing actionable strategies for curtailing it; and delivering a report to the General Assembly as to how these new policies could be implemented and financed. The task force would be required to issue its report no later than March 15, 2016.

BRAD D. WHALEY  
DIRECTOR OF COMMUNITY  
DEVELOPMENT & HOUSING  
(302) 855-7777 T  
(302) 854-5397 F  
bwhaley@sussexcountycle.gov



**Sussex County**  
DELAWARE  
sussexcountycle.gov

## MEMORANDUM

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

FROM: Brad D. Whaley

RE: **2015 CDBG Application**

DATE: June 11, 2015, 2015

During Tuesday's Council meeting, I will be requesting Council's permission to apply for a small USDA Housing Preservation Grant (HPG). We have applied for and used this funding for over 20 years to assist low and very low-income homeowners with small home repairs.

The amount of the Grant request will be \$25,000.00, and we hope to assist six (6) households in rural Sussex County.





**Marsh Farm Estates**  
**Annexation into the**  
**Angola Neck Sanitary Sewer District**

- The Engineering Department is requesting permission to prepare and post public hearing notices for an annexation of two parcels of land to the Angola Neck Sanitary Sewer District. The tax map reference for the parcels is 234-12.00 Parcels 15 and 16.
- The parcels are located west of Camp Arrowhead Road and North of Angola Road
- The parcels proposed for annexation are shown crosshatched on the attached map. The parcels are part of a proposed development known as Marsh Farm Estates. A written request for annexation was received from the developer's engineer on their behalf. The parcels adjoin the existing sewer district and total approximately 33.75 acres.
- The area is within the Environmentally Sensitive Developing Area, and the Inland Bays Regional Planning Area. It is also within the future service area of the Angola Neck Sanitary Sewer District.
- Service to the parcels is in harmony with present and future sewer planning for the area.
- The Marsh Farm Estates property is proposed for development into a 134 lot subdivision and a portion of the project was previously annexed into the sewer district.
- In order to receive sewer service, the Marsh Farm Estates developer will provide a fee simple pump station site and construct a regional pump station that will serve a larger area.
- The project will be responsible for System Connection Charges of \$4,100. per equivalent dwelling unit based on rates valid through June 30, 2015.
- A public hearing is scheduled for 10:15 a. m., July 28, 2015, at the regularly scheduled County Council meeting.

Gudmar Marsh, LLC  
c/o Hailey Development, LLC  
Richard J. Thometz  
3905 National Dr.; Suite 105  
Burtonville, MD. 20866

December 12, 2014

Mr. John Ashman  
Director of Utility Planning  
#2 The Circle  
Georgetown, DE 19947

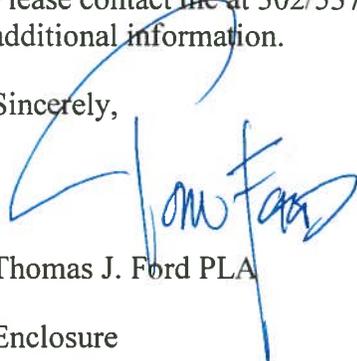
RE: Parcel 234-12.00-15,16 &17; Marsh Farm Estates  
Application for Annexation into the Angola Sanitary Sewer District

Dear Mr. Ashman:

On behalf of my client we hereby submit this request for your review and action. The above property has been approved for Preliminary subdivision approval #2008-9. This correspondence is to request that the Sussex County Council consider extending the boundary of the Angola Sanitary Sewer District (ASSD) to include parcel 234-12.00-15 and 16. This annexation request is being made in accordance with sewer agreement # 892 and consists of 33.75 acs. of land isolated from the State Right of Way (Camp Arrowhead Rd.; Cty.Rd. 279 in Indian River Hundred, Sussex County, Delaware) by a portion of an adjacent parcel 234-12.00-17 which has already been annexed into the ASSD. As such, we are submitting an application fee for \$1500.00.

Please contact me at 302/537-1919 if you have any questions regarding this request or require additional information.

Sincerely,



Thomas J. Ford PLA

Enclosure

# Potential Expansion of the Angola Neck Sanitary Sewer District

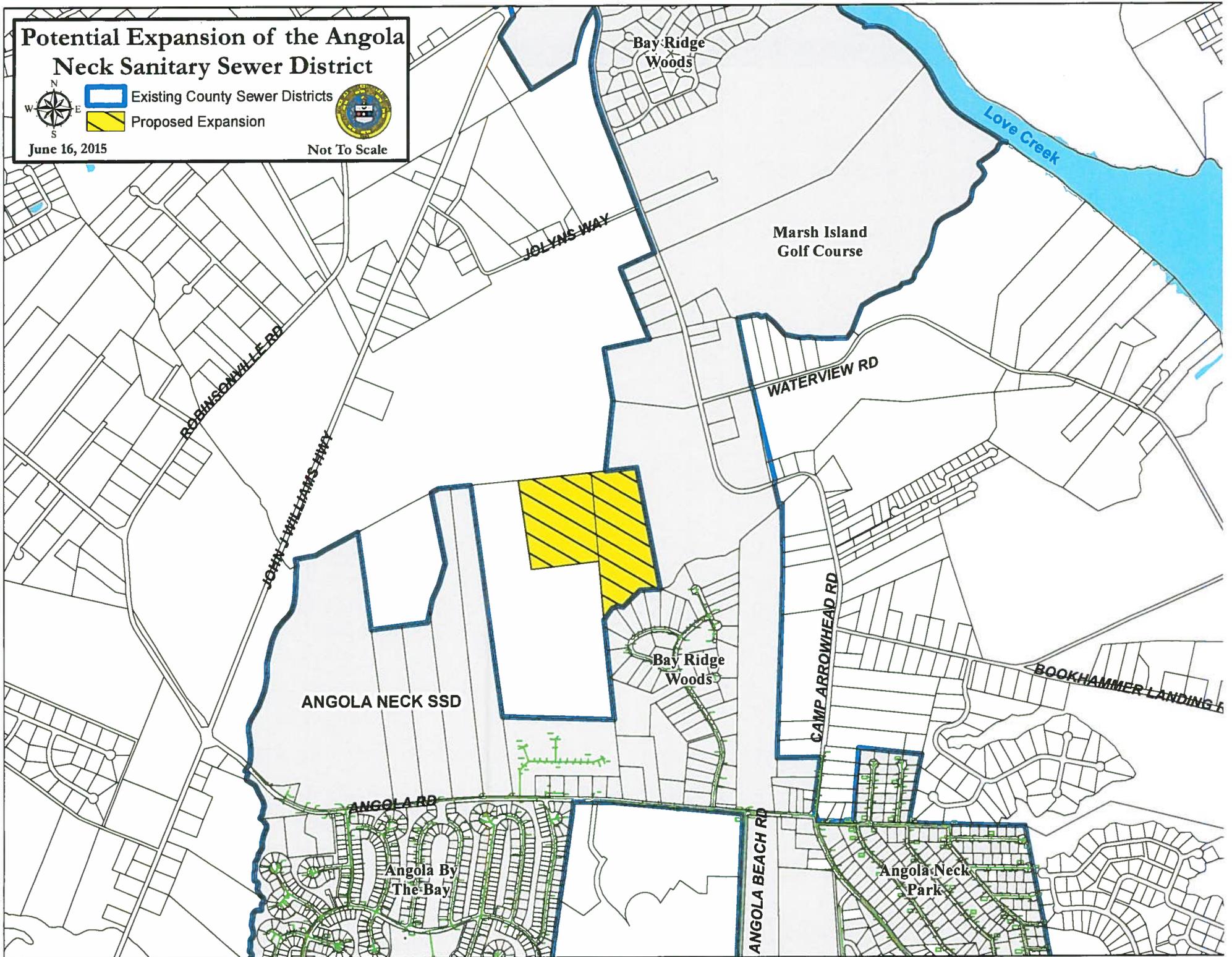


-  Existing County Sewer Districts
-  Proposed Expansion



June 16, 2015

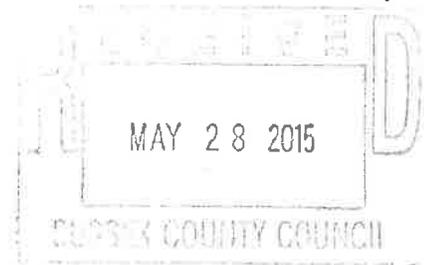
Not To Scale



Coalition of West Rehoboth, Inc.  
19801 Norwood Street  
Rehoboth, DE 19981  
501(C)(3) Tax Id# 27-0286346  
Westrehoboth.org

May 15, 2015

Todd Lawson, County Administrator  
Sussex County Administrative  
Office Building, 1<sup>st</sup> Floor  
2 The Circle P.O.Box 589  
Georgetown, Delaware, 19947



Re: Fiscal Budget Proposal 2015

Dear Mr. Lawson,

In preparation of your presentation of the 2015 Fiscal Budget to the Honorable Sussex County Council for the June calendar, the Coalition for West Rehoboth requests that you advise Council Members that the Community of West Rehoboth hopes that Council could include another year of support for (a) Street Lighting to assist us in crime prevention and add (b) additional maintenance of the Community Center built in the early 1990s for a total amount of \$7,500 to continue our efforts of revitalization of this area of the county.

The County's support of \$5,000 last year went for {a} Affordable Housing, {b} minor renovations to the Community Center (which houses the youth program and is the hub of all Community Business) and (c) the most critical component, the community safety with assistance to maintain Street lighting. The street lighting and security cameras have resulted in crime being down significantly and major other improvements in this Community that benefit all citizens in this part of Sussex County. In order continue to fight crime in the area, the installed cameras need continued maintenance and upkeep so that State Troopers (Barracks 7) can respond to any situation with back up film to help identify the perpetrators.

We realize that budgets continue to be strained during these economic times and the increase of \$2,500 from last years budget will be used to help reduce debt on (a) three Affordable Housing Units completed in 2014 (with Council supported of a Conditional Use Permit), (b) Street Lighting for the Community Safety, and (c) many other needed community programs.

As a Non-Profit Organization and a Low Income Community of Sussex County, the assistance of Council has been and still is one of the most successful Partnerships in the survival of this African American community well known to the overall area. Our Board Members and the West Rehoboth Community Residents are all tax payers of the County and Council's gift of giving back to our support is truly a life line and most appreciated.

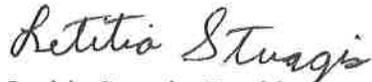
We continue to focus on the affordable housing goal and maintain those homes for our tenants. We continue to support the community in a variety of ways, and will further do so with your continued support. The Coalition for West Rehoboth has continued to thrive during the first half of 2015. The community of West Rehoboth is on strong path toward their revitalization goals. As a result, the general appearance of the West Rehoboth Community has improved drastically and the "perception" of West Rehoboth as a viable community, has also improved in the public's eye since our last report, which reflects positively on the County.

The Coalition for West Rehoboth feels that without your past and continuing financial assistance none of this would have been possible. It has moved the whole revitalization process forward, increased community involvement, and strengthened the organizations working for community

improvements, given real hope for a future with improved housing, better educated children, and a healthier environment. More still needs to be done to maintain health and safety programs like the street lighting and clean up programs for residents. We hope Sussex County Council can see that this historic Community is trying hard to improve their neighborhood as a part of Sussex County and any support you could offer to help to continue these efforts will be providing tremendous support in our effort to be an independent vibrant county community

I would like to personally thank you and all the Council Members for your past support and blessings giving to the West Rehoboth Community. Please let me know if I can provide any additional information to assist in your decision to continue to support our community.

Sincerely,



Letitia Sturgis, President

Coalition for West Rehoboth, Inc.

302-645-7544 (home) 302-528-2265 (cell)

cc. Sussex Council Members

Honorable, George B. Cole

Honorable, Joan R. Deaver

7515 Rivershore Dr.  
Seaford, DE 19973  
May 31, 2015

Mr. Vincent, President  
Sussex County Council  
Georgetown, DE

Dear Mr. Vincent

The Seaford Historical Society is continuing to improve the Gov. Ross Plantation in Seaford. We have recently completed putting on a new roof and are working diligently to work on several other smaller projects.

One project that we have not been able to fund is a new sign to assist in identifying the structure. As you can see on the attached image, we have also placed credit for so much of the work done there by Mr. and Mrs. Earl Tull. Mr. Tull passed away recently and we would like to credit him with much of the work accomplished at the Plantation. We expect the improvements in the front area, including the sign, to cost \$4000. From that, we have received about \$1000 from members which will cover the shrubs, flowers and trim. Therefore, we are lacking the \$3000 cost of the sign.

This location is a prime tourist spot in our community. And, we have plans for even more events. This signage will help visitors to the area as well as local residents, especially new ones, locate the Plantation.

Thank you very much for your continued interest in the work of the Seaford Historical Society.

Sincerely,

*Lewis J Blackwell Jr*

Jim Blackwell, Grants Administrator  
Seaford Historical Society

# Bridgeville Police Department



302 Market St. Bridgeville, Delaware 19933

Office (302) 337-8302

Fax (302) 337-8359

Emergency 911

June 1, 2015

Greetings,

Time is closing in for our annual "Bridgeville Night Out" in Bridgeville, Delaware. Our Bridgeville Night Out focuses on a positive atmosphere that has improved the partnership between our department and the community. We have begun preparing for this event a little earlier this year so we can exceed last year's success. Last year was my first year organizing this event and it was one of our most successful yet. This year I plan to make it even better! Our 2015 Bridgeville Night Out will be held on Thursday, September 17, 2015, between the hours of 5 pm and 8 pm behind the Bridgeville Fire Department. The Bridgeville Police Department is asking for any assistance and/or donations for catering to our expected guests.

Should you have any questions, please do not hesitate to contact me at (302)-337-8302 or by email, which is located below. On behalf of the Bridgeville Police Department, I would like to thank all those who have donated in the past and look forward to a great partnership in the future. Please consider this our invitation to you and the entire Sussex County Council members to attend the event.

Thank You,

A handwritten signature in black ink, appearing to read "Justin Wechtenhiser".

Patrolman Justin Wechtenhiser  
Bridgeville Police Department  
Justin.wechtenhiser@cj.state.de.us

Please send donations to:  
Bridgeville Police Department  
302 Market St.  
Bridgeville, DE 19933  
Attn: Ptlm. Wechtenhiser



March of Dimes Foundation

March of Dimes Delaware  
5620 Kirkwood Highway  
Wilmington, DE 19808

[marchofdimes.org/delaware](http://marchofdimes.org/delaware)

13-1846366

June 2, 2105

The Honorable Michael H. Vincent  
Sussex County Council  
2 The Circle  
PO Box 589  
Georgetown, DE 19947

Dear Honorable Vincent:

We are excited to announce that the fourth annual **The Farmer and the Chef South** will be Thursday, September 3 at Baywood Greens in Long Neck. Last year's event was a huge success with 14 restaurants and 14 farmers from Sussex County participating. Approximately 300 guests enjoyed the delicious pairings.

The primary focus of the event is to pair Sussex Farmers with Sussex Chefs to help them develop sustainable relationships long after the event. We continue to work with Ellen Magee of Magee Farms and the Delaware Department of Agriculture to plan and execute the event. Throughout the planning, promotion and the actual event, one of our goals is to support the Sussex County economy by introducing event participants to the wonderful restaurants and local farm products that Sussex County has to offer.

We so much appreciate your \$500 support for 2014 and would love to have you join us for 2015. We hope you will consider our Gold level with each council member supporting the event at the \$500 level to make a combined contribution of \$2,500. I have attached the sponsorship information for your review. Please feel free to reach out to me if you have questions about the event.

Sincerely,

Pam Armstrong  
Sr. Community Director  
March of Dimes/Delaware

cc: Ellen Magee

march  of dimes



**2015 The Farmer & The Chef South  
Sponsorship Opportunities  
September 3, 2015  
Baywood Greens**

**\$5,000**

**PRESENTING SPONSOR**

- Company name and/or logo on all event promotional materials including posters
- Prominent corporate full page ad in 200 event program books
- Company logo and link on March of Dimes Delaware Chapter website
- Company logo and link on The Farmer and The Chef website
- Publicity and corporate mention in all press releases and publicity packets distributed to area media in conjunction with event
- Company name and/or logo on all print ads
- Company banner displayed at event
- Prominent signage with company name and/or logo at event
- Opportunity to have a booth and hand out give-a-ways at event
- Opportunity to have a Welcome Letter in the program
- 16 tickets to event

**\$2,500**

**GOLD SPONSOR**

- Prominent corporate half-page ad in 200 event program books
- Company name and/or logo on select event promotional materials including posters
- Company logo March of Dimes Delaware Chapter website
- Company name listed on The Farmer and The Chef website
- Company banner displayed at event
- Prominent signage with company name and/or logo at event
- Opportunity to have a booth and hand out give-a-ways at event
- 10 tickets to event

**\$1,000**

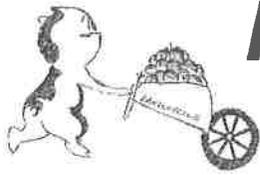
**SILVER SPONSOR**

- Prominent corporate ¼ page ad in 200 event program books
- Company name listed on The Farmer and The Chef website
- Prominent signage with company name and/or logo at event
- 6 tickets to event

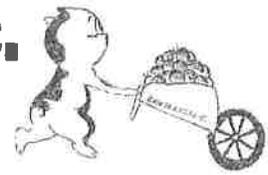
**\$500**

**BRONZE SPONSOR**

- Company and/or individual name listed on signage at event
- Company and/or individual name listed on The Farmer and The Chef website
- 2 tickets to event



# Apple-Scrapple Festival, Inc.



P.O. BOX 206,  
Bridgeville, DE 19933

Dear Friends:

This letter is being sent to you as an invitation to become an official sponsor of one of the largest festivals this side of the Chesapeake Bay! Once again, it is time to think about the 24th Annual Apple-Scrapple Festival. The festival will take place on the second full weekend of October, the 9th & 10th, 2015. With 2 years of rain we are hopeful for pure SUNSHINE!

The festival, organized in 1992, is held annually to help promote western Sussex County and actively involve all community organizations, help elevate awareness of agriculture, and is one of the most important fundraisers for many of our local non-profit organizations. The festival is run completely by an all-volunteer committee for the benefit of the surrounding community. There is a website, [www.applescrapple.com](http://www.applescrapple.com), dedicated to the festival where you can check for the latest information. Attendance in past years has been in excess of 25,000 people.

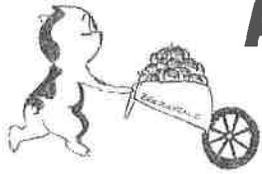
Advertising plays a large role in the overall success of the festival. Monies raised through advertising provide funds for the expenses of the festival including entertainment, publicity, printing, crowd control, sanitation, rentals, transportation and awards. **Your advertisement is placed in over 20,000 Official Festival Booklets which are printed and inserted in newspapers throughout the surrounding area.** In addition, these booklets are distributed to restaurants and several local events prior to the festival, giving our advertisers optimum exposure for their ads. In addition, we offer a link from our website to the website of anyone who is a \$1000 sponsor. With all of the new residents locating in the surrounding areas; sponsorship is a great way to introduce your goods and services to these new community members!

Listed on the attached page you will find sponsorship packages available to you and your business. Please select the package best suited for you and return it to the committee with your check made payable to APPLE-SCRAPPLE FESTIVAL.

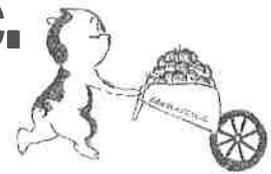
**The Official Apple Scrapple Festival Booklet is the only form of sponsorship that benefits the Apple Scrapple Festival.**

Festival Sponsor & Program Book Chairman  
Shelly McCarron

“If You Lived Here, You’d be Home Now”



# Apple-Scrapple Festival, Inc.



P.O. BOX 206,  
Bridgeville, DE 19933

## \$1000 Sponsorship:

Full page color ad in our Festival Book, which will have a circulation of over 20,000 copies in 3 different local newspapers, Company name on Sponsorship sign at the Festivals main stage and 10'x15' space on Delaware Ave., (if requested) and a link from [www.applescrapple.com](http://www.applescrapple.com) to your business website.

## \$500 Sponsorship:

Half-page ad in our Festival Book, which will have a circulation of over 20,000 copies in 3 different local newspapers. Company name on Sponsorship sign at the Festivals main stage and a link from [www.applescrapple.com](http://www.applescrapple.com) to your business website.

## \$250 Sponsorship:

Quarter-page ad in our Festival Book, which will have a circulation of over 20,000 copies in 3 different local newspapers and a link from [www.applescrapple.com](http://www.applescrapple.com) to your business website.

## \$100 Sponsorship:

Eighth-page ad in our Festival Book, which will have a circulation of over 20,000 copies in 3 different local newspapers and a link from [www.applescrapple.com](http://www.applescrapple.com) to your business website.

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**Complete and mail with check payable to APPLE-SCRAPPLE FESTIVAL, INC.  
302 Earlee Ave.  
Bridgeville, DE 19933**

NAME OF BUSINESS: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_ PHONE NUMBER: \_\_\_\_\_

EMAIL: \_\_\_\_\_

WEBSITE ADDRESS \_\_\_\_\_

AMOUNT OF SPONSORSHIP DESIRED:

\$1000     will use space     \$500     \$250     \$100

Ads should be sent electronically to: [asf.sponsor.ads@gmail.com](mailto:asf.sponsor.ads@gmail.com) (PDF or JPEG formats work best) or include camera-ready artwork or business with this sponsorship form. For questions about sponsorship or the artwork, contact Shelly McCarron at 302-542-6273.

“If You Lived Here, You’d be Home Now”



June 8, 2016

Dear Members of Sussex County Council,

The Village Improvement Association (VIA) is a trusted and long-time member of the Rehoboth Community since the early 1900's. The organization's clubhouse is located at the north end of the Boardwalk and Grenoble Street near the Henlopen Hotel.

We are a 501 (c) 3 organization (see attached).

Between the VIA Clubhouse and the Rehoboth Boardwalk is a Micro Dune Nature Park. This dune provides protection to our property and provides an educational experience regarding the importance of dunes and their protective qualities. Weather, foot traffic and time has taken its toll. After consultation with the City and DNREC, it has been recommended that we install a petite sand fence across our 54' frontage on the Boardwalk. It would be similar in style to the fencing installed by Rehoboth on the other side of the Boardwalk.

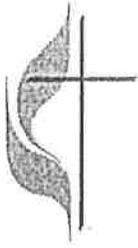
After the fence is finished, we would like to install plantings to enhance the Dune and to discourage foot traffic. Without the fence, we have been told by DNREC that the Dune will erode and even more of the existing plants will be lost. We would like to plant this fall.

We are in the process of getting estimates and project the budget for the project will be between \$2,000 to \$2,500.

We respectfully ask consideration of Council's financial support for this project. Thousands of our visitors and residents see this property on a yearly basis. Thank you for your consideration.

Respectfully yours,

Barbara Dorsey  
Chair of VIA Conservation Committee



NEW ZION UNITED METHODIST  
428 WEST SIXTH STREET  
LAUREL, DELAWARE 19956  
302-875-0727  
NEWZIONPASTORE@HOTMAIL.COM  
Non-profit # 61-1606134

Dear Honorable Michael Vincent:

The Youth Outreach Team of New Zion United Methodist Church is hosting its 11<sup>th</sup> Annual "Balling for God" Basketball Tournament and Community Awareness Day on Saturday, June 13, 2015. This is a day where the community especially the children come together to enjoy a day of fun and basketball while learning about some of the major health issues that plague our community: HIV, AIDS, Drugs(Heroin, Cocaine), Diabetes, Blood pressure, Obesity etc... As an outreach team, we feel it is important to educate the community and provide awareness as well as intervention.

The success of this day largely depends upon donations and contributions from sponsors like you. This is where you can help us by giving back to the community. There are several levels of sponsorship: \$100, \$150, \$200, etc... Your contribution will be used to purchase trophies, medals, to rent children's entertainment, and games.

As a sponsor, your organization/business will receive the exposure it deserves. Your organization/business' name will be printed on a banner/sign that will be displayed during the tournament. Your business will also be highlighted during the opening ceremony and throughout the day. You and any representative are welcome to attend so that we can personally thank you for your sponsorship.

We thank you for your time and look forward to hearing from you. If you have any questions, please contact Amy Handy at 302-875-4263.

Sincerely,

*The Youth Outreach Team*  
*Reverend Elaine B. Ayres - Pastor*

PUBLIC HEARINGS

June 16, 2015

This is to certify that on May 7, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change in Zoning. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank  
Director of Planning and Zoning

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

**C/U #2015 – Delaware Division of Facilities Management – an Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a public service facility (State Police) to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 9.3 acres, more or less.** The property is located southwest of Mulberry Knoll Road (Road 284) 1,450 feet northwest of Jon J. Williams Highway (Route 24) and 2,700 feet southwest of Cedar Grove Road (Road 283) (911 Address: None Available) (Tax Map I.D. 334-12.00-16.06).

The Commission found that the applicants submitted a survey/site plan with their application on February 18, 2015.

The Commission found that DelDOT provided comments in the form of a letter, dated April 7, 2015, a letter dated February 25, 2015, and a Support Facilities Report dated January 23, 2015, referencing that the Department has no objection to the recordation of the site plan as submitted to DelDOT; that a Traffic Impact Study is not recommended; that current Level of Service of Mulberry Knoll Road from John J. Williams Highway to Cedar Grove Road will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated May 4, 2015, referencing that the site contains one soil type; that the applicants will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum, dated May 7, 2015, referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that sewer service has not yet been extended to the Goslee Creek Planning Area; that a connection point will be determined at a later date; that conformity to the Goslee Creek Planning Study and draft priority project memorandum, dated April 1, 2015, will be required; that the project area is located in the Goslee Creek Planning Area for sewer service, and was recently annexed into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that the County completed a planning study to determine how service to the Planning Area will be provided; that the proposed Delaware State Police, Troop 7, project was included in the priority project in the study, and a means for providing service was included as a work item; that the County recently requested that its consultant undertake further study of 3 priority projects to develop connection options allowing for flexible construction timelines; that the Troop 7 project is one of the priority projects studied; that the report has been provided to the State; that easements and a pump station site must be provided to the County; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a sewer concept plan must be submitted for review and approval prior to design of the sewer system; and that a checklist for preparing a concept plan was attached.

The Commission found that Dean Holden, Professional Engineer with the Becker Morgan Group as present with Major Robert Hawkins of the Delaware State Police and that they stated in their presentation and in response to questions raised by the Commission that this application has been filed so that the existing Troop 7 facility on Route One (Coastal Highway) can be replaced to support the needs to expand the Troop 7 facilities; that the new facility is designed to support 111 staff; that they anticipate a total of 168 vehicle trips per day; that DelDOT did not recommend that a Traffic Impact Study be performed; that the facility was reviewed through the PLUS process in March 2015; that they have responded to the PLUS comments; that the Office of the State Fire Marshal has reviewed the site plan; that they have met with the County Engineering Department for comments; that Tidewater Utilities, Inc. will provide central water service; that the soils on the site are good for drainage; that there are no wetlands on the site; that the intended use of the existing Troop 7 facility is unknown at this time; that they have met with the Cape Henlopen School staff to create a cross access connection with the proposed Elementary School; that it is the intent to create a shared boundary between the school and the troop facility that will be fenced and gated limiting access; and that a revised site plan has been prepared to correct the joint access serving both the school and the troop facility.

Mr. Robertson asked Zac Crouch, Professional Engineer with Davis Bowen & Friedel, Inc., present on behalf of the application for the Cape Henlopen School District, to come forward to comment.

Mr. Crouch responded and agreed that the School District has been working with Troop 7 on the site plan and were in agreement with the concept.

The Commission found that Mr. Holden and Major Hawkins continued by responding to questions raised by the Commission and stating that the intent is to bid out for contracts as early as the Fall of 2015 and that the construction period is anticipated to last approximately 18 months; that the existing Troop 7 facility is approximately 30 years old; that the building, constructed by Nanticoke Homes, has been very adequate, but needs to be replaced and enlarged to accommodate the necessary staff; that Troop 7 has doubled in staff since the building was first built; and that the site with building improvements may be sold or provided to another agency.

The Commission found that Mark DeVero, present on behalf of the Delaware Division of Facilities Management, stated that the use of the existing property has not yet been determined.

The Commission found that Mr. Holden and Major Hawkins continued by responding that this site was chosen since it is centrally located within the Troop area with access to major routes; and that the community room reference will allow for troop meetings, emergency meetings, and citizen meetings, and referenced more specifically Crime Watch and other groups to work with the Troop.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2015 for The Delaware Division of Facilities Management for a public service facility (State Police) based on the record made during the public hearing and for the following reasons:

- 1) The use is for a very public purpose – the Delaware State Police.
- 2) A new police barracks will promote the health, safety and welfare of Sussex County residents and visitors.
- 3) The site is appropriate for this use. It is in a location that provides centralized access to many points in eastern Sussex County.
- 4) The use will not adversely affect neighboring properties or roadways.
- 5) This application will allow the relocation of the existing Troop 7 to a larger tract of land. It will also allow the State Police to construct a larger, more modern building and facilities than what currently exists in the Route One location. The site also allows for future expansion of staffing levels for Troop 7.
- 6) No parties appeared in opposition to this application.
- 7) This recommendation is subject to the following conditions:
  - A. The site shall comply with all DelDOT entrance and roadway improvement requirements.
  - B. The site shall comply with all requirements of the Sussex Conservation District.

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

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

**C/U #2016 – Cape Henlopen School District – an Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for an elementary school to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 25.4 acres, more or less.** The property is located northwest of John J. Williams Highway (Route 24) 500 feet southwest of Mulberry Knoll Road (Road 284) (911 Address: None Available) (Tax Map I.D. 334-12.00-45.01).

The Commission found that the applicants provided a survey/site plan with their application received on February 23, 2015; that a Revised Site Plan, an Exhibit Booklet, and an additional Exhibit Packet were provided on April 27, 2015; that the Exhibit Booklet contains references to Land Use and Zoning, Land Utilization, Environmental information, Traffic information, and Civil Engineering information, a Data Sheet, copies of the original development proposed site plan, copies of a revised development site plan, a series of maps and aerials, a copy of the response to the PLUS comments, a copy of a letter and request for a Service Level Evaluation Request with maps and information related to the Request, a copy of a Report from DelDOT relating to a Traffic Impact Study and Scoping Meeting, a copy of a portion of the Beers Atlas, a letter referencing the Environmental Assessment and Public Facilities Evaluation Report, and a Willing to Serve letter from Chesapeake Utilities Corporation for natural gas service; and that the additional Exhibit Packet contains a copy of the Certificate of Necessity, Referendum Information, and Referendum Approval.

The Commission found that on May 4, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that there are three (3) soil types on this parcel; that the applicants will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be required; that on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available for the project; that Ordinance 38 construction will be required; that sewer service has not yet been extended to the Goslee Creek Planning Area; that a connection point will be determined at a later date; that conformity to the Goslee Creek Planning Study and draft priority project memorandum dated April 1, 2015 will be required; that the project area is located in the Goslee Creek Planning Area for sewer service, and was recently annexed into the West Rehoboth Expansion of the Dewey Beach

Sanitary Sewer District; that the County completed a planning study to determine how service to the Planning Area will be provided; that the proposed school project was included as a priority project in the study, and a means for providing service was included as a work item; that the County recently requested that its consultant undertake further study of 3 priority projects to develop connection options allowing for flexible construction timelines; that the school is one of the priority projects studied; that the report has been provided to the School District; that easements and a pump station site must be provided to the County; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that the County Engineer must approve the connection point; that a sewer concept plan must be submitted for review and approval prior to design of the sewer system; and that a checklist was provided for preparing concept plans.

The Commission found that James Fuqua, Esquire with Fuqua, Yori and Willard, P.A. was present on behalf of the Cape Henlopen School District with Zac Crouch, Professional Engineer with Davis Bowen & Friedel, Inc., Brian Bassett and Robert Fulton with the Cape Henlopen School District, and Tim Skibicki, Architect, and that they stated in their presentations and in response to questions raised by the Commission that the proposed Love Creek Elementary School is intended to serve students from Kindergarten through 5<sup>th</sup> grade; that the new school location required approval from the State; that 11 possible school locations were reviewed and considered by PLUS; that after consideration, this site was chosen as the most appropriate; that this site is located in an area of the District with the largest population concentration of students; that the site is directly across from the Beacon Middle School; that the State will pay 60% of the cost for the School; that the District will have to pay the remainder; that a Referendum was held on April 2, 2014 and was approved; that central sewer will be provided by the County; that central water will be provided by Tidewater Utilities, Inc.; that buses already travel Route 24; that the Traffic Impact Study was been completed and is in final review by DeIDOT; that there are no Federal or State Wetlands on the site; that there are no known archaeological sites or environmental concerns relating to the site; that the site is in close proximity to the shared Lewes/Rehoboth Beach Fire Department facility to the west; that stormwater management will be designed to current DNREC regulations; that the entrance is directly across from the Beacon Middle School entrance at the traffic light; that a limited joint access with the State Police facility is proposed; that 167 parking spaces are required; that 177 parking spaces are proposed with additional bus parking facilities; that the building has been designed for future expansions; that two outdoor recreational fields and playground areas are proposed; that all playground equipment will be designed to National standards; that the site is located in an Investment Level 2 according to the Strategies for State Policies and Spending document; that the site is located in an Environmental Sensitive Developing Area according to the Comprehensive Plan 2008, which supports public service uses; that the use complies with the purpose of a Conditional Use since it supports public and semi-public uses; that they previously met with the County Engineering Department and will be building a pump station to be shared with the Troop 7 facility; that the bus area and limited access to the Troop 7 facility will be gated; that the intersection with the Beacon School will be a 4-way lighted intersection; that multi-modal facilities will be completed to State specification and subject to review, approval and inspection by DeIDOT; that they hope to be able to break ground in the Fall of 2015; that it has always been a desire of the State to

improve the Mulberry Knoll intersection due to safety concerns, but it is not likely that a traffic light will be installed due to the close proximity to the traffic light at the Beacon School entrance; that pedestrian access is anticipated at the Beacon School signal for access between the Beacon School and the Elementary School; that no variances will be needed; that sidewalks will interconnect to the multi-modal paths; and that standard widening of Route 24 is anticipated per DeIDOT.

The Commission found that there were no parties present in support of this application.

The Commission found that Jim Snyder, an area resident, was present, not in opposition but questioned if there is enough storage capacity for vehicles for parents waiting, dropping off or picking up students at the school.

The Commission found that Mr. Crouch responded that the design increases storage lanes and through lanes for more vehicles and should eliminate vehicles waiting along Route 24.

The Commission found that Brian Bassett responded that the original site plan was similar to the Beacon School; that this site plan has a 40% increase in parking spaces over the Beacon School design; and that it is anticipated that less parent pickup will be taking place due to a staggered start times at the two schools.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact and Conditions of Approval for consideration.

The Commission found that there were no parties present in opposition to this application.

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

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 2016 for the Cape Henlopen School District for an Elementary School based on the record made during the public hearing and for the following reasons:

- 1) The use is for a public purpose – a new elementary school for the children and families of the Cape Henlopen School District.
- 2) A new elementary school will promote the health, safety, and welfare of Sussex County residents and their children.
- 3) The site is appropriate for this use. It is in a location along Route 24 across from the existing Beacon Middle School. It will serve children from families in the growing areas of Route 24, Love Creek, and Angola Neck who are currently bussed to other elementary schools in the District. This will shorten the bus times for these children and create a community school for the children and their families.
- 4) The new school was the subject of a successful referendum that passed within the Cape Henlopen School District.
- 5) Based upon the information presented during the public hearing, there is a need for an additional elementary school in this area of Sussex County within the Cape Henlopen

School District, and it will reduce crowding in the existing elementary schools in the District.

- 6) The use will not adversely affect neighboring properties or roadways.
- 7) The State Office of Management and Budget, the Department of Education, and the Office of State Planning Coordination have each approved this site for an elementary school.
- 8) The site will be served by central water and Sussex County sewer.
- 9) The site is in a growth area according to the Sussex County Comprehensive Plan, which is an appropriate location for an elementary school.
- 10) This recommendation is subject to the following conditions:
  - A. The site shall comply with all DelDOT entrance and roadway improvement requirements.
  - B. The site shall comply with all requirements of the Sussex Conservation District.
  - C. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - D. There shall be a 20 foot wide forested buffer installed and maintained along all residential lots along the northeast boundary of the site.
  - E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

**C/Z #1771 – B. Ray Investments, LLC – an Ordinance to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 2.062 acres, more or less.** The property is located east of U.S. Route 13 (Sussex Highway) 0.2 mile north of Road 583 (Adams Road) (911 Address: None Available) (Tax Map I.D. 530-14.00-15.00).

The Commission found that the applicants provided a survey of the property with their application.

The Commission found that on December 10, 2014 DelDOT provided comments in the form of a letter and Support Facilities Report referencing that the Department recommends that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed.

The Commission found that on May 4, 2015 the Sussex Conservation District provided comments in the form of a memorandum referencing that the property contains three (3) soil types; that the applicant will be required to follow recommended erosion and sedimentation control practices during construction and to maintain vegetation after construction; that no storm flood hazard areas are affected; that it is not likely that any off-site drainage improvements will be required; that at this time on-site drainage improvements may not be required; and that a tax ditch borders the site on the northeast side and that development of the site may have a potential effect on the ditch.

The Commission found that on May 6, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the Western Sussex Planning Area #1; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that Eddy Parker was present on behalf of “Bay to Beach Builders” and stated in his presentation and in response to questions raised by the Commission that the purpose of this application is to provide a storage facility for the company; that the company has a display home/design center and corporate offices in Greenwood at the intersection of U.S. Route 13 and Route 16; that the site has been improved by the removal of a dilapidated home; that they built a pole building on the site for personal use and storage, and are currently storing a tractor and other equipment in the building for use on the property; that the site is basically surrounded by commercial uses, referencing Delaware Electric Cooperative across U.S. Route 13, several business/commercial uses to the north and south of the site; that the area is predominantly zoned C-1 General Commercial with some additional Conditional Uses; that no water or sewer is proposed, and the only intent of the use of the building is storage of materials; that he anticipates 1 or 2 staff vehicles per day; that the size of the building is adequate for the storage of materials; that the land drops off toward the ditch; and that the lot is very restricted for making improvements due to the 85-foot tax ditch easement.

The Commission found that Mr. Parker submitted a portion of the Tax Map of the area depicting the zoning and photographs of the site and area.

The Commission found that there were no parties present in support of or in opposition to this application.

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

On May 7, 2015 there was a motion by Mr. Ross, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 3-0.

On May 21, 2015 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of Change in Zone #1771 for B. Ray Investments, LLC for a change in zone from AR-1 to CR-1 based upon the record made during the public hearing, and for the following reasons:

- 1) The property is located along U.S. Route 13 (Sussex Highway) in an area that is basically surrounded by commercial uses and zonings. This location is appropriate for CR-1 zoning.
- 2) Surrounding uses include the Delaware Electric Cooperative across U.S. Route 13, several business and commercial uses to the north and south of the site, and some additional conditional uses. The rezoning to CR-1 and the permitted uses in that zone are compatible with the surrounding properties.
- 3) CR-1 Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 District.
- 4) The use will not adversely affect neighboring properties or area roadways.
- 5) The applicant will be required to meet or exceed all DeIDOT requirements associated with any permitted use of the property.
- 6) No parties appeared in opposition to the application.

Motion by Mr. Burton, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 3 – 0, with Mr. Smith not voting since he was not present during the public hearing.

**Introduced 03/17/15**

**Council District No. 3 - Deaver  
Tax Map I.D. 334-12.00-16.06  
911 Address – None Found**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SERVICE FACILITY (STATE POLICE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.3 ACRES, MORE OR LESS**

**WHEREAS, on the 18th day of February 2015, a conditional use application, denominated Conditional Use No. 2015 was filed on behalf of Delaware Division of Facilities Management; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2015 be \_\_\_\_\_;**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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.**

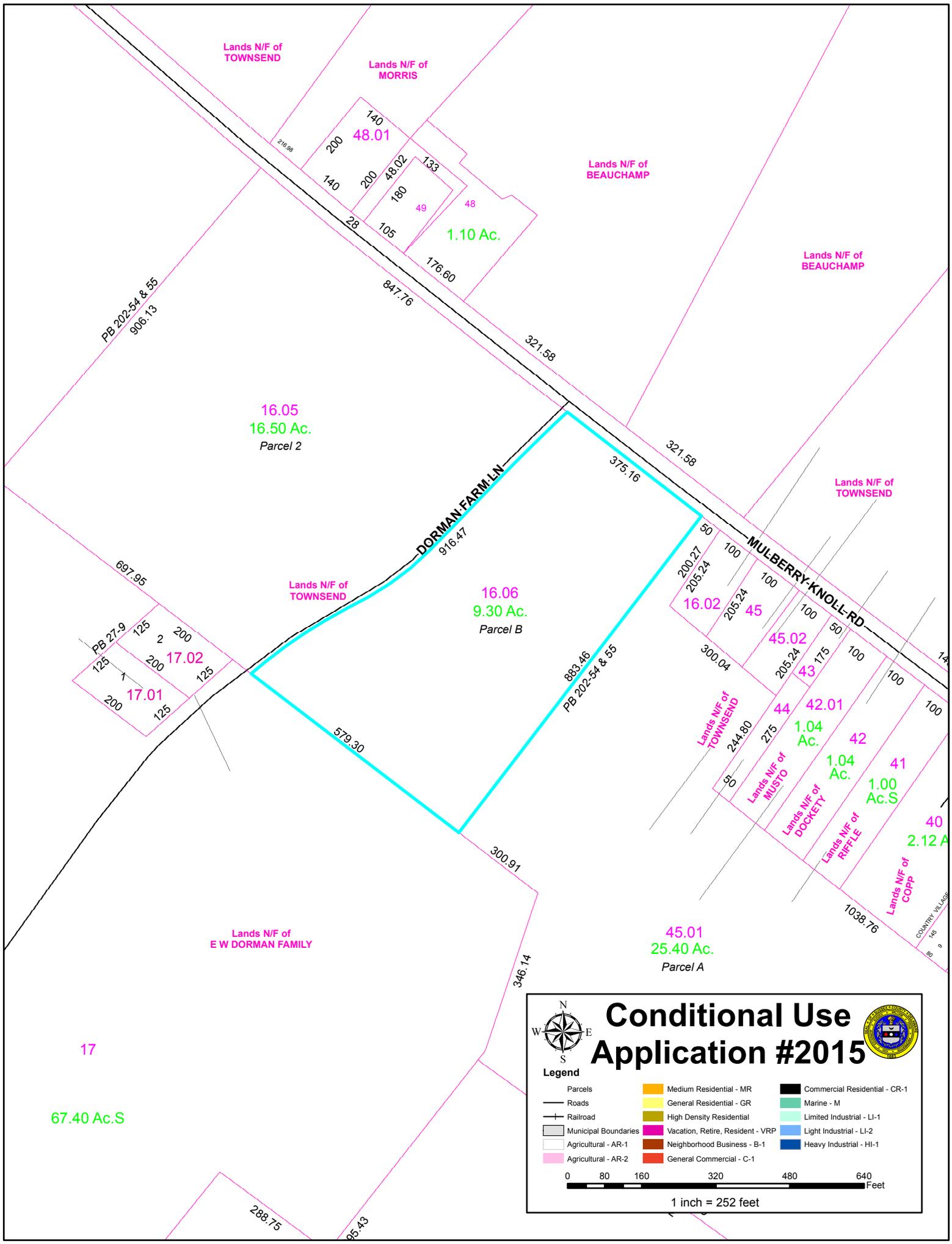
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2015 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as:**

**All that certain tract, piece or parcel of land, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southwest of Mulberry Knoll Road (Road 284) 1,450 feet northwest of John J. Williams Highway (Route 24) and 2,700 feet southwest of Cedar Grove Road (Road 283) and being more particularly described as Parcel "B" on the minor subdivision plan of lands of J. G. Townsend, Jr. & Co. as recorded in Plot Book 202 Page 55 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 9.3 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.**



Lands N/F of TOWNSEND

Lands N/F of MORRIS

Lands N/F of BEAUCHAMP

Lands N/F of BEAUCHAMP

Lands N/F of TOWNSEND

Lands N/F of TOWNSEND

Lands N/F of E W DORMAN FAMILY

Lands N/F of TOWNSEND

Lands N/F of MUSTO

Lands N/F of DOCKEY

Lands N/F of RIFFLE

Lands N/F of COPP

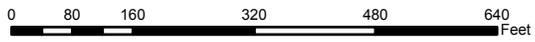


# Conditional Use Application #2015



## Legend

- Parcels
- Medium Residential - MR
- Commercial Residential - CR-1
- Roads
- General Residential - GR
- Marine - M
- Railroad
- High Density Residential
- Limited Industrial - LI-1
- Municipal Boundaries
- Vacation, Retire, Resident - VRP
- Light Industrial - LI-2
- Agricultural - AR-1
- Neighborhood Business - B-1
- Heavy Industrial - HI-1
- Agricultural - AR-2
- General Commercial - C-1



1 inch = 252 feet

17

67.40 Ac.S

1.10 Ac.

16.05  
16.50 Ac.  
Parcel 2

16.06  
9.30 Ac.  
Parcel B

45.01  
25.40 Ac.  
Parcel A

140  
200  
48.01

133  
180  
49  
48

PB 202-54 & 55  
906.13

847.76

321.58

321.58

375.16

DORMAN FARM LN  
916.47

MULBERRY KNOLL RD

697.95

PB 27.9  
125 2 200  
125 1 200  
125 17.02  
200 17.01  
125

PB 202-54 & 55  
883.46

50  
200.27  
205.24

100  
205.24  
45

100  
205.24  
43

100  
175  
50

100  
100

100

579.30

300.91

346.14

244.80

275  
1.04 Ac.

42  
1.04 Ac.

41  
1.00 Ac.S

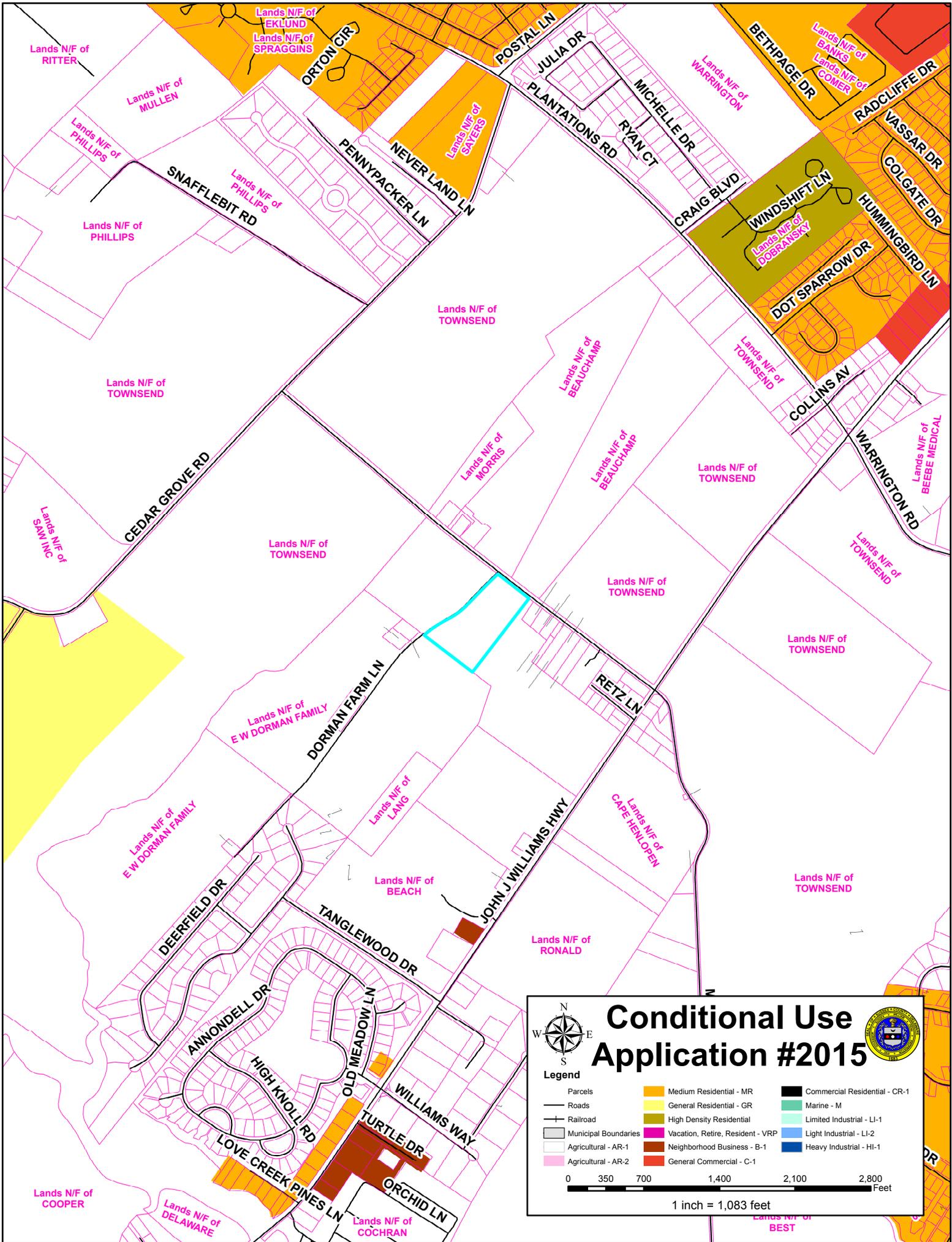
40  
2.12 Ac

1038.76

288.75

95-43

COUNTRY VIL LANE  
146  
88



# Conditional Use Application #2015

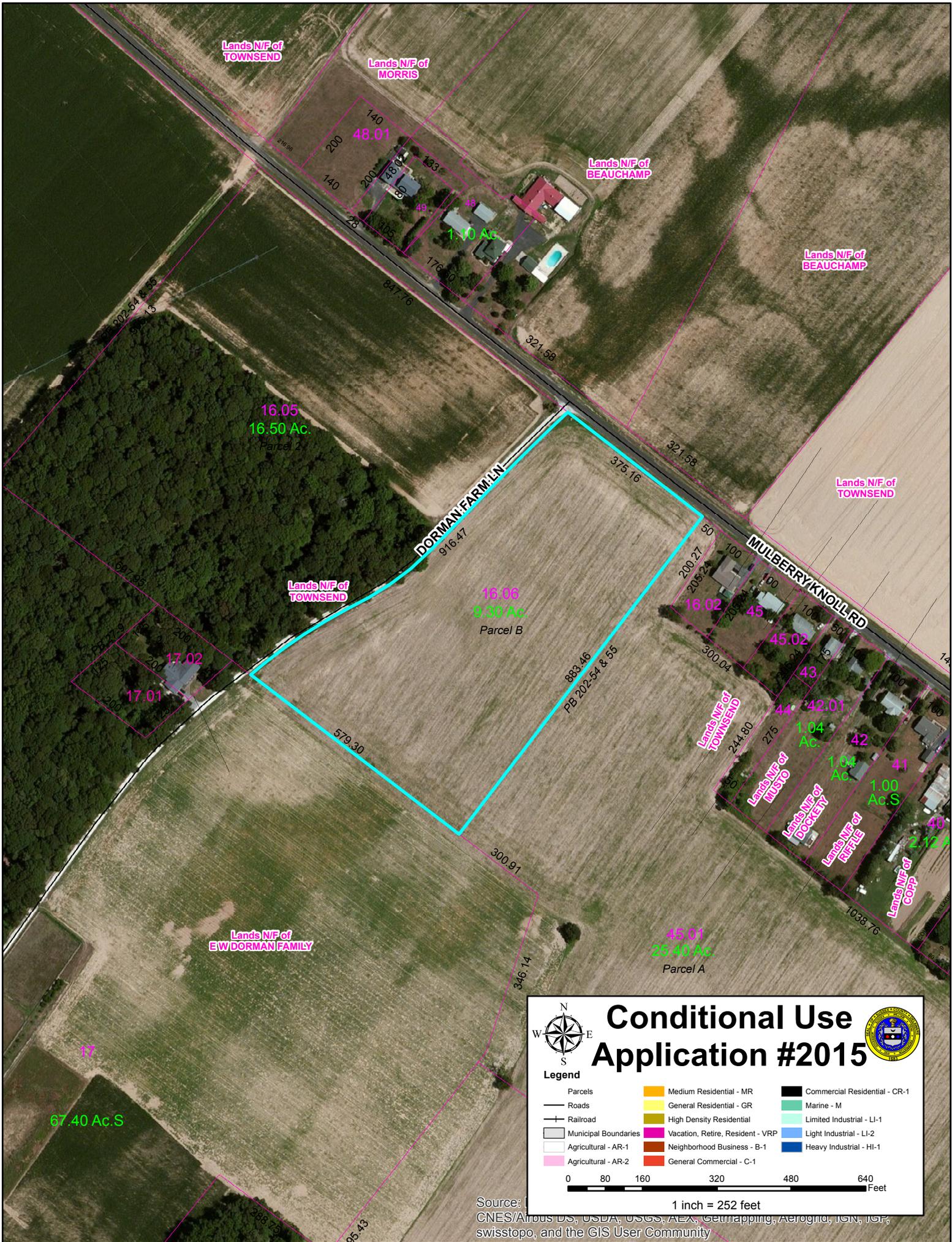


**Legend**

Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

0 350 700 1,400 2,100 2,800 Feet

1 inch = 1,083 feet



Lands N/F of TOWNSEND

Lands N/F of MORRIS

Lands N/F of BEAUCHAMP

Lands N/F of BEAUCHAMP

Lands N/F of TOWNSEND

Lands N/F of TOWNSEND

Lands N/F of EW DORMAN FAMILY

16.05  
16.50 Ac  
Parcel C

18.88  
9.30 Ac  
Parcel B

45.01  
25.40 Ac  
Parcel A

17.02  
17.01

67.40 Ac S

DORMAN FARM LN

MULBERRY KNOLL RD

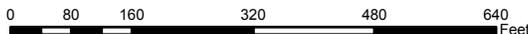


# Conditional Use Application #2015



## Legend

- |                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| Parcels              | Medium Residential - MR          | Commercial Residential - CR-1 |
| Roads                | General Residential - GR         | Marine - M                    |
| Railroad             | High Density Residential         | Limited Industrial - LI-1     |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2       |
| Agricultural - AR-1  | Neighborhood Business - B-1      | Heavy Industrial - HI-1       |
| Agricultural - AR-2  | General Commercial - C-1         |                               |



Source: CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGF, swisstopo, and the GIS User Community

1 inch = 252 feet

**Introduced 03/17/15**

**Council District No. 3 - Deaver  
Tax Map I.D. 334-12.00-45.01  
911 Address – None Found**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEMENTARY SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.4 ACRES, MORE OR LESS**

**WHEREAS, on the 23rd day of February 2015, a conditional use application, denominated Conditional Use No. 2016 was filed on behalf of Cape Henlopen School District; and**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2016 be \_\_\_\_\_;**

**WHEREAS, on the \_\_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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.**

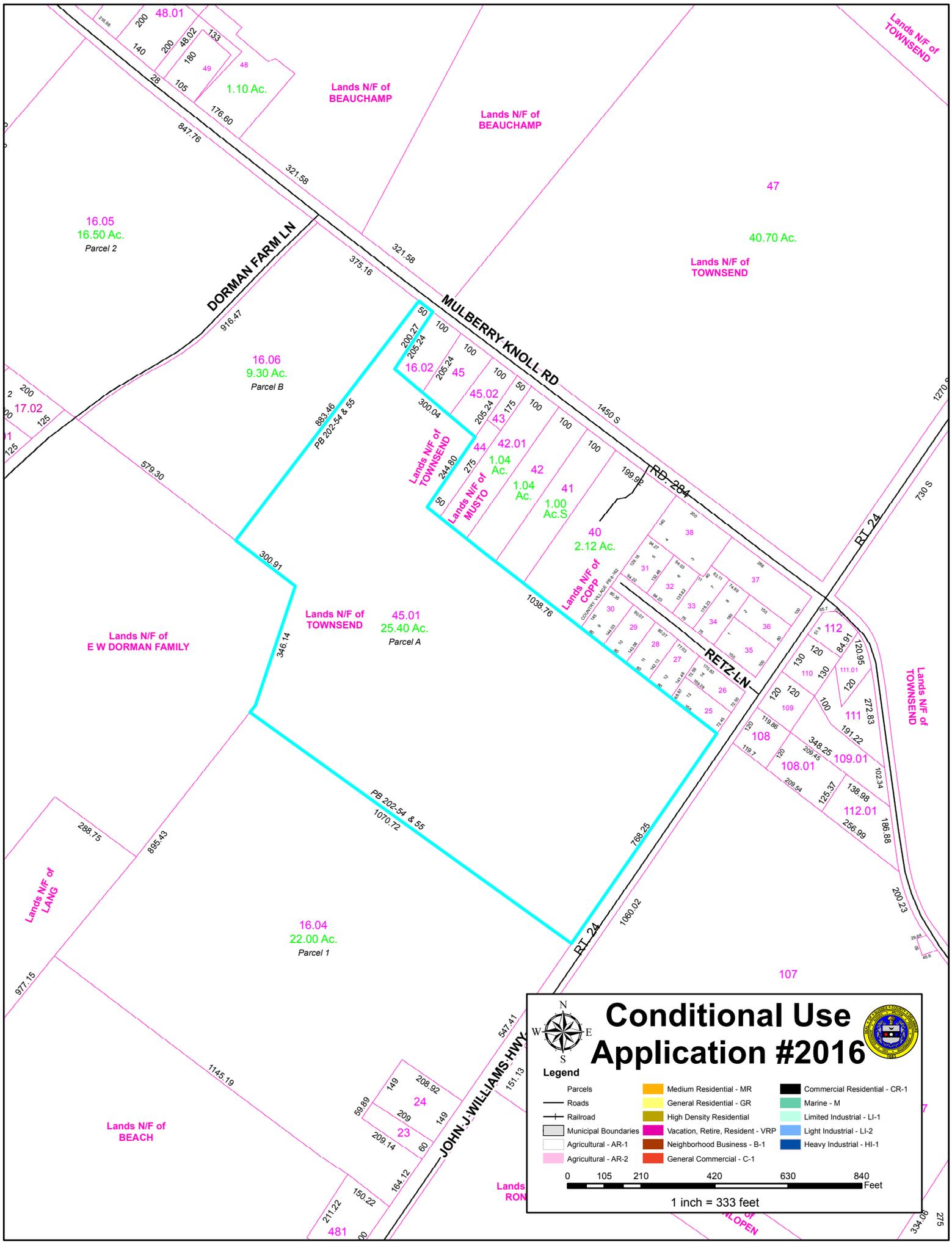
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article IV, Section 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2016 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as:**

**All that certain tract, piece or parcel of land, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of John J. Williams Highway (Route 24) 500 feet southwest of Mulberry Knoll Road (Road 284) and being more particularly described as Parcel "A" in Plot Book 202 Pages 54 and 55 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 25.4 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.**

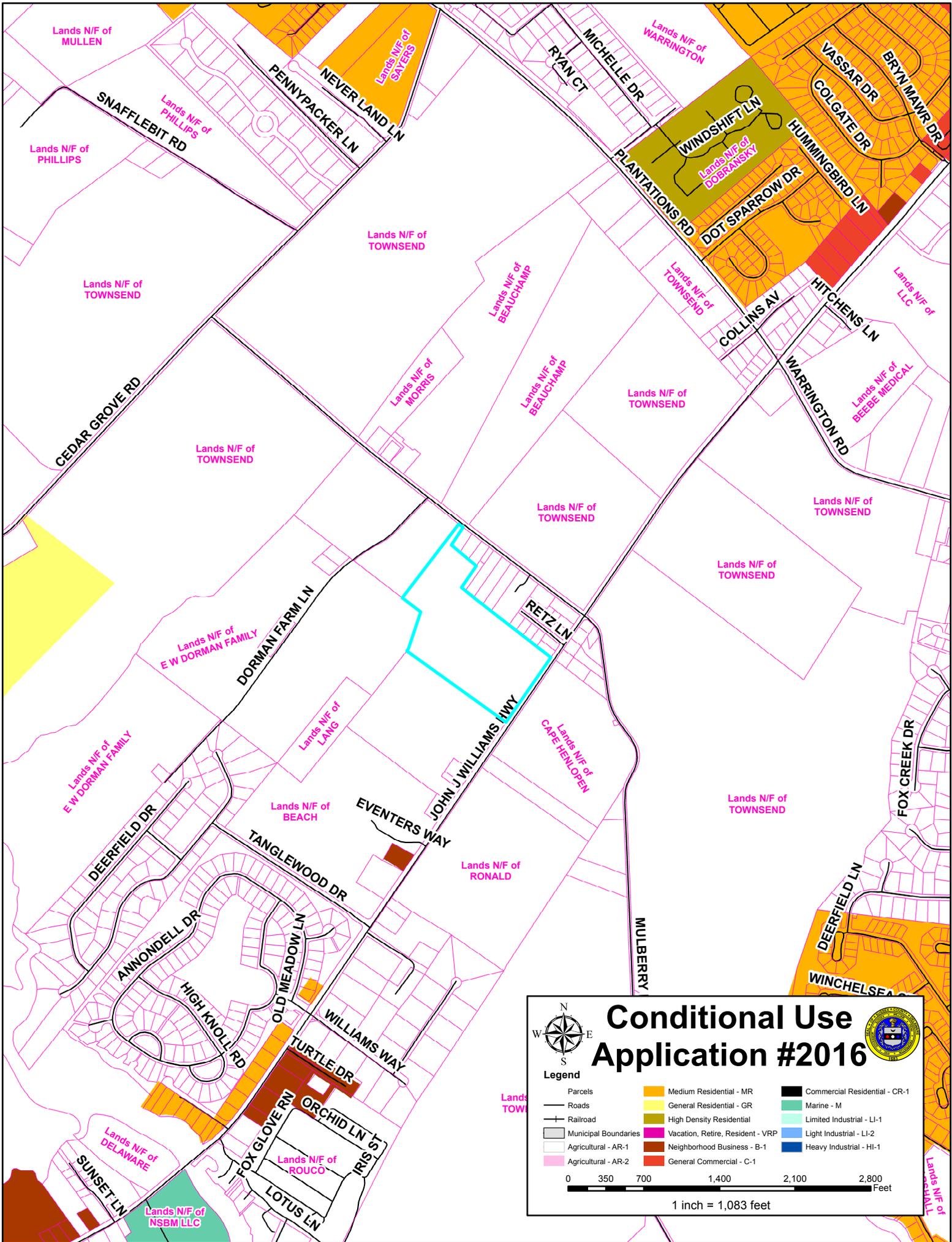


## Conditional Use Application #2016

**Legend**

	Parcels		Medium Residential - MR		Commercial Residential - CR-1
	Roads		General Residential - GR		Marine - M
	Railroad		High Density Residential		Limited Industrial - LI-1
	Municipal Boundaries		Vacation, Retire, Resident - VRP		Light Industrial - LI-2
	Agricultural - AR-1		Neighborhood Business - B-1		Heavy Industrial - HI-1
	Agricultural - AR-2		General Commercial - C-1		

1 inch = 333 feet



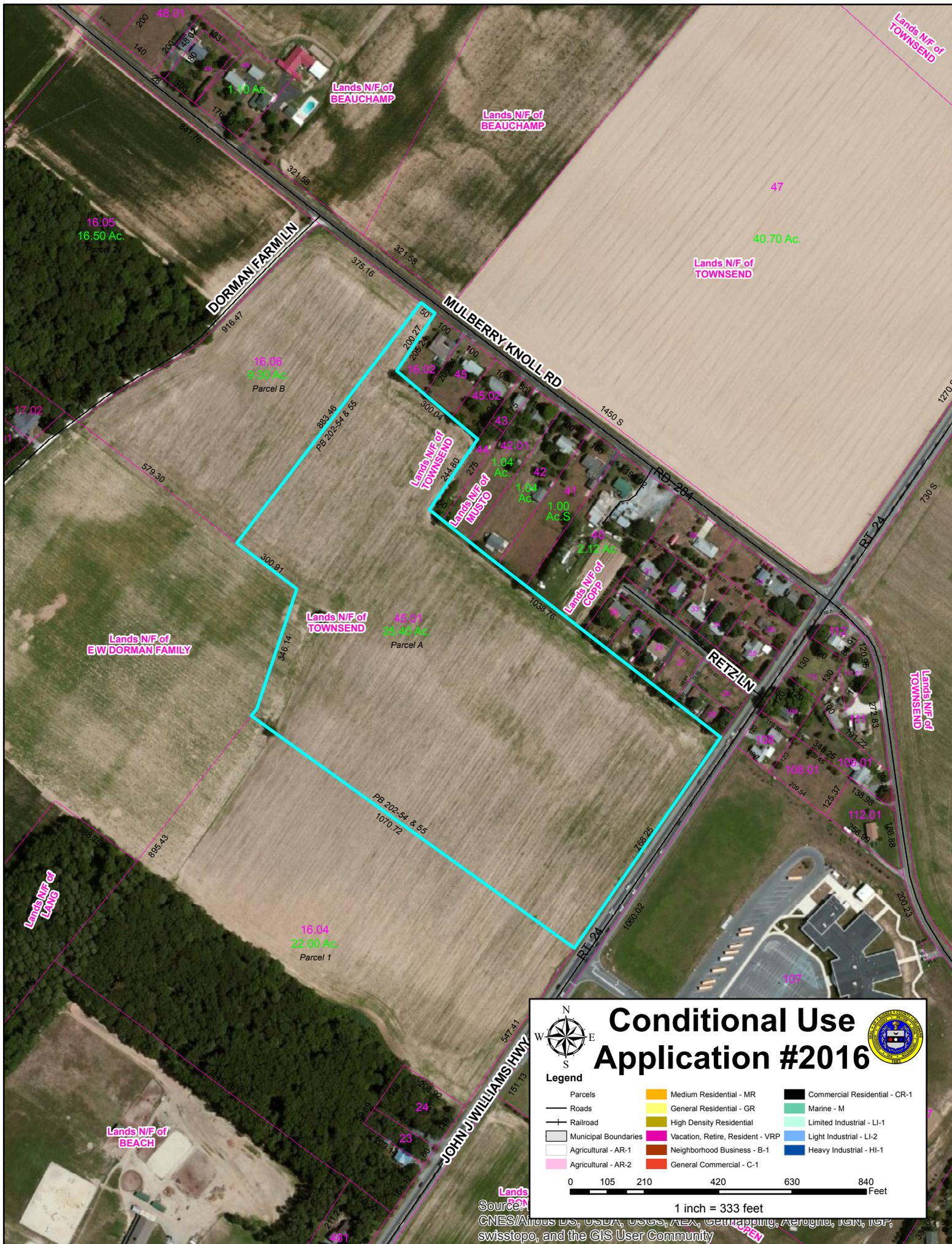
## Conditional Use Application #2016

0 350 700 1,400 2,100 2,800 Feet

1 inch = 1,083 feet

**Legend**

<ul style="list-style-type: none"> <li> Parcels</li> <li> Roads</li> <li> Railroad</li> <li> Municipal Boundaries</li> <li> Agricultural - AR-1</li> <li> Agricultural - AR-2</li> </ul>	<ul style="list-style-type: none"> <li> Medium Residential - MR</li> <li> General Residential - GR</li> <li> High Density Residential</li> <li> Vacation, Retire, Resident - VRP</li> <li> Neighborhood Business - B-1</li> <li> General Commercial - C-1</li> </ul>	<ul style="list-style-type: none"> <li> Commercial Residential - CR-1</li> <li> Marine - M</li> <li> Limited Industrial - LI-1</li> <li> Light Industrial - LI-2</li> <li> Heavy Industrial - HI-1</li> </ul>
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16.05  
16.50 Ac.  
Parcel 2

15.05  
9.30 Ac.  
Parcel B

45.01  
25.40 Ac.  
Parcel A

16.04  
22.00 Ac.  
Parcel 1

Lands N/F of  
TOWNSEND

Lands N/F of  
MUSTO

Lands N/F of  
COPP

Lands N/F of  
TOWNSEND

Lands N/F of  
TOWNSEND

Lands N/F of  
TOWNSEND

Lands N/F of  
LANG

Lands N/F of  
BEACH

Lands N/F of  
JOHN WILLIAMS HWY

## Conditional Use Application #2016

**Legend**

Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

0 105 210 420 630 840 Feet

1 inch = 333 feet

Source: CNES/Airbus DS, USDA, USGS, AEA, Getmapping, Aerogrid, IGN, ICF, swisstopo, and the GIS User Community

Source: CNES/Airbus DS, USDA, USGS, AEA, Getmapping, Aerogrid, IGN, ICF, swisstopo, and the GIS User Community

**Introduced 1/27/15**

**Council District No. 2 - Wilson  
Tax Map I.D. No. 530-14.00-15.00  
911 Address: None Available**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.062 ACRES, MORE OR LESS**

**WHEREAS, on the 7th day of January 2015, a zoning application, denominated Change of Zone No. 1771 was filed on behalf of B. Ray Investments, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1771 be \_\_\_\_\_; and**

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

**NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:**

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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Northwest Fork Hundred, Sussex County, Delaware, and lying east of U.S. Route 13 (Sussex Highway) 0.2 miles north of Road 583 (Adams Road) and being more particularly described as follows:**

**BEGINNING at a concrete monument on the easterly right-of-way of U.S. Route 13 (Sussex Highway), a corner for these subject lands and lands, now or formerly, of George S. Isaacs; thence northerly 272.51 feet along said right-of-way of U.S. Route 13 to an iron pipe; thence South 67°42'40" East 85.00 feet to an iron pipe and North 22°17'16" East 66.00 feet**

**along said right-of-way of U.S. Route 13 to an iron pipe; thence southeasterly 512.2 feet along a tie-line for an old tax ditch location and the relocated Cart Branch Tax Ditch centerline to a point; thence North 75°14'46" West 516.33 feet along lands, now or formerly, of George S. Isaacs, to the point and place of beginning and containing 2.062 acres, more or less.**

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

PROPOSED

# Change of Zone Application #1771

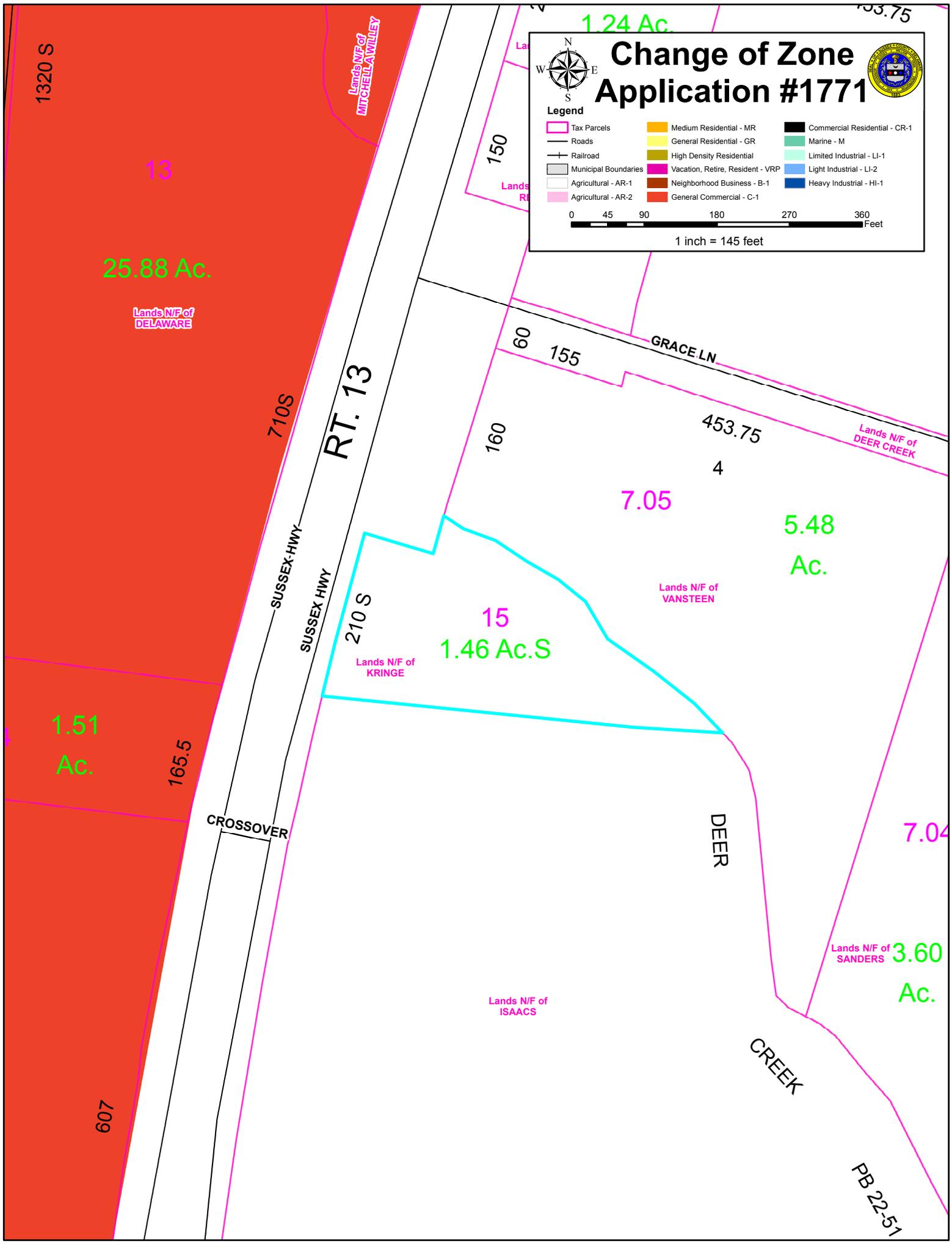


**Legend**

Tax Parcels	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial - LI-2
Agricultural - AR-1	Neighborhood Business - B-1	Heavy Industrial - HI-1
Agricultural - AR-2	General Commercial - C-1	

0 45 90 180 270 360 Feet

1 inch = 145 feet



# Change of Zone Application #1771



## Legend

- Tax Parcels
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 270 540 1,080 1,620 2,160 Feet

1 inch = 833 feet

