



Sussex County Council Public/Media Packet

**MEETING:
July 21, 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

JULY 21, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. New Council Chambers Technology Demonstration
2. New County GIS Mapping Platform Demonstration
3. Appointment to the Board of Assessment Review
4. Appointment to the Advisory Committee for the Aging and Adults with Physical Disabilities
5. Administrator's Report

10:15 a.m. Public Hearing

“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$850,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”



Gina Jennings, Finance Director

1. Delaware Transit Reimbursement Program Request
2. Septic System Relief Policy

Vince Robertson, Assistant County Attorney

1. County Comprehensive Plan Annual Report
2. Further Discussion on County Sign Regulations

Hal Godwin, Deputy County Administrator

1. Legislative Update
2. Dog Control Services

Michael Costello, Constable

1. Discussion and Update of Roadside Trash Program

Jim Hickin, Director of Airport and Industrial Park

1. Legg-Hudson Hangar Lease Termination
2. Air Methods Lease Amendment

Grant Requests

1. City of Seaford for the Police Department's Annual Community Night Out
2. Delaware Lions Foundation for materials to build ramps for the handicapped
3. Fellowship of Christian Athletes for football program expenses
4. Milton Historical Society to sponsor the Best of Milton Auction fundraiser
5. Laurel American Legion Post 19 for the Eastern Shore Veterans Day Parade
6. Delmarva Teen Challenge for fundraising event
7. Mount Joy Community Civic Association for a back-to-school event

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Personnel and 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. 2017 filed on behalf of Eli and Victoria Zacharia

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS” (land lying northwest of John J. Williams Highway (Route 24), 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision (Tax Map I.D. 334-18.00-7.00) (911 Address – 20336 John J. Williams Highway, Lewes)

Conditional Use No. 2018 filed on behalf of David Clark Lankford

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPORTING GOODS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 11,473 SQUARE FEET, MORE OR LESS” (land lying at the southwest corner of Tharp Road (Road 534) and Brown Street and at the northwest corner of Charles Street and Brown Street (Tax Map I.D. 331-6.00-89.00) (911 Address – 9636 Tharp Road, Seaford)

Change of Zone No. 1775 filed on behalf of Charles R. Auman, Jr.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 12,394 SQUARE FEET, MORE OR LESS” (land lying at the northeast end of the dead-end of Lighthouse Road (Road 203) 1 mile north of Cedar Beach Road (Route 36) (Tax Map I.D. No. 330-5.00-7.04 and 8.00) (911 Address: None Found)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 14, 2015 at 4:25 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 30, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 30, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

Mr. Lawson commented on the ongoing improvements to the Council Chambers including new audio - visual capabilities.

**M 257 15
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 9 and 16, 2015 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**DELAWARE NATURE SOCIETY, MILFORD, DELAWARE.
RE: Letter in appreciation of grant.**

**DELAWARE TECHNICAL & COMMUNITY COLLEGE,
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**CHAMBER OF COMMERCE FOR GREATER MILFORD, MILFORD,
DELAWARE.
RE: Letter in appreciation of grant.**

**Corre-
spondence
(continued)**

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE ENVIROTHON, DOVER, DELAWARE.

RE: Letter in appreciation of grant.

**DELAWARE GUIDANCE SERVICES FOR CHILDREN & YOUTH,
LEWES, DELAWARE.**

RE: Letter in appreciation of grant.

DELAWARE HOUSING COALITION, DOVER, DELAWARE.

RE: Letter in appreciation of grant.

**SUSSEX COUNTY VOLUNTEER DELAWARE, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of grant.

INDIAN RIVER SENIOR CENTER, MILLSBORO, DELAWARE.

RE: Letter in appreciation of grant.

**REHOBOTH BEACH MAIN STREET, REHOBOTH BEACH,
DELAWARE.**

RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

There were no public comments

**Presen-
tations/
League
of Women
Voters/
Annual
Report
and
Land Use
Forum
Overview**

Janet Ambrose of the League of Women Voters of Sussex County presented the League's Annual Report (Sunshine Day Report) to the Sussex County Council. As part of the League of Women Voters' support for openness in government, its Observer Corps monitors governmental bodies for issues of importance to the League and to the County. The Observer Corps has completed its sixth year of activity; observers attended County Council, Planning and Zoning Commission, and Board of Adjustment meetings.

Highlights and observations include the following: water problems, monitoring the implementation of approved development plans, Land Use Planner and Constable positions, carrying-capacity study, public comment during Council meetings, Council's Rules of Procedure, and individual accounts for granting monetary requests.

Ms. Ambrose presented copies of the report to the Council.

Sue Claire Harper of the League of Women Voters of Sussex County presented an overview of the League's Land Use Forums that were held in each of the five Councilmanic Districts, including a summary of reoccurring concerns heard and overall visions for the future of land use in Sussex County.

Presentations (continued)	The Council presented a Retirement Tribute to Leona L. Smith in recognition of 41 years of service to Sussex County. Mrs. Smith is the third longest tenured employee of the County.
Appointment	Mr. Lawson presented for Council's consideration a reappointment to the Library Advisory Board (District 4 appointment).
M 258 15 Approve Appointment/ Library Advisory Board	<p>A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the appointment of Rosemary Hardiman to the Sussex County Library Advisory Board, effective June 1, 2015, until such time as her term expires on June 30, 2018.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Wastewater Agreement	Mr. Lawson presented a wastewater agreement for the Council's consideration.
M 259 15 Execute Wastewater Agreement/ Hopkins- Pettyjohn Subdivision	<p>A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 446-6, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Sweetbriar, LLC, for wastewater facilities to be constructed in Hopkins – Pettyjohn Subdivision (AKA Red Mill Pond North) – Phase 4, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Contracting for Planning Services	Mr. Lawson reported that, in the FY2016 Budget, funds were secured for hiring a consulting firm to assist the County with initiatives generally associated with Planning and Zoning and the land use authority. Initiatives recently discussed by Council include the carrying capacity, the County's sign ordinance, sidewalks, and the reclassification of the County's commercial zoning categories. Mr. Lawson noted that, further out, the County will need to start work on the update to the Comprehensive Plan. Mr. Lawson reported that his intent is to solicit bids from qualified planning consultants immediately through a formal Request for Proposals (RFP) process. The RFP will be very similar to the Engineering Department's process for selecting engineering consultants and will require the submission of a significant packet of information and a formal interview prior to a selection. More than one firm may be selected based on the

Contracting for Planning Services (continued) **quality of applications; any firm(s) selected will require the approval of the Council. Mr. Lawson stated that he believes these consultant services are needed to provide insight on some of the complex issues the County is facing. Further, these services will greatly assist the Planning and Zoning and legal staff.**

County Sign Ordinance **Mr. Lawson advised that, once the selection is made, one of the first items the selected consultant will address is the County's sign ordinance. Recently, this topic has surfaced in a number of areas. There has been an increase in the frequency of bandit signs throughout the County. DelDOT has asked the County to cease removing bandit signs from the State's right-of-way. The Board of Adjustment has requested the Council's guidance and perhaps an amendment to the County Code to better address several issues related to signs that the Board has recently experienced. Mr. Lawson reported that he intends to schedule a workshop with the Council, Planning and Zoning Commission, Board of Adjustment, stakeholders, and staff for the purpose of getting feedback on how to address the sign ordinance.**

Lawrence Lank, Director of Planning and Zoning, and the Council discussed the County's agreement with the State regarding signs located in the State's right-of-way and Mr. Lawson noted that more clarity is needed as to the State's authority and the County's authority and how the County should operate going forward. Mr. Lank noted that an existing agreement with the State of Delaware was made with two representatives of DelDOT and that both of these individuals have retired; therefore, there is no current agreement.

Mr. Lawson also commented that the County needs a sign ordinance review to consider banner and flag signs, which are not currently defined in the Ordinance; also needing clarity is LED signs off-site and on-site.

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

1. DelDOT 2017-2022 Capital Transportation Program

Sussex County invites the public to offer suggestions for the upcoming 2017-2022 Capital Transportation Program request, which the County Council will submit to the Delaware Department of Transportation in September. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's website to submit their suggestions. Please visit www.sussexcountvde.gov and click the 'Transportation Ideas' link on the right side of the main page to fill out a suggestion form, as well as to view last year's County request. Submissions will be accepted now through July 24th. The Administration will review all suggestions and then compile a draft report for County Council's consideration before submitting it to DelDOT in September.

**Adminis-
trator's
Report
(continued)**

2. Register of Wills – Electronic Filing

The Register of Wills office will be closed on Wednesday, July 1st, from 8:30 a.m. to 12:30 p.m. to allow the office to implement its new electronic filing system. The office will re-open at 12:30 p.m., and we apologize for any inconvenience.

3. Independence Day Holiday

Please note, County offices will be closed on Friday, July 3rd, for the Independence Day holiday. In addition, Council will not meet on July 7th or July 14th. The next regularly scheduled Council meeting will be held on Tuesday, July 21st.

**Sewer
Finance
Initiatives**

Gina Jennings, Finance Director, introduced two sewer finance ideas for Council's consideration for the purpose of providing affordable sewer service to the residents of Sussex County. The first idea is to create a septic system relief policy for residents who placed a new septic system on their property, but were required to connect to County sewer within five years of installing the new system. It is the County's hope that anyone in the five-year planning area only install temporary systems until public sewer is available. DNREC should notify all residents who are obtaining a septic permit that County sewer will be available in the near future.

Mrs. Jennings reviewed the proposed policy for septic system relief. She noted that the purpose of the policy is to provide monetary relief to the property owner who has paid more than \$10,000 to install or upgrade their on-site septic system in the past five years from the date of connection to a Sussex County sewer district.

Councilmembers discussed the proposal and Mr. Cole recommended that there should be a means testing. Mrs. Jennings was asked to amend the proposal to include means testing and bring it back to Council for consideration at the next meeting on July 21st.

It was noted that copies of the proposed policy were included in the Councilmembers' meeting packets.

Mrs. Jennings presented a proposal to create one unified sewer district, the Sussex County Unified Sanitary Sewer District. She explained that by consolidating the existing districts into a single Sussex County Unified Sanitary Sewer District, Sussex County would be able to utilize greater efficiency and streamlined organization by maintaining a single district versus 19 separate sanitary sewer districts.

**M 260 15
Post Notices/
Consolidate
Sewer
Districts**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Engineering Department to post notices to consolidate Sussex County's individual sewer districts to one unified sewer district.

**M 260 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**

**Legislative
Update**

Hal Godwin, Deputy County Administrator, provided a legislative update on the following bills: House Bill 151 relating to Sussex County sanitary and water districts, House Bill 201 relating to possession of firearms in municipal buildings, House Bill 200 relating to accessible parking spaces, and Senate Bill 137 relating to a community college tax.

Mr. Godwin reported that, in the State's current budget, the State will take back dog control and dog licensing from the counties at the time of contract expirations. Sussex County's contract expires at the end of the calendar year (December 31, 2015). As of January 1, 2016, the County would pay the State the same amount it currently pays for the contract. Mr. Godwin noted that the fee that the County will be paying in following years is not guaranteed.

The Council discussed the Joint Finance Committee's discussions to reallocate Realty Transfer Tax and the response from the counties and municipalities. As a result of that response, the legislators have stated that the Realty Transfer Tax will not be reallocated. It was noted that the General Assembly is only half way through this legislative session and the matter will most likely be considered again in January.

Mr. Godwin reported that the Joint Finance Committee is proposing that the State will no longer contribute funding for the State Police as of January 1, 2016. Mr. Vincent stated that, if this happens, Sussex County will be down 22 troopers as of that date; this reduction would take place through a process of attrition.

The Council discussed the proposed community college tax for Delaware Technical & Community College (Senate Bill 137) and it was the consensus of the Council that the Council does not support this Bill since the money collected would not be guaranteed solely for the college.

**EMS
Station #105
Project**

Anthony Diguiseppe, Jr., Project Engineer, presented a Balancing Change Order and request to grant Substantial Completion for the Emergency Medical Services, South Coastal Station #105 Project. The Final Change Order, in the amount of \$2,035.00, includes 21 additional calendar days. The revised final cost is anticipated to be \$509,695.00. The warranty dates will extend from the date of Substantial Completion through June 17, 2017.

M 261 15

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Council grant Substantial Completion, effective June 17, 2015, to RBCI, Inc. of Easton, Maryland, for Sussex County Project 14-05,

- M 261 15**
Grant
Substantial
Completion
and
Approve
Final
Change
Order/EMS
Station #105
Project
(continued)
- “Emergency Medical Services, South Coastal Station #105”, and further; that Change Order #2 Final be approved in the amount of \$2,035.00, thereby increasing the contract total from \$507,660.00 to \$509,695.00, extending the contract term by twenty one (21) calendar days, and that final payment be made and retainage paid upon completion of the punch-list, in accordance with the terms and conditions of the contract documents.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- Taxiway A**
(South)
Project
- Helen Naylor, Project Engineer, presented a Balancing Change Order and request for Substantial Completion for the “Rehabilitate Taxiway A (South) Project”. The Change Order reduces the contract amount by \$40,042.25 to a revised contract total of \$493,263.60. It is anticipated that the Final Change Order will further reduce the contract total.**
- M 262 15**
Grant
Substantial
Completion
and
Approve
Change
Order/
Taxiway A
(South)
Project
- A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department that Change Order No. 1 for Contract #14-14, Rehabilitate Taxiway A (South), be approved, which decreases the contract amount by \$40,042.25 for a new total of \$493,263.60 and that Substantial Completion be granted, effective May 8, 2015 and any held retainage be released in accordance with the contract documents.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- Install**
Taxiway
Lights
Project
- Steve Hudson, Director of Technical Engineering, reported on the “Install Taxiway Lights (including Electrical Vault Improvements)” Project. He stated that this is a two part project including taxiway lighting and expanding Delmarva Power supply lines into the airfield area. Mr. Hudson reported that the bid opening took place on June 18, 2015; the project goal is to award the bid to replace an existing Direct Buried Cable System that is approximately 50 years old. The low bidder was Tudor Electric with a bid amount of \$262,380.50. The contract is FAA grant eligible.**
- Delmarva**
Power
Utilities
Improve-
ments
- Mr. Hudson reported that the second part of the project is for Delmarva Power utilities improvements at a cost of \$268,304.00. The project goal is to sign an agreement with Delmarva Power to extend power supply lines to future vault locations and provide dual power feeds to the Airport and Industrial Park.**

(continued) **Michael Izzo, County Engineer, commented on FAA grant funding for the project.**

M 263 15
Approve
Bid Award
and
Delmarva
Power
Agreement/
Install
Taxiway
Lights
Project

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the County Council approves the award of Sussex County Project No. 15-11, Install Taxiway Lights (including electrical vault improvements) to Tudor Electric, Inc., of Dover, Delaware, at the bid amount of \$262,380.00, and also approve an Agreement with Delmarva Power in the amount of \$268,304.00 to extend power supply lines on the Airport property per Sussex County Project No. 15-11 drawings, contingent upon the approval of funding from the Federal Aviation Administration.

Motion Adopted: 5 Yeas.

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

Grant
Request

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

M 264 15
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to Girl Scout Troop 1482 for the Odyssey of the Mind Team.

Motion Adopted: 5 Yeas.

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

M 265 15
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$500.00 (\$250.00 each from Mr. Cole's and Mr. Arlett's Councilmanic Grant Accounts) to Cats Around Town Society for spay/neuter/vaccination services.

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

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.66 ACRES, MORE

**Introduction
of Proposed
Ordinances
(continued)**

OR LESS” (Conditional Use No. 2021) filed on behalf of VIII P-Loan Portfolio Holding, LLC (Tax Map I.D. 234-23.00-115.00) (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 A NONPROFIT BOARDING HOME FOR FEMALE VETERANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (Conditional Use No. 2022) filed on behalf of Home of the Brave Foundation, Inc. (Tax Map I.D. 330-12.00-11.01) (911 Address – 6632 Sharps Road, Milford).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS” (Conditional Use No. 2023) filed on behalf of Frank Miranda (Tax I.D. No. 533-18.00-12.00) (911 Address: 33053 Lighthouse Road, Selbyville).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL LANDSCAPING MATERIALS, STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.68 ACRES, MORE OR LESS” (Conditional Use No. 2024) filed on behalf of Stockley Materials, LLC (Tax I.D. No. 334-5.00-192.00, 193.00, 194.00) (911 Address: None Available).

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 (RPC) HIGH DENSITY RESIDENTIAL DISTRICT (RESIDENTIAL PLANNED COMMUNITY) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS” (Change of Zone No. 1780) filed on behalf of Lockwood Design & Construction, Inc. (Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05) (911 Address: None Available).

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO

Introduction of Proposed Ordinances (continued) **HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS” (Change of Zone No. 1781) filed on behalf of Riverview Associates III, LLC (Tax Map I.D. No. 233-10.00-17.00) (911 Address: 28086 Dagsboro Road, Dagsboro).**

The Proposed Ordinances will be advertised for Public Hearing.

Council Members’ Comments

Council Members’ Comments

Mrs. Deaver commented on holding a workshop on an adequate public facilities ordinance (APFO). She stated that she has learned that Kent County is relying more on surcharges than their APFO and that she would like the County to compare the two ideas. It was the consensus of the Council for staff to look at this topic/request and to submit information to Council in writing after which it will be determined if the matter will be placed on an agenda.

Mr. Cole read correspondence from the Village Improvement Association in Rehoboth Beach (letter of thanks for grant funding).

Mr. Arlett commented on events in District 5.

**M 266 15
Go Into
Executive
Session**

At 12:22 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel and pending/potential litigation.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 12:23 p.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to personnel and pending/potential litigation. The Executive Session concluded at 1:32 p.m.

**M 267 15
Reconvene
Regular
Session**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session at 1:36 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

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

**Rules of
Procedure**

Mr. Moore explained the Rules of Procedure for public hearings.

**Public
Hearing/
CZ 1772**

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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.33 ACRES, MORE OR LESS” (Change of Zone No. 1772) filed on behalf of Sussex Ventures, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission’s public hearing and recommendation of approval.

Don Ward and Drew Ward were in attendance on behalf of Sussex Ventures, LLC and gave a presentation on the application including other zonings and conditional uses in the area, and reasons for support of the rezoning request.

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

**M 268 15
Adopt
Ordinance
No. 2404/
CU 1772**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2404 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 BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.33 ACRES, MORE OR LESS” (Change of Zone No. 1772) filed on behalf of Sussex Ventures, LLC.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1773**

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 HUNDRED, SUSSEX COUNTY, CONTAINING 9.541 ACRES, MORE OR LESS” (Change of Zone No. 1773) filed on behalf of Ernest and Donna DeAngelis.

**Public
Hearing/
CZ 1773
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission's public hearing and recommendation of approval.

An Exhibit Booklet was previously submitted into the record by the Applicant.

Ernest DeAngelis, Sr. and Tim Willard, Attorney, were in attendance on behalf of Ernest DeAngelis, Jr. and Donna DeAngelis and gave a presentation on the application including information on the intended use of the property (a self-storage facility with some contractor shops), other zonings and conditional uses in the area, and reasons for support of the rezoning request.

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

**M 269 15
Adopt
Ordinance
No. 2405/
CZ 1773**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2405 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.541 ACRES, MORE OR LESS" (Change of Zone No. 1773) filed on behalf of Ernest and Donna DeAngelis.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1774**

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 HUNDRED, SUSSEX COUNTY, CONTAINING 31,200 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1774) filed on behalf of John R. and Susan K. Eisenbrey.

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015 at which time the Commission recommended that the application be approved.

**Public
Hearing/
CZ 1774
(continued)**

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission's public hearing and recommendation of approval.

Bill Schab, Attorney, and Andrew Pennington (purchaser of the property from John and Susan Eisenbrey) were in attendance on behalf of the Applicant and gave a presentation on the application including information about the split zoning of the property, stating that this request for rezoning is for an extension to the existing commercial zoning to bring the entire property into one zoning classification, and including reasons to support the rezoning request.

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

**M 270 15
Adopt
Ordinance
No. 2406/
CZ 1774**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2406 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 31,200 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1774) filed on behalf of John R. and Susan K. Eisenbrey.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1776**

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 LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS" (Change of Zone No. 1776) filed on behalf of Larry Yoder.

The Planning and Zoning Commission held a Public Hearing on this application on May 21, 2015. On this date, no parties appeared on behalf of the application and the Commission recommended that the application be denied since there was no record of support for the application.

(See the minutes of the Planning and Zoning Commission dated May 21, 2015.)

**Public
Hearing/
CZ 1776
(continued)**

Lawrence Lank, Director of Planning and Zoning, reported on the Planning and Zoning Commission’s public hearing and recommendation of denial.

The Council found that no one was present on behalf of the Applicant to establish a record and therefore, there was no record to support the adoption of the Proposed Ordinance.

No one was present to speak in support of or in opposition to the application.

The Public Hearing was closed.

**M 271 15
Adopt
Proposed
Ordinance/
CZ 1776

DENIED**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS” (Change of Zone No. 1776) filed on behalf of Larry Yoder.

Motion Denied: 5 Nays.

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

**M 272 15
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 2:16 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**

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


GINA JENNINGS
DIRECTOR OF ACCOUNTING
(302) 855-7853 T
(302) 855-7722 F
gjennings@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.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: **CONCORD ROAD WASTEWATER EXPANSION OF THE BLADES
SANITARY SEWER DISTRICT**

DATE: July 17, 2015

On Tuesday, there will be a public hearing on the attached ordinance to authorize the issuance of \$850,000 of General Obligation Bonds of Sussex County for the cost of the design, construction, and equipping of the Concord Road Wastewater Expansion. A grant in the amount of \$449,000 is expected to be received for this project.

The Bonds are backed by the County's full faith and credit and are expected to be paid back over 40 years through revenues from the Concord Road Wastewater Expansion. This bond issuance is within the legal debt limit of the County.

It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Services. The Bonds will provide the funding for the boundaries of the area known as the Concord Road Expansion, which was adopted by Sussex County Council on September 24, 2013. This funding is in line with what was presented when the boundaries were established for this expansion.

Please let me know if you have any questions.

Attachment

pc: Mr. Todd F. Lawson

ORDINANCE NO. ____

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$850,000 OF
GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH
THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD
WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY
ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Concord Road Wastewater Expansion (the "Project");

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$850,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Concord Road Wastewater Expansion.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding 40 years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Services (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

SYNOPSIS: This Ordinance provides for the issuance of up to \$850,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Concord Road Wastewater Expansion (the "Project").

PROPOSED


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



Sussex County
DELAWARE
sussexcountype.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: **DELAWARE TRANSIT CORPORATION FUNDING BUDGET FOR FISCAL YEAR 2016**

DATE: July 17, 2015

DART, a division of DelDOT, has allocated \$796,862, for funding of transportation expenses for various senior centers in Sussex County. This amount has remained at the same level for a number of years. The County's responsibility is to approve a recommended funding amount for Fiscal Year 2016 as per State law. This is an allocation of State grant funds to various senior agencies for transportation purposes. The recommended funding for each agency is the same as in previous years:

Nanticoke Senior Center	\$ 44,959.30
Indian River Senior Center	2,100.00
Laurel Senior Center	99,082.94
Lewes Senior Center	27,120.41
Cape Henlopen Senior Center	43,065.65
CHEER, Inc.	<u>580,533.70</u>
TOTAL	\$796,862.00

Attached are copies of the request from each agency. At the July 21, 2015 County Council meeting, we will recommend funding at the same level for each agency. Please feel free to contact me if you have any questions or concerns.

GAJ/nc

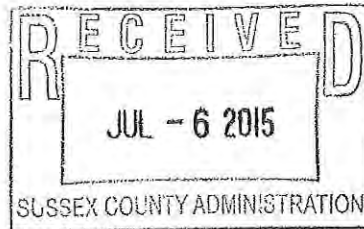
Attachments

pc: Mr. Todd F. Lawson

900 Public Safety Boulevard
Dover, DE 19901-4503
(302) 739-3278



119 Lower Beech Street, Suite 100
Wilmington, DE 19805-4440
(302) 577-3278



July 2, 2015

Mr. Todd Lawson
Sussex County Administrator
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Mr. Lawson,

The amount of money approved for the FY'16 Sussex County Reimbursable Program is \$846,862. However, the State's budget bill epilogue language states that "Section 1 of this Act makes an appropriation of \$1,494.3 TFO to the Delaware Transportation Authority (55-06-01) for Kent and Sussex Transportation "E&D". Of this amount, \$50.0 shall be allocated directly to the Sussex Cheer for transportation services." Therefore, you have a remaining \$796,862 to distribute.

Please determine the amount for each agency and write that amount on the attached budget forms. Please sign each form and mail to my attention at 119 Lower Beech St., Wilmington, DE 19805.

If you have any questions, I can be reached at 302-576-6113.

Sincerely,

A handwritten signature in cursive script that reads "Mary L. Wahl".

Mary L. Wahl
Fiscal Manager

MLW.mlw
Enclosures

APPENDIX A – PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY'2016
JULY 1, 2015 – JUNE 30, 2016.

AGENCY'S NAME: NANTICOKE SENIOR CENTER, INC.

ADDRESS: 1001 West Locust Street, P. O. Box 406 Seaford, DE 19973

CONTACT PERSON: Barbara K. Elliott, Executive Director

TELEPHONE #: 302-629-4939 EMAIL ADDRESS: barb.elliott@nanticokeseniorcenter.com

Expense Category	Agency Request	Expense amount by Category – to equal Approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ 0	\$
b. Personal Vehicle Reimbursement	\$ 2500	\$
c. Client Transportation Drivers	\$29200	\$
d. Fuel, Oils and Fluids	\$ 7700	\$
e. Client Vehicle Maintenance	\$11200	\$
f. Client Vehicle Insurance	\$ 2500	\$
g. Client Transportation Misc. Expense	\$ 2100	\$
2. Admin. Wages & Benefits (\leq 10% Total)	\$ 4500	\$
3. Overhead (\geq 2% Total)	\$ 900	\$
4. Less Client Transportation Income	(\$3800)	\$()
TOTAL	\$56800	

Funding: Approved Sussex County Apportionment \$

Barbara K Elliott 7/28/14
Ms. Barbara K. Elliott Date
Director of Operations, Nanticoke Senior Center, Inc.

John T. Sisson Date
Chief Financial Officer, DTC

Todd Lawson Date
Sussex County Administrator

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program
FY'2016
JULY 1, 2015 – JUNE 30, 2016

AGENCY'S NAME INDIAN RIVER SENIOR CENTER

ADDRESS: 214 Iron Avenue, Millsboro, DE 19966

CONTACT PERSON: Suzanne Frame

TELEPHONE #: (302) 934-8839 EMAIL ADDRESS _____

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ <u>2,500.00</u>	\$
b. Personal Vehicle Reimbursement	\$	\$
c. Client Transportation Drivers	\$	\$
d. Fuel, Oil and Fluids	\$	\$
e. Client Vehicle Maintenance	\$	\$
f. Client Vehicle Insurance	\$	\$
g. Client Transportation Misc. Expense	\$	\$
2. Admin. Wages & Benefits (< 10% Total)	\$	\$
3. Overhead (< 2% Total)	\$	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ <u>2,500.00</u>	\$

Funding: **Approved Sussex County Apportionment**

\$ _____

Suzanne Frame

Ms. Suzanne Frame

Executive Director, Indian River Senior Center

_____ Date

John T. Sisson

Chief Executive Officer, DTC

_____ Date

Todd Lawson

Sussex County Administrator

_____ Date

APPENDIX A – PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program description
FY' 2016
JULY 1, 2015 – JUNE 30, 2016

AGENCY'S NAME LAUREL SENIOR CENTER

ADDRESS: P.O. Box 64, 113. N. Central Avenue, Laurel, DE 19956

CONTACT PERSON Penelope Duncan

TELEPHONE# (302) 875-2536 _ EMAIL ADDRESS: lsc5830@comcast.net

Expense Category	Agency Request	Expense amount by category or equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$	\$
b. Personal Vehicle Reimbursement	\$	\$
c. Client Transportation Drivers	\$ 50226	\$
d. Fuel, Oil and Fluids	\$ 16000	\$
e. Client Vehicle Maintenance	\$ 18500	\$
f. Client Vehicle Insurance	\$ 12000	\$
g. Client Transportation Misc. Expense	\$ 1000	\$
2. Admin. Wages & Benefits (≤10% Total)	\$ 9276	\$
3. Overhead (≤2% Total)	\$	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ 107002	\$

Funding: Approved Sussex County Apportionment

\$ _____

Penelope Duncan 7/16/14
 Ms. Penelope Duncan Date
 Executive Director, Laurel Senior Center

 John T. Sisson
 Chief Executive Officer, DTC

 Date

 Todd Lawson
 Sussex County Administrator

 Date

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '2016
JULY 1, 2015 – JUNE 30, 2016

AGENCY'S NAME LEWES SENIOR CENTER

ADDRESS: 32083 Janice Road, Lewes, DE 19958

CONTACT PERSON: Lisa Celik Steven Twilley

TELEPHONE #: (302) 645-9293 EMAIL ADDRESS : lewescenter@gmail.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ <u>0</u>	\$
b. Personal Vehicle Reimbursement	\$ <u>600.⁰⁰</u>	\$
c. Client Transportation Drivers	\$ <u>14,400.⁰⁰</u>	\$
d. Fuel, Oil and Fluids	\$ <u>8,000.⁰⁰</u>	\$
e. Client Vehicle Maintenance	\$ <u>3,100.⁰⁰</u>	\$
f. Client Vehicle Insurance	\$ <u>3,650.⁰⁰</u>	\$
g. Client Transportation Misc. Expense	\$ <u>1,300.⁰⁰</u>	\$
2. Admin. Wages & Benefits (< 10% Total)	\$ <u>3,300.⁰⁰</u>	\$
3. Overhead (< 2% Total)	\$ <u>330.⁰⁰</u>	\$
4. Less Client Transportation Income	(\$ <u>1,600.⁰⁰</u>)	(\$)
TOTAL	\$ <u>33,080.⁰⁰</u>	\$

Funding: Approved Sussex County Apportionment

\$ _____

Ms. Lisa Celik Steven N. Twilley
 Executive Director, Lewes Senior Center

08/15/2014
 Date

John T. Sisson
 Chief Executive Officer, DTC

Date

Todd Lawson
 Sussex County Administrator

Date

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '2016
JULY 1, 2015 – JUNE 30, 2016

AGENCY'S NAME CAPE HENLOPEN SENIOR CENTER

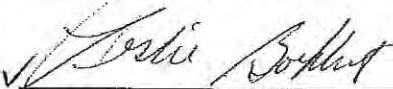
ADDRESS: 11 Christian Street, Rehoboth Beach, DE 19971

CONTACT PERSON: Leslie Boehlert

TELEPHONE #: (302) 227-2055 EMAIL ADDRESS: lesliechsc@aol.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a. Purchased Client Transportation	\$ 0	\$
b. Personal Vehicle Reimbursement	\$ 0	\$
c. Client Transportation Drivers	\$ 32,400.00	\$
d. Fuel, Oil and Fluids	\$ 8,000.00	\$
e. Client Vehicle Maintenance	\$ 2,500.00	\$
f. Client Vehicle Insurance	\$ 2,500.00	\$
g. Client Transportation Misc. Expense	\$ 600.00	\$
2. Admin. Wages & Benefits (< 10% Total)	\$	\$
3. Overhead (< 2% Total)	\$	\$
4. Less Client Transportation Income	(\$)	(\$)
TOTAL	\$ 46,000.00	\$

Funding: Approved Sussex County Apportionment \$ _____

 8-4-14
 Ms. Leslie Boehlert Date
 Executive Director, Cape Henlopen Senior Center

 John T. Sisson Date
 Chief Executive Officer

 Todd Lawson Date
 Sussex County Administrator

APPENDIX A - PAGE 2 OF 2
Delaware Transit Corporation
Reimbursable Transportation Program
Proposed Program Description
FY '2016
JULY 1, 2015 - JUNE 30, 2016

AGENCY'S NAME: CHEER, INC.

ADDRESS: 546 S. Bedford St, ext., Georgetown, DE 19947

CONTACT PERSON: Arlene S. Littleton

TELEPHONE #: (302) 856-5187 EMAIL ADDRESS: alittleton@cheerde.com

Expense Category	Agency Request	Expense amount by category - to equal approved apportionment
1. Client Transportation Expense		
a.) Purchased Client Transportation	\$ 5,060	\$
b.) Personal Vehicle Reimbursement	\$ 3,660	\$
c.) Client Transportation Drivers	\$ 431,236	\$
d.) Fuel, Oil and Fluids	\$ 96,750	\$
e.) Client Vehicle Maintenance	\$ 64,060	\$
f.) Client Vehicle Insurance	\$ 31,890	\$
g.) Client Transportation Misc. Expense	\$ 30,620	\$
2. Admin. Wages & Benefits (<10% Total) 15%	\$ 120,238	\$
3. Overhead (<2% Total) 3.03%	\$ 17,760	\$
4. Less Client Transportation Income	\$ -	\$
TOTAL	\$ 801,275	\$

Funding: Approved Sussex County Apportionment \$ _____

Arlene S. Littleton
 Ms. Arlene Littleton
 Executive Director, CHEER, Inc.

7-28-14
 Date

 John T. Sisson Date
 Chief Executive Officer, DTC

 Todd Lawson Date
 Sussex County Administrator

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR


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



Sussex County
DELAWARE
sussexcountype.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: **SEPTIC RELIEF POLICY**

DATE: July 17, 2015

During the last Council meeting, I presented a new septic relief policy to County Council. It was Council's recommendation to come back with a policy that included an income-based qualification. On Tuesday, I will present the revised policy.

The septic system relief policy is created for property owners who are required to connect to County sewer within 5 years of installing, or upgrading, a new septic system on the same property. It is the County's hope that anyone in our five-year planning area only install temporary systems until public sewer is available. Attached is the proposed policy and a chart that shows the current Sussex County's medium household income levels.

The criteria to qualify for the program are:

1. The property has no County Code violations.
2. The property owner must be current on all County debts.
3. The property owner must not exceed current Sussex County's medium household income levels.
4. The property owner purchased, or upgraded, the property's septic system by spending at least \$10,000 within five years of the required County connection date.

If the above criteria is met, the property owner will receive a deferred connection fee up to 5 years or until the property transfer, whichever comes first; and a grant for the annual front footage charge up to five years depending on the date of septic repair or installation and the required date of connection.

Please let me know if you have any questions.

Attachments



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



-POLICY DOCUMENT- SUSSEX COUNTY ENGINEERING DEPARTMENT

APPROVED / REVISED

DATE: _____

BY: _____

POLICY FOR NEW SEPTIC SYSTEM RELIEF

Purpose

The purpose of this policy is to provide monetary relief to a qualified property owner who has paid more than \$10,000 to install or upgrade their on-site septic system in the past five years from the date of connection to a Sussex County sewer district.

Guidelines and procedures that will be used to provide relief to residents are included in this policy. The intent of the policy is to provide monetary relief to a resident that has recently installed a septic system and is now required to connect to a Sussex County sewer district, but at the same time, not pass the burden on to the other users of the sewer district.

Scope

This policy shall apply to property owners that are required to connect to a Sussex County sewer district and can show a financial need. Financial eligibility is based on the current medium household income for Sussex County. Property owners must have proof that they paid more than \$10,000 to install or upgrade their on-site septic system in the past five years from the last required date to connect.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding connection fee relief.

Policy

It is the intent of the County to provide affordable sewer to the residents of Sussex County.

Procedures

The following steps shall be taken in order to provide monetary relief to the property owner:

1. The property owner shall complete a provided application form and provide a proof of purchase of the recently installed or upgraded septic system. The proof of purchase must include date, amount and description.
2. The septic system must be in proper working order with no reported failures.
3. The property owner must stay current of all debts owed to the County.
4. The property is not in any County Code violations.

5. The property owner must provide a copy of the DNREC permit that allowed the installation or upgrade of the septic system.
6. The property owner shall connect to the County sewer system by the date specified in the notice received from the Sussex County Engineering Department.
7. The property owner will be responsible for the abandonment of the existing on-site septic system per Department of Natural Resources and Environment Control (DNREC) guidelines.
8. The County will delay the Property Owner's System Connection Charge payment for up to 5 years or until the parcel property is sold or transferred, whichever occurs first. The County will place a lien on the property that will be paid during the transfer of the property. The amount of System Connection Charge to be paid shall reflect the rate in effect when the property connected.
9. The County will grant the annual Front Foot Assessment charge up to five years based on the following schedule:

Installed or upgraded the system within five years from the required date of connection – grant one year of front footage assessment

Installed or upgraded the system within four years from the required date of connection – grant two years of front footage assessment

Installed or upgraded the system within three years from the required date of connection – grant three years of front footage assessment

Installed or upgraded the system within two years from the required date of connection – grant four years of front footage assessment

Installed or upgraded the system within one year or less from the required date of connection – grant five years of front footage assessment

10. Standard service charges will be paid by the property owner beginning at the time of connection.

2015 HUD Income Limits

Effective March 6, 2015

Sussex County Median Income \$63,300

Sussex County, DE	% AMI		Family Size							
			1 person	2 person	3 person	4 person	5 person	6 person	7 person	8 person
	LOW 50% or below	30	13,300	15,930	20,090	24,250	28,410	32,570	36,730	40,890
		50	22,200	25,350	28,500	31,650	34,200	36,750	39,250	41,800
	MODERATE Between 51% and 80%	60	26,640	30,420	34,200	37,980	41,040	44,100	47,100	50,160
		80	35,500	40,550	45,600	50,650	54,750	58,800	62,850	66,900
	MIDDLE Between 81% and 120%	100	44,400	50,700	57,000	63,300	68,400	73,500	78,500	83,600
		120	53,280	60,840	68,400	75,960	82,080	88,200	94,200	100,320

Sussex



County

REPORT TO GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY

2014-2015

JULY 1, 2015

INTRODUCTION

Sussex County's current Comprehensive Land Use Plan was adopted on June 24, 2008 (the "Plan"). Each year after adoption, Sussex County is required to prepare a Report on the status of its Plan for submission to the Cabinet Committee on State Planning Issues and the Office of the State Planning Coordination ("OSPC"). This is the Fourth Annual Report to the Cabinet Committee on State Planning Issues and OSPC covering the one-year period between July 1, 2014 and June 30, 2015. This Report is intended to comply with Title 9, Sections 6958 and 6950(b) of the Delaware Code.

LAND USE

In this reporting year, Sussex County has again not received a large number of new land use applications. However, Sussex County has seen a great deal of activity in the ongoing development and construction of approved residential projects.

Since July 1, 2014, Sussex County has received 57 applications filed for all types of land use approvals. This includes commercial development and residential development in the form of subdivision applications, rezoning applications, and conditional use applications.

Sussex County has processed 3 new subdivision applications for a total of 62 lots during this reporting year. Sussex County also processed 25 rezoning applications. Finally, Sussex County processed 29 applications for Conditional Use Permits during the time covered by this Report. A few of the larger or more significant public hearings conducted during this reporting year include the following:¹

1. Subdivision #2014-2 for Showfield, LLC, for a subdivision of 166 lots on 132.05 acres located just outside of the municipal boundaries of the City of Lewes. This application received Preliminary Site Plan Approval on August 7, 2014.

2. Subdivision #2013-4 for Jack Lingo Asset Management, LLC for a subdivision of 69 lots on 108.75 acres. This project is also located just outside of the City of Lewes. It received Preliminary Site Plan Approval from the Sussex County Planning and Zoning Commission on March 12, 2015.

3. Change of Zone #1766 for Stonemark Ventures, LLC to rezone 19.52 acres of land along Beaverdam Road near the Five Points intersection from AR-1 to HR-1 High Density Residential. The Sussex County Planning and Zoning Commission expressed initial concern about the proposed rezoning to HR-1 due to its possible incompatibility/inconsistency with the zoning of adjacent and nearby properties. Ultimately the application was withdrawn on March 20, 2015.

4. Change in Zone #1770 for TD Rehoboth, LLC, seeking to rezone 114.48 acres along Route One from AR-1 to CR-1. After a very lengthy public hearing during which a great deal of information was presented both for and against the application, the Commission recommended approval by a vote of 3 (in favor) to 2 (against). Sussex County Council has also held a public hearing on the application, and left the record open for some additional limited information. The application remains pending before County Council.

During the past year, in cooperation with the Federal Emergency Management Agency and the Delaware Department of Natural Resources, Sussex County completely

¹ Note that in some cases the hearings reflected below followed applications initially filed during the 2013-2014 reporting year.

overhauled its Flood Zone Ordinance as set forth in the County Code. This involved a re-organization and re-write of all of the County's Flood provisions in its Zoning Code. The new Ordinance was drafted and reviewed by the Planning and Zoning Commission and County Council during separate public hearings. One of the major provisions of the new Ordinance is voluntary, but incentivized freeboard, to promote structures that are built with a first floor that is higher than simply the minimum base flood elevation. The new Ordinance was ultimately adopted by Sussex County Council and subsequently approved by FEMA with a commendation to the County for its efforts.

WASTEWATER

Sussex County continues to increase the availability of County sewer to various areas of the County. The Angola Neck Sanitary Sewer District continues to expand eliminating many more individual on-site septic systems along the Inland Bays. In addition, Sussex County continues a major expansion of its sewer system as part of the Goslee Creek Planning Area to provide central sewer to new and existing communities in the area between Route 9, Route One and Route 24. Sussex County has expanded its Fenwick Island Sanitary Sewer District west towards Williamsville, as well.

HOUSING

Sussex County continues to promote affordable housing through a variety of means and methods. All of this work is coordinated through the County's Fair Housing Compliance Officer under the County's Community Development and Housing Department.

There have not been any new applications during this past year for affordable housing under the County's Moderately Priced Housing Unit or Rental programs. Nevertheless, Sussex County continues to promote these projects in various ways through its Community Development and Housing Department, the County website and other materials, and the land use application process. The Community Development and Housing Office also worked with several local housing providers and advocacy organizations to provide an inaugural Sussex County Homebuyer Fair.

During this reporting year, Sussex County also completely revised the definition of "Dwelling", "Dwelling, Single Family" and "Dwelling, Multifamily" as those terms are set

forth in the County's Zoning Code. These definitions have been updated to reflect the federal definition of "Dwelling" and the County was commended by the Office of State Planning Coordination and the Delaware State Housing Authority for its efforts.

Finally, Sussex County continues to evaluate Impacted Communities in order to determine investment strategies, priority designations of infrastructure and/or community development for those elements of infrastructure over which the County has primary governing authority. Once this data is collected, the County anticipates performing an evaluation and drafting an approval process for future infrastructure projects.

ECONOMIC DEVELOPMENT

Agriculture and tourism continue to be some of Sussex County's main economic drivers. In addition, health care providers, including Beebe Health Care, Bayhealth, Nanticoke Health Services and Peninsula Regional Medical Center continue to expand. Other businesses such as Dogfish Head and PATS Aircraft are adding to their Sussex County production capabilities, too. Technology businesses are making great strides, as well.

CONCLUSION

Sussex County continues to monitor the implementation of its current Plan and the trends affecting the County throughout the coming year, with an eye toward the creation and adoption of the next Comprehensive Land Use Plan. Sussex County has started the early stages of this process, beginning with the preparation of a Request for Proposals for a land use consultant to be tasked with not only assisting in the preparation of the new Plan, but also the various ordinances that will be considered as part of that process.



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator
July 21, 2015

Bill No.	Description and Purpose	Action
2015-2016 BILLS		
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 6/18/15 – Senate Amendment No. 3 added; passed the Senate 6/23/15 – Passed the House as amended
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 7/01/15 – Passed the House
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

Bill No.	Description and Purpose	Action
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
SB 54	This Act allows the Director of the Delaware Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at least 20 employees. It also exempts those manufacturing businesses from their gross receipts taxes for their first 5 years.	4/02/15 – Introduced and assigned to Labor & Industrial Relations Committee 4/29/15 – Stalled in Committee
HB 79	This bill provides that a striped bass must be tagged by a commercial fisherman before it is landed or put on shore.	4/02/15 – Introduced and assigned to Natural Resources Committee 6/11/15 – Passed the House 6/18/15 – Passed the Senate

Bill No.	Description and Purpose	Action
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 6/30/15 – Passed the House
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

Bill No.	Description and Purpose	Action
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>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</p>	<p>4/22/15 – Introduced and assigned to Senate Banking & 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 7/01/15 – Passed the House</p>

Bill No.	Description and Purpose	Action
SB 66 (continued)	<p>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 & Finance Committee 5/14/15 – Amendment No. 1 added to the bill 5/14/15 – Passed the House with Amendment No. 1 5/30/15 – Assigned to Senate Bond Committee 6/03/15 – Released from Committee 6/25/15 – On Senate Agenda 6/25/15 – Defeated in the Senate 7/01/15 – Passed the Senate 7/01/15 – Signed by the Governor</p>

Bill No.	Description and Purpose	Action
HB 149	This Act repeals the Delaware Estate Tax as of July 1, 2015.	5/28/15 – Introduced 6/17/15 – Released from Committee
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 the House 6/24/15 – Released from Senate Committee 7/01/15 – Passed the Senate
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 6/23/15 – Passed the Senate
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 6/18/15 – Passed the House; assigned to Senate Energy & Transit Committee 6/30/15 – Passed the Senate
HB 171	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	6/09/15 – Introduced and assigned to House Telecommunications, Internet & Technology Committee 6/17/15 – House Substitute No. 2 6/23/15 – Passed the House 6/24/15 – Released from Senate Community/County

Bill No.	Description and Purpose	Action
HB 171 (continued)	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.	Affairs Committee 7/01/15 – Passed the Senate
SB 112	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.	6/03/15 – Introduced 6/11/15 – Passed the Senate 6/17/15 – Released from Committee 6/30/15 – Passed the House
SB 130	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.	6/11/15 – Introduced 6/24/15 – Senate Amendment No. 2 added; passed the Senate and was tabled 6/25/15 – Substituted in Senate by SS 1 for SB 130
SS 1 for SB 130	This substitute bill includes the changes made in Senate Amendment No. 2. 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,	All Voluntary Terms

Bill No.	Description and Purpose	Action
SS 1 for SB 130 (continued)	efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.	
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 "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>	<p>6/03/15 – Introduced 6/11/15 – Passed the Senate 6/24/15 – Passed the House</p>

Bill No.	Description and Purpose	Action
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 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 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.</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>	<p>6/03/15 – Introduced 6/11/15 – Passed the Senate 6/24/15 – Passed the House</p>

Bill No.	Description and Purpose	Action
SB 124	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.	6/09/15 – Introduced 6/23/15 – Passed the Senate 6/24/15 – Assigned to the House Ag Committee
HCR 40	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.	6/10/15 – Introduced 6/17/15 – Released from Committee; Amendment No. 1 added
HB 194	The expansion of modern drinking water distribution systems and wastewater collection systems by local governments and regulated utilities is of paramount importance to the protection and conservation of the water resources of Delaware. This bill encourages the expansion of water and wastewater systems by providing an exemption for linear utility projects not greater than 25 feet in width from erosion and sediment control regulations that are overly burdensome on such projects.	6/17/15 – Introduced and assigned to Transportation/Land Use & Infrastructure Committee 6/23/15 – Reported out of Committee
HB 192	This Act establishes that municipal governments may pass ordinances regulating the possession of firearms, ammunition, components of firearms, and explosives in municipal buildings and police stations subject to specific requirements. The Act further allows municipalities to establish penalties for violation by ordinance.	6/16/15 – Introduced and assigned to Public Safety & Homeland Security Committee 6/17/15 – Reported out of Committee 6/23/15 – Passed the House and assigned to Community/County Affairs Committee in the Senate 7/01/15 – Passed the Senate
HB 201	This Act establishes that county governments may pass ordinances regulating the possession of firearms, ammunition,	6/23/15 – Introduced and passed the House; assigned to Community/County Affairs Committee in the Senate

Bill No.	Description and Purpose	Action
HB 201 (continued)	components of firearms, and explosives in county buildings and police stations subject to specific requirements. The Act further allows counties to establish penalties for violation by ordinance.	7/01/15 – Passed the Senate
SB 137	Delaware's Community College System plays a critical role in the State's economy by providing workforce development and transfer education that connects Delawareans with good paying jobs within the State and region. This Act gives the College's Board of Trustees the authority to issue bonds to finance the cost of major and minor capital improvements, deferred maintenance, and the acquisition of related equipment and educational technology associated therewith and establishes the Community College Infrastructure Fund to pay the principal and interest on such bonds. This Act adopts the county vo-tech structure to finance the Fund by authorizing the College's Board of Trustees to collect a local property tax subject to a cap.	6/11/15 – Assigned to Finance Committee 6/23/15 – Reported out of Committee
SB 149	This legislation removes the disparate treatment of counties, making all three county seats eligible for the same percentage of reimbursement of real property taxes.	6/23/15 – Assigned to Community/County Affairs Committee
HB 200	This Act adds provisions to Title 21 defining accessible parking spaces, incorporating federal standards for accessible parking spaces found in the Americans with Disabilities Act and adding additional requirements that enhance these standards and better reflect the needs of persons with disabilities in Delaware. The Act increases the penalty associated with violating the statute that prohibits individuals who do not possess a parking placard or special license plate from parking in accessible parking spaces, or in the access aisles located next to accessible parking spaces. This Act adds provisions in Titles 9 and 22 of the Delaware Code to require county and municipal governments to adopt regulations and ordinances incorporating these requirements for accessible parking spaces, including the requirement that property owners have a permit and inspection for new or modified accessible parking spaces, in order to	6/17/15 – Introduced and assigned to Public Safety & Homeland Security Committee 6/25/15 – Reported out of Committee We will work on this during break

Bill No.	Description and Purpose	Action
HB 200 (continued)	increase compliance and uniformity statewide.	
HB 207	This is the first leg of a constitutional amendment that would increase the term of office for members of the House of Representatives to four years and members of the Senate to six years.	6/23/15 – Introduced and assigned to House Administration Committee
HB 209	This bill amends the zoning authority for the 3 counties to expressly provide that each county may, via its zoning processes, regulate parking and parking areas.	6/23/15 – Introduced and assigned to Housing & Community Affairs Committee; reassigned to Public Safety & Homeland Security Committee 6/25/15 – Reported out of Committee 7/01/15 – Passed the Senate and the House
SB 157	This legislation will bring the paramedic profession in line with all other medical professions certified through the Division of Professional Regulation Board of Medical Licensure and Discipline. It allows background investigations and disciplinary action to be taken in the event of unprofessional conduct as defined by the Division of Professional Regulation Board of Medical Licensure and Discipline, including behavior during professional activity that is likely to endanger the public's health, safety or welfare.	6/25/15 – Assigned to Sunset Committee in Senate
SB 158	When a community owner wishes to increase the rent in an amount greater than the applicable CPI-U, this Act would stipulate that the community owner can only increase or attempt to increase rent beyond the CPI-U once per year. All homeowners to be affected by this increase must receive notice of the request 90 days prior to the first meeting.	6/25/15 – Assigned to Community/County Affairs Committee in Senate
SB 166	This Act is the first leg of a constitutional amendment that will limit the ability of the State to appropriate Transportation Trust Fund moneys to a purpose other than (1) capital expenditures on the public transportation system, including the road system, grants and allocations for investments in transportation, the transit system, and the support systems for public transportation;	7/01/15 – Passed the House and Senate

Bill No.	Description and Purpose	Action
SB 166 (continued)	<p>(2) payment of the interest and principal on all bonds issued before or after the effective date of this Act and secured by moneys in the Transportation Trust Fund; and (3) other transportation-related purposes, including operating expenses funding the Delaware Department of Transportation, to which moneys in the Transportation Trust Fund are authorized on the effective date of this Act.</p> <p>This Act essentially creates a lock box on the Transportation Trust Fund that can only be opened by the agreement of three-fourths of all the members of each House through a bill separate from an annual budget act, bond and capital improvement act, or grants-in-aid act. Additionally, if moneys in the Transportation Trust Fund cease to be appropriated for a transportation-related purpose, the moneys may not again be appropriated to such purpose except by the agreement of three-fourths of all the members of each House through a bill separate from an annual budget act, bond and capital improvement act, or grants-in-aid act.</p>	
SB 167	<p>This Act limits the ability of the 148th General Assembly to appropriate Transportation Trust Fund moneys to a purpose other than (1) capital expenditures on the public transportation system, including the road system, grants and allocations for investments in transportation, the transit system, and the support systems for public transportation; (2) payment of the interest and principal on all bonds issued before or after the effective date of this Act and secured by moneys in the Transportation Trust Fund; and (3) other transportation-related purposes, including operating expenses funding the Delaware Department of Transportation, to which moneys in the Transportation Trust Fund are authorized on the effective date of this Act.</p> <p>This Act essentially creates a lock box on the Transportation Trust Fund that can only be opened by the agreement of three-fourths of all the members of each House through a bill separate from an annual budget act, bond and capital improvement act, or</p>	7/01/15 – Passed the House and Senate

Bill No.	Description and Purpose	Action
SB 167 (continued)	<p>grants-in-aid act. Additionally, if moneys in the Transportation Trust Fund cease to be appropriated for a transportation-related purpose, the moneys may not again be appropriated to such purpose except by the agreement of three-fourths of all the members of each House through a bill separate from an annual budget act, bond and capital improvement act, or grants-in-aid act.</p> <p>Finally, this Act restricts the use of funds raised by the enactment of House Bill No. 140, as amended, to projects in the capital program categories of the Transportation Trust Fund and specifically prohibits use of this revenue to fund the operating costs of the Department of Transportation.</p> <p>This Act sunsets on November 8, 2016.</p>	



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

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1

FOR

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 Declaration of Policy.

5 It is the policy of this State to:

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

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

10 (3) Encourage transportation solutions that enable the formation of new households in the State that have less than
11 one vehicle per adult worker.

12 § 2102 Definitions.

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

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

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

17 (c) "District" means a Complete Community Enterprise District, as defined by the criteria set forth in §

18 2104 of this title.

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

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

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

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

29 § 2103 District designation.

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

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

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

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

39 § 2104 District requirements.

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

41 (a) The District is contiguous.

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

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

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

49 (i) The total area of the District that is zoned for residential use is greater than the total area that is zoned for
50 commercial or other uses. No parcel of land included in the District may be zoned commercial regional.

51 § 2105 District policies.

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

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

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

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

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

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

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

67 § 2662 Highway capacity.

68 The County Council shall not approve any proposed change in the zoning classification for land (i.e., any
69 "rezoning request") without first complying with ~~the following procedures:~~ either procedures (1) through (4) or with
70 procedure (5):

71 (5) The County Council, through its designated planning agency, shall establish an agreement with the Delaware
72 Department of Transportation (DelDOT) to designate a Complete Community Enterprise District as described in § 2103
73 and § 2104 of Title 2.

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

76 § 4962 Highway capacity.

77 The county Council shall not approve any proposed change in the zoning classification for land (i.e., any "rezoning
78 request") without first complying with ~~the following procedures:~~ either procedures (1) through (4) or with procedure (5):

79 (5) The County Council, through its designated planning agency, shall establish an agreement with the Delaware
80 Department of Transportation (DelDOT) to designate a Complete Community Enterprise District as described in § 2103
81 and § 2104 of Title 2.

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

84 § 6962 Highway capacity.

85 The county government shall not approve any proposed change in the zoning classification for land (i.e., any
86 "rezoning request") without first complying with ~~the following procedures: either procedures (1) through (4) or with~~
87 procedure (5):

88 (5) The County Council, through its designated planning agency, shall establish an agreement with the Delaware
89 Department of Transportation (DelDOT) to designate a Complete Community Enterprise District as described in § 2103
90 and § 2104 of Title 2.

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

93 § 312 Complete Community Enterprise Districts.

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

SYNOPSIS

This substitute bill includes the changes made in Senate Amendment No. 2. 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



FIRST STATE
**animal
center**
AND SPCA

July 14, 2015

Mr. Todd Lawson

2 the Circle

Georgetown DE 19947

Hand Delivered

Dear Mr. Todd Lawson;

The First State Animal Center and SPCA has been contracted by your county since 2006 to provide one of your vital public safety programs, that of dog control. Our 24/7 program has provided a historically vital service to ensure our communities are safe places for both humans and animals and has been successfully provided by our organization to Sussex County for 9 years.

On June 30, 2015 the Delaware State General Assembly passed House Bill 225 which contained language that effectively ends our dog control activities.

Knowing that their jobs will end shortly no matter what we might do, we expect to begin at once losing our animal control employees just as soon as they can secure other jobs. The impact will be immediate as we begin to lose animal control officers essential to performing our contract obligations and find ourselves unable to replace them because we will have nothing to offer their replacements but short-term temporary jobs, which ironically may require many months of training. Because we expect an ongoing deterioration of our ability to effectively perform the requirements of our animal control contracts, the Board of Directors has elected to immediately restructure the organization to end our animal control activities rather than let down our contract partners by failing to meet the contract requirements.

Therefore, we are hereby notifying you that we are exercising our option of terminating our dog control contract dated 01/01/13 with 60 days notice. The final date of service to you will be September 15, 2015.

We regret that we must cease providing this necessary service to you, one for which we are professionally trained and educated and one that has successfully kept safe your citizens.

Sincerely;

J. Kevin Usilton

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

JAMES A. HICKIN
Airport Manager



P.O. BOX 589
GEORGETOWN, DELAWARE 19947


Administration	302-855-7718
Airport & Industrial Park	302-855-7774
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299

Airport Fax: 302-855-7773

MEMORANDUM

TO: **Sussex County Council**

THROUGH: Todd Lawson
County Administrator

FROM: Jim Hickin, A.A.E. 
Airport & Industrial Park

DATE: July 17, 2015

RE: **COUNCIL AGENDA- JULY 21, 2015**

I am on the County Council agenda for July 21st, to present two related items: 1) Purchase of the Legg-Hudson hangar and termination of their lease, and 2) Amendment of the Air Methods lease.

1. Legg Hudson LLC leases a one acre parcel from the County and owns a 2,500 sq. ft. hangar on the parcel. The 20 year lease expires Dec 31, 2017. Legg Hudson has mutually agreed to terminate the lease since they no longer have an aircraft to store in the hangar. We are proposing to purchase the hangar and terminate the lease for \$11,000. This amount compensates Legg Hudson for the residual value of the hangar and lost potential revenue for the sublease of the hangar. Approval of this hangar purchase and lease termination will provide an opportunity to develop this parcel more efficiently. In the interim, we plan to lease the hangar at a higher rent than we currently receive.
2. Air Methods Corporation (parent of LifeNet) subleases a 20 foot strip of land from Legg Hudson and has placed a modular building on it, which they use for aircrew sleeping quarters. The County agreed, as part of its agreement to allow the sublease, to add the 20 foot strip of land to the Air Methods lease if the Legg Hudson lease is terminated. I am requesting Council's approval of Amendment One to the Air Methods lease, which adds the 20 foot strip to the leased parcel.

Both of these items are important steps to make more efficient use of airport property and increase airport revenue.

Please feel free to call me at 855-7775 if you have any questions.

cc: Michael A. Izzo, P.E., Director
Engineering Dept.

BILL OF SALE

LEGG HUDSON, L.L.C., a Delaware Limited Liability Company with an address of 30045 Eagle Crest Road, Delaware 19968, (hereinafter referred to as "**Seller**"), in consideration of the sum of Eleven Thousand Dollars (\$11,000.00) paid to it by **SUSSEX COUNTY, DELAWARE**, a political subdivision of the State of Delaware, with an address of 2 The Circle, Georgetown, Delaware 19947, (hereinafter referred to as "**Buyer**"), receipt of which is hereby acknowledged, does grant, sell, transfer and deliver to Buyer all of Seller's interest in the airplane hangar (hereinafter "the Hangar") and any improvements located at 21469 Rudder Lane, Georgetown, Delaware 19947 (hereinafter referred to as "the Leased Property").

Buyer shall have all rights and title to the Hangar and the improvements located on the Leased Property in itself and its successors and assigns.

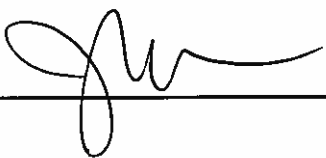
Seller is the lawful owner of the Hangar and the improvements located on the Leased Property and those items are free from all encumbrances. Seller has good right to sell those items and will warrant and defend the right against the lawful claims and demands of all persons.

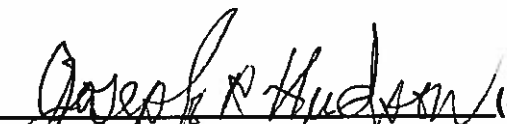
(REST OF PAGE LEFT INTENTIONALLY BLANK)

IN WITNESS WHEREOF, Seller has executed this Bill of Sale on this 6th
day of July, 2015.

Witness:

LESSEE: LEGG HUDSON, L.L.C.

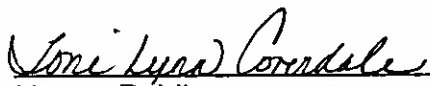


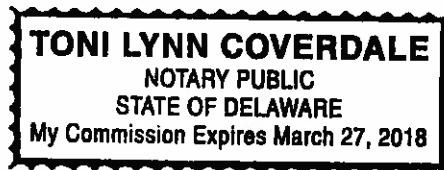
 (SEAL)

Name: Joseph R. Hudson

Title: Member

SWORN TO AND SUBSCRIBED before me the day and year aforesaid.


Notary Public



TERMINATION OF LEASE

This Termination of Lease made on this _____ day of _____, 2015, by and between **SUSSEX COUNTY, DELAWARE**, a political subdivision of the State of Delaware, with an address of 2 The Circle, Georgetown, Delaware 19947, hereinafter referred to as "**Lessor**"

AND

LEGG HUDSON, L.L.C., a Delaware Limited Liability Company with an address of 30045 Eagles Crest Road, Delaware 19968, hereinafter referred to as "**Lessee**"

WITNESSETH:

1. On December 3, 1996, Lessor and Paul Warnell, t/a Mid Atlantic (hereinafter "Warnell"), entered into a Lease Agreement (hereinafter referred to as "the Lease") for space known as 21469 Rudder Lane, Georgetown, Delaware 19947 (hereinafter referred to as "the Leased Property") as is further identified on Appendix A to the Lease.
2. On August 1, 2001, Warnell assigned his interest in the Lease to W.T. Wilson, Inc. (hereinafter referred to as "Wilson").
3. On August 20, 2001, Wilson assigned its interest in the Lease to Lessee.
4. An airplane hangar ("the Hangar") is located on the Leased Property.
5. The parties desire to terminate the Lease and to transfer interest in the Hangar to Lessor.

NOW THEREFORE, the parties hereto have agreed to the early termination of the Lease, and the purchase and sale of the Hangar and all improvements located on the Leased Property, upon the following terms and conditions:

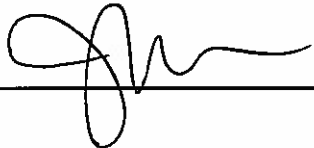
1. Lessee hereby acknowledges that Lessee has turned over possession of the Leased Property to Lessor and provided Lessor with copies of all keys to the Leased Property. Lessee further acknowledges that all of Lessee's belongings have been removed from the Leased Property. Landlord and Tenant acknowledge that the Lease is hereby terminated and of no legal effect.
2. As part of the termination of the Lease, Lessee hereby transfers to Lessor any interest or claim it may have to the Hangar and improvements located on the Leased Property. Lessee shall execute a Bill of Sale effectuating this transfer contemporaneous with the execution of this Termination of Lease.
3. Lessee affirms that there are no known liens or encumbrances against the Hangar or improvements located on the Leased Property.
4. In consideration of the transfer of the Hangar and improvements to Lessor and the termination of the Lease, Lessor shall pay Lessee \$11,000.00, receipt of which by Lessee is hereby acknowledged.

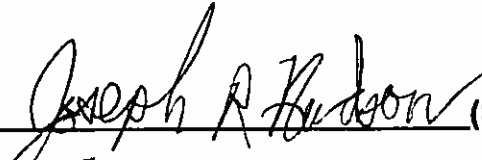
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IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, this ____ day of _____, A.D. 20_____.

Witness:

LESSEE: LEGG HUDSON, L.L.C.



 (SEAL)
Name: Joseph R. Hudson
Title: Member

Attest:

LESSOR: SUSSEX COUNTY COUNCIL

Name: _____
Title: _____

_____(SEAL)
Name: _____
Title: _____

APPROVED AS TO FORM:

J. Everett Moore, Jr., County Attorney

FIRST AMENDMENT TO LEASE AGREEMENT

THIS FIRST AMENDMENT to a Lease Agreement is made and executed on this _____ day of _____, A.D., 20____ by and between:

SUSSEX COUNTY, DELAWARE, a political subdivision of the State of Delaware, with an address of 2 The Circle, Georgetown, Delaware 19947, hereinafter referred to as “**Lessor**”

AND

AIR METHODS CORPORATION, a Delaware corporation, with an address of 7301 So. Peoria Street, Englewood, Colorado 80112, hereinafter referred to as “**Lessee**”

WITNESSETH

WHEREAS, on September 5, 2007, Lessor and Lessee entered into a Lease Agreement (hereinafter “the Lease”) for space known as 21479 Rudder Lane, Georgetown, Delaware 19947 (hereinafter “the Leased Property”);

WHEREAS, Lessor and Legg Hudson, L.L.C. (hereinafter “Legg Hudson”) entered into a lease for space known as 21469 Rudder Lane, Georgetown, Delaware 19947 (hereinafter “the Legg Hudson Lot”), which is adjacent to the Leased Property;

WHEREAS, on January 28, 2013, Lessor, Lessee, and Legg Hudson, L.L.C. (hereinafter “Legg Hudson”) entered into a sublease (hereinafter “the Sublease”) where Lessee sublet a portion of the Legg Hudson Lot as identified as Exhibit A to the Sublease (hereinafter “the Subleased Property”);

WHEREAS, Lessee is the owner of Rocky Mountain Holdings, LLC, which is doing business in Delaware as LifeNet (hereinafter “LifeNet”) and Lessee entered into the Sublease for use by LifeNet;

WHEREAS, Lessee placed a leased modular home (hereinafter "the Building") to be used for sleeping quarters for pilots who operate the emergency response helicopter(s) and equipment housed on the Leased Property;

WHEREAS, the Building is located on both the Leased Property and the Subleased Property;

WHEREAS, the lease between Lessor and Legg Hudson for the Legg Hudson Lot has terminated and Lessee desires to continue using the Subleased Property; and

WHEREAS, Lessor and Lessee hereto desire to further amend the terms of the Lease as set forth herein,

WITNESSETH:

NOW THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Lessor and Lessee hereby agree to amend the Lease as follows:

1. Paragraph 1 of the Lease is hereby removed and replaced with the following language:

"1. **Term**. The County will demise and lease to Lessee the Leased Property which includes Lot A-2 and the approximately 2,500 square foot block aviation hangar located thereon as is more fully described in Exhibit B attached hereto and a strip of land of approximately twenty (20) feet wide to the east of the existing fence line as is more fully described in Exhibit C attached hereto. The term of the lease shall commence on the date hereof and continue for approximately three (3) years, terminating on September 30, 2010 (the "Term"), subject to Paragraph 2 hereof, provided that neither the Lessee nor LifeNet is in breach of the terms and conditions set forth herein. The annual rental rate shall be Eighteen Thousand Dollars (\$18,000.00), which shall be payable in 12 equal monthly installments of One Thousand Five Hundred Dollars (\$1,500.00) in advance on the first day of each month commencing on October 1, 2007;

provided that the rent for September 2007 shall be \$50.00 per day from the date of this Lease through September 30, 2007 to be paid in advance on the date of this Lease. All rental payments shall be made to Lessor at the address specified above."

2. The following language shall be inserted as a new Paragraph 21 of the Lease:

"21. **Fence**. Lessee may remove the existing fence located between the Leased Property and the property located at 21469 Rudder Lane, Georgetown, Delaware 19947, in order to place a modular building approximately 24 feet wide by 60 feet deep ("the Building") which may not be placed on a permanent foundation. It is expressly understood and agreed that Lessee is authorized to remove the existing fence located in order to place the Building. After the placement of the Building, Lessee agrees to reinstall the fence at Lessee's sole expense along original fence line except that Lessee may use the Building as part of the fence line. The fence line as proposed shall not constitute the border of the Leased Property and Lessee will have the right to access the entire Leased Property even if portions thereof are located on both sides of the fence. Upon termination of the Lease, Lessee shall have ninety (90) days from the termination of the Lease to remove the Building from the Leased Property and to restore the fence its original location, including any areas of the fence removed due to the placement of the Building."

3. **Interpretation of Addendum**. All other terms and conditions of the Leased dated the 5th day of September, 2007 shall remain intact and in full force and effect. Wherever there exists a conflict between this First Amendment and the Lease, the provisions of this First Amendment shall control. Unless otherwise indicated, capitalized terms shall be defined in the manner set forth in the Lease.

4. **Counterparts.** This First Amendment may be signed in one or more counterparts (including by facsimile, PDF or other electronic means), each of which shall be deemed an original and all of which, taken together, shall constitute one (1) instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, this ____ day of _____, A.D. 20_____.

Attest:

LESSOR: SUSSEX COUNTY COUNCIL

Name: _____
Title: Clerk of County Council

Name: _____ (SEAL)
Title: _____

APPROVED AS TO FORM:

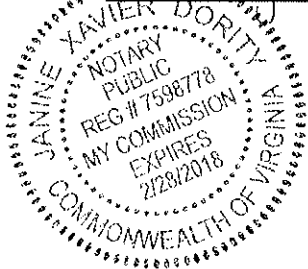
J. Everett Moore, Jr., County Attorney

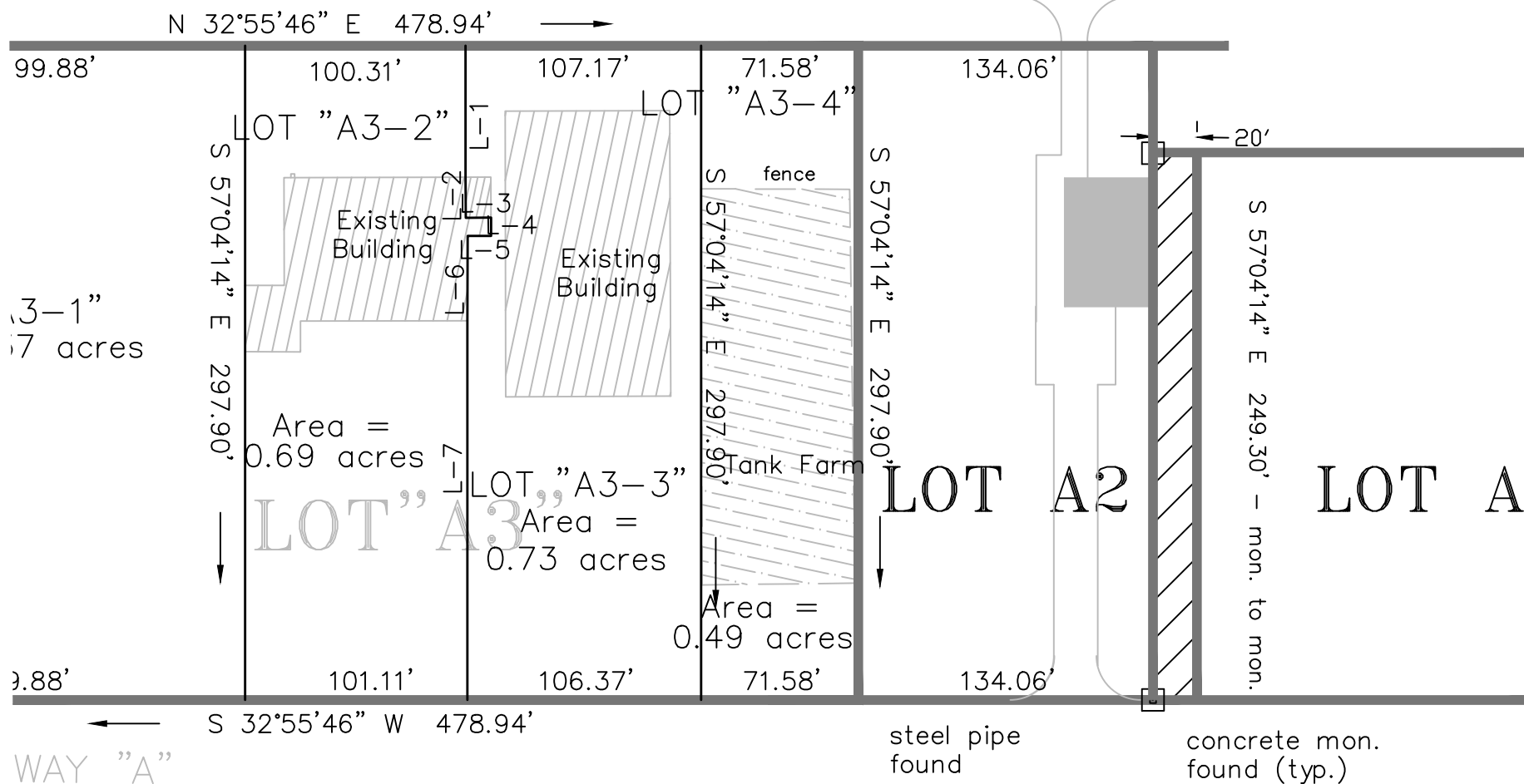
Attest:

LESSEE: AIR METHODS CORPORATION

Name: Janine Xavier Dority
Title: County Public

Name: David M. Poulsen
Title: VP, Region 10





Area Added by
Addendum 1

Note: Lot lines have not been verified by
a Professional Land Surveyor

Air Methods

DELAWARE COASTAL AIRPORT
Georgetown, DE

Sussex County
Engineering Department

EXHIBIT

C

DRAWN BY: JH SCALE: 1"=100'
CHECKED BY: JH DATE: Jul 2015

(302) 629-6644
(302) 629-9341 ADMINISTRATION
EMERGENCY 911
FAX (302) 629-0672



300 VIRGINIA AVENUE
SEAFORD, DELAWARE 19973

POLICE DEPARTMENT

June 5, 2015

Sussex County Council
Councilman Michael Vincent
P.O. Box 589
Georgetown, De 19947

Dear Councilman Vincent:

I would like to take this opportunity to request monetary support from the Sussex County Council, for Seaford's Annual Community Night Out Against Crime and Drugs. As you maybe aware, this is a community event, sponsored by the Seaford Police Department and the Delaware State Police and will be held on September 24th at 5:00 PM. The purpose of the event is to bring police and citizens together to show their support against crime and drugs in the community. Several public safety organizations set up booths to provide information regarding their services. Food and beverages are also available, as well as games for the children.

Any consideration that you could provide towards assisting us with this event would be greatly appreciated. My deepest gratitude to you and your agency for the support you have shown in the past.

Sincerely,

Lt. Richard Jamison
Seaford Police Department

Delaware Lions Foundation, Inc.
PDG Charles E. "The Rev" Covington, Sr.
32915 Nassau Court South
Lewes, Delaware 19958

08 May 2015

Mr. Todd Lawson, County Administrator
Sussex County Council
2 On The Circle
Georgetown, DE 19947

RE: Lions Request for Assistance

\$8,000 – 10,000

Hello Council Members,

A few years ago, Lewes-Rehoboth Area Churches (LRAC) received many requests from low income /indigent handicapped people for assistance to build ramps. LRAC asked the five Lions Clubs (Milton, Lewes, Midway, Rehoboth, and Dewey Beach) in their area to help address the need. An agreement was reached where the Churches would provide the materials and the Lions Clubs would provide the labor to build the ramps. That arrangement worked fine for four or five years but the number of requests has multiplied to 15 in 2014 and we anticipate 15-18 in 2015.

Here is the local situation: LRAC is cutting back on money designated to pay for the materials to build the ramps that the Lions Clubs are building in the Cape Henlopen School District. According to LRAC Ramp Chairperson, Rev. Frank Deming, the Lions must find new funding to assist LRAC in paying for the base cost of materials or stop giving assistance when the allocated money is expended.

During the year 2014 the Lions built 15 Ramps.

01 Jan 15 – 15 Apr 15 Lions have built/completed 4 Ramps

During 2015 they anticipate building 15-18 Ramps.

The 4 Ramps built/completed in 2015 cost a total of \$3,350.00.

The average cost of materials for those 4 ramps was \$837.50 each.

Most ramps will range from a low of \$850 to a high of \$1,500 depending on the height.

The normal average cost for materials has increased to about \$1,000.00 per ramp because the County Building Code requires better construction.

The projected cost for 18 ramps is \$16,000 -18,000.

LRAC and the Lions Clubs have made their solicitations and have the following pledges for 2015:

LRAC – Churches	2,000
Recipient Donations	2,500
Five Lions Clubs	1,500
Delaware Lions Foundation	3,000

We are asking Sussex County Council to assist their clientele by giving \$8,000 - 10,000

Each time a ramp is built the handicapped persons have a better quality of life and the Council benefits in the long run because it greatly reduce the cost of services to the indigent handicapped persons. If there is a ramp, the EMT transport cost is based on one crew. If there is no ramp and the entrance has three or more steps, then a Double Crew is needed.

There is no charge for a permit to build the ramp and there is no change in a property's tax assessment when a ramp is added, except -

If a 6' X 6' or larger landing is constructed at the door entrance, or a deck, or an oversized ground pad, or other improvement added, then there is a \$10.00 permit fee.

So, now the bottom line is that we need \$8,000 – 10,000 from Sussex County Council to fund the ramps for the calendar year 2015.

Lion Charles E. Covington, Sr.
Lewes Lions Club
302 – 645-4882
cecovington@hotmail.com

Lion Ed Springer
Milton Lions Club
302 – 684-5452
miltonlioned@gmail.com



FYI:

Using a single crew for a one- way trip using 20 miles one way as the example.

A single crew rate is quoted, then add the mileage at \$10 for each mile traveled.

ONE WAY TRIP

Hart to Hart ambulance

Single Crew $\$335 + \$200 = \$535$

Double Crew $\$670 + \$200 = \$870$

Life Star Ambulance

Single Crew $\$325 + \$200 = \$525$

Double Crew $\$650 + \$200 = \$850$

ROUND TRIP

Single Crew $\$670 + \$400 = \$1070$

Double Crew $\$1340 + \$400 = \$1740$

Single Crew $\$650 + \$400 = \$1050$

Double Crew $\$1300 + \$400 = \$1700$

BARIATRIC PERSONS

For a bariatric person the one way trip may become \$750 with one crew or \$1150 with a double crew.



FCA Bucks
36 Meadow Lark Dr.
Milford, DE 19963

To the Sussex County Council:

On behalf of the Bucks organization I would first like to thank the council for the approved grant from last year. It quite literally saved our season. We were able to get through the entire season from a financial standpoint because of the council's grant.



The FCA Bucks are a non-profit 501c3 football program under the FCA (Fellowship of Christian Athletes). We began three years ago as just football for high school students who due to current DIAA regulations cannot participate in high school football (home schooled, or attend a small private or charter school without their own program) in the traditional school setting. This past winter we added basketball for high school homeschooled students as well.

Our program gives young men who love the games of football and basketball and want to play past youth leagues the chance to have a high school football and basketball career without having to give up the education style they and their parents prefer. Apart from the "school building" requirement to be a part of DIAA, we hold ourselves to the same academic and age requirements of any high school football team in the country. We believe players are students first and athletes second. Our players come from all across the Eastern Shore (17 out of 34 live in Sussex County). We currently have players from as far west as Queen Anne's County Maryland, as far north as Dover Delaware, as far south as Salisbury, and as far east as Lewes Delaware. We use football as the mechanism to teach our players biblical values and to be men of high character. We emphasize what we call the 4 pillars of respect in our program: respect for coaches and teammates, respect for opposing team, respect for authority (officials), and respect for "weak and powerless" (injured players, bus driver, etc).

Going into our third year, we have maintained our numbers last year in football and are expected to grow in basketball. Up to now we have operated our program with minimal supplies. For practices we have nothing more than cones and footballs. This forces us to use players all the time in practice when it comes to blocking and tackling drills. Needless to say, so much hitting against each other in practice each week really wears down players throughout an entire high school season. We strive to teach football safely. All of our coaches

are required to become members of USA Football and complete the course on safe tackling techniques. Our program is seeking a \$5000 grant for the following items in order to help our players get the proper practice and game equipment that any football program at any level would have:

\$1000 used to help pay for reconditioning of helmets to be NOCSAE (National Operating Committee on Standards for Athletic Equipment) certified as safe and usable for the 2015 season

\$4000 5 man sled for teaching proper blocking and tackling techniques to ensure players can perform these things in a safe manner and by using sled less wear and tear on players bodies throughout season.

In all, we are requesting from the council a grant for \$5000. It is because of the man sled that we are seeking a larger amount than last year; however the 5 man sled is a onetime purchase that will have lasting impact in practices for many years. In the end however, any grant money, in any amount will be extremely helpful to our team, who relies solely on player registration fees, fundraisers, and donations. All of our coaches are volunteers, so all money raised for our program goes directly towards the funding necessary to equip players and provide the things necessary for practice and games. No part of this grant money will be used towards salaries, payments, or reimbursements to coaches and/or staff. We believe in excellence and we want these young men to have a high school football career they can look back on with fond memories.

Tax ID: 44 0610626

Sincerely,

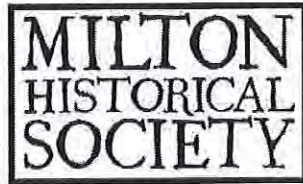
Dan Young

302-258-9203

www.facebook.com/easternshorebucks

In addition, we will be beginning in the fall youth sports programs as well. Flag football will be this fall and this winter we will be adding youth basketball, indoor soccer, and wrestling. All of these youth programs will be taking place at Delmarva Christian High School which is in Georgetown, the center of Sussex County.





Spring 2015

Dear Supporter,

Greetings from the Milton Historical Society & Museum! This year we will be holding our 10th Annual Best of Milton Auction on Saturday, September 12th and we are hoping to make it the best year yet. Last year we had our most successful Auction to date, raising over \$28,000 to support the museum's educational programs, walking tours, lectures, and new exhibitions. This fundraiser continues to grow each year with over 400 people in the community supporting it.

We noticed you have donated to this event in the past and we sincerely thank you for your support. The Society would be honored if you would contribute to our event again this year by donating an object, purchasing an advertisement in our program and/or participating as a sponsor. Since this is such a special anniversary for us, I hope you will consider doing a little more this year.

Enclosed are donation and sponsorship opportunity forms. If you are willing to donate an item, provide a gift certificate or purchase an advertisement in the program, please complete and return the enclosed forms. *Please note that donations come with free tickets to the event – we encourage you to join us!*

If you have questions, feel free to call the museum at 302-684-1010 or send an email at info@historicismilton.org. All donations will be acknowledged with a receipt. The MHS is a 501(c)(3) non-profit charitable organization and our tax ID number is 23-7158119.

We thank you for your consideration of this request and hope to see you at the event!

Sincerely,

A handwritten signature in black ink that reads "Allison Schell".

Allison Schell, Director

The Milton Historical Society is a 501 c3 non-profit organization. All donations are tax-deductible in accordance with IRS regulations.

302-684-1010 | www.historicismilton.org | info@historicismilton.org
210 Union Street, Milton, Delaware 19968



Laurel American Legion, Post 19

P.O. Box 329 ~ Laurel, Delaware 19956-0329

June 15, 2015

Sussex County Council

2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Council Members,

The Laurel American Legion Post 19 is happy to announce we are in the process of planning the third annual Eastern Shore Veterans Day Parade in Laurel, Delaware. This year's parade will be held on Saturday, November 14th at 11 am. This parade is held to honor all that has served in the military forces. With your continued support, we have been able to grow the parade each year. We were honored to increase our participants to include every county from Delaware and entries from Maryland as well. It was a special honor to have our County Council Members also participate in the parade. Your grant last year enabled us to hire the National Judges Association which helped us to triple the entries from high school bands and ROTC units. We are hoping to increase this participation more this year.

We are very proud to announce the United States Air Force Honor Guard will be attending for the third year. We have been told they have started to look forward to this event each year and love to visit Delaware. We are also excited at the possibility of an Air force Flyover to signal the start of this year's parade. We have invited High School and Collegiate Bands from Delaware, Maryland, Virginia and Pennsylvania. We are also working on increasing the participation from Veterans groups across the Eastern Shore. The Town of Laurel has again generously agreed to support the parade.

Please know that this special event would not have been possible without the generous grant from the Sussex County Council last year. We are respectfully requesting your continued financial support for the parade again this year. We hope that you will also support our efforts to continue to grow this event. We would like to request \$2,500 to help with funding local high school bands, assist with the cost of judging and to help with promotion of this event. Your continued assistance would be greatly appreciated.

Thank You,

Donald L. Gootee
Commander

Laurel American Legion Post 19
302-875-5488
Sussexvetday@gmail.com



July 14th, 2015

Host Committee

Rep. Ruth Briggs King
Marlene Elliott Brown
Sen. Bryant Richardson
Rep. Danny Short
Rep. Tim Dukes
Rep. Dave Wilson
Councilman Mike Vincent
Councilman Sam Wilson
Councilman George Cole
Councilman Rob Arlett
Mayor David Genshaw
Councilman Dan Henderson
Bob Venables
Vance Phillips
Dale Dukes
Joe Conaway

Dear Friends,

The Seventh Annual Friends of Delmarva Teen Challenge Crab Feast and Watermelon Extravaganza is coming up fast. It promises to be even better than last year's. Again, all proceeds from this year's event will benefit Delmarva Teen Challenge Men's and Women's Residential Programs.

It's been your generosity in the past that has helped DTC to become a bright hope for those struggling with life-controlling issues. Since it began here in Delaware in November 2008, 164-graduates have had life-changing experiences of renewal and restoration. They continue to grow.

Back by popular demand, this year promises gospel music favorites from "The Reminders." This trio of singers includes Dove Award winner / songwriter John W. Thompson as well as local talent Ed Shockley and Kevin Short. Shockley, also a songwriter, was recently presented an "Ambassador of Music" award while Kevin Short brings his special technical expertise as well as a unique voice into the mix.

Finally, we are blessed to have an incredible host committee of community leaders joining us again this year. We cannot thank them enough. I hope you will consider joining as a **Table Sponsor or Attendee** and be included on the invitations set to go out in early August. Sponsors will also be mentioned on WGMD's remote broadcast and in the event's program. Again, all profits will go to Delmarva Teen Challenge and donations will be tax-deductible.

The Crab Feast will begin at 3 PM on Saturday, August 22nd at Trap Pond State Park's beautiful Cypress Point pavilion. Jimmy's Grill will again be catering. Please return the enclosed sponsorship card with your check and become a partner in this exciting and enriching experience.

Sincerely,

Bob

Bob Carey
Executive Director

MOUNT JOY CIVIC ASSOCIATION

July 13, 2015

Councilwoman Joan Deaver
19208 Plantation Road
Rehoboth Beach, DE19971

RE: Back to School Bash

Dear Councilwoman Deaver:

Mount Joy Civic Association's mission is to serve, promote, and protect the community as a whole, and provide safe and healthy environment for the children and families in the community. Our organization goals are to improve the quality of life in our community.

Mount Joy Civic Association in partnership with First State Community Action Agency will be hosting a "Back to School Bash" that will be held on August 22, 2015. We would appreciate your support in donating in the amount of \$700.00 to purchase the following:

School supplies (Book Bags, Paper, rulers, erasers, pencils, pens, markers, crayons, etc. . .)

The Mount Joy Civic Association is a non-profit organization (Tax ID# 26-3690303) we would appreciate your support .If you have any questions, please feel free to contact Apostle Thomas Sturgis at 302-381-9791or rev Fred Hopkins 302-381-4203. We thank you and appreciate any assistance you can give us in making this happen.

Respectfully,

Apostle Thomas Sturgis

Apostle Thomas Sturgis
President

Mount Joy Civic
Association
25965 Oak Street
Millsboro, DE 19966

Phone: 302-381-9791

Board of Directors

President

*Apostle Thomas
Sturgis*

Vice President

Rev. Fred Hopkins

Treasurer

Wanda Hopkins

Secretary

Helena Harmon

Assistant Secretary

Angela Sample

Sergeant at Arms

Rodney Nocks

Sergeant at Arms

John Bradley

Chaplin

Sarah Mifflin

Committee leader

Lovey Hopkins

Assistant Committee Leader

Barbra Bailey

To Be Introduced 7/21/15

Council District No. 3 – Deaver

Tax I.D. No. 234-6.00-96.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT SALES, SERVICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 27.84 ACRES, MORE OR LESS

WHEREAS, on the 8th day of June 2015, a conditional use application, denominated Conditional Use No. 2025 was filed on behalf of Rudy South c/o T & C Properties, 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 Conditional Use No. 2025 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 determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2025 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 Indian River Hundred, Sussex County, Delaware, and lying northeast of Robinsonville Road (Road 277) approximately 1200 feet northwest of Webb's Landing Road (Road 277B) and being more particularly described in the attached legal description prepared by Pennoni Associates, Inc., said parcel containing 27.84 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.

**PARTICULAR DESCRIPTION
LANDS NOW OR FORMERLY OF
EDNA S. BURRELL
INDIAN RIVER HUNDRED
SUSSEX COUNTY, DELAWARE**

TAX PARCEL 234-6.00-96.00

The following is a description of the lands now or formerly of Edna S. Burrell, Indian River Hundred, Sussex County, Delaware, and more particularly described as follows:

BEGINNING, for the purpose of this description at a concrete marker found, said concrete marker situated on the southerly right-of-way of (Robinsonville Road aka. S.C.R. 277) at a common boundary corner between this Parcel and lands now or formerly of Vessels Corporation, thence by and with common boundary line between the Parcel and Lands now or formerly of Vessels Corporation, **North 46 degrees, 23 minutes, 26 seconds East, 963.55 feet**, to an iron pipe found, said iron pipe situated on a common boundary corner between this Parcel and lands now or formerly of Deerfield Farm Inc.; thence by and with common boundary line between this Parcel and lands now or formerly of Deerfield Farm Inc., **South 55 degrees, 35 minutes, 09 seconds East, 1109.87 feet** to an iron pipe set, said iron pipe situated on a common boundary line between this Parcel and lands now or formerly of Anne S. Eighmie, James W. Eighmie and Louise Turner; thence by and with common boundary line between this Parcel and lands now or formerly of, Anne S. Eighmie, James W. Eighmie and Louise Turner, **South 41 degrees, 02 minutes, 49 seconds West, 1095.93 feet** to an iron pipe set; said iron pipe situated on southerly right-of-way of Robinsonville Road (aka S.C.R. 277); thence by and with the southerly right-of-way of Robinsonville Road **North 56 degrees, 34 minutes, 15 seconds West 286.45 feet**, to a point, said point being on the southerly right-of-way of Robinsonville Road; thence by and with a curve to the left, said curve having radius of 425.00 and arc length of 317.23 feet to a point, said point being on the southerly right-of-way of Robinsonville Road **North 43 degrees, 48 minutes, 58 seconds West, 594.14 feet**, to the point of Beginning for this description and containing **27.84 acres** more or less.

To Be Introduced 7/21/15

Council District No. 3 – Deaver

Tax I.D. No. 235-30.00-60.00

911 Address: 26740 Lewes-Georgetown Highway, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BASED BUSINESS (AUTO REPAIR, DETAILING, AND AUTO RESALES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.982 ACRES, MORE OR LESS

WHEREAS, on the 9th day of June 2015, a conditional use application, denominated Conditional Use No. 2026 was filed on behalf of Cristian Omar Hernandez Perez and Terri L. Martin; 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. 2026 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 determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2026 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 Broadkill Hundred, Sussex County, Delaware, and lying south of Lewes-Georgetown Highway (Route 9) 0.8 mile east of Harbeson Road (Route 5) at Harbeson and being more particularly described as follows:

BEGINNING at an iron pipe on the southerly right-of-way of Lewes-Georgetown Highway (Route 9), a corner for these subject lands and other lands of Terri L. Martin; thence North 84°28'28" East 264.88 feet along the southerly right-of-way of Lewes-Georgetown Highway to an iron pipe; thence by and along other lands of Terri L. Martin the following three (3) courses:

South 05°00'00" East 350.70 feet to a point; and

South 84°43'59" West 228.38 feet to an iron pipe; and

North 10°58'00" West 351.24 feet;

to the point and place of beginning, said parcel containing 1.982 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.

TO BE INTRODUCED

To Be Introduced 07/21/15

**Council District No. 5 – Arlett
Tax Map I.D. 233-11.00-17.00 (Part of)
911 Address: 31005 Iron Branch Road, Dagsboro**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOME BUSINESS – RETAIL GUN SHOP AND GUNSMITHING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS OF A 14.04 ACRE TRACT

WHEREAS, on the 15th day of June 2015, a conditional use application, denominated Conditional Use No. 2027 was filed on behalf of SLC Homestead, 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 Conditional Use No. 2027 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 determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2027 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 situate in Dagsboro Hundred, Sussex County, Delaware, and lying east of Iron Branch Road (Road 331) 2,500 feet northeast of Main Street in Dagsboro, and being more particularly described as follows:

BEGINNING at a concrete marker on the easterly right-of-way of Iron Branch Road (Road 331), a corner for these subject lands and lands, now or formerly, of Debra Marie Baker; thence North 87°15'00" East 557.50 feet along said Baker lands to a point; thence across lands of John and Carol Evans the following three (3) courses:

South 8°50'41" East 337.40 feet to a point; and

South 81°09'19" West 25.96 feet to a point; and

South 8°12'21" East 139.14 feet to a point;

thence South 81°49'29" West 565.83 feet along lands, now or formerly, of James A. Burton to a point on the easterly right-of-way of Iron Branch Road; thence North 3°32'26" West 531.27 feet along the easterly right-of-way of Iron Branch Road to the point and place of beginning, said parcel containing 6.61 acres, more or less, of a 14.04 acre tract.

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

TO BE INTRODUCED

To Be Introduced 07/21/15

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

ORDINANCE NO. ____

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

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

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

PUBLIC HEARINGS

July 21, 2015

This is to certify that on June 11, 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 #2017 – Eli and Victoria Zacharia

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

Mr. Lank advised the Commission that the applicant provided a survey/site plan with his application for two residential units, and that the survey/site plan depicts the existing improvements on the property.

Mr. Lank advised the Commission that on February 18, 2015 DelDOT provided comments in the form of a Support Facilities Report referencing that the Level of Service “E” of John J. Williams Highway will not change as a result of this proposed application.

Mr. Lank advised the Commission that on June 9, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that there is one soil type on this property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that no off-site drainage improvements will be required; that it may be possible that on-site drainage improvements will be required; and that no tax ditches are affected.

Mr. Lank advised the Commission that on June 9, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the property is located in the Goslee Creek Planning Area; that the parcel has not been provided with a sewer connection point; that the project is not capable of being annexed into a County operated sanitary sewer district at this

time; that conformity to the North Coastal Area Planning Study will be required; that when the County provides central sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a concept plan is not required.

The Chairman asked if anyone was present on behalf of the applicant.

No one responded or appeared.

There was a consensus of the Commission to continue this application at the end of the public hearings.

At the conclusion of the public hearings, the Chairman again asked if anyone was present on behalf of the applicant.

No one responded or appeared.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the lack of any record of support since no one appeared on behalf of the application. Motion carried 5 – 0.

NOTE: On July 9, 2015 the Commission discussed a request from Mr. Zacharia for reconsideration

Mr. Lank read a letter from Mr. Zacharia and an attached memo from First State Orthopedics referencing Mr. Zacharia's health conditions.

The Commission discussed the request.

Mr. Wheatley stated that it appears that the reasoning for Mr. Zacharia's failure to appear should be considered as just cause for his absence.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to grant the requested reconsideration. Motion carried 5 – 0.

Mr. Robertson stated that the application will have to be re-advertised and re-scheduled for public hearings and can be scheduled for the first available dates.

C/U #2018 – David Clark Lankford

An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a sporting goods business to be located on a certain parcel of land lying and being in Seaford Hundred, Sussex County, containing 11,473 square feet, more or less. The property is located at the southwest corner of Tharp Road (Road 534) and Brown Street and at the northwest corner of Charles Street and Brown Street (911 Address: 9636 Tharp Road, Seaford) Tax Map I.D. 331-6.00-89.00.

The Commission found that the applicant provided a survey/site plan with his application, and that the survey/site plan depicts the existing improvements on the property.

The Commission found that on March 16, 2015 DelDOT provided comments in the form of a Support Facilities Report referencing that the Level of Service "A" of Tharp Road could change to a Level of Service "B" based on this proposed application.

The Commission found that on June 9, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that there is one soil type on this property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that no off-site

drainage improvements will be required; that it is not likely that any on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that on June 9, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the property is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the City of Seaford Growth and Annexation Area; that a sewer connection point is not available; that the project is not capable of being annexed into a County operated sanitary sewer district; that conformity to the Western Sussex Planning Study will be required; and that a concept plan is not required.

The Commission found that on June 5, 2015 a letter was received from Robert Harding and Betty Harding in opposition to this application due to a past history of numerous problems on the applicant's property, such as parking of trailers, vehicles, motor homes, barking dogs, ATVs running the street, and vehicles tags lacking compliance with State law.

The Commission found that David Clark Lankford was present and stated in his presentation and in response to questions raised by the Commission that he takes care of his property; that he has resided on the property for 11 years; that he is now disabled; that he would like to establish a small sporting goods shop in his garage; that he will have to add a residential type door and do interior renovations; that he has been in business in the City of Seaford for five (5) years; that his driveway runs from Tharp Road through to Charles Street; that he does not anticipate any more than 3 to 4 customers at any one time; that he will be maintaining a small inventory in a small space, selling firearms, hunting accessories, and hunting clothes; that he is willing to amend his site plan by removing the fenced-in area to provide additional parking; that a taxidermy shop is in close proximity; that the area is predominantly residential/agricultural; that he is not aware of any commercial zoning in the area; that he is not certain that any conditional use sites exist in the area; that the only signage that he desires would be to direct customers where to park; that business hours would be from 10:00 a.m. to 6:00 or 7:00 p.m. Tuesday through Saturday; that the business will be registered in his wife's name; that the site is large enough to provide adequate parking; that he already has a gun safe, and will probably have to provide another safe; that the property will have security alarms and lighting; that he will be installing bars on the inside of the windows; that he and his wife will be operating the business; that their son will be assisting on occasion; that he will not be doing any gun repair work; and that the septic system is located within the fenced area.

The Commission found that Mark Allen, owner/operator of Brown Street Properties, LLC, was present and spoke in support of the business, and stated that the applicant has progressively improved the property; that he has no objection to the application; that the use is similar to other small home businesses; and that he knows that conditional use application can have restrictive conditions placed on the application.

The Commission found that Richard Wayne Truitt, Doug Hearn, Cynthia Savers, and Any Cavallini were present in opposition to this application and expressed concerns about traffic and parking; that there is no way to drive through from Tharp Road to Charles Street; that there are no shoulders along either street; that Tharp Road is heavily traveled; that adults and children walk the streets in this residential area; that a gun shop would create a new element in this pleasant neighborhood; that the applicant has lived here for several years, but his vehicles are still registered in Maryland; that there are 3 or 4 dogs that bark at all hours; that a large motorhome is always parked on the site; that they do not want to live next to a gun shop; that the shop should remain in the City of Seaford; that vacant stores are available in the City of Seaford; that adequate parking is not available on this site; that the lot is small and cannot accommodate the additional parking; that gun shops are difficult to insure; that most insurance companies will not

insure a gun shop in a residential home; that traffic will increase; that the use would create a disruption of a quiet neighborhood; and that the safety of the children in the area is a concern.

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

There were concerns expressed by the Commissioners that the area is predominantly residential, especially on the interior streets; that it has been established that there is significant public opposition; that the sale of firearms in a residential subdivision should be a concern; that parking appears to be an issue; and that parking may not be adequate.

On June 11, 2015 there was a motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On June 25, 2015 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend denial of Conditional Use #2018 for David Clark Lankford for a conditional use for a sporting goods business based on the record made during the public hearing and for the following reasons:

- 1) The purpose of this Conditional Use is to operate a small gun shop on the Applicant's residential property. The site is located in a residential area, with no other businesses in the vicinity. The proposed use is not compatible with the surrounding area.
- 2) The property is undersized for any retail use, and the existing structures on the property are not configured for adequate vehicular access or parking.
- 3) The use as a retail gun shop is more appropriately located on property that is already zoned for that purpose, such as commercial C-1 or CR-1 zoned property. There was testimony in the record that there is existing vacant commercial space nearby that could be utilized for this use in more appropriate locations.
- 4) There were several parties that appeared in opposition to the application, expressing concerns over compatibility with the neighborhood, traffic, security, and the nature and condition of the applicant's property as reasons for denying the application.
- 5) There is not an adequate basis in the record for granting this Conditional Use application in this location.

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

C/Z #1775 – Charles R. Auman, Jr.

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 (Agricultural Residential District) and a GR (General Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 12,394 square feet, more or less. The properties are located at the northeast end of the dead-end of Lighthouse Road (Road 203) 1 mile north of Cedar Beach Road (Route 36) (911 Address: None Available) Tax Map I.D. 330-5.00-7.04 and 8.00.

The Commission found that the applicant provided a survey of his properties with his application and a cover letter from Timothy Willard, Esquire of Fuqua, Yori and Willard, P.A. referencing that the property

has been used as a commercial fishing wholesale business as a non-conforming use for many years, and that the applicant is only trying to bring the property up to the proper zoning code so that if he wants to improve or expand the facility he can do so.

The Commission found that on June 1, 2015 the applicant provided an Exhibit Booklet which includes references to the Zoning Ordinance for construction of pre-existing uses, the purpose of the Marine District, and the purpose of the Light Industrial District; a series of aerial photographs; a survey of the properties; a portion of the zoning map and the tax map; references to the DuPont Nature Center; references to the DNREC Cedar Creek Boat Ramp; references to the Cedar Creek Marina and Storage Facility; a photograph of the Coastal Launch Service; photographs of the Delaware Bay Launch Service and one of their boats; photographs of That's Right Fresh Seafood Co. vehicles and a portion of the site; a copy of the DelDOT Support Facilities Report, dated January 7, 2015; and suggested proposed Findings of Fact for consideration.

The Commission found that on January 7, 2015 DelDOT provided comments in the form of a Support Facilities Report referencing that the Level of Service "A" of Lighthouse Road will not change as a result of this proposed application.

The Commission found that on June 9, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that there is one soil type on this property; that the applicant will be required to follow recommended erosion and sediment control practices during any construction and to maintain vegetation after construction; that there are no storm flood hazard areas affected; that no off-site drainage improvements will be required; that no on-site drainage improvements will be required; and that no tax ditches are affected.

The Commission found that on June 9, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that that property is not in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently plans to provide sewer service; and that a concept plan is not required.

The Commission found that Charles Auman was present with Timothy Willard, Esquire with Fuqua, Yori and Willard, P.A. and that they stated in their presentation and in response to questions raised by the Commission that Mr. Auman is a commercial fisherman/waterman that catches and packages seafood products on site; that the property is unique since it sits where the Cedar Creek and the Mispillion River meet; that the use is non-conforming in nature; that the old cinder block building has been replaced with a pole building; that the business is titled "That's Right Fresh Seafood, Co."; that the State has appraised the site and determined that it is a mixed residential/commercial area; that the property is appropriate for CR-1 Commercial Residential zoning; that the properties are small and limit the possible activities that can occur on the site; that the rezoning will not impact the non-conforming use; that CR-1 zoning was chosen due to the permitted similar types of uses; that M Marine zoning was not chosen due to the limited size of the property; that the nearby Cedar Creek Boat Ramp is one of the largest in the area; that DelDOT had no negative comments; that fishing has been very intensive due to the weather which has created a situation where it appears that four (4) fishing seasons are all happening at once; that there are two (2) parcels that can be combined into one parcel is necessary; that parking has not been an issue; and that the only intent of this application is to bring the zoning of the site into conformity with the use.

Mr. Willard summarized the Exhibit Booklet presented and the suggested proposed Findings of Fact offered.

Mr. Auman affirmed Mr. Willard's presentation and comments.

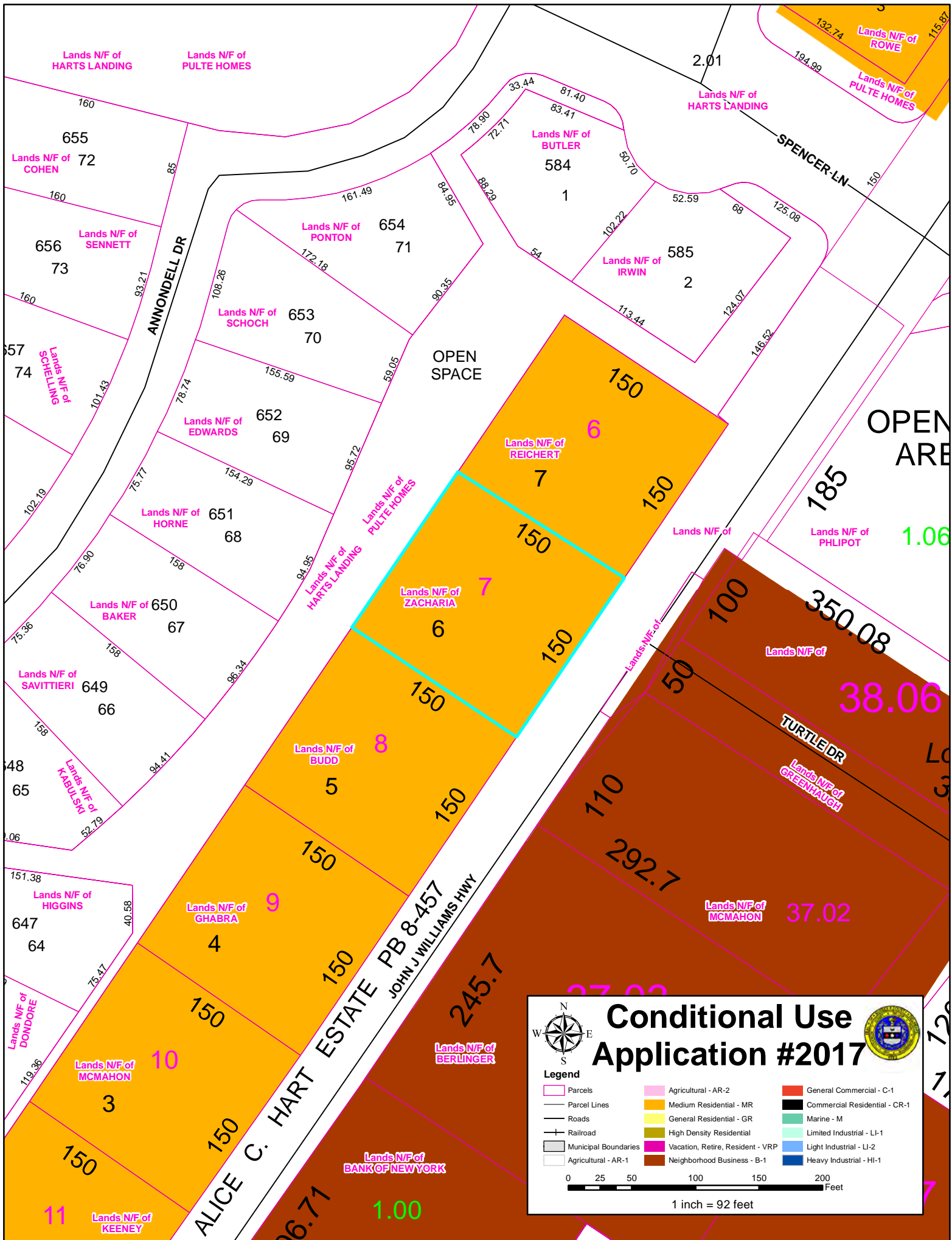
The Commission found that there were no parties present in support of or in opposition to this application.

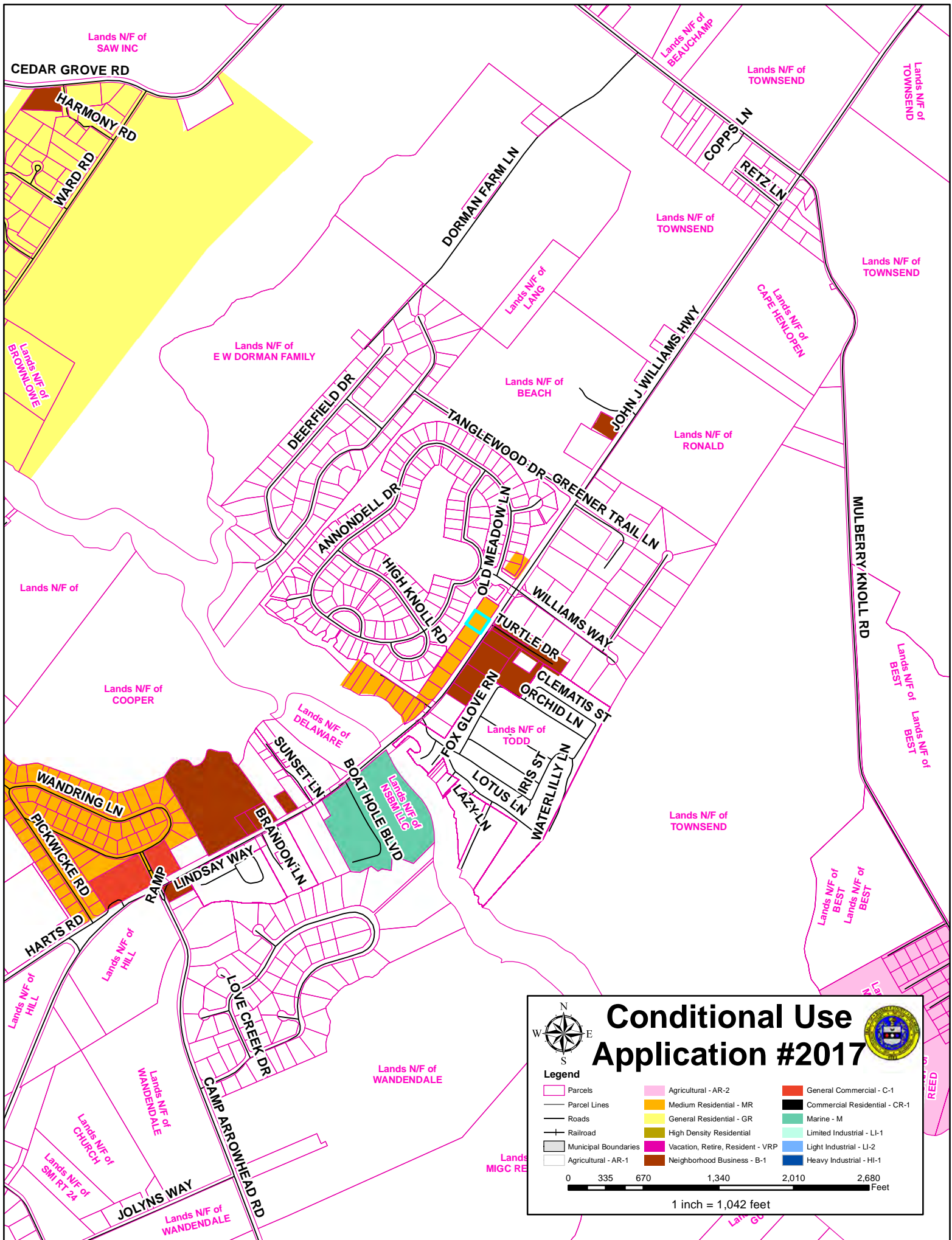
At the conclusion of the public hearings, the Commission discussed this application.

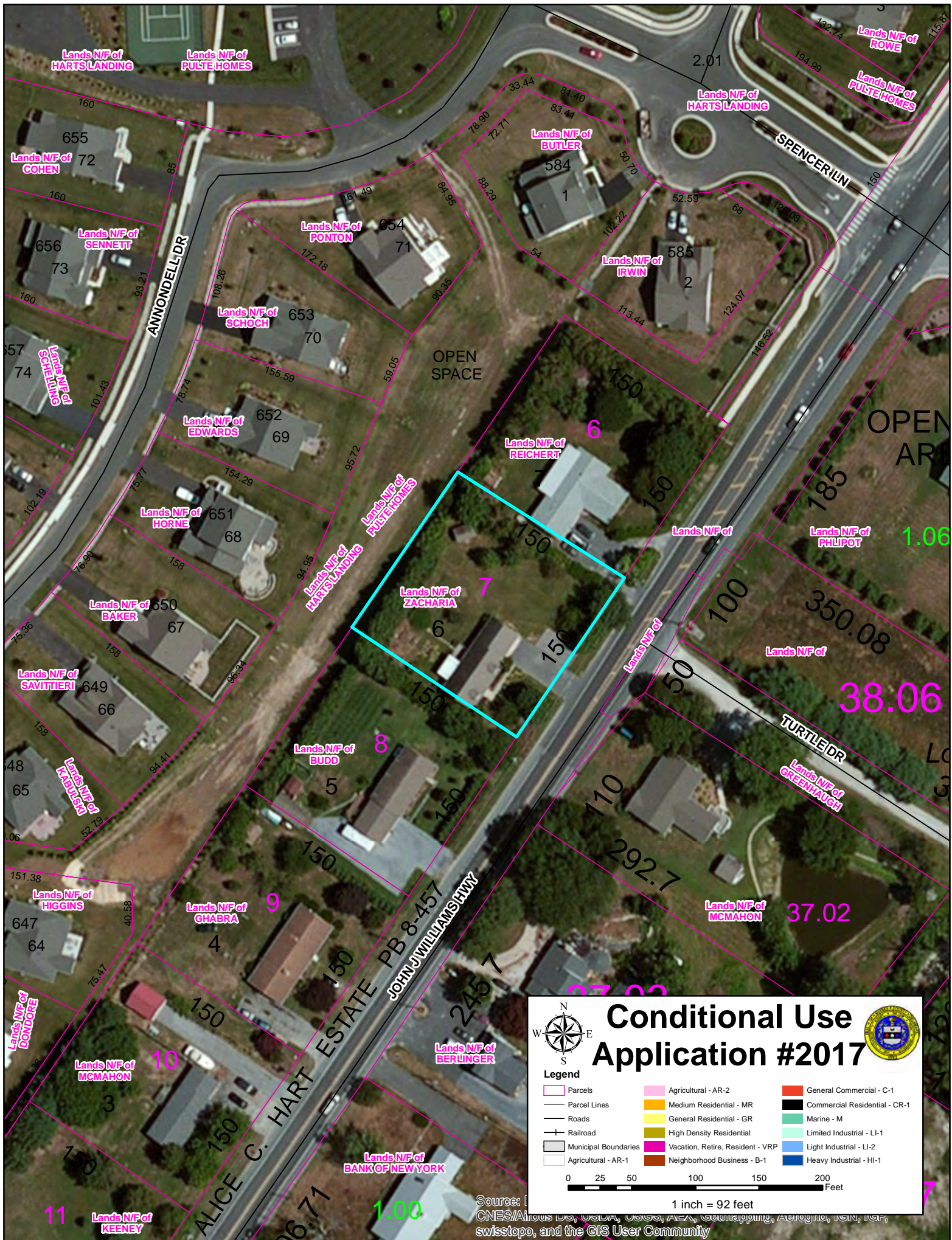
Mr. Burton stated that he would move that the Commission recommend approval of Change of Zone No. 1775 for Charles R. Auman, Jr. for a change in zone from AR-1 Agricultural Residential and GR General Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) The property is currently used as a seafood packing and wholesale company. It has been used for these purposes for many years.
- 2) There are several commercial and marine uses in the area. Rezoning this property to CR-1 Commercial Residential will be consistent with these nearby uses.
- 3) The existing use is more compatible with a CR-1 Commercial Residential zoning than the current agricultural and residential zoning of AR-1 Agricultural Residential and GR General Residential. Therefore, the rezoning is appropriate.
- 4) The rezoning will not affect neighboring or adjacent properties, traffic or area roadways.
- 5) No parties appeared in opposition to the rezoning application.
- 6) Any change in use of this property will still require site plan review and approval by the Sussex County Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Johnson, 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 5 – 0.







Introduced 05/05/15

**Council District No. 3 – Deaver
Tax Map I.D. 334-18.00-7.00
911 Address – 20336 John J. Williams Highway, Lewes**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,500 SQUARE FEET, MORE OR LESS

WHEREAS, on the 7th day of April 2015, a conditional use application, denominated Conditional Use No. 2017 was filed on behalf of Eli and Victoria Zacharia; 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. 2017 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.

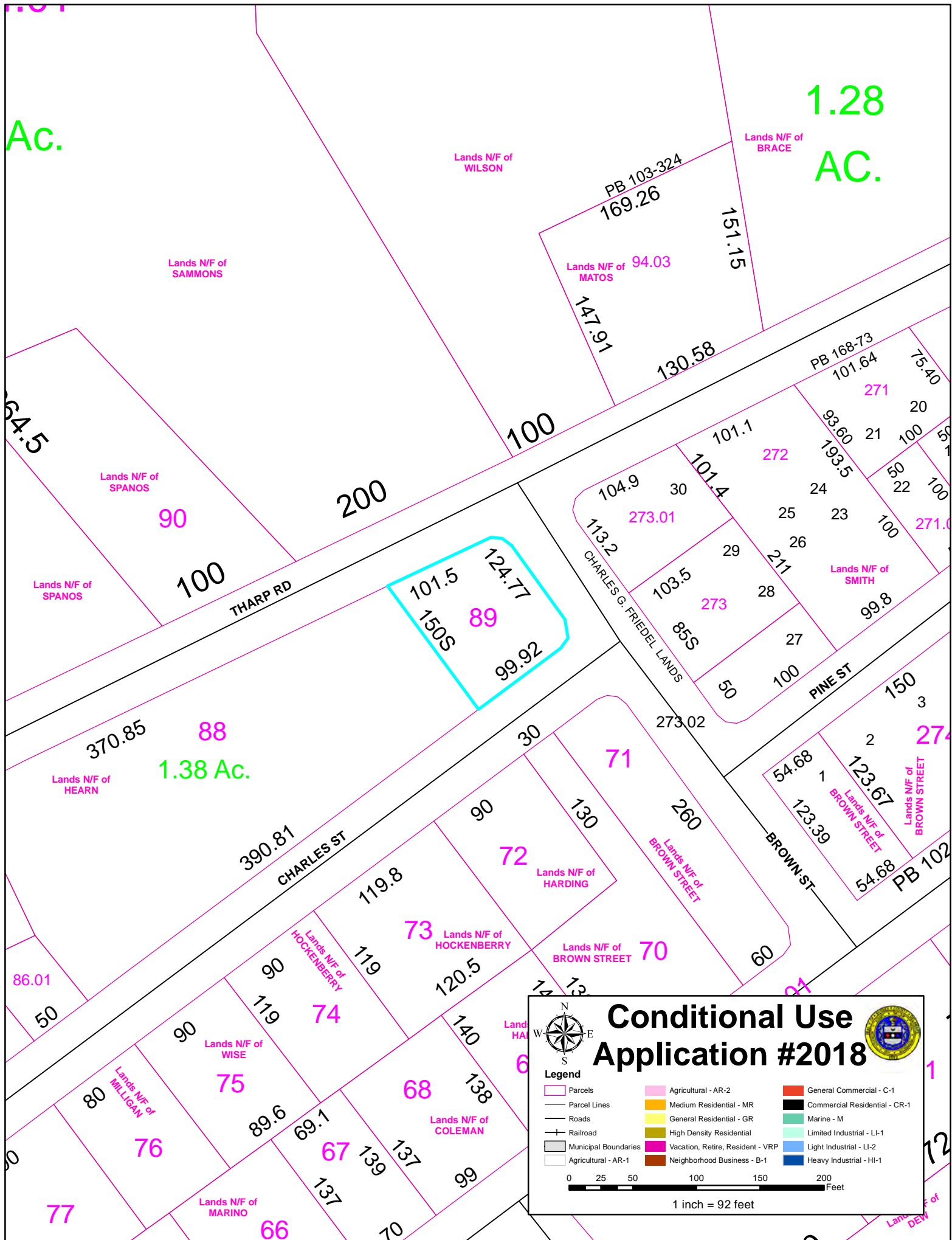
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

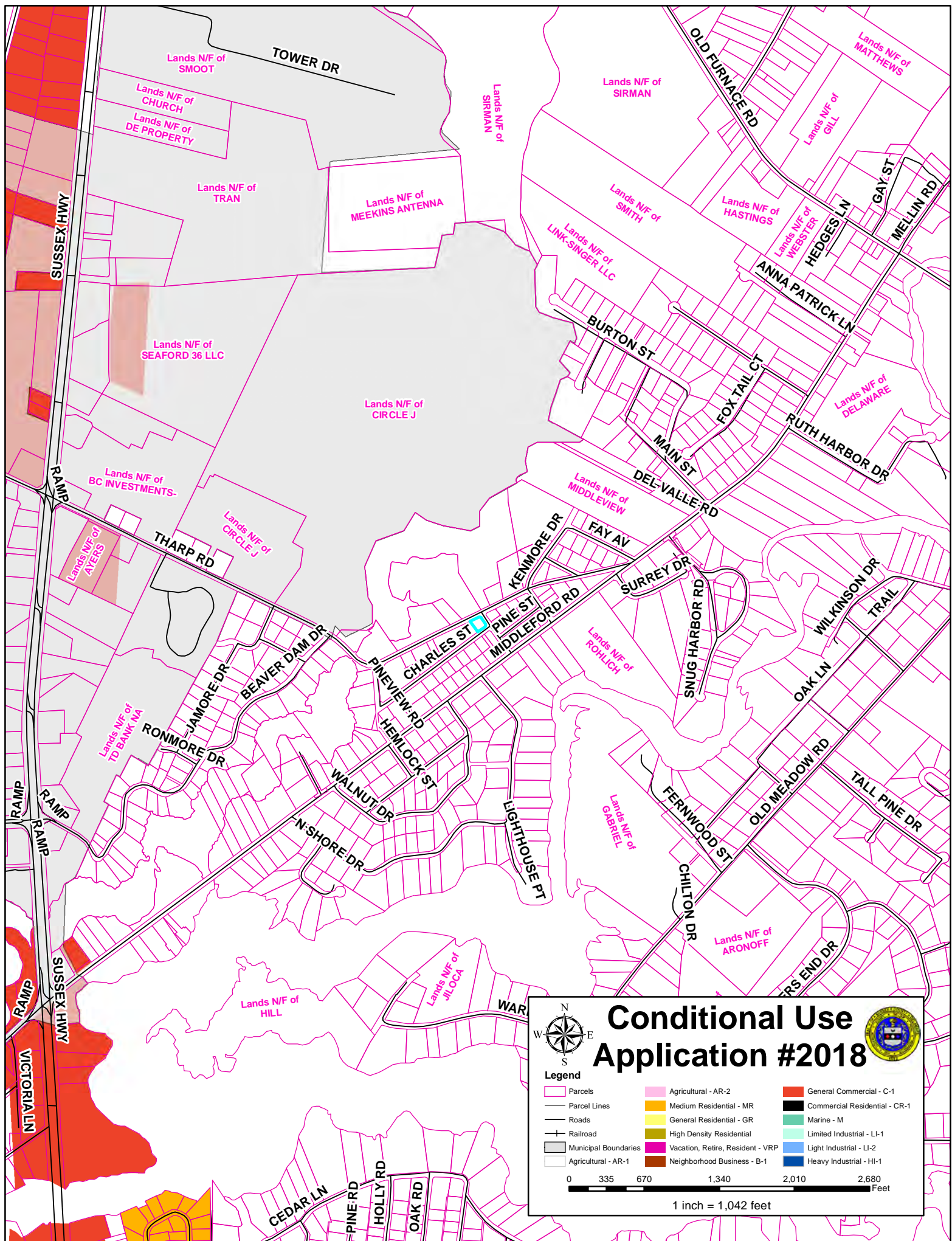
Section 1. That Chapter 115, Article V, Section 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2017 as it applies to the property hereinafter described.

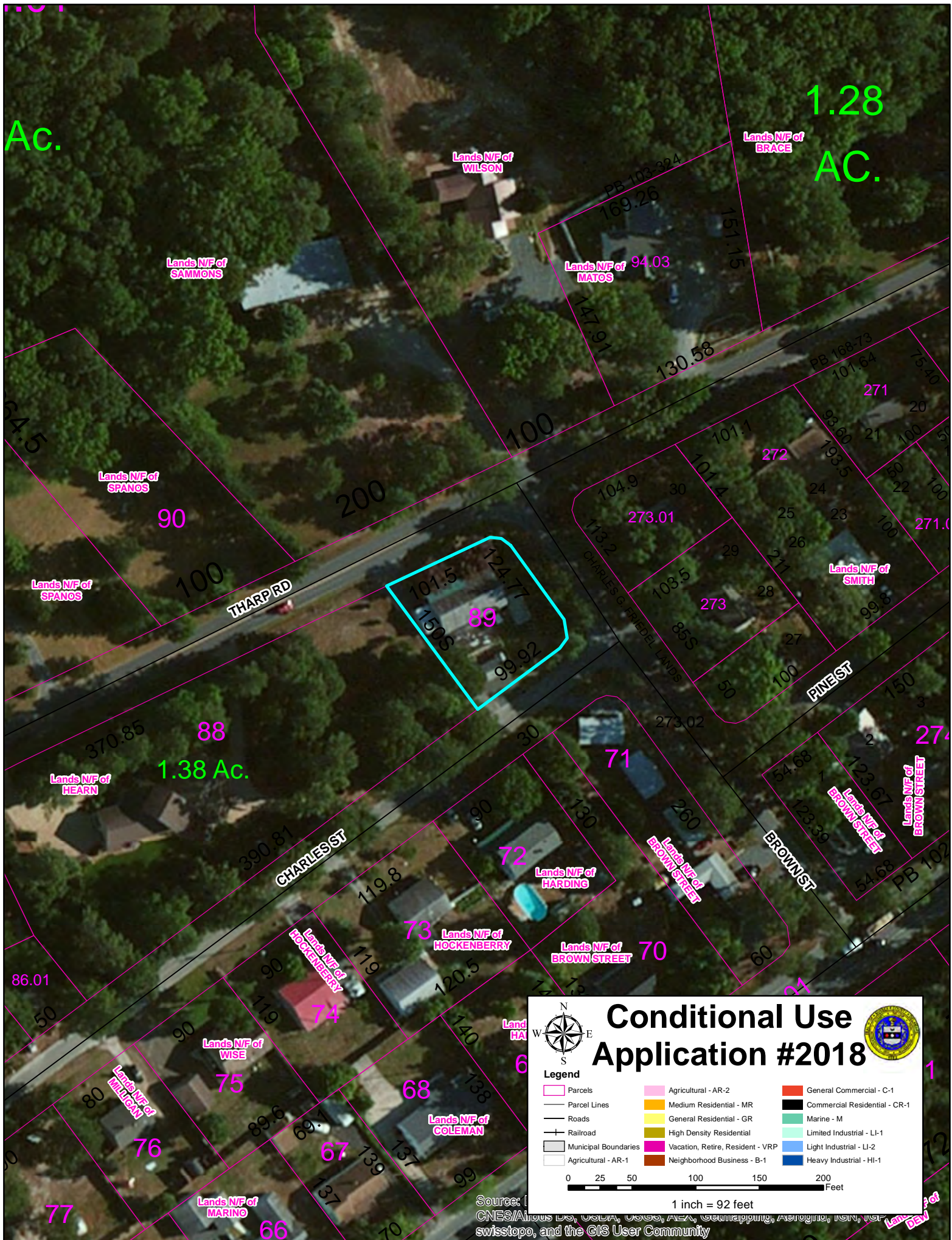
Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying northwest of John J. Williams Highway (Route 24), 365 feet southwest of Spencer Lane, the entrance into Harts Landing Subdivision and being more particularly described in Deed Book 3075, Page 89, as recorded in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 22,500 square feet, more or less.


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







Conditional Use Application #2018



Legend

Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	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

0 25 50 100 150 200 Feet

1 inch = 92 feet

Source: CNES/Airbus DS, USDA, USGS, AEA, Geotapping, Aerogrid, IGN, Geo-swisstopo, and the GIS User Community

Introduced 05/05/15

**Council District No. 1 – Vincent
Tax Map I.D. 331-6.00-89.00
911 Address – 9636 Tharp Road, Seaford**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SPORTING GOODS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 11,473 SQUARE FEET, MORE OR LESS

WHEREAS, on the 6th day of April 2015, a conditional use application, denominated Conditional Use No. 2018 was filed on behalf of David Clark Lankford; 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. 2018 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. 2018 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 situate in Seaford Hundred, Sussex County, Delaware, and lying at the southwest corner of Tharp Road (Road 534) and Brown Street and at the northwest corner of Charles Street and Brown Street and being more particularly described in Deed Book 2797, Page 341, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 11,473 square feet, more or less.

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

9

Lands N/F of
SCHLESSMAN

Lands N/F of
GIERSCHICK

1.69
Ac.

Lands N/F of
DELAWARE

Lands N/F of
HOCH
Lands N/F of
BERGEY
Lands N/F of
NELSON

75

LIGHTHOUSE RD

Lands N/F of
AUMAN

8

Lands N/F of
EVANS

Lands N/F of
SWAIN

7.04

7.03

10



Change of Zone Application #1775

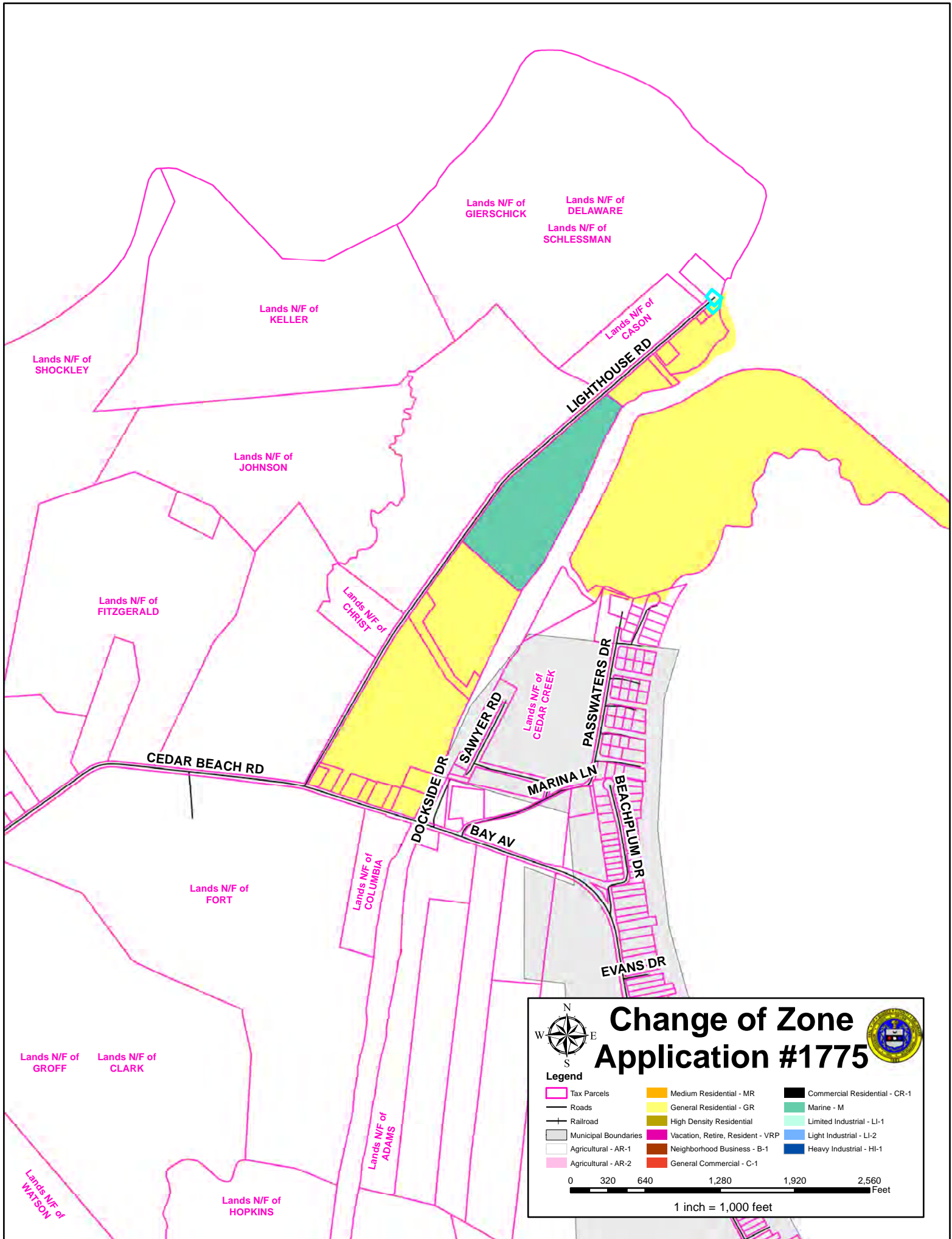


Legend

- | | | |
|----------------------|----------------------------------|-------------------------------|
| 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 15 30 60 90 120 Feet

1 inch = 60 feet



9

1.69
Ac.

Lands N/F of
SCHLESSMAN

Lands N/F of
GIERSCHICK

Lands N/F of
DELAWARE

Lands N/F of
AUMAN

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BERGEY
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NELSON

LIGHTHOUSE RD

Lands N/F of
EVANS

Lands N/F of
SWAIN

7.03

7.04

10



Change of Zone Application #1775



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 15 30 60 90 120 Feet

1 inch = 60 feet

Source: [unclear]
CNES/Airbus, [unclear]
swisstopo, and the GIS User Community

Introduced 5/12/15

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

ORDINANCE NO. _____

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

WHEREAS, on the 20th day of February 2015, a zoning application, denominated Change of Zone No. 1775 was filed on behalf of Charles R. Auman, Jr.; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1775 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying at the northeast end of the dead-end of Lighthouse Road (Road 203) 1.0 mile north of Cedar Beach Road (Route 36) and being more particularly described in Deed Book 3272 Page 295 and Deed Book 2823 Page 309 in the Office of the Recorder of Deeds in and for Sussex County, and containing approximately 12,394 square feet, more or less.

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