



Sussex County Council Public/Media Packet

**MEETING:
January 14, 2014**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
GEORGE B. COLE
JOAN R. DEEVER
VANCE PHILLIPS



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Sussex County Council

AGENDA

JANUARY 14, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Airport Advisory Committee Appointments
2. Administrator's Report

Hal Godwin, Deputy County Administrator

1. Wastewater Agreements
 - A. Americana Bayside – Coastal Crossing
Fenwick Island Sanitary Sewer District
 - B. Americana Bayside – Sea Grass Bend
Fenwick Island Sanitary Sewer District
2. Legislative Update
3. Water Infrastructure Advisory Council Ad Hoc Committee Update
4. Non-Tidal Wetlands Advisory Committee Update

Michael Izzo, County Engineer

1. Agreement for Engineering Services for the North Coastal Planning Area



10:30 A.M. – Public Hearing

Conditional Use No. 1974 filed on behalf of Sara Kay I. Phillips

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.767 ACRE, MORE OR LESS (land lying northwest of Route 9 (Savannah Road) and across from Quaker Road) (Tax Map I.D. # 335-12.06-7.00)

911 Address: 1509 Savannah Road, Lewes

Brad Hawkes, Director of Utility Engineering

- 1. Oak Orchard Hot Mix Patching Project, Project #13-12**
 - A. Substantial Completion and Balancing Change Order**

Julie Cooper, Project Engineer

- 1. Greenwood Library Project, Project #07-05**
 - A. Change Order No. 4**

Grant Requests

- 1. Eastern Shore AFRAM Festival Committee for the Western Sussex MLK Prayer Breakfast.**
- 2. First State Community Action Agency for the Brick Tribute Paver Campaign.**
- 3. Greater Laurel Chamber of Commerce for the Broad Creek Bike & Brew Tour.**

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

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

Possible Action on Executive Session Items

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 January 7, 2014 at 5:00 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, JANUARY 7, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 7, 2014, 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
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 001 14
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to amend the Agenda by deleting “Wastewater Agreements – A. Americana Bayside – Coastal Crossing, Fenwick Island Sanitary Sewer District and B. Americana Bayside – Sea Grass Bend, Fenwick Island Sanitary Sewer District”, and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

**Election of
Officers**

Mr. Lawson reported that Title 9 Section 7002 (e) of the Delaware Code requires the Council to elect its officers at its first regularly scheduled meeting each January.

**M 002 14
Elect
President
for 2014**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to elect Michael Vincent to serve as President of the Sussex County Council.

Motion Adopted: 5 Yeas.

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

M 003 14

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to elect Samuel Wilson to serve as Vice President of the Sussex County Council.

**M 003 14
Elect Vice
President
for 2014
(continued)**

Motion Adopted: 5 Yeas.

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

Mr. Lawson reviewed Committee, Board and Legal appointments for the Calendar Year 2014.

**M 004 14
Approve
Appoint-
ments
and
Legal
Counsel
for 2014**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to appoint Michael Vincent as the Council's representative on the Delaware League of Local Governments; George Cole as the Council's representative on the National Association of Counties Board of Directors; Samuel Wilson as the Council's representative on the Sussex Conservation District Board of Directors; Samuel Wilson as the Council's representative on the Sussex County Airport Committee; and Joan Deaver and Vance Phillips as the Council's representatives on the Sussex County Land Trust, for the calendar year 2014; additionally, the law firm of Moore & Rutt, P.A. shall serve as legal counsel for the Board of Adjustment and Sussex County Council and the law firm of Griffin & Hackett, P.A. shall serve as legal counsel for the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

Comment

Mrs. Deaver offered to serve as an alternate to Samuel Wilson on the Sussex Conservation District Board of Directors. Mr. Lawson noted that he is not aware of an alternate position but that he would look into it.

**Rules of
Procedure**

Mr. Vincent referenced the Council's Rules of Procedure and he reported that the proposed Rules of Procedure for consideration on this date are the same as the Rules adopted in January 2013 with the exception of an amendment made on April 16, 2013 which has been inserted as item 10.6 and states that:

Prior to any land use public hearing, the County Attorney or presiding officer shall read the following:

“Sussex County, in its zoning and land use decisions, does not discriminate against persons based on race, color, religion, national origin, disability, familial status, sex, creed, marital status, age, or sexual orientation. Public comments made on the basis of bias and stereotype concerning people within these protected classes will not be taken into consideration by the County in its deliberations.”

Rules of Procedure (continued)

Mr. Moore stated that this was already passed by the County Council in 2013 and it has been inserted in 10.6 of the Rules with re-numbering after that.

Mrs. Deaver referenced public notice requirements for meetings other than regular business meetings, i.e. budget meetings, and she questioned how the public is going to know that a meeting is being held, such as in a different building. Mr. Lawson responded that if the Council plans a special meeting where County Council business is to be conducted and a quorum is to be present, notice would have to be posted in the same manner as regular meetings. Per requirements, the notice would be posted in the Administrative Building seven days in advance. However, the practice of the County is to also post notice of meetings on the County's website. Mrs. Deaver stated that maybe the County can improve on this in the future.

**M 005 14
Approve Rules of Procedure**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to approve the Rules of Procedure of the Sussex County Council, as presented.

Motion Adopted: 5 Years.

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

Approve Minutes

The minutes of December 3 and 10, 2013 were approved by consent.

Correspondence

Mr. Moore read the following correspondence:

THE RONALD MCDONALD HOUSE OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

REHOBOTH BEACH BOYS & GIRLS CLUB, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

BOYS & GIRLS CLUBS OF DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

CATHOLIC CHARITIES, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

SUSSEX COMMUNITY CRISIS HOUSING SERVICE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Corre-
spondence
(continued)

REHOBOTH CONCERT BAND, LEWES, DELAWARE.

RE: Letter in appreciation of a grant.

READING ASSIST INSTITUTE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

BIG BROTHERS BIG SISTERS OF DELAWARE, INC., WILMINGTON, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

KENT SUSSEX INDUSTRIES, INC., MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

BRIDGEVILLE SENIOR CENTER, BRIDGEVILLE, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Employee
of the Year

The County Council recognized the Employee of the Year 2013 – Jennifer Norwood of the Planning and Zoning Department.

Adminis-
trator's
Report

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

1. Sussex County Emergency Operations Center Call Statistics – November 2013

Attached please find the call statistics for the Fire and Ambulance Callboard for November 2013. There were 13,488 total calls handled in the month of November. Of those 9-1-1 calls in November, 77 percent were made from wireless phones.

2. Delaware State Police Activity Report – November 2013

Per the attached Delaware State Police activity report for November, there were 3,813 total traffic arrests and 927 total criminal arrests. Of that 927, 332 were felony and 595 were misdemeanor criminal arrests. Of the total hours on duty spent, 38 percent were spent on criminal investigations.

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

Deposit
Accounts

Mrs. Jennings announced that, since there was no change in the leadership of the Council, the bank account resolutions will remain the same and no action is necessary.

Comments
by Council-
man Wilson

Mr. Wilson commented on his recent absence from Council meetings which was due to open heart surgery which took place over 8 weeks ago. Mr. Wilson expressed his thanks to many people, including Council members and staff, for their support, cards and prayers during his recovery.

**Register of Wills/
Lease
Renewal**

Cindy Green, Register of Wills, informed the Council that the Register of Wills leases space within the Sussex County Courthouse Annex and that the lease has expired. The proposed lease renewal is at a higher rate, at \$10.00 per square foot; the rent covers all expenses except telephone costs. Ms. Green advised that the rent is competitive at \$10.00 per square foot for property on The Circle. The County's Legal Counsel has reviewed the contract. Ms. Green reported that the Department generates enough revenue to cover the extra costs and therefore; no fee or tax increases are proposed. Ms. Green asked the Council to consider, in the future, moving the office of the Register of Wills to the Administrative Building. She noted that such a move would save rental costs in the amount of \$24,000 per year.

**M 006 14
Approve
Lease for
Register of Wills
Office
Space**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council approves the Lease with the State of Delaware to occupy 2,376 square feet of the Sussex County Courthouse Annex in the amount of \$23,760 per year.

Motion Adopted: 5 Yeas.

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

**Angola
Neck SSD
Project/
Grinder
Pump
System
& Village
of Herring
Creek
Improve-
ments**

Michael Izzo, County Engineer, presented for Council's consideration the Balancing Change Order for the Angola Neck Sanitary Sewer District, Grinder Pump System & Villages of Herring Creek Improvements, Contract 11-11. Mr. Izzo reported that this is the final contract for the Angola Neck Sanitary Sewer District project. The County has taken over an existing subdivision that had been served by Artesian; money had been set aside to modify the two existing pumping stations to bring them up to the County's standards as well as for approximately 2,000 feet of sewer line. The Balancing Change Order is a credit change order in the amount of \$309.91 which balances the quantities of the contract; also, an additional submersible pump was purchased due to problems at one of the pumping stations (P.S. #322).

**M 007 14
Approve
Change
Order/
Angola
Neck SSD
Project**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Sussex County Project 11-11, Angola Neck Sanitary Sewer District, be approved at the credit amount of \$309.91, which decreases the total contract to \$137,396.09, pending the receipt of approval from the funding agencies.

Motion Adopted: 5 Yeas.

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

**Proposed
Herring
Creek
Sewer
District
and Water
District**

John Ashman, Director of Utility Planning, presented requests to prepare and circulate petitions to submit the question of establishing a sanitary sewer district and water district for the Herring Creek area. Mr. Ashman stated that the area is in an environmentally sensitive developing area and is in the area where the County has plans to install central sewer; that the Engineering Department has received letters and phone calls from communities in the area requesting that the Engineering Department review the possibility of County sewer service and a water project; that the Engineering Department mailed out a straw ballot to several communities asking the residents' opinion on both a water and a sewer district. Mr. Ashman reported that the polling results showed minimal interest in establishing a water district; however, the community of Winding Creek Village has requested that more research be done regarding providing water to the community. For this reason, the Engineering Department would like to circulate petitions to find out if there is an interest in a water district. Mr. Ashman stated that he has been working with Heather Warren from the Delaware Department of Health and Social Services and the Department has been monitoring some wells in the community; of those being monitored, there are high nitrates and chloride, possibly from salt water intrusion. Regarding the sewer district boundary, they reviewed the results of the previous polling letter and the results directed the Engineering Department to include the communities of Herring Creek Estates, Pine Water Farms, and those areas adjacent; the Engineering Department has also included parcels along Banks Road from Route 24 to Winding Creek Village. The Engineering Department has been in contact with several property owners along Banks Road that currently have CPCNs (Baywoods/Tunnell Properties) and that the Engineering Department has an agreement with them to include them in the sewer district to maintain a contiguous path; however, the County would agree not to provide capacity or require connection or charge any fees for these parcels. Mr. Ashman noted that upon approval, the Engineering Department will circulate petitions to the area and use the results to establish a proposed final boundary to present at a Public Hearing for approval from Council to take to a referendum vote. A Public Hearing is planned for early 2014 and a referendum in Spring/Summer 2014.

Council members discussed the proposal: water quality, public health drinking standards, the location of the Wandendale facility, CPCNs in the area, discussions with Tidewater and Baywoods, purchasing bulk water from the other entities such as Tidewater; partnering with another entity in the sanitary sewer district or water district to reduce costs to the property owners; and the County's Dewey Beach Water District.

**M 008 14
Authorize
Circulation
of Petitions**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Engineering Department to prepare and circulate petitions to submit the question of organizing a Water District for the Herring Creek Area, as presented on January 7, 2014 to a referendum vote.

**M 008 14
(continued)**

Motion Adopted: 5 Yeas.

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

**M 009 14
Authorize
Circulation
of Petitions**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Engineering Department to prepare and circulate petitions to submit the question of organizing a Sanitary Sewer District for the Herring Creek Area, as presented on January 7, 2014 to a referendum vote.

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 010 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,500.00 (\$1,200.00 from Mr. Wilson's Councilmanic Grant Account and \$300.00 from Mr. Phillips' Councilmanic Grant Account) to the Town of Georgetown for the purchase of or construction of a stage.

Motion Adopted: 5 Yeas.

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

**M 011 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$1,000.00 (\$200.00 from each Councilmanic Grant Account) to the Sussex County Animal Association for animal rescue costs.

Motion Adopted: 5 Yeas.

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

**M 012 14
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$250.00 (\$125.00 each from Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts) to the Woodbridge Elementary School for the Accelerated Reader Program.

Motion Adopted: 5 Yeas.

**M 012 14
(continued)**

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

**M 013 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mrs. Deaver's and Mr. Cole's Councilmanic Grant Accounts) to the First State Community Action Agency for activities scheduled by the Dr. Martin Luther King Jr. Organization of Sussex County to celebrate the legacy of Dr. King.

Motion Adopted: 5 Yeas.

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

**M 014 14
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Greater Seaford Chamber of Commerce for parade expenses.

Motion Adopted: 5 Yeas.

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

**M 015 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$250.00 (\$125.00 each from Mr. Vincent's and Mr. Phillips' Councilmanic Grant Accounts) to God's Food Wagon to purchase food for those in need.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

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 RETAIL PACKAGE STORE AND TAVERN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS" (Conditional Use No. 1979) filed on behalf of Thomas and Judy Munce (Tax Map I.D. 230-26.00-35.01) (911 Address: 12327 DuPont Boulevard, Ellendale).

Introduction of Proposed Ordinances (continued)

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14,295 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1980) filed on behalf of Eastern Shore Auto Exchange (Tax Map I.D. 234-4.00-11.00) (911 Address: 20524 Harbeson Road, Harbeson).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18,886 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1743) filed on behalf of Charles and Cristy Greaves (Tax Map I.D. 235-15.00-25.00) (911 Address: 26285 Broadkill Road, Milton).

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.85 ACRES, MORE OR LESS” (Change of Zone No. 1744) filed on behalf of Phillip Cross and Prentice Watkins (Tax Map I.D. 235-30.00-55.00) (911 Address: 26986 Lewes Georgetown Highway, Harbeson).

The Proposed Ordinances will be advertised for Public Hearing.

Additional Business

Paul Reiger of Georgetown commented on ordinances and codes that the County has/should have regarding ducks and hunting of ducks near a residence/farm and the amount of animals on a property.

Dan Kramer of Bridgeville commented on the Council’s grants to God’s Wagon and grants to churches.

Vickie Innes, Executive Director of Reading Assist Institute, referenced the Council’s recent generous donation and she thanked the Council. Ms. Innes stated that the Institute is a non-profit organization and that they work with schools to help support them in achieving childhood literacy goals by tutoring students and providing continuing education workshops for teachers.

Mrs. Deaver asked that the Council take a look at holding meetings in the evenings again. Mr. Phillips stated that he has always supported night meetings. Mr. Moore stated that this issue should be placed on a future agenda for discussion.

**Additional
Business
(continued)**

Mrs. Deaver stated she hopes that the pending large applications will be placed on the calendar as soon as possible.

Mr. Wilson commented on sea level rise and global warming.

Mr. Cole questioned the County's Special Event Policy and he questioned if non-profits are exempt. Mr. Lawson responded that the policy does not exempt all non-profits. He noted that the policy was adopted in 2013 and relates to mass gatherings/large events that require public safety services from the County, i.e. Emergency Medical Services/Paramedics or Emergency Operations Center/911 Command Unit. It was noted that the policy is available on the County's website.

Mr. Phillips stated that Senator Pettyjohn has a Bill that would limit the liability of non-profits. Mr. Phillips requested an update on this issue and any other legislative issues at the next Council meeting.

**M 016 14
Recess and
Go Into
Executive
Session**

At 11:08 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel, pending/potential litigation, and land acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 11:10 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to personnel, pending/potential litigation, and land acquisition. The Executive Session concluded at 12:15 p.m.

**M 017 14
Reconvene
Regular
Session**

At 12:16 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

Action

There was no action on Executive Session items.

**M 018 14
Recess**

At 12:17 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

**Public Hearing/
C/U
No. 1976
(continued)**

the Code; that the parking and fire lane will be reconfigured; and that the use will serve the need for additional capacity at the existing school to serve the children in the District.

Mr. Wilson questioned if the title block on the survey/site plan is an advertisement for Becker Morgan Group.

Mr. Moore stated that what Mr. Wilson was referring to is the standard notation that is placed by the surveyor of a property.

Mr. Jones stated that it could be considered an advertisement; however, it is the company's standard border (logo) that goes on all plans.

Mr. Phillips questioned that a school cannot be placed on AR-1 land and if that is the reason for the application. Mr. Jones responded that the school has been there for many years and pre-dates the zoning code, so the school currently exists as a legal non-conforming use, but in order to expand the school, they have to seek a variance or this Conditional Use. Mr. Lank stated that a variance would only permit a 25% expansion and that the approval of this Conditional Use would bring them into compliance.

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

**M 020 14
Adopt
Ordinance
No. 2332
(C/U
No. 1976)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2332 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEMENTARY SCHOOL EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 26.77 ACRES, MORE OR LESS (Conditional Use No. 1976) filed on behalf of Indian River School District, with the following condition:

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

Motion Adopted: 5 Yeas.

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

**Public Hearing
(C/U
No. 1977)**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8,276 SQUARE FEET, MORE OR LESS" (Conditional Use

**Public
Hearing
(C/U**

**No. 1977)
(continued)**

No. 1977) filed on behalf of Matthew T. Favinger (Tax Map I.D. 2-34-32.00-9.00).

The Planning and Zoning Commission held a Public Hearing on this application on December 12, 2013 at which time the Commission recommended that the application be approved contingent on the following conditions:

- A. The hours of operation will be from 8:30 a.m. to 4:30 p.m. Monday through Friday.**
- B. One (1) ground sign shall be permitted, no greater than 32 square feet per side, and may be lighted.**
- C. The Final Site Plan shall be subject to the review and approval of the staff.**

(See the minutes of the meeting of the Planning and Zoning Commission dated December 12, 2013.)

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

The Council found that Matthew T. Favinger was present and he stated that the property address is 28302 Gravel Hill Road, Millsboro; that he is applying for a Conditional Use on an AR-1 zoned property for use as an audiology clinic; that the previous uses of the property over the past 20 years have been commercial, i.e. dental office and doggie day spa; that existing parking is sufficient; and that he typically will have only eight (8) patients per day.

In response to questions, Mr. Lank stated that DelDOT's only comment is that the Level of Service C will not change and that no Traffic Impact Study is required. Mr. Lank noted that the County will have to get DelDOT's comments regarding the site plan for final approval by the Commission.

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

**M 021 14
Adopt
Ordinance
No. 2333
(C/U
No. 1977)**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to Adopt Ordinance No. 2333 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8,276 SQUARE FEET, MORE OR LESS" (Conditional Use No. 1977) filed on behalf of Matthew T. Favinger (Tax Map I.D. 2-34-32.00-9.00) with the following conditions:

**M 021 14
Adopt
Ordinance
No. 2333
(C/U
No. 1977)
(continued)**

- A. The hours of operation will be from 8:30 a.m. to 4:30 p.m. Monday through Friday.**
- B. One (1) ground sign shall be permitted, no greater than 32 square feet per side, and may be lighted.**
- C. The Final Site Plan shall be subject to the review and approval of the staff.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing
(C/Z
No. 1739)**

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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,150 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1739) filed on behalf of Vance Phillips (Tax Map I.D. 3-32-1.08-39.00).

Mr. Phillips recused himself from the matter and left the meeting.

The Planning and Zoning Commission held a Public Hearing on this application on December 12, 2013 at which time the Commission deferred action.

(See the minutes of the meeting of the Planning and Zoning Commission dated December 12, 2013.)

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

The Council found that Dean Campbell, Esquire, was present on behalf of the application. Mr. Campbell stated that the rezoning of the property is appropriate to conform to the use of the properties surrounding it at this intersection; that the other uses include Carey’s garage, a proposed Royal Farms Store; Marino’s Motors, and Lakeside Motel; that the property to the west of the Applicant’s property is an auto parts store; that the rezoning of this property would bring this property into conformity with the other properties located at the intersection; that there would be no detriment to the surrounding community; and that he is unsure as to the reasons for the deferral by the Planning and Zoning Commission.

Mr. Cole left the room during the presentation.

(continued) There were no public comments and the Public Hearing and public record were closed.

M 022 14 A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to defer action on Change of Zone No. 1739 filed on behalf of Vance Phillips.

**Defer
Action on
C/Z
No. 1739**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 023 14 A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at Adjourn 2:06 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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

TODD F. LAWSON
COUNTY ADMINISTRATOR

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



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: **2014 AIRPORT ADVISORY COMMITTEE APPOINTMENTS**

DATE: January 10, 2014

During Tuesday's meeting you will consider the 2014 appointments to the Airport Advisory Committee. The Advisory Committee members are appointed by Council for a term of one year.

Attached you will find a list of the committee positions and the individuals who have agreed to serve.

If you have any additional questions, please don't hesitate to contact me, Mike Izzo, or Jim Hickin.

TFL/sww

Attachment

pc: Mr. Michael A. Izzo, P.E.
Mr. James A. Hickin

2014 Airport Advisory Committee Appointments

- | | | |
|----|---|--------------------------|
| 1. | One representative of the Fixed Base Operator | Garrett Dernoga |
| 2. | One non-commercial Airport tenant | Larry Kelley |
| 3. | One commercial Airport tenant | Jeff Reed |
| 4. | Two Airport-based aircraft owners | Rick Garner
Gus Croll |
| 5. | One Industrial Park tenant representative | Mark Ryan |
| 6. | One representative at large | Richard Wilson |
| 7. | County Council Representative | Sam Wilson |

ENGINEERING DEPARTMENT

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



Sussex County

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 14, 2014

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 980 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "CFM BAYSIDE, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "AMERICANA BAYSIDE – COASTAL CROSSING", LOCATED IN FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 980

TODD LAWSON
COUNTY ADMINISTRATOR

ENGINEERING DEPARTMENT

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

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 14, 2014

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 1003 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "CFM BAYSIDE, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "AMERICANA BAYSIDE – SEA GRASS BEND", LOCATED IN FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 1003

TODD LAWSON
COUNTY ADMINISTRATOR



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator

July 2, 2013

Bill No.	Description and Purpose	Action
2013 BILLS		
HB 14	This bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.	Assigned to the House Appropriations Committee 1/24/13, no further action.
HB 27	This bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect. Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.	6/11/13 passed the House Assigned to Senate Finance Committee 6/13/13 I have contacted Senator McDowell, Committee Chair explaining our support. This Bill did not make it to the Senate floor for consideration before adjourning the 2013 session.
HB 44 & HA No. 2	This bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.	Passed both chambers of the legislature – awaits the Governor's signature
SA No. 2 To HB No. 44	This amendment clarifies that tenants may not install a pole on the exterior of the property's structure unless the tenant has a leasehold interest in the exterior of the structure.	

HB No. 63	This bill is the first leg of a constitutional amendment that forever guarantees the right of farmers to engage in modern farming and ranching practices.	On House Ready List
SB No. 58	This Bill allows Delaware residents 65 years of age and older to qualify for the "Senior School Property Tax Credit Program" upon entering into a payment plan for the taxes due.	We are currently compliant with this proposed Bill. On Senate Ready List
Senate Bill No Number	This Bill provides for property tax exemption for the dwelling of military veterans who are disabled and for their spouses, if the veteran is deceased.	Not introduced, we have been asked for our comments. Our plan currently reduces property taxes for people with disabilities; however this bill would completely eliminate property taxes for disabled veterans.
HB No. 150	This Bill is considered the Raw Milk Bill. This Bill would establish a permit processes to allow farmers to sell raw milk from their farms.	After two Amendments added – defeated on the House floor
REPORT CONTINUED ON FOLLOWING PAGE		

<p>HB No. 74</p>	<p>This Delaware Health Security Act will provide a cost effective single payer health care system for the State of Delaware. The Act will provide comprehensive health care coverage to all Delawareans without any extra health insurance or out-of-pocket-expense. The system will save money currently wasted on administrative/overhead costs and will provide a stable funding structure.</p> <p>This Act creates the Delaware Health Security Authority. The authority will be governed by a 15-member Delaware Health Security Board comprised as follows: the Secretary of Health and Social Services, two members from both the State House of Representatives and State Senate Committees concerned with health care issues, five members from state health professional organizations, and five members from eligible consumer organizations in our state.</p> <p>Funding for the new health care system will be as follows:</p> <ol style="list-style-type: none"> 1. All state and federal funds available for health and health care costs in Delaware. 2. Employer and employee graduated payroll tax from 4 percent for employers with less than ten employees to 9 percent for employers with 50 or more employees. 3. A Health Security tax of 2.5 percent on net taxable income (after deductions) for all heads of households and persons subject to Delaware's income tax; and 4. An additional Health Security income surtax on net taxable income of 2.5 percent for persons filing a Delaware income tax return in excess of \$250,000. Married couples filing a joint Delaware income tax return shall pay an additional income surtax of 2.5 percent on net taxable income in excess of \$500,000. 	<p>This bill has been assigned to the House Health & Human Development Committee</p> <p>This bill has not yet been scheduled for a Committee hearing.</p> <p>I will be certain to alert you of this date and time.</p> <p>Committee Members:</p> <p>Chairman: Michael a. Barbieri (302) 368-7257 Michael.barbieri@state.de.us</p> <p>Vice-Chairman: Rebecca Walker (302) 293-2356 Rebecca.walker@state.de.us</p> <p>Members:</p> <p>Donald A. Blakey (302) 697-6723 Donald.Blakey@state.de.us ruth.briggsking@state.de.us</p> <p>Ruth Briggs-King (302) 856-2772</p> <p>Timothy D. Dukes (302) 280-6344 Timothy.Dukes@state.de.us</p> <p>Earl G. Jaques, Jr. (302) 834-9231 earl.jaques@state.de.us</p> <p>S. Quinton Johnson (302) 378-2681 Quinton.johnson@state.de.us</p> <p>John A. Kowalko, Jr. (302) 737-2396 john.kowalko@state.de.us</p>
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<p>HB No. 74 (continued)</p>		<p>Joseph E. Miro (302) 454-1840 Joseph.miro@state.de.us Edward.osiensi@state.de.us</p> <p>Edward S. Osienski (302) 292-8903</p> <p>Charles Potter, Jr. (302) 762-8322 Charles.Potter@state.de.us</p> <p>Darryl M. Scott (302) 735-1781 Darryl.Scott@state.de.us</p> <p>Kimberly Williams (302) 577-8476 kimberly.williams@state.de.us</p> <p>* Federal Health Care Legislation requires all citizens be covered – the new tax will fund</p> <p>* Delaware is currently establishing exchanges to provide coverage for all residents to comply with Federal requirements</p> <p>* HB74 is introduced to cover all Delawareans – doesn't appear to be part of the State or Federal exchange plan</p>
<p>HB No. 95 w/ HA No. 2</p>	<p>This Act provides the Department of Natural Resources and Environmental Control with the authority to impose environmental liens on real property in an effort to recover taxpayers' money expended by the State in order to investigate and clean up contaminated properties in circumstances where the property owners who caused the contamination have failed to do so. This bill originates from a recommendation made by the 2003 Metachem Task Force, chaired by the Honorable William T. Quillen. As the Task Force Report noted, currently at least thirty-four states (including all of our neighboring states) and the federal government have statutory authority to impose environmental liens. Besides bringing Delaware law in line with the vast majority of our sister states and the United States, this Act provides an important means of protecting the public</p>	<p>Passed both chambers of the legislature – awaits the Governor's signature</p>

HB No. 95
w/ HA No. 2
(continued)

treasury while holding responsible property owners accountable for the environmental harm they cause.

Section 1 of the Act provides DNREC with authority to impose an environmental lien when a violation of the Delaware Hazardous Substance Cleanup Act (HSCA) has resulted in the expenditure of State funds to protect human health and the environment. Specifically, if DNREC must perform a remedy at a property using public funds, it can impose an environmental lien in order to attempt to recover the State's costs provided it gives prior notice to the property owner who has failed to perform or pay for the required remedial activities. An environmental lien when filed will have priority over subsequently filed liens. Such a lien will be discharged upon full satisfaction by the property owner of the liability for the remediation costs incurred by the State. A property owner who seeks to challenge the filing of an environmental lien can contest the imposition of the lien before the Environmental Appeals Board subject to the applicable statutory procedures contained in 7 Del. C. §6008. Additionally, if DNREC determines that the imposition of an environmental lien will be insufficient to enable it to recover its costs of performing a remedy in a particular case, it can petition the Delaware Court of Chancery to seek the imposition of an additional lien or liens on any other Delaware real property owned by the same person or persons as the property where the remediation activities occurred.

Section 2 of the Act extends the same provisions applicable to a violation of HSCA to a violation of the Delaware Underground Storage Tank Act (7 Del. C. Chapter 74). As is the case with the other provisions of the Underground Storage Tank Act, certain agricultural, residential and non-commercial underground storage tanks are exempted from the provisions of this Act.

Section 3 of the Act extends the same provisions applicable to a violation of HSCA and the Delaware Underground Storage Tank

<p>HB No. 95 w/ HA No. 2 (continued)</p>	<p>Act to the Jeffrey Davis Aboveground Storage Tank Act (7 Del. C. Chapter 74A). As is the case with the other provisions of the Aboveground Storage Tank Act, certain agricultural, residential and non-commercial aboveground storage tanks are exempted from the provisions of this Act.</p> <p>Section 4 of the Act provides that its provisions are severable.</p>	
<p>HB No. 135</p>	<p>This Act seeks to create jobs and new sources of revenue for the State of Delaware by, among other means, authorizing the addition of two new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee. This Act creates a nine member, politically-balanced Committee with financial, accounting, or banking experience to select the sites and licensees. This Act also increases the number of required racing days to reflect the current amount of racing, and prevents the addition of video lottery agents from triggering a reduction in the minimum number of days that existing harness tracks must offer harness racing. Finally, this Act also expresses the intent of the General Assembly that the new video lottery casinos will be subject to a one-time license fee and ongoing license fees, as well as such fees as are necessary to create a level playing field for competition with video lottery agents who operate horse racing or harness racing, and directs the Department of Finance to prepare legislation implementing that intent.</p>	<p>Introduced 5/9/13 - This Bill intends to add a casino in Sussex County.</p> <p>Assigned to House Gaming and Parimutuels Committee</p> <p>6/12/13 Tabled in Committee</p> <p>6/11/13 County Council voted to oppose this Bill.</p> <p>I have notified all Committee Members of our opposition.</p> <p>No change as of 7/1/13</p>
<p>HB No. 137</p>	<p>This Bill expands and promotes unity in the options for survivor pension payout choices for retired participants in the State pension programs, the State Employees' Pension Plan, the County and Municipal Employees' Pension Plan, the County and Municipal Police/Firefighter Pension Plan, the State Judiciary Pension Plan, and the State Police Pension Plan. There is no reduction for the 50% survivor benefit, a 2% reduction for a 66.67% survivor benefit, 3% reduction for a 75% survivor benefit, and 6% reduction for a 100% survivor benefit.</p>	<p>Introduced 5/14/13 - This Bill may cause changes in our pension calculations.</p> <p>6/6/13 Passed the House</p> <p>Assigned to Senate Finance Committee</p>

HA No. 1 to HB No. 137	This technical amendment changes the term “employer” to “employee” and corrects a cross-reference.	
HA No. 2 To HB No. 137	This amendment makes the following technical changes: 1) the term “employer” is corrected to “employee”; a cross-reference is added for a newly added paragraph; internal cross-references are corrected; and the judiciary’s option of a 6% reduction in exchange for 100% survivor benefit is added.	
HA No. 1 To HA No. 2 To HB No. 137	This amendment to House Amendment No. 2 makes the provisions of this legislation effective for those retiring with an effective date of retirement of July 1, 2014, in order to allow for necessary administrative and systems changes.	
SB No. 78 + SA-1	<p>This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no later than December 31, 2014.</p> <p>The bill also amends Title 7 Del C. Chapter 66, §6607 and §6617 and Title 7 Del C. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the Secretary to issue after-the-fact permits and assess administrative penalties as appropriate.</p>	Passed both chambers of the legislature – awaits the Governor’s signature

<p>HB No. 160</p>	<p>Delaware is the only state on the East Coast of the United States that does not have a shellfish aquaculture industry. Shellfish aquaculture can provide significant economic benefits to coastal communities while improving the water quality and enhancing the habitat value of Delaware's most imperiled estuaries, the Inland Bays. This bill is designed to minimize conflicts with existing uses of the Inland Bays. It authorizes the Department of Natural Resources and Environmental Control to direct and control the shellfish aquaculture activities within the Inland Bays and to set criteria for the approval of lease sites and applications for leasing. The legislation also gives the Department the authority to collect fees for lease applications and to administer a harvester license. The Bill sets lease fees and harvester license fees, establishes term limits on leases, sets penalties for non-compliance with the provisions of the bill, defines illegal gear, stipulates what is to be the disposition of abandoned lease sites, and defines what would constitute theft or tampering with gear legally set on leased sites. The legislation also authorizes the Department to promulgate regulations on issuing and administering leases, including the revocation of leases for cause. It further gives the Department regulatory authority over determining; what species may be cultured and where, adding acreage to approved lease sites, the required marking and inspection of lease sites, limits on the type and nature of gear that may be used on lease sites, what would constitute abandonment of lease sites and disposition of gear left on abandoned sites, seasonal restrictions on working on lease sites, prevention and control of shellfish-borne diseases, and criteria for importation of shellfish to be used for aquaculture purposes in order to protect wild shellfish. The legislation also clarifies the authority of the Department of Agriculture to coordinate activities in closed-system aquaculture only and deletes reference to the Department's Delaware Aquaculture Council, which is not active and is no longer needed given the clarification of authority.</p>	<p>Passed both chambers of the legislature – awaits the Governor's signature</p>
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HA No. 1 To HB No. 160	This amendment changes the vote requirement for this bill to a two-thirds vote.	
SR No. 8	The Resolution urges the United States Congress to support efforts to reinstate the separation of commercial and investment banking functions in effect under the Glass-Steagall Act and supporting H.R. No. 129. <i>(See attached documentation)</i>	<p>This is a Resolution only; to demonstrate Delaware State support for Federal Legislation.</p> <p>State Senator Venables is requesting our endorsement.</p> <p>SR No. 8 demonstrates Delaware support for US House of Representative Resolution No. 129 which would support re-enacting Glass-Steagall Act adopted by Congress in 1933 to protect the public interest regarding banking regulations.</p> <p>Congress repealed this law in 1999 which many believe led to the 2nd Great Depression in America. Some members of Congress would like to reinstate the Glass-Steagall Act.</p> <p>No progress 7/1/13</p>
HB No. 190	This Bill would facilitate the growth of Delaware licensed farm wineries, brewery-pubs, microbreweries, and craft distilleries by allowing them to expand their businesses within and outside of the State, provided they continue to meet the production limitations set forth in the statutes. It would also permit brewery-pubs to distill products which are not malt-based.	Passed both chambers of the legislature – awaits the Governor’s signature
HA No. 1 To HB No. 190	This amendment removes the limitation of 14% or less ethyl alcohol for a licensed farm winery to manufacture, ferment, blend, age, store, and bottle wine.	
SB No. 97	This Act adds the term “gender Identity” to the already-existing list of prohibited practices of discrimination and hate crimes. As such, this Act would forbid discrimination against a person on the basis of gender identity in housing, employment, public works contracting, public accommodations, and insurance, and it would provide for increased punishment of a person who	This Bill has been adopted by both chambers of the State Legislature and signed into Law by the Governor 6/19/13.

SB No. 97 (continued)	intentionally selects the victim of a crime because of the victim's gender identity.	
HA No. 1 To SB No. 97	This amendment clarifies that gender identity may be demonstrated by consistent and uniform assertion of the identity of other evidence that it is part of a person's core identity, and explicitly provides that places of public accommodation may provide reasonable accommodations on the basis of gender identity in areas of facilities where disrobing is likely, such as separate or private areas for the use of persons whose gender-related identity, appearance or expression is different from their assigned sex at birth.	
HA No. 1 To HA No. 1 To SB No. 97	This amendment to the amendment corrects the references to Senate Bill No. 97, as opposed to House Bill No. 97	

Police remind residents that 911 continues to be the appropriate method to report emergencies that require a police response.

trend to a recent state report on 09/2014 See WARM, Page B2

again. Alex Mayka poured water on his face in Newark when temperatures topped 100 in July. THE NEWS JOURNAL

clined to comment Page: B01 Contact: 302-321-5000 tsanginiti@delawareonline.com

WHAT everyone's talking about.

POLL RESULTS
Previous voting at delawareonline.com

Should you set your thermostat lower to try to conserve energy due to the high demand?

I just bundled up to keep warm.

31%

I have a child or older person in home.

33%

I did a little but not much. It was too hot.

36%

SCIENTIFIC POLL. TOTAL VOTES: 1,163

FRESHWATER WETLANDS

A definition emerges, but no consensus on the rules

By Jeff Montgomery
The News Journal

A 28-member advisory panel agreed Wednesday on a rough idea of what a wetland is in Delaware, followed closely by nearly as many views on directions and priorities for protecting, conserving and restoring them.

The agreement came during the fourth meeting of a panel that has a Dec. 31 deadline for recommending a way to improve on the state's current freshwater wet-

land protection scheme, largely left to the Army Corps of Engineers despite repeated past efforts to delegate the job to the state Department of Natural Resources and Environmental Control.

State lawmakers passed a bill creating the Wetland Advisory Committee in May, citing steady losses of areas that play a role in flood prevention and water quality protection, and that provide

See DNREC, Page B2

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Late Wednesday, the White House released a video with John Holdren, President Obama's father is an...
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DNREC: Panel weighs 'carrots'

Continued from Page B1

important habitats across the state.

A state-commissioned Environmental Law Institute report in 2010 noted that Delaware has about 350,000 acres of wetlands, but has seen steady losses to residential, commercial and urban development. Losses have been heaviest in freshwater areas, which are regulated by the Corps.

Talk of an expanded state role has been clouded by debates over wetland maps themselves, with some arguing that state officials have used too broad a brush while doing inventories and unofficial maps of wetlands and calculating changes in the landscape. Farm groups have followed the issue closely.

"A lot of people are concerned that there's been this notion that we're losing all these wetlands, when in fact they're not federal wetlands," cautioned Michael Parkowski, co-chair of the group. "What they are is more or less planning areas," tentatively identified as wetlands based on soil types, rather than a more comprehensive and legally defensible assessment.

Parkowski said the group would attempt to recommend a clearer method for identifying wetlands, and a more-efficient approach to overseeing activities, such as development. Federal requirements still will likely dominate, but surface water, groundwater and plant factors unique to Delaware will play a



A committee has until the end of the year to develop a plan for conserving Delaware's 350,000 acres of wetlands. THE NEWS JOURNAL



Sen. Robert Venables



Jim McCulley

role in the definition broadly recommended on Wednesday.

Incentives to encourage landowners to protect or restore wetlands also will be important, Parkowski said, adding: "Rather than using the regulatory stick to try to get things done, we may try to use a carrot approach, and we've actually created a 'Carrot Committee' to look at that."

DNREC generally has detailed authority only over tidal wetlands, and has seen attempts to pick up the Corps' duties in freshwater areas rejected a number of times in past decades. About 25 state governments now handle freshwater wet-

land oversight.

Although environmental groups have long pressed for a state role, business groups have been less enthusiastic.

"I think we're regulated enough, and I think if you take it over, we'll regulate it more," said Sen. Robert Venables, D-Laurel, a committee member. "I'd rather see the problems we have with the Corps right now, rather than you take it over and have it a lot worse."

Andrew Manus, a former Nature Conservancy official and former fish and wildlife director, said a "balanced" approach is needed, with landowner incentives to compensate "private landowners for restoration and stewardship efforts."

Brenna Goggin, environmental advocate for Delaware Nature Society, said that the group's work should take into account "what we already are paying as taxpayers of Delaware for the filling of wetlands.

"There's already a cost being put on us that I don't think we've talked about," Goggin said, including "bad decisions that have been made about where to build or not to build, or what we've had to pay for additional water treatment facilities or homes going under" because of increased flooding due to wetland losses.

Jim McCulley, a committee member who represents the Home Builders Association of Delaware, said his group has concerns about delays in DNREC's reviews already.

"Our focus all along has been that, in order to best protect this resource, there has to be some incentives for private property owners to protect the resource," McCulley said. "The more valuable the resource, the bigger the incentive has to be."

AGREEMENT NO. _____
PROJECT NO. _____
AMENDMENT NO. _____

Agreement Between

SUSSEX COUNTY

and

WHITMAN, REQUARDT and ASSOCIATES, LLP

for

Engineering Services for the

NORTH COASTAL PLANNING AREA

SUSSEX COUNTY, DELAWARE



ATTACHMENT A:
SCOPE OF WORK FOR
PLANNING STUDY FOR GOSLEE CREEK SERVICE TERRITORY
FOR
SUSSEX COUNTY COUNCIL
December 18, 2013

This attachment outlines the required Scope of Services for the Planning Study for the **Goslee Creek Service Territory**. New land development is proposed and sewer service is being considered for multiple communities in the Goslee Creek Service Territory. Performing this planning study is important in determining the methodology and costs associated with the County providing sanitary sewer service to all proposed developments within the Goslee Creek Service Territory. This proposal is to determine the most effective and economical manner in which the Sussex County Council, hereinafter referred to as the “County” can provide service for the Goslee Creek Service Territory to accommodate the wastewater needs of the study area.

Our Scope of Services includes the preparation of the planning study and obtaining and processing aerial topography for portions of the Goslee Creek Service Territory. The Derivation of Man-hours and Estimated Fee for these tasks are provided in summary spreadsheets included with this document.

1. **Project Kick-off Meeting** – WR&A will meet with the County to clarify expectations and obtain information relevant to the evaluations.
2. **Prepare Schedule** – WR&A will prepare a schedule showing major milestones for the completion of the work in the prescribed time frame.
3. **Set Survey Control for Aerial Mapping**- Set the required forty one (41) control points for horizontal and vertical control for use by the aerial topography sub-consultant. All surveying associated with the setting of control points will be performed by our sub-consultant, Adams Kemp of Georgetown, Delaware. The survey control work and the associated processing of the aerial topography is necessary to proceed into preliminary design under the tight time constraints required in this contract.
4. **Conduct Aerial Flyover of Goslee Creek Service Territory** - The aerial flyover of the Goslee Creek Service Territory will be performed by our Subconsultant Axis Geospatial of Easton, Maryland. The limits of the aerial flyover are shown in the attached Figure 1.
5. **Process aerial photos and supply AutoCAD topography files for selected areas with the Goslee Creek Service Territory** - Selected areas of the aerial topography will be processed in order to expedite the design process. Areas to be processed by our Subconsultant, Axis Geospatial, are depicted in Figure 1.

6. **Prepare Phasing Plan** – WR&A will develop a conceptual plan to serve the entire planning area and recommended phases for construction, with an emphasis on near-term service to existing and proposed land development projects. Priority projects include:
- a. Coastal Club
 - b. Windswept
 - c. Red Clover Walk
 - d. Cape Henlopen Elementary School
 - e. Love Creek Campground
 - f. PS # 192

Note: A special work item to evaluate temporary service to Coastal Club into existing West Rehoboth infrastructure will be performed.

7. **Evaluate Special Projects** – Two projects exist outside the service territory (Chapel Green & Oak Crest Farms) but have treatment and disposal systems that do not meet the current Inland Bays Pollution Control Strategy. A feasibility study to provide service to these two projects jointly or as a small service area will be performed. It is assumed that service will include collection and conveyance to current County owned treatment facilities located in the planning area.
8. **Prepare Preliminary Infrastructure Layouts for the Goslee Creek Service Territory** – WR&A will prepare an alternative for collecting and conveying the ultimate flows to one main pumping station in the Goslee Creek Service Territory before conveyance to the Inland Bays Regional Wastewater Facility (IBRWF).
9. **Determine Regional Pump Station Location and Force Main Route to IBRWF** – WR&A will review possible pump station locations and force main routes from the Goslee Creek Service Territory to the IBRWF, with consideration toward a manifolded Goslee Creek PS and PS#210 connection. Route selection will include a review of cost effectiveness, constructability and natural and manmade obstacles.
10. **Perform Hydraulic Analysis** - WR&A will perform a competing head hydraulic analysis for the manifolded Goslee Creek PS and PS#210.
11. **Review of the Inland Bays Regional Wastewater Facility (IBRWF)** - Our national wastewater treatment Subconsultant, GHD, will verify the available capacity at the IBRWF. This effort will include the following:
- a. Analyzing plant operating data provided by the County over the previous 3 years (2011 to 2013) to summarize recorded average influent and effluent wastewater flow, plant operations, and plant performance.
 - b. Estimating future wastewater influent and effluent flows and characteristics based on past operating data, projection of future connections, and projected performance of the existing facility.

- c. Analyzing available treatment and disposal capacity available at the facility vs. projected flows and loads. Provide recommendation of timing for future upgrades in accordance with expansion concepts outlined in previous Preliminary Engineering and Design Development Reports approved by DNREC.
- d. Updating preliminary cost estimates for future upgrades based on previous bid values and anticipated timing.

12. **Prepare Draft Report** – WR&A will prepare a draft report for the planning study. The planning study will include the following:

- a. Identify and assign Equivalent Dwelling Units (EDUs) to all parcels in the Service Territory, based upon previous NCPA assumptions.
- b. Evaluate and make recommendations on how to provide service to these EDUs.
- c. Recommend locations for the placement of Regional and sub-regional pump stations to serve the planning area and verify electrical service is adequate. Provide future gravity sewer and forcemain alignments.
- d. Document competing head Goslee Creek and PS#210 analysis.
- e. Provide regional pump station layout including preliminary hydraulics, pump selection, and design criteria.
- f. Based upon proposed development schedules, identify Regional County infrastructure that future developers can construct or upgrade to serve the near-term land development. Identify the capacities and sizes of said infrastructure including the minimum required pipe sizes and number of EDUs for ultimate development of the Regional and sub-regional Pump Stations.
- g. Prepare a tentative schedule and cost estimates for all near-term improvements and regional sewer extensions.
- h. Prepare a system map for sanitary sewer service
- i. Document the analysis of alternatives.
- j. Provide cost estimates for alternatives.
- k. Provide implementation schedule.

Six (6) copies of the report will be prepared for transmittal to Sussex County.

13. **Review Meeting-** WR&A will meet with the County to review the findings and recommendations, answer questions and identify desired revisions to the Draft Report.

14. **Finalize Report** – After receipt of final review comments from Sussex County, six (6) copies of the Final Report will be prepared and submitted to the Sussex County Engineering Department. In addition, the Final Report will be provided to Sussex County in electronic (pdf) format.

15. **Attend three (3) Progress Meetings** – It is assumed that a total of three progress meetings will be held over the duration of the project in addition to the kickoff and review meetings.

16. **Attend Meeting and Prepare Presentation** - It is assumed that one public meeting will be held over the duration of the project.

SCHEDULE

The County desires to have the work proceed in a timely fashion. The study shall be submitted to the County within twelve (12) weeks after notice to proceed. The final document will be submitted within four (4) weeks of receipt of written comments from County on the draft. This proposal assumes the work will be completed by May 2014.

ATTACHMENT 'A'

**PLANNING STUDY FOR GOSLEE CREEK SERVICE TERRITORY
Whitman, Requardt & Associates, LLP
Fee Summary**

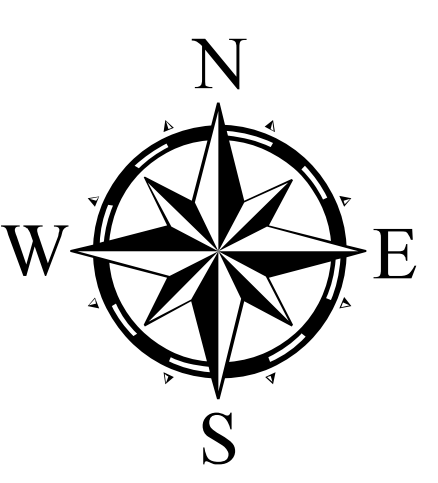
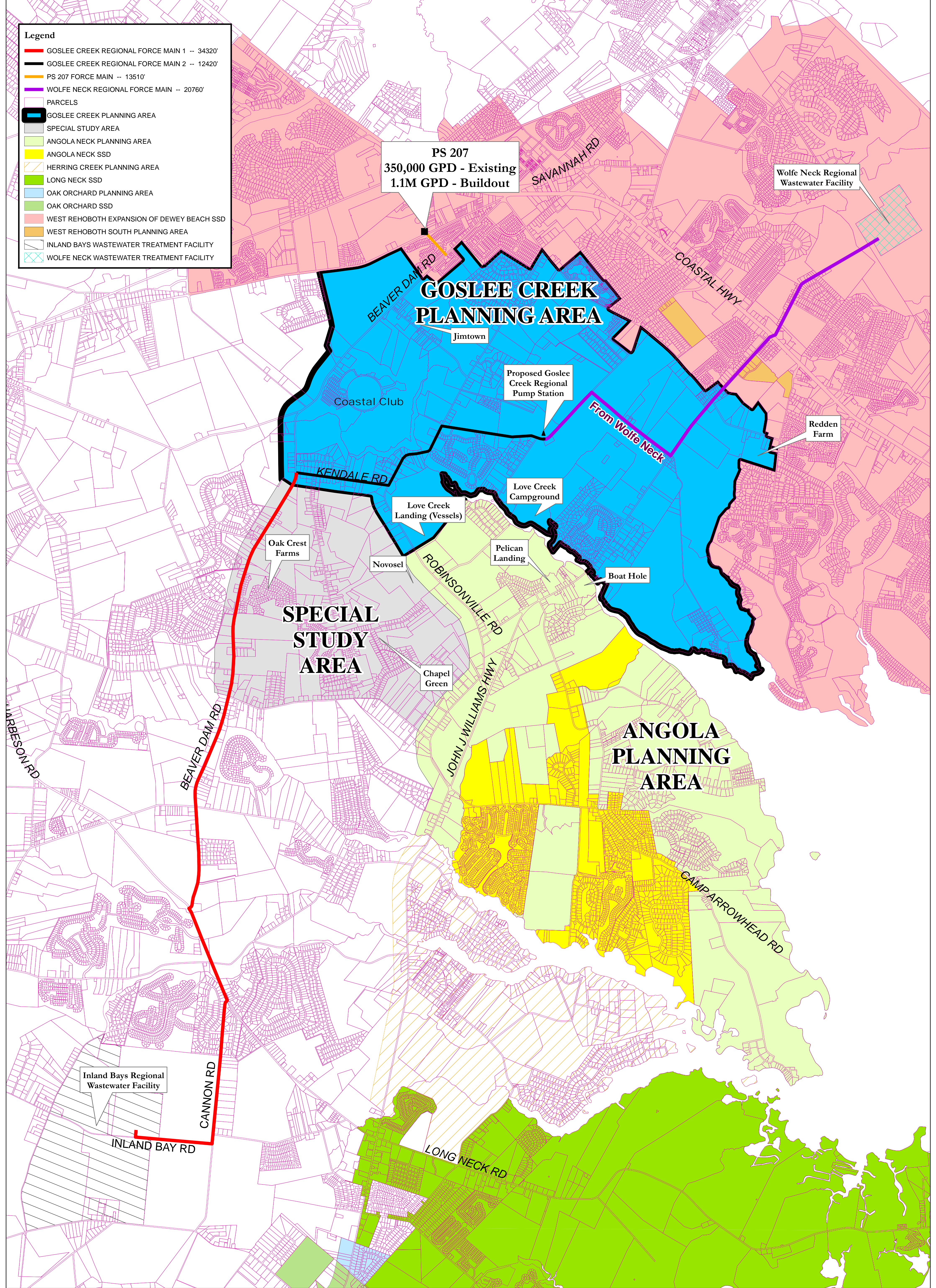
1.	Direct Labor:	976 Manhours	x	* (Hourly Rate - See Second Page)	\$40,980.00
				SUBTOTAL	\$40,980.00
2.	Payroll Burden / Overhead:	P.B./O.H.	105.06% of Item 1		\$43,053.59
3.	Total of Items 1 and 2 above:				\$84,033.59
4.	Fixed Fee:	10%			\$8,403.36
				TOTAL LABOR	\$92,436.95
5.	Direct Expenses: Reproduction	\$1,200			
				TOTAL DIRECT EXPENSES	\$1,200.00
				WR&A TOTAL	\$93,636.95
6.	Subconsultants:				
	a.	Adams Kemp		\$16,000.00	
	b.	Axis Geospatial		\$37,000.00	
	c.	GHD		\$20,578.00	
				TOTAL SUBCONSULTANTS	\$73,578.00
8.	TOTAL				\$167,214.95

ATTACHMENT 'A'

**PLANNING STUDY FOR GOSLEE CREEK SERVICE TERRITORY
Whitman, Requardt & Associates, LLP
Hourly Rate Schedule**

	Classification	Hourly Salary		Hours	Extension
1.	<u>Principal</u>	<u>\$0.00</u>	x	<u>60</u>	<u>\$ 0.00</u>
2.	<u>Project Manager</u>	<u>\$67.25</u>	x	<u>160</u>	<u>\$ 10,760.00</u>
3.	<u>Civil Associate / Project Engineer</u>	<u>\$55.00</u>	x	<u>156</u>	<u>\$ 8,580.00</u>
4.	<u>Civil Engineer</u>	<u>\$35.50</u>	x	<u>512</u>	<u>\$ 18,176.00</u>
5.	<u>Civil Designer / CADD</u>	<u>\$33.00</u>	x	<u>60</u>	<u>\$ 1,980.00</u>
6.	<u>Mechanical Associate / Project Engineer</u>	<u>\$70.50</u>	x	<u>8</u>	<u>\$ 564.00</u>
7.	<u>Mechanical Engineer</u>	<u>\$46.00</u>	x	<u>20</u>	<u>\$ 920.00</u>
		TOTAL		<u>976</u>	<u>\$ 40,980.00</u>

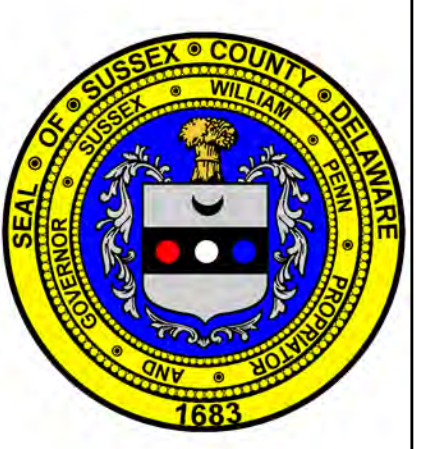
- Legend**
- GOSLEE CREEK REGIONAL FORCE MAIN 1 -- 34320'
 - GOSLEE CREEK REGIONAL FORCE MAIN 2 -- 12420'
 - PS 207 FORCE MAIN -- 13510'
 - WOLFE NECK REGIONAL FORCE MAIN -- 20760'
 - PARCELS
 - GOSLEE CREEK PLANNING AREA
 - SPECIAL STUDY AREA
 - ANGOLA NECK PLANNING AREA
 - ANGOLA NECK SSD
 - HERRING CREEK PLANNING AREA
 - LONG NECK SSD
 - OAK ORCHARD PLANNING AREA
 - OAK ORCHARD SSD
 - WEST REHOBOTH EXPANSION OF DEWEY BEACH SSD
 - WEST REHOBOTH SOUTH PLANNING AREA
 - INLAND BAYS WASTEWATER TREATMENT FACILITY
 - WOLFE NECK WASTEWATER TREATMENT FACILITY



SUSSEX COUNTY ENGINEERING DEPARTMENT
 GOSLEE CREEK REGIONAL PUMP STATION



1 inch = 1,750 feet



December 19, 2013

PUBLIC HEARINGS

January 14, 2014

This is to certify that on December 19, 2013 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Conditional Use. At the conclusion of the public hearing, the Commission moved and passed that this application 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 hearing are findings of the Planning and Zoning Commission based on a summary of comments read into the record, and comments stated by interested parties during the public hearing.

Conditional Use #1974 – Sara Kay I. Phillips

Application of **SARA KAY I. PHILLIPS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a hair salon to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.767 acre, more or less, lying northwest of Route 9 (Savannah Road) and across from Quaker Road (Tax Map I.D. #3-35-12.06-7.00).

The Commission found that the Applicants submitted a survey and site plan with some floor plans for the building with the application.

The Commission found that on September 27, 2013 DelDOT commented that the Department has reviewed the proposal and that a Traffic Impact Study is not recommended, and that the current Level of Service “E” will not change as a result of this application.

The Commission found that on December 13, 2013 the Department received comments from the County Engineering Department Utility Planning Division referencing that the site is located in the West Rehoboth Expansion Area; that wastewater capacity is available, if the proposed use does not exceed approximately 1.0 Equivalent Dwelling Unit (EDU) of sewer assessment; that the planning study and design assumption for the parcel is 1.0 EDU based on a residential use on a residentially zoned parcel of less than 1.0 acre; that if the proposed use is expected to exceed

1.0 EDU, additional information should be provided and a capacity review completed prior to approval; that the current System Connection Charge Rate is \$4,822.00 per EDU; that the parcel was provided with a 6-inch lateral located along the parcel's frontage on Savannah Road; that it is noted that the parcel is served with central sewer and that the existing house is connected; that an on-site septic is not permitted; that conformity to the West Rehoboth Expansion Area Planning Study will be required; and that a concept plan is not required.

The Commission found that Sara Kay I. Phillips was present and stated in her presentation and in response to questions raised by the Commission that she is proposing a small hair salon; that the salon will be operated by her daughter; that the site had been previously approved for a dentist office, but never developed; that the business will operate from 9:00 a.m. to 8:00 p.m. Monday through Friday, and Saturdays from 8:00 a.m. to 2:00 p.m.; that she will be purchasing the property if the use is approved; that there will not be any Sunday hours; that a small sign will be adequate; that three parking spaces are proposed in the front yard; that a handicap ramp is being designed and will be built for access to the salon; and that she has spoken to an immediate neighbor and heard no opposition.

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

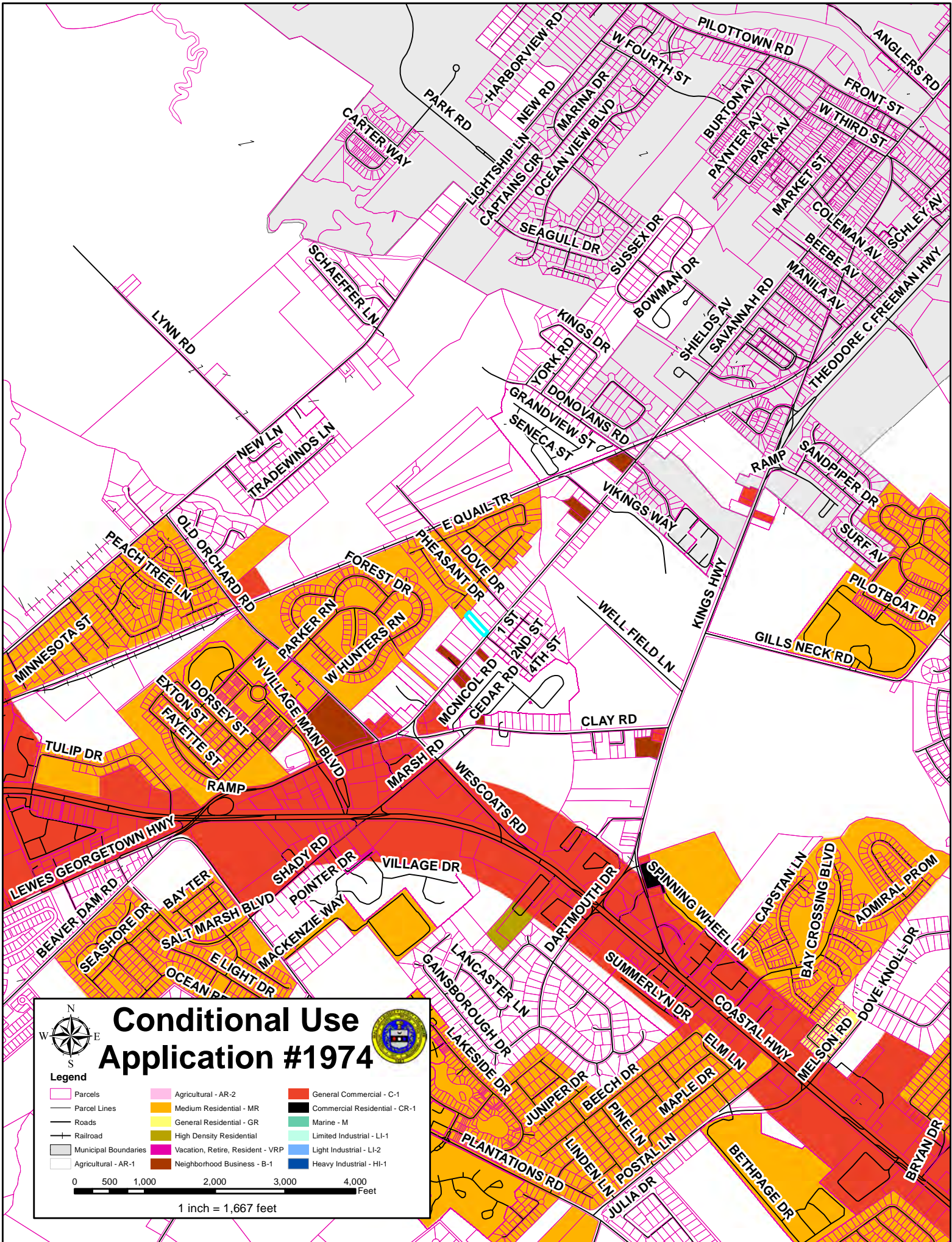
At the conclusion of the public hearings, the Commission discussed this application.

Mr. Burton stated that he would move that the Commission recommend approval of Conditional Use No. 1974 for Sara Kay I. Phillips for a hair salon based upon the record made during the public hearing and for the following reasons:

- 1) The use will be a small salon operated by the applicant's daughter.
- 2) The use is in an area where other small businesses and professional offices exist. There are also some large scale commercial retail uses in the vicinity.
- 3) The use, in the existing structure, will resemble a home occupation in its size and scope.
- 4) The use will have no impact upon traffic or area roadways.
- 5) The use will not adversely affect neighboring properties or the community.
- 6) The site was previously approved for a small scale conditional use, and this recommendation is consistent with the prior approvals.
- 7) This recommendation is subject to the following conditions:
 - A. The use shall be limited to a small salon within the existing structure on the premises.
 - B. All entrances shall be subject to DelDOT approvals.

- C. The hours of operation shall be between 9:00 a.m. and 8:00 p.m. Monday through Friday, and 8:00 a.m. and 2:00 p.m. Saturdays. No Sunday hours shall be permitted.
- D. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
- E. The parking shall comply with all Sussex County parking requirements.
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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



Conditional Use Application #1974

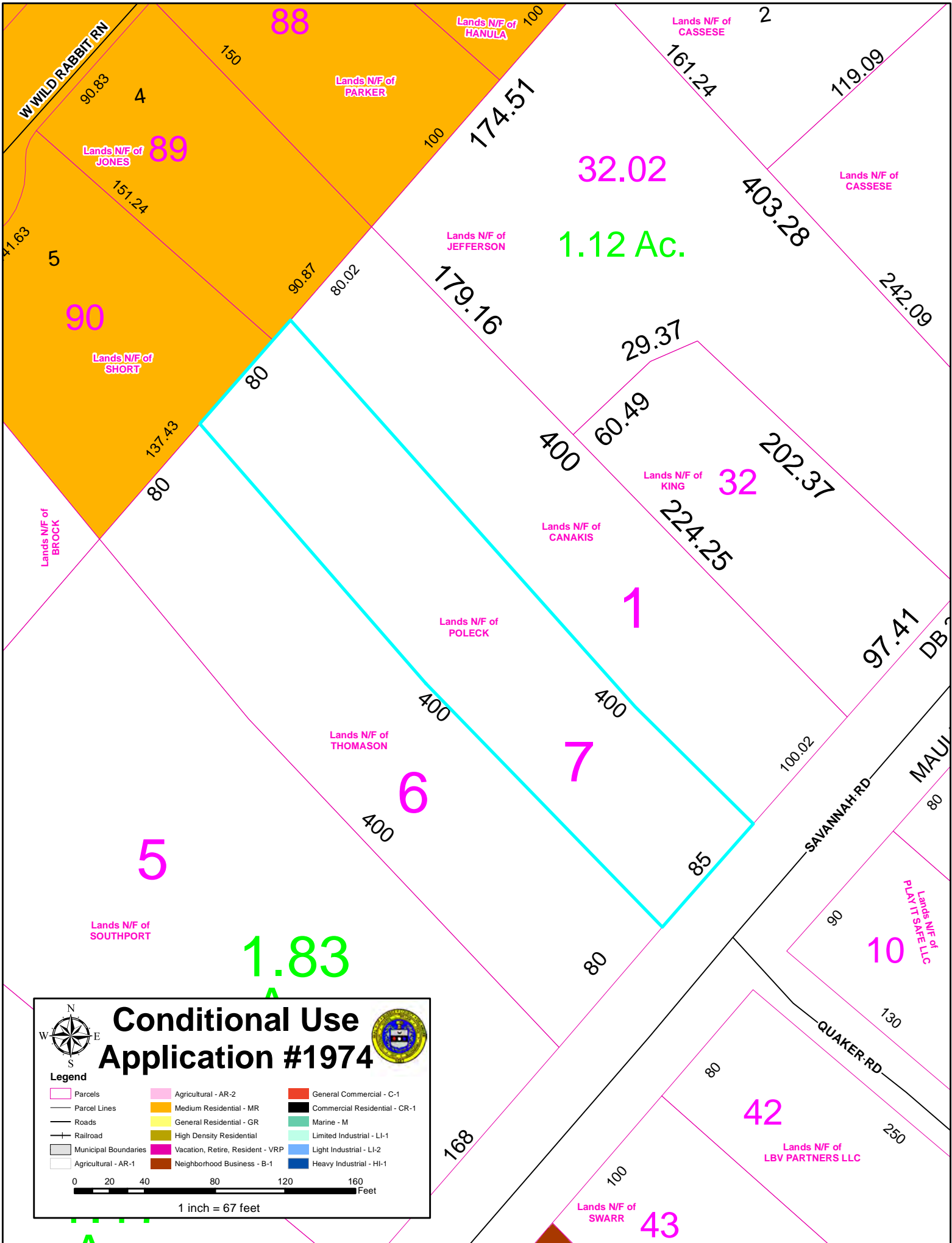


Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
- Vacation, Retire, Resident - VRP
- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1

0 500 1,000 2,000 3,000 4,000 Feet

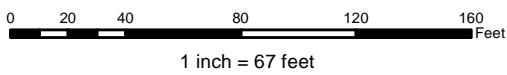
1 inch = 1,667 feet



Conditional Use Application #1974



- Legend**
- Parcels
 - Parcel Lines
 - Roads
 - Railroad
 - Municipal Boundaries
 - Agricultural - AR-1
 - Agricultural - AR-2
 - Medium Residential - MR
 - General Residential - GR
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 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential - CR-1
 - Marine - M
 - Limited Industrial - LI-1
 - Light Industrial - LI-2
 - Heavy Industrial - HI-1



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1.	Project Name:	<u>Oak Orchard Hot Mix Patching</u>
2.	Sussex County Contract No.	<u>13-12</u>
3.	Change Order No.	<u>1</u>
4.	Date Change Order Initiated -	<u>12/20/13</u>
5.	a.	Original Contract Sum <u>\$73,975.00</u>
	b.	Net Change by Previous Change Orders <u>\$0.00</u>
	c.	Contract Sum Prior to Change Order <u>\$73,975.00</u>
	d.	Requested Change <u>+\$ 14,093</u>
	e.	Net Change (No. of days) <u>0</u>
	f.	New Contract Amount <u>\$88,068</u>
5.	Contact Person	<u>Brad Hawkes</u>
	Telephone No.	<u>302-855-7717</u>

B. REASON FOR CHANGE ORDER (CHECK ONE)

- 1. Differing Site Conditions
- 2. Errors and Omissions in Construction Drawings and Specifications
- 3. Changes Instituted by Regulatory Requirements
- 4. Design Change

- 5. Overrun/Underrun in Quantity
- 6. Factors Affecting Time of Completion
- 7. Other (explain below)

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Expanded hot mix area due to settlement

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?:

Yes No

E. APPROVALS

- 1. _____ Date
 Chesapeake Paving & Sealing, Inc.
- 2. _____ Date
 County Engineer
- 3. _____ Date
 President, Sussex County Council
 Sussex County Council

OAK ORCHARD HOT MIX PATCHING

SUSSEX COUNTY PROJECT 13-12

BALANCING CHANGE ORDER SUMMARY

January 8, 2014

ITEM NO.	ITEM DESCRIPTION	UNIT	BID QTY	UNIT PRICE	TOTAL BID PRICE	ACTUAL QUANTITY INSTALLED	FINAL ITEM COST
A-1	Type C hot mix patching	SY	5500	\$ 13.25	\$ 72,875.00	6624	\$ 87,768.00
A-2	Replace speed bump in kind	LS	1	\$ 300.00	\$ 300.00	1	\$ 300.00
B-1	Adjust MH frame/cover - using one piece ring	LS	1	\$ 300.00	\$ 300.00	0	\$ -
B-2	Adjust MH frame/cover - using brick and mortar	LS	1	\$ 500.00	\$ 500.00	0	\$ -

TOTAL BID \$ 73,975.00 *ACTUAL COST* \$ 88,068.00

***BALANCING CHANGE ORDER AMOUNT* \$ 14,093.00**

Caravel Dr. River ~~114~~ 114

- 1) 121 x 12 1452
- 2) 110 x 10 1100
- 3) 191 x 9 1719

North Caravel Lane South Caravel Lane

- 1) 10 x 29 290
- 1) 77 x 12 924
- 2) 115 x 9 1035

Merchant + Man Lane

- 1) 48 x 10 480
- 2) 4 x 29 116
- 3) 10 x 142 1420
- 4) 33 x 11 363
- 5) 15 x 10 150
- 6) 32 x 11 352
- 7) 19 x 10 190
- 8) 76 x 10 760

N. Galley →

- 1) 25 x 9 225
- 2) 30 x 11 330

Galley Dr.

- 1) 21 x 11 231
- 2) 34 x 11 374

11,511.50 AF

Barkentine Dr

- | | | | | | |
|-------------|------|-------------|------|------------|-----|
| 1) 395 x 10 | 3950 | 2) 105 x 10 | | 3) 36 x 10 | |
| | | | 1050 | | 360 |

Bridge Dr

- | | |
|-------------|------|
| 1) 192 x 10 | 1920 |
| 2) 175 x 17 | 2975 |
| 3) 610 x 10 | 6100 |
| 4) 225 x 12 | 2700 |
| 5) 210 x 25 | 5250 |
| 6) 111 x 15 | 1665 |
| 7) 580 x 12 | 6960 |

Clipper Ext

- | | |
|------------|------|
| 1) 52 x 9 | 468 |
| 2) 132 x 9 | 1188 |
| 3) 25 x 9 | 225 |
| 4) 23 x 9 | 207 |

Skip Jack

- | | | | |
|-------------|------|-------------|------|
| 1) 173 x 10 | 1730 | 2) 6 x 10 | 60 |
| 2) 24 x 10 | 240 | 4) 9 x 10 | 90 |
| 3) 12 x 10 | 120 | 5) 233 x 10 | 2330 |

= 37,358

Schooner Dr

- 1) 6×9 56
- 2) 260×11 2860
- 3) 92×14 1148
- 4) 60×11 660
- 5) 76×9 684
- 6) 6×9 56
- 7) 6×22 132
- 8) 3×9 27 = 5623

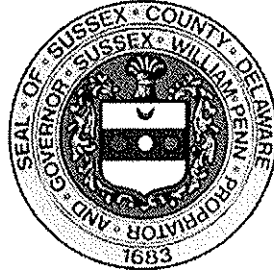
Driftwood Village

- 1) 195×12 2340
- 2) 200×10 2000
- 3) 99×8 784 = 5124

TOTAL Sq Ft

59,616

6,624 Sq yds



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE

1.	Project Name: GREENWOOD LIBRARY	
2.	Sussex County Contract No.	<u>07-05</u>
3.	Change Order No.	<u>4</u>
4.	Date Change Order Initiated	<u>01/09/2014</u>
5.	a. Original Contract Sum	<u>\$2,768,572.00</u>
	b. Net Change by Previous Change Orders	<u>\$7,404.21</u>
	c. Contract Sum Prior to Change Order	<u>\$2,775,976.21</u>
	d. Requested Change	<u>\$3,354.55</u>
	e. Net Change (No. of days)	<u>-</u>
	f. New Contract Amount	<u>\$2,779,330.76</u>
6.	Sussex County Contact Person	<u>Michael A. Izzo, P.E.</u>
	Telephone	<u>(302) 855-7718</u>

B. REASONS FOR CHANGE ORDER

- 1. Differing Site Conditions
- 2. Omissions in Construction Drawings and Specifications
- 3. Changes Instituted by Regulatory Requirements
- 4. Design Change
- 5. Overrun/Underrun in Quantity
- 6. Factors Affecting Time of Completion

_ 7. Other (explain below)

C. **BRIEF DESCRIPTION OF CHANGE ORDER**

Drinking fountain type change required by Delaware Division of Public Health.
Folding room partition required additional support.

D. **JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes No

E. **APPROVALS**

1. Richard Y. Johnson & Son, Inc., Project General Contractor

 _____
Signature Date 1-9-14

Jesse L. Dixon

Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Davis, Bowen & Friedel, Inc., Project Consultant

Signature Date

GREENWOOD LIBRARY CHANGE ORDER #4		Original Contract Amt	\$	2,768,572.00
		Change Order #1	\$	5,110.36
		Change Order #2	\$	221.45
		Change Order #3	\$	2,072.40
		Item Cost		
	Change drinking fountain to bilevel type - Del. Div. of Public Health mandate	\$	1,777.65	
	Add additional steel support beams for folding partition	\$	1,576.90	
	Change Order #4 Total	\$	3,354.55	\$ 3,354.55
	Contract Total with Change Order #4			\$ 2,779,330.76

P.O. Box 105
 LINCOLN, DELAWARE 19960
 (302) 422-3732
 (302)422-4696 fax

Change Order Proposal 21

Job Phone	Date	December 17, 2013
Job Location:		
Greenwood Public Library		
Greenwood, Delaware		
Job Number:	Architect:	
DBF # 1897B003	Davis, Bowen & Friedel, Inc.	

TO:

Sussex County
2 The Circle
Georgetown, Delaware 19947

We hereby submit specifications and estimates for:

Added Beam Support for Folding Partition	
See attached Peninsula Acoustical Proposal	\$1,501.81
RYJ (5% OH&P)	\$ 75.09
Total:	\$1,576.90

For the Sum of: <u>One Thousand Five Hundred & One Dollars 90/100</u>	<u>\$1,576.90</u>
<p>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard industry practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. This proposal may be withdraw by us if not accepted within Thirty (30) days.</p>	
Accepted By: _____	_____
Date: _____	<u>Jesse Dixon – Project Manager</u>

Itemized Proposal – Change Order 6

December 17, 2013

Between the Owner: **JOHNSON, RICHARD Y. & SON, INC.**
RICHARD Y. JOHNSON & SON, INC.
P.O. BOX 105
LINCOLN, DE 19960
422-3732

And the Contractor: **Peninsula Acoustical Company, Incorporated**
441 Pier Head Blvd.
Smyrna, Delaware 19977

302/653-3551

For the Change Order: **Change Order 6**

For the Project: **GREENWOOD PUBLIC LIBRARY**
JOHNSON, RICHARD Y. & SONS, INC.
PO BOX 105
LINCOLN, DE

Development:
Lot Number:
Directions to Jobsite:

Listed below is an itemized description for the above-mentioned Proposal Request.

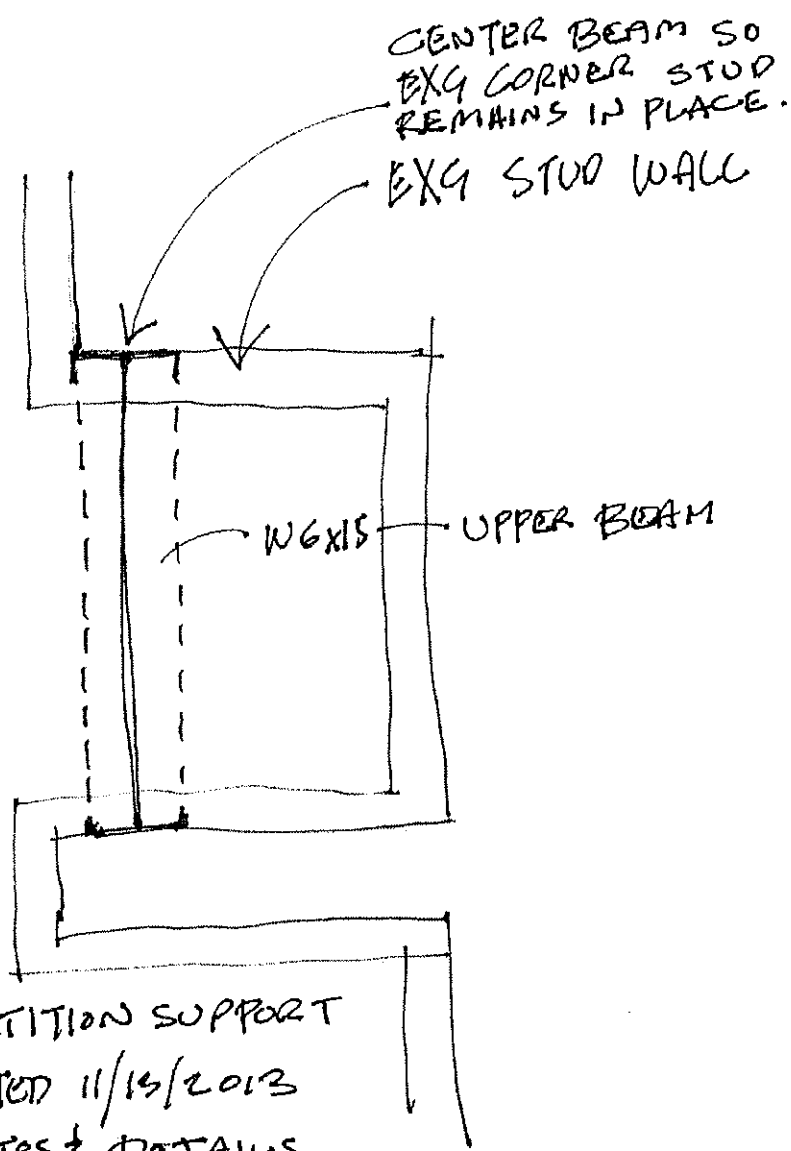
Description: ADD BEAM SUPPORT FOR FOLDING PARTITION

Additional Time of **(number of days)** days will be added to the Projected Completion Date to accommodate this Proposal Request.

Name	Qty	Cost	Unit	Extended Cost	Markup	Amount
05400 Cold Formed Metal Frame						
Stud- 362S162-68(14ga.) x 12'-0"	9	\$36.50	EA	\$328.50	\$32.85	\$361.35
Track- 362T125-33(20ga.) x 12'-0"	6	\$29.35	EA	\$176.10	\$17.61	\$193.71
Clip- 14ga.	3	\$7.00	EA	\$21.00	\$2.10	\$23.10
Track- 600T125-68(14ga.) x 2'-0"	3	\$8.00	EA	\$24.00	\$2.40	\$26.40

05400 Cold Formed Metal
Frame-Labor

Labor- CFMF	16	\$50.98	HRS	\$815.68	\$81.57	\$897.25
TOTALS				\$1,365.28	\$136.53	\$1,501.81



NOTE:
 SEE FOLDING PARTITION SUPPORT
 DETAILS DWG DATED 11/13/2013
 FOR FRAMING NOTES & DETAILS

UPPER BEAM LOCATION DETAIL & FOLDING PARTITION



DAVIS
 BOWEN &
 FRIEDEL, INC.

ARCHITECTS, ENGINEERS & SURVEYORS
 SALISBURY, MARYLAND ■ MILFORD, DELAWARE
 410.543.9091 302.424.1441

GREENWOOD PUBLIC LIBRARY
 100 MILL STREET
 GREENWOOD, DELAWARE

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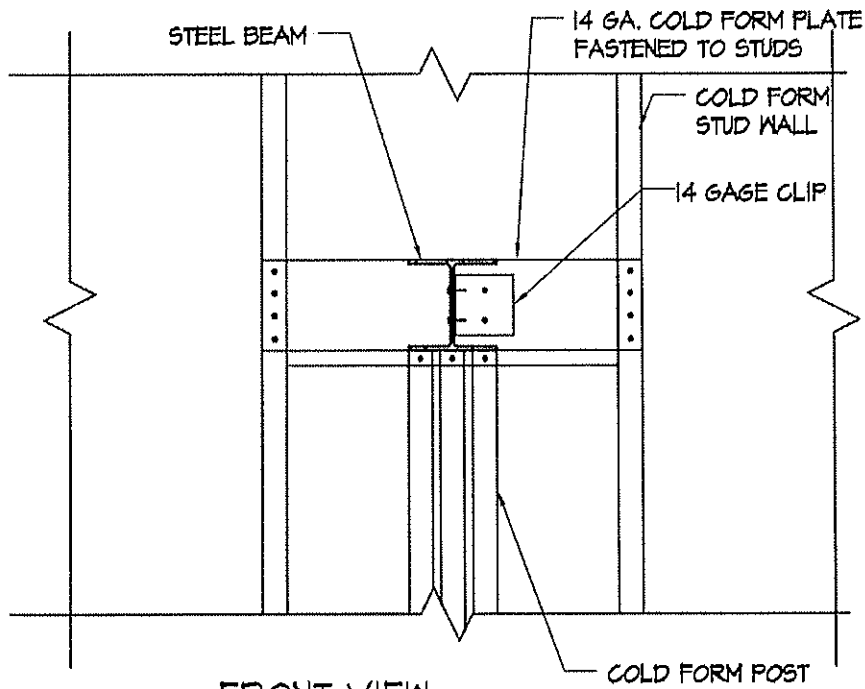
Dwg.No.:

1/11/21

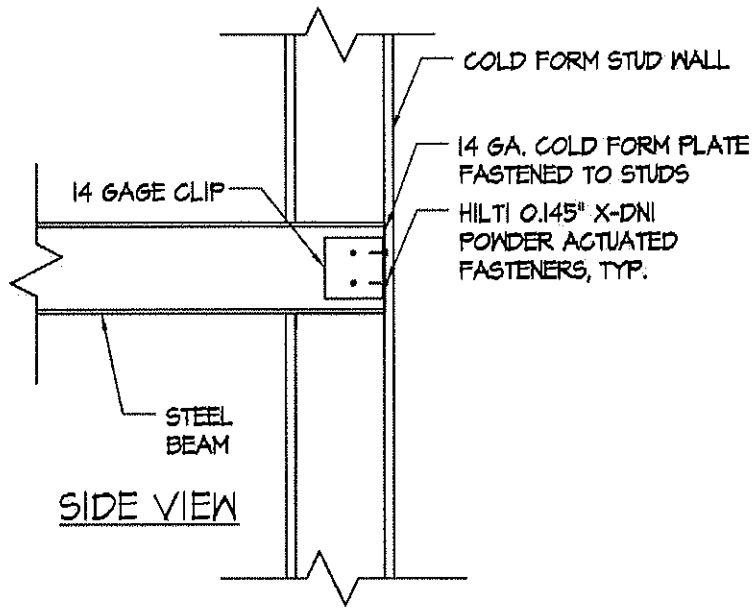
Date: 11/21/2013

Scale: NOTED

Proj.No.: 189TB003



FRONT VIEW



SIDE VIEW

FOLDING PARTITION SUPPORT DETAILS

R:\1897\1897B003\1897B003\4-Cd\Xref\Str. Details.dwg, 11/13/2013 4:30:06 PM



**DAVIS
BOWEN &
FRIEDEL, INC.**

ARCHITECTS, ENGINEERS & SURVEYORS
SALISBURY, MARYLAND ■ MILFORD, DELAWARE
410.543.9091 302.424.1441

**Greenwood
Public Library
Greenwood, DE**

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Dwg.No.:

1

Date: 11/13/2013

Scale: 1"=1'-0"

Proj.No.:

1897B003

Julie Cooper

From: Chris Cullen <clc@dbfinc.com>
Sent: Monday, January 06, 2014 2:12 PM
To: Julie Cooper
Subject: RE: GPL Framing Change Order
Attachments: GPL Folding Partition Support Detail (2).pdf; A1-CO2.1.pdf

Julie,

No the change order that has been presented is for the cold form stud work to hold the columns up. I have attached 2 pdf's that had been attached to emails sent out earlier. The first one (A1-CO2.1) on or about 7/26/2013, the second one (GLP Folding...) sent out 11/18/2013 as an answer to question number 4 in an email sent to me by Jesse. Jesse did not copy you on the RFI, but I copied you on the answer.

I will forward you Jesse's RFI Email with the 4 questions.

Christopher Lee Cullen AIA | Associate | Salisbury Office
One Plaza East, Suite 200 | Salisbury, MD 21801 | www.dbfinc.com
Office: 410-543-9091 | Fax: 410-543-4172 | Email: clc@dbfinc.com



From: Julie Cooper [mailto:jcooper@sussexcountyde.gov]
Sent: Monday, January 06, 2014 11:23 AM
To: Chris Cullen
Subject: RE: GPL Framing Change Order

051200.01.3 was marked revise and resubmit. Are the revisions you red marked what is causing the increase in price?

From: Chris Cullen [mailto:clc@dbfinc.com]
Sent: Thursday, January 02, 2014 3:25 PM
To: Julie Cooper
Subject: GPL Framing Change Order

Julie,

Attached you will find the Operable Panel Partition shop drawing. The drawing shows the tracks near the door pocket, the doors stack in the pocket and then the panels are transferred one by one to the main track. The short pieces of track need to be supported by steel.

The second shop drawing was red marked to show the steel to hold the track. The steel is on site.

The change order is for cold form (metal studs) posts to support the steel beams.

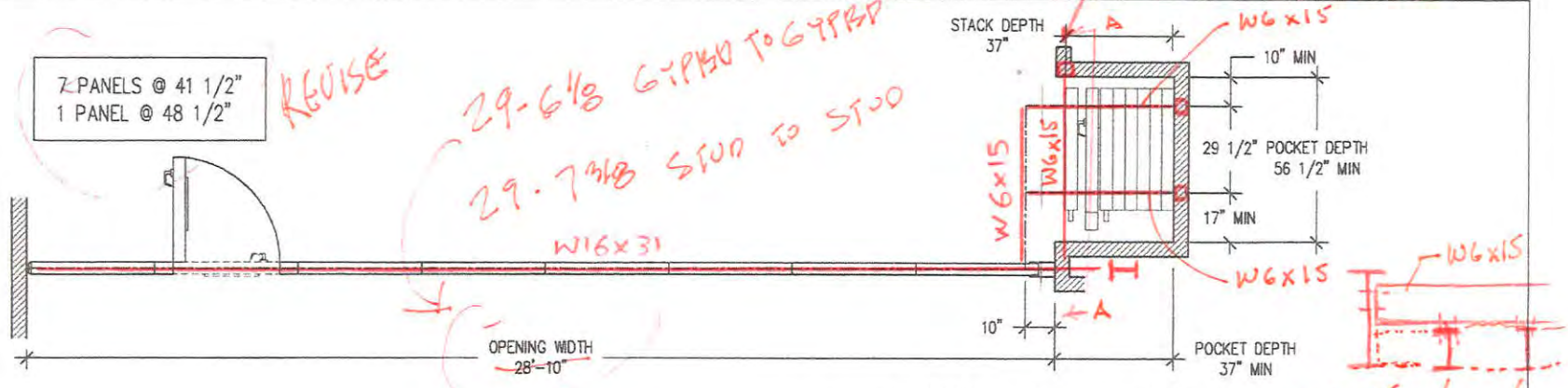
Thanks,

7 PANELS @ 41 1/2"
1 PANEL @ 48 1/2"

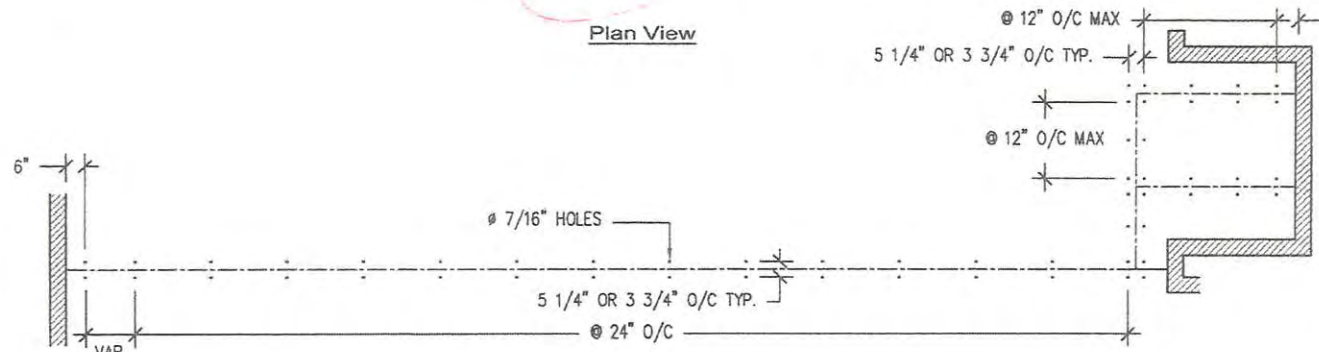
REVISE

29-6 1/8 GIPRO TO GYPRO
29-7 3/8 STUD TO STUD
W16x31

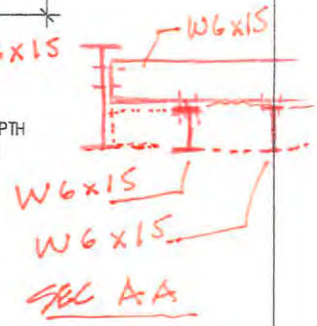
CF POSTS, TYP (3)




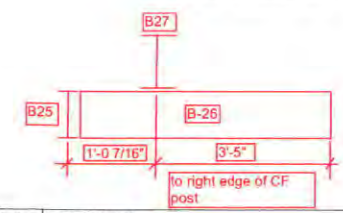
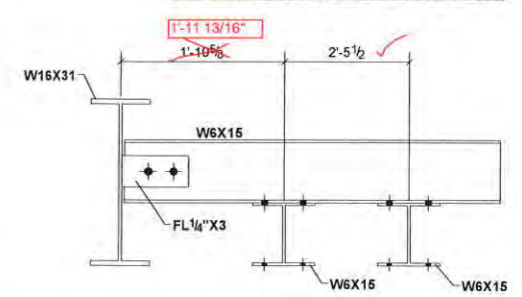
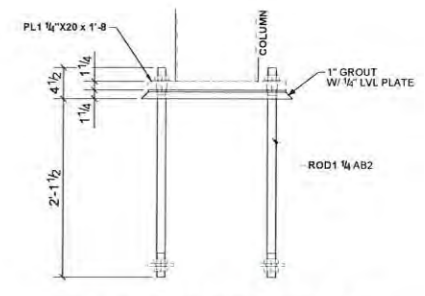
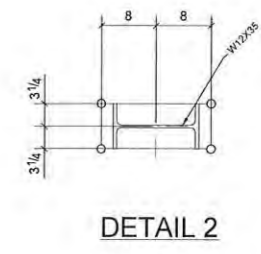
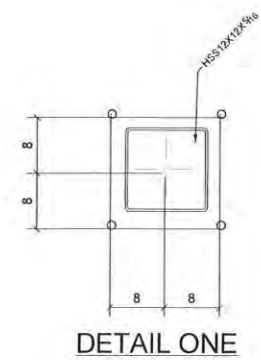
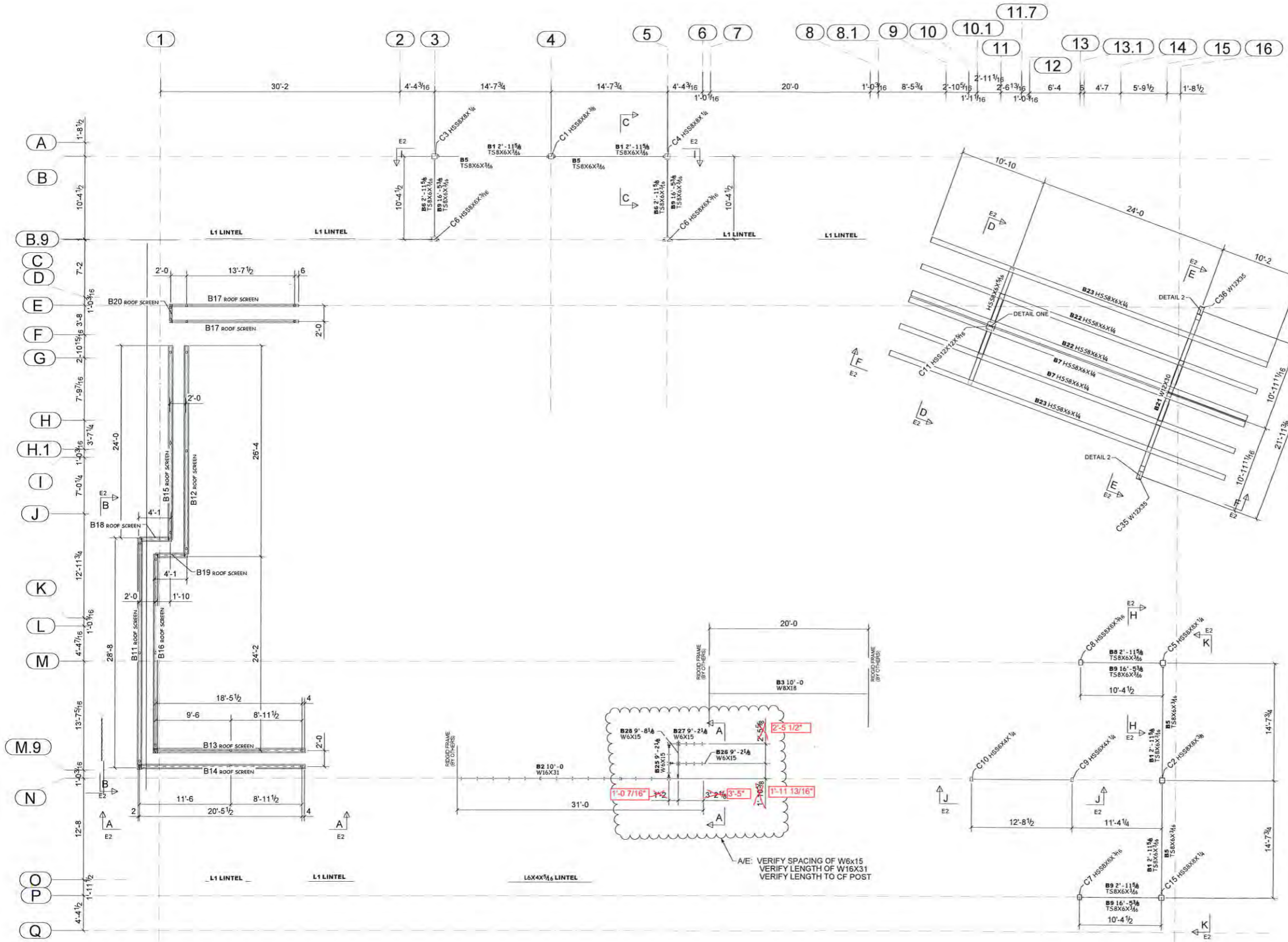
Plan View



Hanger Brackets Layout



		JOB NAME : GREENWOOD PUBLIC LIBRARY	
		JOB LOCATION :	
		ARCHITECT :	
		GEN. CONTRACTOR :	
		DISTRIBUTOR : SUPERIOR ENGINEERED PRODUCTS INC	
No.	REVISION	Date	DRAWN BY : ks
			DATE : 13-01-14
			SCALE : N.T.S.
			REFERENCE WALL(S) : 1
 MODERCO www.moderco.com		JOB No. PROPOSAL	PAGE : 2 OF 2
		REV : 0	



STRUCTURAL FRAMING PLAN

2	FLD DRAWINGS	06/28/13
REV	DESCRIPTION	DATE
CUSTOM WELDING & FABRICATION 3104 OCEAN GATEWAY CAMBRIDGE, MD		
DESCRIPTION	FRAMING PLAN	
PROJECT NAME	GREENWOOD PUBLIC LIBRARY	
DRAWN BY	JOB No.	DRG No.
DATE DRAWN	11/30/2012	E1

P.O. Box 105
 LINCOLN, DELAWARE 19960
 (302) 422-3732
 (302)422-4696 fax

Change Order Proposal 24

Job Phone	Date	December 26, 2013
Job Location:		
Greenwood Public Library		
Greenwood, Delaware		
Job Number:	Architect:	
DBF # 1897B003	Davis, Bowen & Friedel, Inc.	

TO:

Sussex County
2 The Circle
Georgetown, Delaware 19947

We hereby submit specifications and estimates for:

Bi-Level Water Cooler in lieu of Single as Shown on Plans	
See attached JTR Quote	\$1,693.00
RYJ (5% OH&P)	\$ 84.65
Total:	\$1,777.65

For the Sum of:	<u>One Thousand Seven Hundred & Seventy-Seven Dollars 65/100</u>	<u>\$1,777.65</u>
<p>All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard industry practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. This proposal may be withdraw by us if not accepted within Thirty (30) days.</p>		
Accepted By:	_____	
Date:	_____	<u>Jesse Dixon – Project Manager</u>

Joseph T. Richardson, Inc.

ELECTRIC
PLUMBING
HEATING AND
AIR CONDITIONING

MECHANICAL CONTRACTOR

FAX: 302-398-9504

P.O. BOX 269 • HARRINGTON, DELAWARE 19952 • PHONE: 302-398-8101

January 6, 2014

Jesse Dixon
Richard Y. Johnson & Son, Inc.
18404 Johnson Road
Lincoln, DE 19960

Fax No. (302) 422-4696
No. of Pages - 1

Re: Greenwood Public Library
PCO #2 Revised
Bi-Level Electric Water Cooler

We are pleased to quote on replacing the single electric water cooler with a bi-level as follows:

Bi-Level Electric Water Cooler.....	\$2,045.00
Single Level Water Cooler.....	(950.00)
Materials.....	120.00
Labor-Single Level - 16 hrs. @ \$81.00 per hr.....	(1,296.00)
Labor-Bi-Level - 20 hrs. @ \$81.00 per hour.....	1,620.00
Overhead - 10%.....	154.00
Total	\$1,693.00

One Thousand Six Hundred Ninety Three Dollars

All prices are for acceptance within 30 days and subject to change without notice. All work to be performed under OPEN SHOP conditions. All quotations are accepted subject to our ability to secure sufficient, satisfactory materials and labor to perform the job. Terms: monthly payment on account of work performed and/or materials delivered to the job will be required and balance in thirty (30) days net cash after completion of our work; thereafter, a 1 ½% monthly charge will be added. Any State or Federal tax not included in this quote will be charged for extra.

Yours truly,
JOSEPH T. RICHARDSON, INC.



John Dunbar, President

DR. MARTIN LUTHER KING, JR.

DAY OF CELEBRATION



December 15, 2013

Dear Community Business Partners:

On Monday, **January 20, 2014**, the **Annual** 8:00 am Rise-n-Shine MLK Day of Celebration Prayer Breakfast will take place at Heritage Shore Country Club, Bridgeville, De. *This year's theme is: "Fifty Years and Counting"*.

Our dynamic **Keynote Speaker** this year will be the extraordinary: **Dr. Harry Williams, President of Delaware State University**. In addition, an outstanding **Community Recognition Award** will be presented to **Brenda Whitehurst**.

The **Dream Team** really **needs** your **continued support** for this Community event; that brings us all together to keep Dr King's Dream alive. We invite your business or organization to become a **Partnering Sponsor**.

The MLK Prayer Breakfast draws nearly **250 participants** from Western Sussex and surrounding areas. Please take a look at the attached levels of **Sponsorship** to determine your desired **level of contribution**.

As always, **the Dream~ Team "Thanks You"** in advance for keeping Dr King's legacy alive!

Sincerely,

Pat A. Jones

Pat A. Jones
MLK Dream Team

\$500.00 **Gold-Table Sponsorship:**

*Business Logo with Link on web page
Full~page Advertisement
Round Table Reserved
(8 Complimentary Tickets)*

\$250.00 **Silver-Table Sponsorship**

*Business Logo on web page
1/2 Page Advertisement
4 Complimentary Tickets
1/2 Round Table Reserved*

\$100.00 **Bronze Sponsorship**

Business Logo

Purple Heart Sponsors

**Door~Prizes
Gift~Certificates**

Please provide a camera-ready ad by January 3,2014 or one will be provided for you.

~Advertisements will appear in the MLK Day Program~

-----Detach & Return-----

Print Business Name:

Mark Level of Sponsorship: **Gold** **Silver** **Bronze** **Purple Heart**

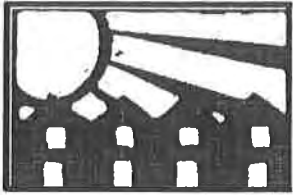
Make all checks payable to:

MLK Day of Celebration

P.O. BOX 687

SEAFORD, DE 19973

302-628-1908



FirstState
COMMUNITY ACTION AGENCY
People Helping People Build Community

December 13, 2013

Ms. Gina Jennings
 Finance Director
 Sussex County Administrative Office Building
 P.O. Box 589
 Georgetown, DE 19947

Dear Ms. Jennings: *Ginas*

This is a follow-up to the conversation with Pat Batchelor about the Sussex County Council purchasing a brick. The money from the sale of the brick will go to our maintenance endowment for future repairs to the building.

Enclosed please find the Brick Tribute Paver Campaign Form to be completed and returned to First State. Please feel free to contact me if you have any questions. Thank you in advance for all of your support.

Sincerely,

Bernice

Bernice M. Edwards
 Executive Director

Cc Pat Batchelor

Stanford L. Bratton Building
 P. O. Box 877
 308 N. Railroad Avenue
 Georgetown, Delaware 19947
 Email: firststatecaa.org

Phone: 302 - 856 - 7761
 800 - 372 - 2240
 Fax: 302 - 856 - 2599

Blue Hen Corporate Center
 655 S. Bay Road, Suite 4J
 Dover, Delaware 19901

Phone: 302 - 674 - 1355
 Fax: 302 - 674 - 5229

Rose Hill Community Center
 19 Lambson Lane, Suite 8
 New Castle, Delaware 19720

Phone: 302 - 498 - 0454
 Fax: 302 - 575 - 1409

Board of Directors

Sussex County
 Patricia Batchelor
 Eugene Dvoornick
 Pastor Woodrow Evans
 Kim Klabe
 Thomas Sturgis
 Brad Whaley
 Evelyn Wilson
 Rev. Max Wolf

Kent County
 Albert Biddle
 Nelson Driggus
 Isrnel Figueroa
 Saundra G. Sutton, Ed.D
 Rev. Winton M. Hill III

New Castle County
 Gwendoline B. Angalet, Ph.D
 Beryl Barmore
 Timothy Crawl-Bey
 Anne M. Farley, Ph.D
 Marcus A. Henry
 Roosevelt Nichols
 Jawanna Saunders
 Peggy Strine

Executive Director
 Bernice Edwards



Member of
Community Action Partnership



First State

COMMUNITY ACTION AGENCY
People Helping People Build Community

BRICK TRIBUTE PAVER CAMPAIGN

Donor's name _____

Customers address _____

Phone number _____

Email _____

Dedicated in ___ Memory ___ Honor

(For office records only)

Name on brick _____

\$250 per brick _____ Paid in Full _____

Cash _____ Check _____ Check No. _____

Received by _____ Date _____

INSCRIPTION ON BRICK (Limited to 3 lines, 15 letters each line)

Note: Letters will be engraved as shown above. Please make sure upper/lower case is as you want.

Please make checks payable to First State Community Action Agency and mail payment with order form to:

First State Community Action Agency
Brick Campaign
P.O. Box 877
Georgetown, DE 19947

Greater Laurel Chamber of Commerce



Leadership since 1917

January 2, 2014

Sussex County Council
Council President Mike Vincent
2 The Circle PO Box 589
Georgetown, DE. 19947

Dear Mike:

I am writing this letter on behalf of the Greater Laurel Chamber of Commerce. The Chamber is requesting a donation in the amount of Five Hundred Dollars (\$500.00).

These funds would be used for expenses of our annual Broad Creek Bike & Brew Tour to be held June 7, 2014 in Laurel, DE. Last year we drew participants from Pennsylvania, Eastern Shore of Virginia, New Jersey, Washington DC., Maryland and of course all over Delaware. These riders learned about Sussex County and spent their hard earned dollars in our beautiful County.

This Year and probably from now on our ride will be called Bike & Brew. We are teaming up with Micro Brewers in our area such as Dogfish Head & 16-Mile to make this event a ride to remember and come back again. We look for this not only to be a great bike ride but will become a big event for Laurel & Sussex County.

We hope that you see that this event is again worthwhile of the funds we are requesting in bringing visitors and business into Sussex County. Thank you for your consideration and time.

Respectively Submitted,

Don Dykes
Executive Director

Located at: 215 Mechanic St., P. O. Box 696, Laurel DE 19956
Phone (302) 875-9319, Fax (302) 875-5908

Visit us on the web @ laurelchamber.com

E-mail us at info@laurelchamber.com

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE WITH CONTRACTOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.6425 ACRES, MORE OR LESS (Tax Map I.D. 234-10.00-70.16 - no 911 address available)

WHEREAS, on the 20th day of November 2013, a conditional use application, denominated Conditional Use No. 1978 was filed on behalf of John W. Davidson; and

WHEREAS, on the ____ day of _____ 2014, 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. 1978 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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. 1978 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 southwest of Route 5 (Harbeson Road) 1915 feet northwest of Route 48 (Hollyville Road) more particularly described in Deed Book 4154, Page 148 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.6425 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.

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE FOR A CLEANING SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS (Tax Map I.D. 334-12.00-Parcel 25 & 26)

WHEREAS, on the 7th day of January 2014, a conditional use application, denominated Conditional Use No. 1981 was filed on behalf of Robert & Julie Norwood; and

WHEREAS, on the ____ day of _____ 2014, 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. 1981 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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. 1981 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 at the northwest corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road) and being more particularly described as Lots 13 and 14 in Country Village Subdivision as recorded in Plot Book 8, Page 162, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,205 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.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 37.516 ACRES, MORE OR LESS (Tax Map I.D. 334-18.00-40.00 - no 911 address available)

WHEREAS, on the 8th day of November 2013, a zoning application, denominated Change of Zone No. 1742 was filed on behalf of Seaside Communities, RDC, LLC; and

WHEREAS, on the ____ day of _____ 2014, 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. 1742 be _____; and

WHEREAS, on the ____ day of _____ 2014, 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 HEREBY 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 MR-RPC Medium Density Residential District – Residential Planned Community 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 at the northeast corner of Route 24 (John J. Williams Highway) and Tanglewood Drive, a private street providing access to Briarwood Estates Subdivision, and also being 0.6 mile southwest of Road 284 (Mulberry Knoll Road) and being more particularly described per the attached legal description prepared by Solutions IPEM, LLC.

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