



Sussex County Council Public/Media Packet

**MEETING:
February 4, 2014**

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

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



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Sussex County Council

AGENDA

FEBRUARY 4, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Recognition of Caroling on The Circle Food Drive Participants
2. Administrator's Report

Hal Godwin, Deputy County Administrator

1. Legislative Update
2. Wastewater Agreement - Coventry at Barrington Park – Phase 3

10:30 a.m. Public Hearings

Conditional Use No. 1975 filed on behalf of Ronald and Susan Berwick

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (land lying east of Road 225 (Marshall Street) 2,767 feet north of Road 207 (Johnson Road) and north of Jumping Jack Lane (Tax Map I.D. 3-30-15.00-20.01)

911 Address: 7411 Marshall Street, Lincoln, DE 19960



Michael Izzo, County Engineer

1. Inland Bays Regional Wastewater Facility Phase 2B Expansion

A. Bid Award

John Ashman, Director of Utility Planning

1. Angola North Expansion of the Angola Neck Sanitary Sewer District

A. Request to Prepare and Post Notices

2. Goslee Creek Planning Study Grant Resolution

Jim Hickin, Sussex County Airport Manager

1. Potential Closure of FAA Navigation Aid

Old Business

Change of Zone No. 1739

Vance Phillips

Grant Requests

- 1. Love Inc. of Mid-Delmarva for emergency transitional housing expenses.**
- 2. New Coverdale Outreach Mission for building repairs.**
- 3. Big Brothers Big Sisters of Delaware for Bowl for Kids' Sake.**

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

Executive Session –Pending/Potential Litigation and Land Acquisition 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 28, 2014 at 5:10 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 28, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 28, 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 047 14
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of January 21, 2014 were approved by consent.

**Corre-
spondence/
Announce-
ments**

Mrs. Deaver announced that the *Aging in Place* forum has been rescheduled for Thursday, January 30th, at 5:15 p.m. at Cape Henlopen High School.

Mrs. Deaver also announced a public forum that will be held at the Milford Public Library on Wednesday, February 19th, at 6:30 p.m. All legislators who represent that general area will be attending. Councilmembers Joan Deaver and Sam Wilson have been invited to attend.

**Discussion/
Night
Meetings**

The Council discussed and considered the possibility of night meetings for County Council.

**M 048 14
Change to
Night
Meetings**

A Motion was made by Mr. Phillips to change the County Council's schedule to have all meetings at night.

The Motion died for the lack of a Second.

Motion Amendment Mrs. Deaver suggested an amendment to the Motion to change the County Council’s schedule to hold the regular session at 3:00 p.m. and to hold Public Hearings at 6:00 p.m.

M 049 14 Change Council Schedule/ Night Meetings A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to change the County Council’s schedule to hold the regular session at 3:00 p.m. and to hold Public Hearings at 6:00 p.m.

Motion Failed: 3 Nays, 2 Yeas.

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

MOTION FAILED

[The Council members discussed the reasons for their votes.]

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

1. **Delaware Electric Cooperative Capital Credit Report**

As a Delaware Electric Cooperative customer, Sussex County is eligible for a capital credit when the Co-op earns profits or margins. Each year, the County purchases significant amounts of electricity from the Co-op. According to their website, “*All returns of margins, commonly called Capital Credits, are approved by the Cooperative’s member-elected Board of Directors, ensuring local accountability for the process. Capital Credits are unique to the cooperative business model and an added value for our customers.*”

We will be joined by Mr. Bill Andrew, President and CEO of Delaware Co-op, who will discuss and present the County with its annual capital credit.

Legislative Update Mr. Godwin provided the following legislative update:

House Bill No. 159 – “AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS”

Synopsis: This Bill prohibits a person from running as a candidate for more than one state, county or municipal office in the same election.

It was the consensus of the majority of the Council members to support this legislation.

House Bill No. 167 – “AN ACT TO AMEND TITLES 19 AND 29 OF THE DELAWARE CODE WITH REGARD TO EMPLOYMENT PRACTICES”

**Legislative
Update
(continued)**

Synopsis: This Bill would prohibit a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It would permit inquiry and consideration of criminal background after the conditional offer has been made. The Bill specifies that once a background check is conducted, an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background check. Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are excluded from these provisions. The Bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.

Mr. Godwin reported that the County is already doing this. Karen Brewington, Director of Human Resources, reviewed the County's current practice regarding employment/conditions of employment as it relates to the proposed legislation.

Mr. Vincent asked Mr. Godwin, Mrs. Brewington and Mr. Lawson to review the proposed legislation and to report back to Council with a recommendation as to whether or not the County should be in favor of it.

Mrs. Deaver questioned how a minority person on the Council can get representation on the Council.

Mr. Godwin stated that he gets direction from a majority of the Council and that he does not represent the Council on any legislation unless he has three votes to do so; if he does not have three votes, he does not take any position.

**Pump
Station 24
Modifi-
cations
Contract**

Juel Gibbons, Project Engineer, presented Change Order No. 1, a Balancing Change Order, for Pump Station No. 24 Modifications (Contract 12-15). Ms. Gibbons stated that the Balancing Change Order closes out the contract. It is a credit to the contract in the amount of \$5,276.19; this reduces the contract total from \$448,187.00 to \$442,910.81.

**M 050 14
Approve
Balancing
Change
Order/
Pump
Station 24
Modifi-
cations
Contract**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Contract No. 12-15, Pump Station 24 Modifications, be approved, which reduces the contract amount by \$5,276.19 for a new total of \$442,910.81 and that substantial completion be granted effective December 18, 2013 and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas.

**M 050 14
(continued)**

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

**Old
Business/
Proposed
Ordinance
Relating
to the
Seal of
an Architect
and/or
Engineer**

Under Old Business, the Council discussed and considered the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52, SECTION 52-18C. AND E. OF THE CODE OF SUSSEX COUNTY IN REGARD TO THE SEALING OF DRAWINGS, SPECIFICATIONS, ETC. BY AN ARCHITECT AND/OR ENGINEER”.

Synopsis: In order to be in compliance with the Delaware Code, this Ordinance amends Chapter 52, Sections 52-18C. and E. to require that, among other things, prior to the issuance of a building permit, all drawings, specifications and accompanying data shall be sealed by an architect and/or engineer who is in compliance with the registration provisions of 24 Del. C. Chapter 3 or licensing requirement of 24 Del. C. Chapter 28, as the case may be.

Mr. Lawson explained that, over time the State has asked the County to review its building code ordinance, specifically Chapter 52, Section 18, Paragraph C and E, as it relates to the requirements for architects and engineers to prepare documents and have those documents sealed.

A Public Hearing on the Proposed Ordinance was held on January 8, 2013, at which time the Council heard from the County’s Building Code Department and stakeholders in the community. The Council discussed the Proposed Ordinance under Old Business in December 2013; however, Mr. Wilson was not in attendance and the Council deferred action until all Council members could be present to consider the Proposed Ordinance.

Mr. Lawson reported that the State’s concerns has prompted this and it involves the ambiguity of the current language, the threshold of 5,000 square feet, and the language within the County Code allowing licensed and registered architects and engineers from any State in the United States.

Mr. Lawson explained that the Proposed Ordinance would amend the County’s Building Code to require construction documents sealed by a design professional when submitted to the County.

Mr. Lawson, noted that, after careful consideration, the Proposed Ordinance, as introduced, has been amended from its original version and he distributed an updated version of the Proposed Ordinance correcting errors.

Mr. Lawson reported that the amendments were made after further discussions with the Attorney General’s office and stakeholders from the architect and engineer community. The amendments provide greater clarity when a seal will be required and follow the standards and exemptions set forth in Delaware Code.

**Old
Business/
Proposed
Ordinance
Relating
to the
Seal of
an Architect
and/or
Engineer
(continued)**

Mrs. Deaver expressed concern about the proposed changes to the Proposed Ordinance on this date. Mr. Moore stated that one of the changes proposed relates to the fact that architects are registered and engineers are licensed, so that was one of the changes made. Mr. Moore also stated that the other change was a typographical error: “does” changed to “do” in the last paragraph.

In response to questions, Mr. Lawson stated that the Proposed Ordinance brings the County into compliance with Delaware Code and the licensing bodies of both professional engineers and professional architects, and also, it encompasses what the other two counties do.

Mr. Lawson reviewed the red-lined version of the Proposed Ordinance, with the proposed amendments:

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 52, SECTION 52-18 C. AND E. OF THE CODE OF SUSSEX COUNTY IN REGARD TO THE SEALING OF DRAWINGS, SPECIFICATIONS, ETC. BY AN ARCHITECT AND/OR ENGINEER

WHEREAS, Sussex County Code, Chapter 52, Section 52-18 C. currently does not require that building plans be sealed by a registered or licensed architect or engineer unless the building or structure is 5,000 square feet or greater in size; and

WHEREAS, Sussex County Code, Chapter 52, Section 52-18 E. provides that plans and specifications for buildings and structures less than 5,000 square feet in area shall not be required to be developed by an architect or engineer; and

WHEREAS, in order to be in compliance with the Delaware Code, this ordinance shall delete the current language of Section 52-18 C. in its entirety and insert new language therein that all building plans and accompanying documents shall meet the requirements of the Delaware Code and shall be sealed by an architect or engineer who is in compliance with the registration and/or licensing provisions of the Delaware Code pertaining to the respective profession; and

Old
Business/
Proposed
Ordinance
Relating
to the
Seal of
an Architect
and/or
Engineer
(continued)

WHEREAS, Section 52-18 E. shall be deleted in its entirety.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY
ORDAINS:

Section 1. Amend Sussex County Code, Chapter 52, Section 52-18 C., Drawing and specifications, by deleting the current language in its entirety and as shown in brackets below:

[C. All drawings, specifications and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group E – Educational, Group I – Institutional, and Group A – Assembly Occupancy, as defined by and regulated by the IBC, and in the case of all buildings and structures of 5,000 square feet or more in area, such designer shall be an architect or engineer legally registered under the laws of any state in the United States regulating the practice of architecture and/or engineering and shall affix his official seal to said drawings, specifications and accompanying data.]

Section 2. Amend Sussex County Code, Chapter 52, Section 52-18C., Drawing and specifications, by inserting the new underlined language as follows:

C. All drawings, specifications and accompanying data shall bear the name and address of the **registered architect and/or licensed engineerdesigner**. All drawings, specifications and accompanying data submitted for review by the building official and any documents submitted to the building official with a permit application shall meet the requirements of the Delaware Code. Said drawings, specifications and accompanying data shall have affixed upon them the official seal of an architect and/or engineer **legally registered or licensed under the applicable laws of the State of Delaware. The building official is authorized to waive the submission of drawings, specifications and accompanying data not required to be prepared by a registered design professional if it is found the nature of the work applied for is such that review of data is not necessary to obtain compliance with this code and the provisions of 24 Delaware Code, Chapters 3 and 28. , and no permit application will be approved unless, for plans sealed by an architect, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications and accompanying data, in compliance with the registration provisions of 24 Del. C. Ch. 3 or, for plans sealed by an engineer, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications and accompanying data, in compliance with the licensing requirement of 24 Del. C. Ch. 28.**

Section 3. Amend Sussex County Code, Chapter 52, Section 52-

Old
Business/
Proposed
Ordinance
Relating
to the
Seal of
an Architect
and/or
Engineer
(continued)

18 E., Drawing and specifications, by deleting the current language in its entirety and as shown in brackets below:

[E. Nothing in this section is to be construed as a requirement that an architect or engineer is required to develop drawings and/or specifications of less than five thousand (5,000) square feet in area.]

Section 4. Amend Sussex County Code, Chapter 52, Section 52-18 E., Drawing and specifications, by inserting the new underlined language as follows:

E. Nothing in this section is to be construed as a requirement that an architect is required to develop drawings and/or specifications and affix an official seal for any activities that would constitute the practice of architecture, if performed in connection with any of the following:

(1) Single and 2-family dwellings, and any sheds, storage buildings and garages incidental to such dwellings;

(2) Farm buildings, including barns, silos, sheds or housing for farm equipment and livestock, provided such structures are designed to be occupied by no more than 10 persons; or

(3) Any alteration, renovation or remodeling of a structure when such alteration, renovation or remodeling does not affect structural or other safety features of the structure and when the work contemplated by the design does not require the issuance of a permit under applicable building codes.

Nothing in this section is to be construed as a requirement that an engineer is required to develop drawings and/or specifications and affix an official seal for any activities that do not constitute the practice of engineering as defined by the Delaware Code.

Section 5. Effective Date. This Ordinance shall become effective on January 2, 2013_____.

Mr. Lawson, Mr. Moore, and Andy Wright, Building Code Supervisor, discussed the Proposed Ordinance with Council.

Mr. Lawson noted that, if the Council adopts the Proposed Ordinance, the effective date would need to be amended.

M 051 14
Amend
Proposed
Ordinance

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend Section 2 C. to change “registered architect and/or licensed designer” to “registered architect and or licensed engineer” and to further amend Section 2C. following the words “architect and/or engineer” (eighth line) to

**M 051 14
Amend
Proposed
Ordinance
Relating
to the
Seal of
an Architect
and/or
Engineer
(continued)**

read “legally registered or licensed under the applicable laws of the State of Delaware. The building official is authorized to waive the submission of drawings, specifications and accompanying data not required to be prepared by a registered design professional if it is found the nature of the work applied for is such that review of data is not necessary to obtain compliance with this code and the provisions of 24 Delaware Code, Chapters 3 and 28.” and striking “, and no permit application will be approved unless, for plans sealed by an architect, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications and accompanying data, in compliance with the registration provisions of 24 Del. C. Ch. 3 or, for plans sealed by an engineer, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications and accompanying data, in compliance with the licensing requirement of 24 Del. C. Ch. 28.”

Motion Adopted: 5 Yeas.

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

**M 052 14
Amend
Proposed
Ordinance
Relating
to the
Seal of
an Architect
and/or
Engineer**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to amend Section 4 as follows:

Section 4. Amend Sussex County Code, Chapter 52, Section 52-18E., Drawing and specifications, by inserting the new underlined language as follows:

E. Nothing in this section is to be construed as a requirement that an architect is required to develop drawings and/or specifications and affix an official seal for any activities that would constitute the practice of architecture, if performed in connection with any of the following:

- (1) Single and 2-family dwellings, and any sheds, storage buildings and garages incidental to such dwellings;**
- (2) Farm buildings, including barns, silos, sheds or housing for farm equipment and livestock, provided such structures are designed to be occupied by no more than 10 persons; or**
- (3) Any alteration, renovation or remodeling of a structure when such alteration, renovation or remodeling does not affect structural or other safety features of the structure and when the work contemplated by the design does not require the issuance of a permit under applicable building codes.**

**M 052 14
Amend
Proposed
Ordinance
(continued)**

Nothing in this section is to be construed as a requirement that an engineer is required to develop drawings and/or specifications and affix an official seal for any activities that do not constitute the practice of engineering as defined by the Delaware Code.

Motion Adopted: 5 Yeas.

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

**M 053 14
Amend
Proposed
Ordinance/
Effective
Date**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to amend Section 5, Effective Date, to read “This Ordinance shall become effective on May 1, 2014.”

Motion Adopted: 5 Yeas.

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

**M 054 14
Adopt
Ordinance
No. 2335,
As
Amended**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2335 entitled “AN ORDINANCE TO AMEND CHAPTER 52, SECTION 52-18 C. AND E. OF THE CODE OF SUSSEX COUNTY IN REGARD TO THE SEALING OF DRAWINGS, SPECIFICATIONS, ETC. BY AN ARCHITECT AND/OR ENGINEER”, as amended (by Motion Nos. M 051 14, M 052 14, and M 053 14) and as on the amended copy distributed to Council.

Motion Adopted: 5 Yeas.

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

**Capital
Credit
Check
Presenta-
tion/
Delaware
Electric
Cooperative**

Mr. Bill Andrew, President and CEO of Delaware Electric Cooperative, was in attendance to present a check in the amount of \$11,763.41 to Sussex County Council as a result of their Capital Credits Program. Mr. Andrew informed the Council of the Cooperative’s rates, economic contributions to Sussex and Kent counties, and some of the things that are happening at the Cooperative, i.e. irrigation program, energy efficiency conservation, demand management, and beat the peak program. Mr. Andrew noted that, through the Capital Credits Program, they have been able to give back over \$21 million over the last five years.

**Old
Business**

Under Old Business, the Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF SUSSEX COUNTY, ENTITLED “HEIGHT REGULATIONS” IN REGARD TO THE HEIGHT OF

**Old
Business
Relating
to Height
Regulations
(continued)**

CERTAIN BUILDINGS”.

Synopsis: This Ordinance modifies Section 115-179B of the Sussex County Zoning Code to only allow government buildings, hospitals, institutions and schools to be built to a maximum height of 60 feet when those structures are permitted in the underlying zoning district. Churches and temples are unaffected by this amendment. It applies to any new building not currently approved with a valid Sussex County building permit.

The Planning and Zoning Commission held a Public Hearing on the proposed ordinance amendment on November 14, 2013. On December 12, 2013, the Commission recommended approval (3 – 2); however, Commission members expressed opposition to any increase in the height over 42 feet, raised questions about the definition of the term “semi-public”, stated that the Commission needs to be consistent, stated that if public/governmental buildings are acceptable at a higher height, why aren’t semi-public buildings, and questioned if the height should affect Residential Planned Communities.

The Commission members agreed that the County Council should schedule a workshop as soon as possible to have a more comprehensive discussion of height regulations in the County, and to determine if there are appropriate locations for taller structures and how taller structures may relate to existing and future infrastructure needs such as traffic, sewer, water, parking, open space, and other issues. The Commission noted that the Sussex Council, Planning and Zoning Commission, Board of Adjustment, the County Engineering Department, and DeIDOT should be included in the workshop.

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

The County Council held a Public Hearing on the Proposed Ordinance on November 19, 2013 at which time the Council deferred action.

Mr. Cole expressed concern that, currently, the Code allows 60 foot buildings anywhere.

**M 055 14
Defer Action
on the
Proposed
Ordinance
Relating
to Height
Regulations**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF SUSSEX COUNTY, ENTITLED “HEIGHT REGULATIONS” IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS” for the purpose of scheduling a workshop within the next six weeks.

Motion Adopted: 4 Yeas, 1 Nay.

**M 055 14
(continued)** **Vote by Roll Call:** Mrs. Deaver, Nay; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

Workshop [The workshop will be scheduled for the County Council, Planning and Zoning Commission, Board of Adjustment, County Engineering Department and DeIDOT.]

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

**M 056 14
Council-
manic
Grant** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delaware Senior Olympics for the purchase of one AED.

Motion Adopted: 5 Yeas.

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

**M 057 14
Countywide
Youth
Grant** A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 from the Countywide Youth Grant Account to the Delaware State Police for the Troop 4 Explorers Program.

Motion Adopted: 5 Yeas.

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

**M 058 14
Council-
manic
Grant** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the Greater Lewes Foundation for the Children's Learning Garden for program 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 059 14
Countywide
Youth
Grant** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$2,500.00 from the Countywide Youth Grant Account to Camp Barnes for the purchase of kayaks.

Motion Adopted: 5 Yeas.

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

**Additional
Business**

Under Additional Business, Paul Reiger of Georgetown discussed concerns regarding several things taking place on a property adjacent to his including a hole 100 by 15 feet in size which is now a swamp area in the front yard of the property. Mr. Reiger referenced Chapter 71 of the County's housing standards (Article 2) which states that all premises shall be graded and maintained so as to prevent the accumulation of stagnant water thereon or within any structure located thereon. He stated that he would like it put in writing why it is or is not legal. He stated that without this problem, there would be no duck issues or other problems. Mr. Reiger also referenced the problem with tires on the adjacent property and he submitted pictures taken by a County inspector.

Under Additional Business, Anthony DePrima, Executive Director of Delaware Sustainable Energy Utility, provided an overview of their programs and what they can do to help Sussex County government and Sussex Countians in general. Mr. DePrima stated that the Utility is a 501(c)3 non-profit organization created by the State of Delaware to deliver energy efficiency and renewable energy programs. Their mission is to help businesses and residents to save energy dollars on utility bills as well as reduce greenhouse gasses. He stated that they run programs for governments and businesses, i.e. low interest loan program. On the residential side, they run the Green for Green Program. He stated that Sussex County is the number one County for homes participating in the program. He stated that they give out rebates to homeowners who buy energy efficient homes. A program that will be rolled out this month is a home rebate program for owners of existing homes. Mr. DePrima distributed information to the Council members and he expressed information in having a link between Sussex County's website and their website.

Mr. DePrima announced that on Wednesday, January 29th, at 6:00 p.m. Delaware Sustainable Energy Utility will hold a public session at the Milford Public Library. The purpose of the public meeting is to obtain public input on shaping their programs going into the future.

Dan Kramer of Greenwood commented on the County's complaint-driven process relating to "illegal activity" and violations. He stated that there is a violation of some sort located on every road and he questioned why County inspectors do not go out and enforce the law.

Under Additional Business, Mrs. Deaver made several comments:

- She asked that when Mr. Godwin goes to Legislative Hall, and presents the Council's position on a piece of legislation, that he state it was a consensus of the majority of the Council.
- People in her district want a vote on the RV camp.
- An Adequate Public Facilities Ordinance is needed and she would like the Council to hold a workshop on that.

M 060 14
**Recess/
Go Into
Executive
Session**

At 11:47 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to 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 11:50 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 pending/potential litigation, land acquisition and personnel. The Executive Session concluded at 12:37 p.m.

M 061 14
**Reconvene
Regular
Session**

At 12:37 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, 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**

**Executive
Session
Discussion/
Action**

Mr. Moore announced that, in Executive Session, the County Administrator presented information on a personnel issue and a land acquisition issue and the Council discussed a pending litigation. There were no issues to be acted on.

M 062 14
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 12:38 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator

February 4, 2014

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 the Committee Chair explaining our support.
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.	Signed into Law 7/3/13
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.	6/12/13 Released from Committee
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 Briggs-King (302) 856-2772 ruth.briggsking@state.de.us</p> <p>Timothy D. Dukes (302) 280-6344 Timothy.Dukes@state.de.us 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 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 treasury while holding responsible property owners accountable</p>	<p>Signed into law</p>

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

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 Act to the Jeffrey Davis Aboveground Storage Tank Act (7 Del. C. Chapter 74A). As is the case with the other provisions of the

<p>HB No. 95 w/ HA No. 2 (continued)</p>	<p>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>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>
<p>HA No. 1 to HB No. 137</p>	<p>This technical amendment changes the term "employer" to "employee" and corrects a cross-reference.</p>	

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>	Signed into Law 7/31/13
HB No. 160	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	Signed into Law 8/28/13

<p>HB No. 160 (Continued)</p>	<p>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>HA No. 1 To HB No. 160</p>	<p>This amendment changes the vote requirement for this bill to a two-thirds vote.</p>	
<p>SR No. 8</p>	<p>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>	<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</p>

SR No. 8 (Continued)		1933 to protect the public interest regarding banking regulations. Congress repealed this law in 1999 which many believe led to the 2 nd Great Depression in America. Some members of Congress would like to reinstate the Glass-Steagall Act.
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.	Signed into Law 8/5/13
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 intentionally selects the victim of a crime because of the victim’s gender identity.	Signed into Law 6/19/13
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	

SB No. 6	Except as may otherwise be provided under this chapter, every employer shall pay to every employee in any occupation wages of a rate i) not less than \$7.75 per hour effective June 1, 2014 and ii) not less than 8.25 per hour effective June 1, 2015. Upon the establishment of a federal minimum wage in excess of the State minimum wage, the minimum wage in this State shall be equal in amount to the federal minimum wage, except as may otherwise be provided under this chapter.	Signed into 1/30/14
HB No. 167	This bill would prohibit a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It would permit inquiry and consideration of criminal background after the conditional offer has been made. The bill specifies that once a background check is conducted an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background check. Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are excluded from these provisions. The bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.	Passed the House 1/28/14 assigned to the Senate Industrial Relations Committee
SB No. 159	This legislation provides clarification with respect to the placement, installation and maintenance of gateway signs to boundaries of political subdivisions and established non-incorporated areas of the State.	Passed the Senate 1/30/14
HB No. 243	Currently possession actions involving rental of residential or commercial property fall within the exclusive jurisdiction of the Justice of the Peace Court. There is no clear statement of jurisdiction for agricultural leases, though the possession issues are similar. This legislation provides that the Justice of the Peace Court has exclusive jurisdiction over agricultural lease matters and requires that service of process for any such action shall be provided by either personal service or certified mail, return receipt requested.	Introduced in the House 1/30/14

HB No. 159	This bill prohibits a person from running as a candidate for more than one state, county or municipal office in the same election.	County Council supports this legislation.
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ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 21, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BARRINGTON PARK - PHASE 3 (A/K/A - COVENTRY AT BARRINGTON PARK)
AGREEMENT NO. 733 - 4

DEVELOPER:

Mr. Robert Harris
Tyre Farm, L.L.C.
27 Atlantic Avenue
Ocean View, DE 19970

LOCATION:

Southwest corner of Road 353 and Road 352
intersection

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

10 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$63,040.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
07/27/07

Department Of Natural Resources Plan Approval
06/15/10

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 15
Construction Admin And Construction Inspection Cost – \$4,423.80
Proposed Construction Cost – \$29,492.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 4, 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. 733-4 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "TYRE FARM, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "BARRINGTON PARK – PHASE 3 (AKA – COVENTRY AT BARRINGTON PARK)", LOCATED IN MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 733-4

TODD LAWSON
COUNTY ADMINISTRATOR

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS (Tax Map I.D. 3-30-15.00-20.01)

WHEREAS, on the 10th day of October 2013, a conditional use application, denominated Conditional Use No. 1975 was filed on behalf of Ronald and Susan Berwick; and

WHEREAS, on the ____ day of _____ 2013, 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. 1975 be _____; and

WHEREAS, on the ____ day of _____ 2013, 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. 1975 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying east of Road 225 (Marshall Street) 2,767 feet north of Road 207 (Johnson Road) and north of Jumping Jack Lane more particularly described as Lot 2 in Plot Book 121, Page 152 as recorded in the Office of the Recorder of Deeds in and for Sussex County, Delaware, said parcel containing 1.06 acres, more or less.

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

PUBLIC HEARINGS
February 4, 2014

This is to certify that on January 9, 2014 the Sussex County Planning and Zoning Commission conducted public hearings 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 #1975 – Ronald and Susan Berwick

Application of **RONALD AND SUSAN BERWICK** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for auto repair and sales to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 1.06 acres, more or less, lying east of Road 225 (Marshall Street) 2,767 feet north of Road 207 (Johnson Road) and north of Jumping Jack Lane (Tax Map I.D. #3-30-15.00-20.01).

The Commission found that on October 4, 2013 DelDOT provided comments in the form of a Support Facilities Report referencing that a traffic impact study was not recommended, and that the current Level of Service “B” of Marshall Street will not change as a result of this application.

The Commission found that on January 6, 2014 the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the North Coastal Planning Area; that the use of an on-site septic system is proposed; that conformity to the North Coast Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Ronald Berwick and Edward Rohlfinfing were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that Mr. Berwick owns the property and Mr. Rohlfinfing will be leasing the property for an auto repair and sales facility; that Mr. Berwick’s father started an automotive repair

business on this site in 1944; that an automotive repair business existed on this site until approximately 2.5 years ago; that to be more specific the repair business was primarily a radiator shop; that Mr. Rohlfing will be leasing the property to perform minor automotive mechanical repair work and offer vehicles for sale; that a security light already exists on the property and that they may install additional security lighting on the building; that they anticipate that they will display 10 to 15 vehicles for sale, not to exceed 20 vehicles in the future; that Mr. Rohlfing, his wife, and a part-time mechanic will work at the property; that proposed business hours are Monday through Saturday from 8:00 am to 6:00 pm, with no Sunday hours; that they will need a small sign since the Department of Motor Vehicles will required them to have a sign; that the mechanical work will include minor/light repairs, i.e. brakes, service, tune-ups, not major repairs or overhauls; that they anticipate that there may be 5 to 6 vehicles repaired per day; that a dumpster will be provided; that the smaller garage on the property will be used for storage only; that there are several other business and commercial uses in the area, i.e. oil company, construction company, rental company, another auto repair shop, a convenience store, a trucking/excavating company, etc.; that there is no intent to store junk vehicles; that a few inoperable vehicles can be stored behind the small garage within a fenced enclosure; that if any inoperable vehicles are stored on the site, it will only be temporarily; and that the primary intent is vehicles sales.

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

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

On January 9, 2014 there was a motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to defer action. Motion carried 4 – 0.

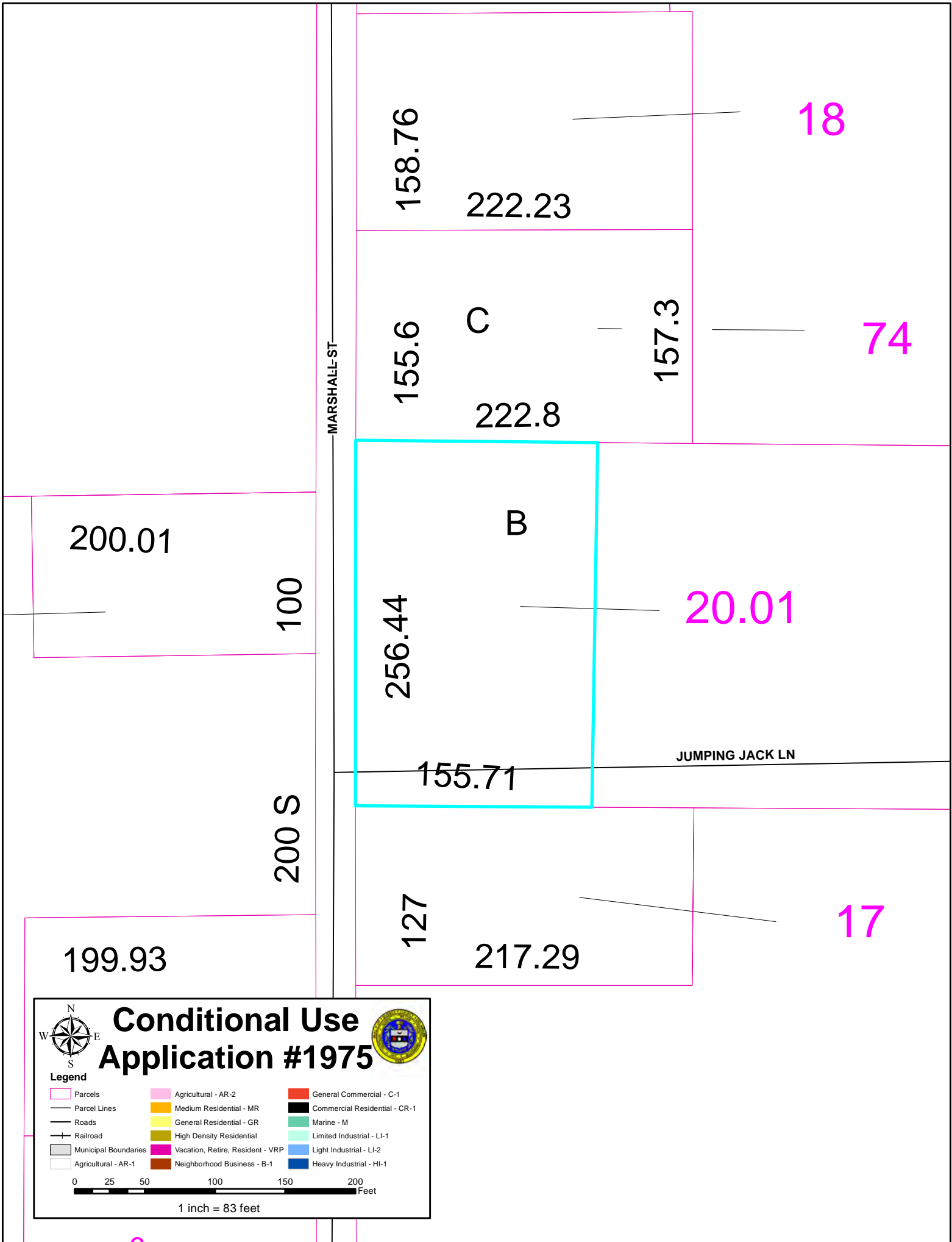
On January 23, 2014 the Commission discussed this application under Old Business.

Mr. Burton stated that he would move that the Commission recommend approval of C/U #1975 for Ronald and Susan Berwick for auto repair and sales based upon the record made at the public hearing and for the following reasons:

- 1) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 2) The site has a history of automotive use. Mr. Berwick's father started an automotive repair business on this site in 1944. This type of use existed there until about 2 ½ years ago.
- 3) The use as an automotive repair facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
- 4) There are other business and commercial uses in the area, including an oil company, construction company, trucking and excavating company, a convenience store and another automotive repair facility.
- 5) No parties appeared in opposition to the application.

- 6) This recommendation for approval is subject to the following conditions and stipulations:
- A. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. All repairs shall be performed indoors. No automobile parts shall be stored outside.
 - F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
 - G. No more than 15 cars shall be displayed for sale on the site at any one time. No more than 5 additional vehicles may be parked outside the building in preparation for the sales lot.
 - H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.
 - I. No more than 5 vehicles waiting for service or parts may be parked outside.
 - J. The site shall be subject to all DelDOT entrance and roadway requirements.
 - K. 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 it be approved for the reasons, and with the conditions stated. Motion carried 5 – 0.



18

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222.23

74

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20.01

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JUMPING JACK LN

155.71

200 S

199.93

127

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17



Conditional Use Application #1975

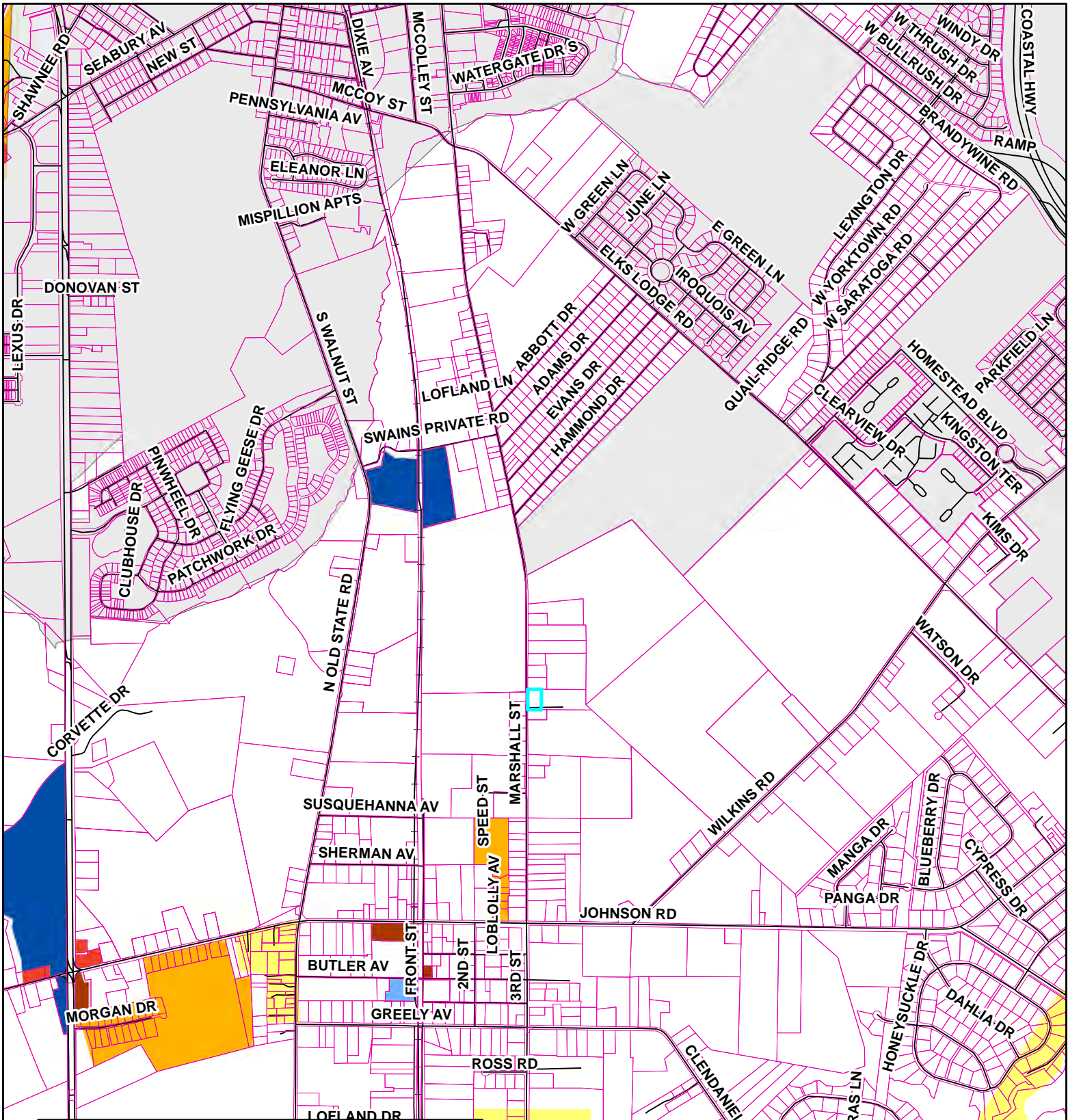


Legend


- 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 25 50 100 150 200 Feet

1 inch = 83 feet



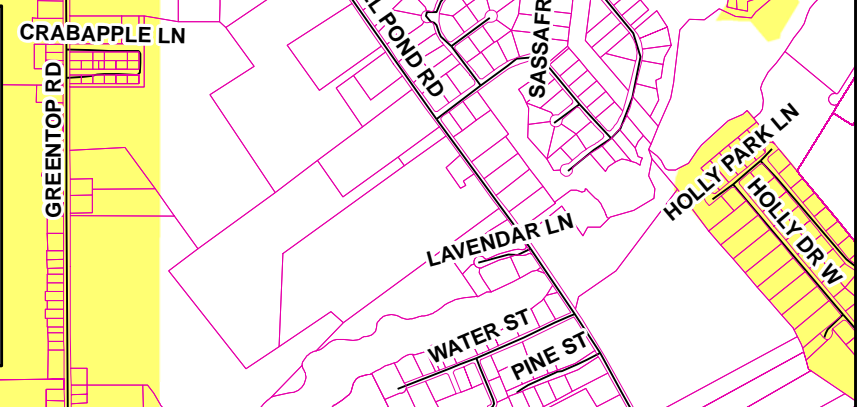
Conditional Use Application #1975

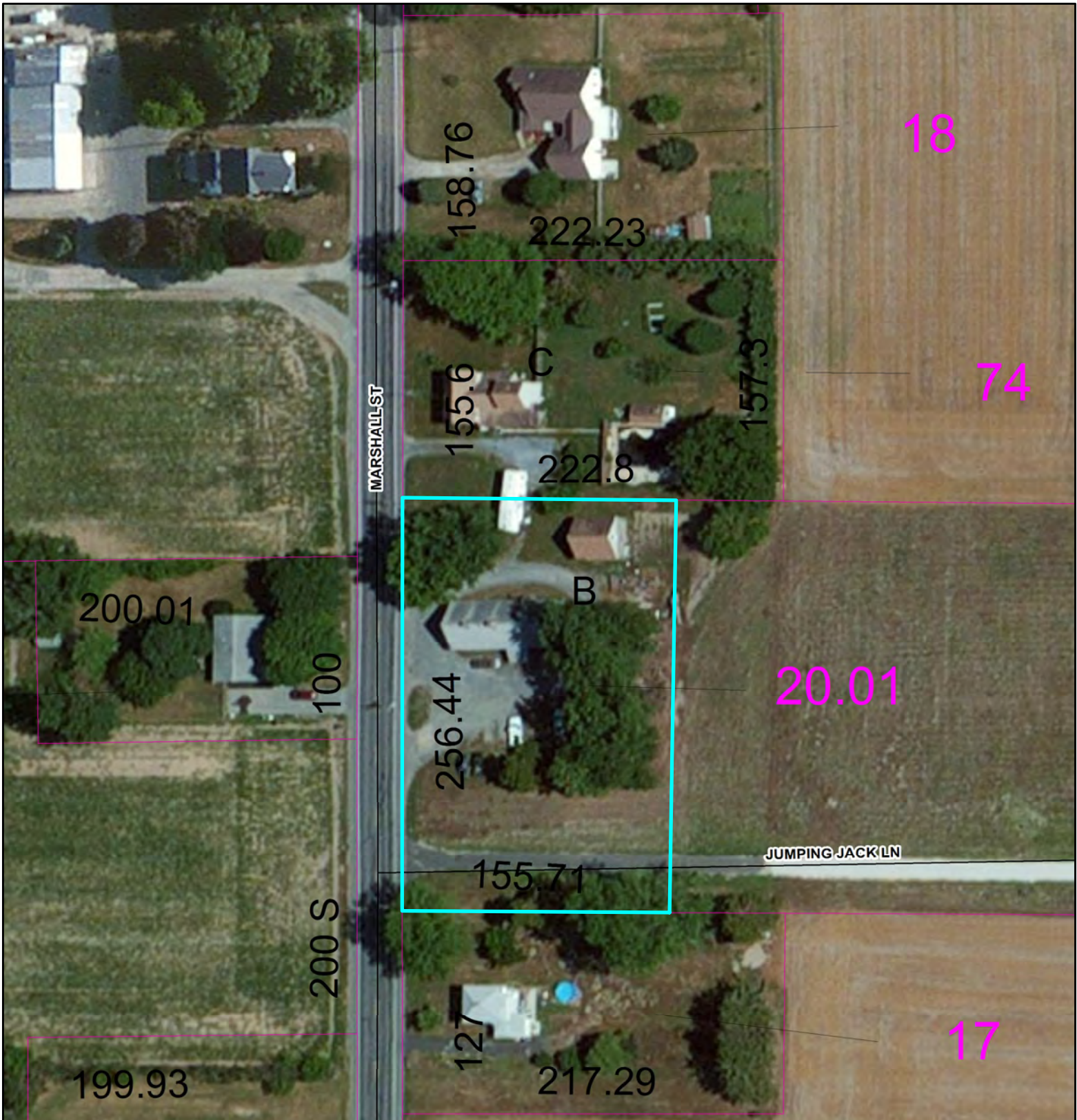


Legend		
Parcels	Agricultural - AR-2	General Commercial - C-1
Parcel Lines	Medium Residential - MR	Commercial Residential - CR-1
Roads	General Residential - GR	Marine - M
Railroad	High Density Residential	Limited Industrial - LI-1
Municipal Boundaries	Vacation, Retire, Resident - VRP	Light Industrial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

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

1 inch = 1,667 feet



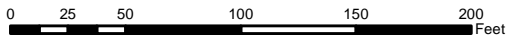


Conditional Use Application #1975



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
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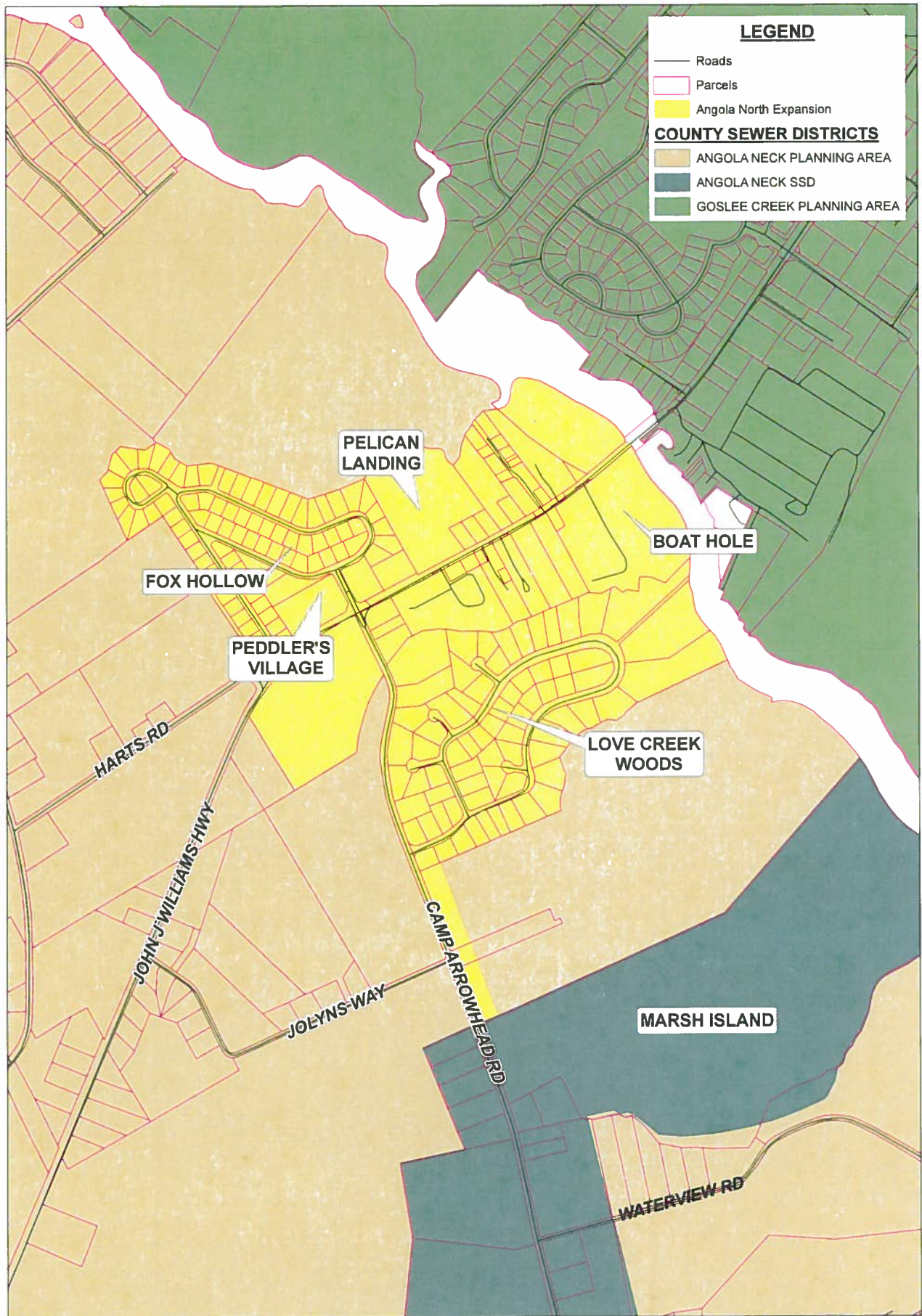
1 inch = 83 feet

**IBRWF Phase 2B
Solids Handling**

**Contract No. 12-17
Bid Results**

BID OPENING – October 10, 2013

	BIDDER	Base Bid	Alternate Bid
1.	Bearing Construction, Inc. Sudlersville, MD	\$3,017,850.00	\$3,389,300.00
2.	Daisy Construction Newport, DE	\$3,407,850.00	\$3,412,850.00
	Previous Low Bid	\$3,140,450.00	
	\$Bid Decrease	-122,600.00	



ANGOLA NORTH EXPANSION



PROPOSED MOTION

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO PREPARE AND POST NOTICES FOR THE EXTENSION OF THE ANGOLA NECK SANITARY SEWER DISTRICT TO INCLUDE THE AREA KNOWN AS ANGOLA NORTH, AS PRESENTED ON FEBRUARY 4, 2014.

**JOHN J. ASHMAN
FEBRUARY 4, 2014
FILE: AN-4.05**

RESOLUTION

TO SUBMIT A REQUEST FOR A REGIONAL WASTEWATER PLANNING GRANT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE GOSLEE CREEK PLANNING AREA

WHEREAS, the Sussex County Council proposes to engineer the Goslee Creek Planning Study; and

WHEREAS, growth is expected in the Goslee Creek Planning Area (GCPA) from Plantations Road west to Love Creek and from Beaver Dam Road south to Mulberry Point; and

WHEREAS, existing communities in the GCPA have expressed interest in a Sussex County sewer solution to replace older and failing septic systems, which is consistent with Sussex County's septic elimination program around the Inland Bays;

WHEREAS, existing communities located adjacent to the GCPA must upgrade their community septic systems, and have inquired about a possible Sussex County sewer solution;

WHEREAS, both land development and public service projects are being proposed within the GCPA and Sussex County must specify the necessary transmission infrastructure to serve said projects; and

WHEREAS, Sussex County has entered into a contract with Whitman Requardt and Associates to prepare the Goslee Creek Planning Study; and

WHEREAS, the North Coastal Planning Area (NCPA) study established the GCPA, which includes the Goslee Creek sewer shed that is contiguous to the West Rehoboth Sanitary Sewer District; and

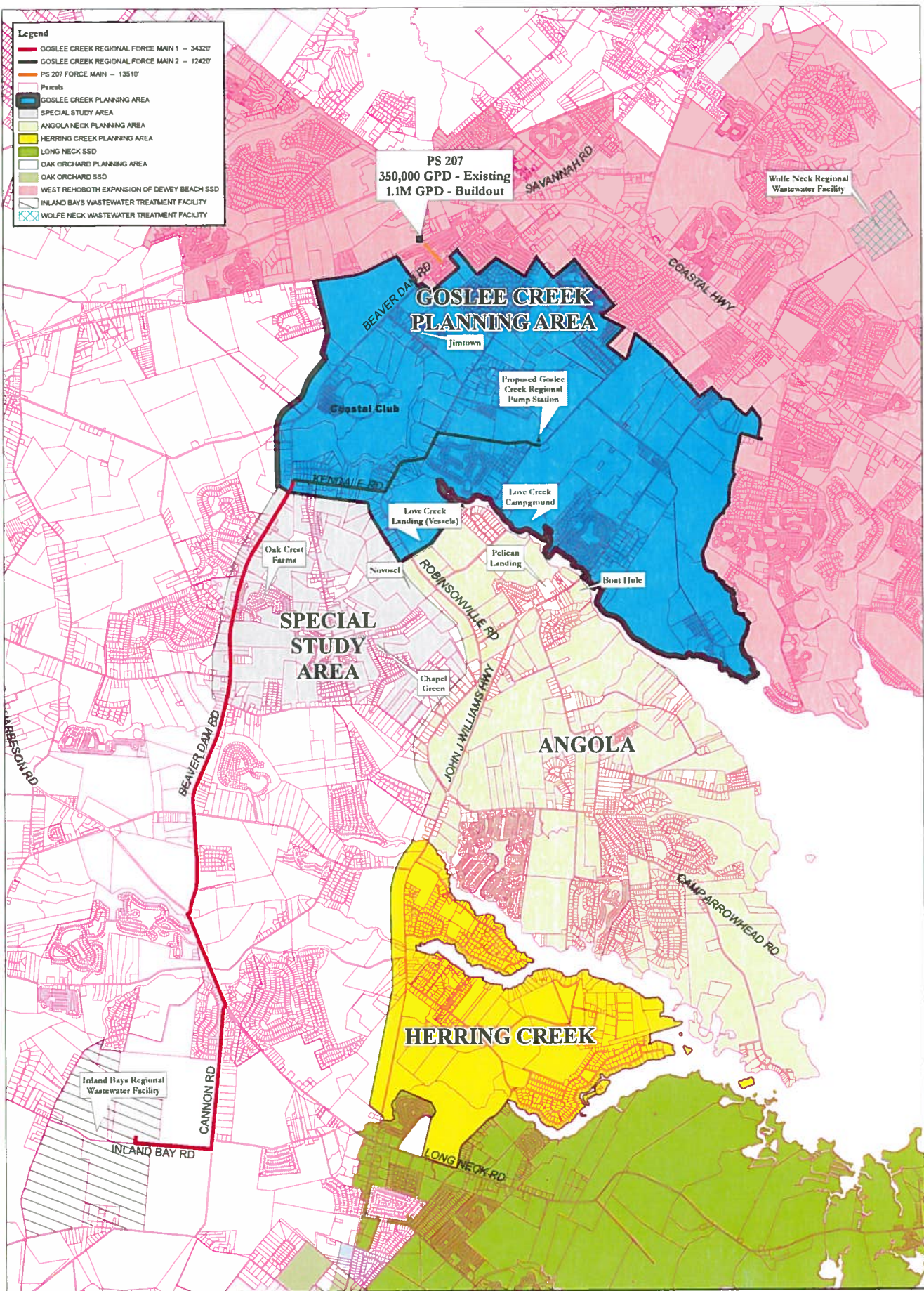
WHEREAS, the Water Infrastructure Advisory Council offers grants to assist in financing wastewater planning that recognize and are consistent with the County's Comprehensive Plan and the goals of *Shaping Delaware's Future*; and

NOW, THEREFORE,

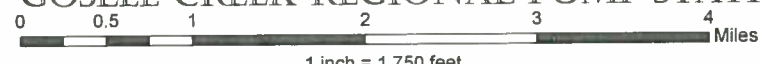
BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware hereby directs the Engineering Department to submit a Regional Wastewater Planning Area Grant application to the Water Infrastructure Advisory Council for up to 50% of the contract price to assist in funding the Goslee Creek Planning Study.

February 4, 2014
Files: GC-5.0

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



SUSSEX COUNTY ENGINEERING DEPARTMENT
 GOSLEE CREEK REGIONAL PUMP STATION



December 19, 2013

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

JAMES A. HICKIN
Airport Manager



P.O. BOX 589
GEORGETOWN, DELAWARE 19947
Administration 302-855-7718
Airport & Industrial Park 302-855-7774
Environmental Services 302-855-7730
Public Works 302-855-7703
Utility Engineering 302-855-7717
Utility Permits 302-855-7719
Utility Planning 302-855-1299

Airport Fax: 302-855-7773

MEMORANDUM

TO: Sussex County Council

THROUGH: Todd Lawson
County Administrator

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

DATE: January 30, 2013

RE: **WATERLOO VOR**

I'm on the Feb 4th agenda to provide you a short update on an FAA proposal to decommission a navigation aid used by the Sussex County Airport.

The FAA owns and operates the Waterloo VOR, a ground based navigation aid (a radio transmitter) located in the Broadkill Beach area. The facility has structural problems caused by recent flooding and the FAA would like to close it for financial reasons. However, the VOR provides navigation guidance for instrument approaches to our main runway. These approach procedures would go away and pilots would be required to use the satellite-based approaches (GPS) to the runway. Unfortunately, not all aircraft have GPS capability. These aircraft would not be able to land at the airport during low visibility conditions.

The attached letter is our proposed response to the FAA opposing their recommendation. Responses are due to the FAA no later than Feb 14th, 2014.

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

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

Attachment

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

JAMES A. HICKIN
Airport Manager



P.O. BOX 589
GEORGETOWN, DELAWARE 19947
Administration 302-855-7718
Airport & Industrial Park 302-855-7774
Environmental Services 302-855-7730
Public Works 302-855-7703
Utility Engineering 302-855-7717
Utility Permits 302-855-7719
Utility Planning 302-855-1299
Airport Fax: 302-855-7773

February 7, 2014

Ms. Melinda George
Federal Aviation Administration
Eastern Service Center
Operations Support Group (AJV-E2)
Non Rule Case No. 13-AEA-126-NR
PO Box 20636
Atlanta, GA 30320

Dear Ms. George,

This letter is in response to the possible decommissioning of the Waterloo VOR (ATR). The Sussex County Airport is strongly opposed to this and we request the current capabilities of the NAVAID be maintained.

Without an ILS approach, the Sussex County Airport relies solely on the Waterloo VOR for ground-based navigation. As you're aware, it's the basis of VOR approaches to both ends of our primary runway, Runway 4-22. Although there are RNAV (GPS) approaches to both runways, many of our users do not have GPS approach capability and rely on the VOR for arrivals during poor weather conditions. In fact, a large percentage of our corporate jet traffic is small charter operators without GPS approach capability. In addition, many of our business and recreational non-jet users rely on the VOR as their only instrument approach aid. The current combination of ground and satellite-based navigation aids is ideal for the existing mix of airport users.

In the last 10 years, the FAA has provided the Sussex County Airport over \$16 million to support improvements critical to our users. Loss of the Waterloo VOR will make the airport less competitive with neighboring airports, particularly those with ground-based approaches. Reduction of traffic will not only have a negative economic impact on Airport-based businesses, like our FBO, but on off-airport businesses who rely on the convenience of the airport for their business. The cost effectiveness of the FAA's investment will be reduced by the loss of the Waterloo VOR.

Again, Sussex County Airport is strongly opposed to this proposal and we request the current capabilities of the Waterloo VOR be retained.

Thank you for your consideration. Please feel free to call me at 302-855-7775 with any questions.

Sincerely,

James A. Hickin, A.A.E.
Sussex County Airport

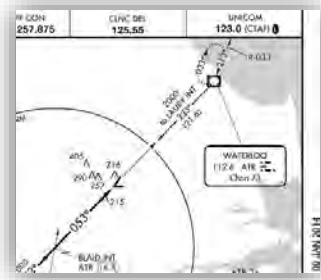
Waterloo VOR

Background Information

VOR stands for VHF Omni-Range. It's a ground-based radio transmitter that transmits a 360 degree signal. Aircraft receivers decode the signal as a "radial", or a line radiating away from the VOR. Aircraft can only navigate via a radial to or from a VOR.

VOR's have been the standard instrument navigation system since the 1960's. They are the basis of the airway system and are used for instrument approaches to airports. A VOR receiver is standard equipment for all instrument flight-capable aircraft. The FAA's plan is to eventually phase out VORs and rely on satellite-based navigation systems (GPS).

The Waterloo VOR (every VOR has a name) is physically located near Broadkill Beach. It's used as a waypoint for two airways (V1 and V308) and to define the final approach courses for the approaches to Runway 4 and Runway 22. Below is a part of the VOR approach to Runway 4. Remember, you can only navigate to or from the VOR transmitter. The only radial that crosses both the end of the runway and the VOR is the 233 degree radial. Pilots fly a 053 degree course to fly towards the VOR. This is 11 degrees off of the runway heading, but it's the only ground track that works.



Portion of VOR Approach

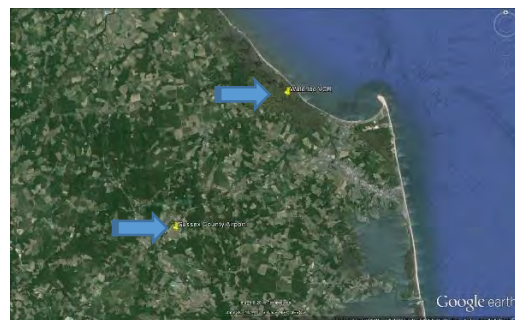


VOR Instrumentation

The FAA is proposing to decommission the Waterloo VOR and has asked for public comments. The VOR has had flooding and mold issues due to its location and decommissioning it would save the FAA money. The County should oppose this action because the VOR is the only source of navigational guidance during bad weather conditions for many of our users. The airport would lose operations to other airports and we would be less competitive in attracting aviation businesses to the airport.



Typical VOR



Airport & VOR

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,150 SQUARE FEET, MORE OR LESS (Tax Map I.D. 3-32-1.08-39.00)

WHEREAS, on the 13th day of October 2013, a zoning application, denominated Change of Zone No. 1739 was filed on behalf of Vance Phillips; and

WHEREAS, on the ____ day of _____ 2013, 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. 1739 be _____; and

WHEREAS, on the ____ day of _____ 2013, 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 CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying at the northwest corner of U.S. Route 13 and Route 24 and being more particularly described as Tract No. 5 in Deed Book 4170, Page 89 as recorded in the Office of the Recorder of Deeds in and for Sussex County, excepting that portion of the property dedicated to public use for the right-of-way and intersection improvements for the intersection of U.S. Route 13 and Route 24; and as identified on the Sussex County Tax Map as District 3-32 Map 1.08 Parcel 39.00. Said parcel containing 16,150 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.

OLD BUSINESS
February 4, 2014

This is to certify that on December 12, 2013 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Change of Zone. 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.

Change of Zone #1739 – Vance Phillips

Application of **VANCE PHILLIPS** to amend the Comprehensive Zoning Map of Sussex County from AR-1 Agricultural Residential District to a CR-1 Commercial Residential District for a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 16,150 square feet, more or less, lying northwest corner of U.S. Route 13 and Route 24 (Tax Map I.D. # 3-32-1.08-39.00).

Mr. Ross announced that he would not be participating in this public hearing.

The Commission found that on January 7, 2013 DelDOT provided comments referencing this parcel and three (3) other parcels in consideration of a rezoning to CR-1 Commercial Residential; that the Department comments acknowledged that no use has been specified for the land to be rezoned; that they presently cannot predict the site's trip generation with enough accuracy to make a traffic impact study useful; and that they are willing to postpone a decision on their requirement for a traffic impact study until the subject land has been rezoned and a site plan has been developed for it.

The Commission found that on December 9, 2013 the County Engineering Department Utility Planning Division provided comments referencing that this site is located in the Western Sussex – Laurel Growth Area; that an on-site septic system is proposed; that conformity to the Western

Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Dean Campbell, Esquire, was present on behalf of the applicant and stated in his presentation and in response to questions raised by the Commission that the rezoning is proposed to bring the property into compliance with the other three corners of the intersection of Route 13 and Route 24; that the southwest corner of the intersection is zoned C-1 General Commercial and is improved by an auto repair facility; that the northeast corner of the intersection is C-1 General Commercial and is improved by an auto sales and repair facility and a motel; that the southeast corner of the intersection was just recently rezoned from AR-1 and C-1 to CR-1 Commercial Residential for a proposed convenience store and gas filling facility; that the property to the west, on the north side of Route 24, aka 4th Street, is zoning AR-1 with an existing auto parts store that has existed at this location for many years; that the 2008 Comprehensive Land Use Plan indicates that the site is located in a Town Center District, a growth area; that the property is improved by a single family dwelling that is a rental and has a home occupation for a Palm Reader; that there should be no adverse impact on surrounding property values; that the rezoning may enhance the values; that any use of the property shall be subject to DeDOT; that the site is not served currently with central water or sewer; that there is no intended change in use at this time; that the rezoning complies with the Comprehensive Plan; and that the majority of the commercial uses of the intersection and area have been in existence since prior to the establishment of zoning.

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

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

On December 12, 2013 there was a motion by Mr. Smith, seconded by Mr. Burton, and carried with 4 votes to defer action for further consideration. Motion carried 4 – 0. Mr. Ross did not participate in the public hearing.

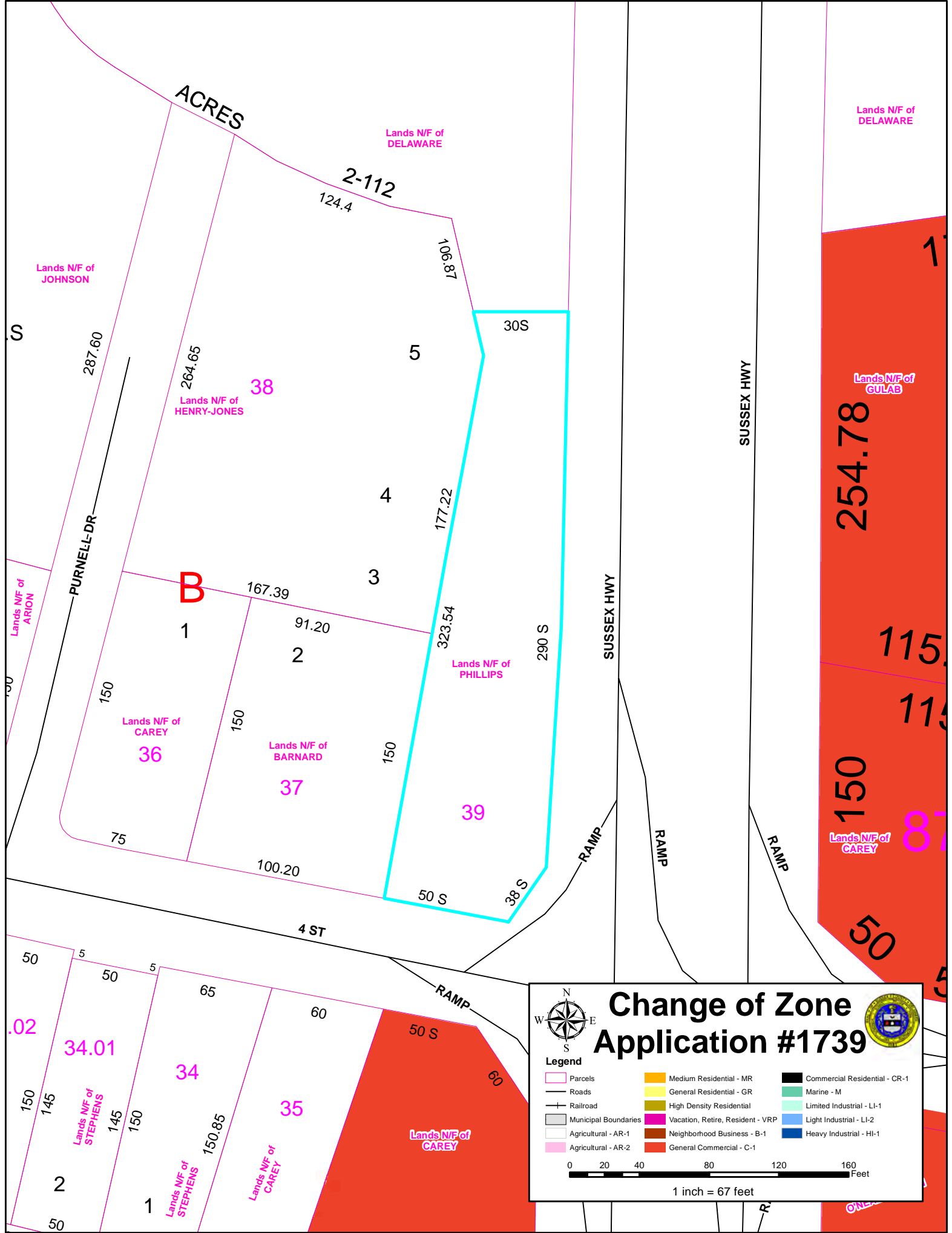
On January 9, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1739 for Vance Phillips for a change of zone from AR-1 to CR-1 based upon the record made during the public hearing and for the following reasons:

- 1) The rezoning will bring this property into conformity with the other three (3) corners of the Route 13 and Route 24 intersection. The other three (3) corners have commercial zoning.

- 2) The location at the intersection of Route 13 and Route 24 is appropriate for CR-1 zoning. Route 13 is a major arterial roadway in Sussex County, and this intersection is one of the main access points to the Town of Laurel from the highway.
- 3) The rezoning will be consistent with the historically commercial use of the adjacent property. The next-door property has been used as an auto parts store for many decades, predating County zoning.
- 4) This site is located within a Town Center District according to the Sussex County Comprehensive Plan. CR-1 Zoning is an appropriate zoning for the Town Center District under the Plan.
- 5) The rezoning will not adversely affect neighboring properties, the community or area roadways.
- 6) No parties appeared in opposition to the application.

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



ACRES

2-112

124.4

Lands N/F of DELAWARE

Lands N/F of DELAWARE

Lands N/F of JOHNSON

S

287.60

264.65

38

Lands N/F of HENRY-JONES

5

30S

106.87

4

3

177.22

323.54

Lands N/F of PHILLIPS

167.39

B

1

91.20

2

Lands N/F of CAREY

36

Lands N/F of BARNARD

37

39

75

150

150

100.20

50 S

38 S

SUSSEX HWY

RAMP

RAMP

SUSSEX HWY

254.78

Lands N/F of GULAB

115

115

Lands N/F of CAREY

150

87

50

4 ST

RAMP

50 S

60

50

34.01

34

35

Lands N/F of CAREY

Lands N/F of STEPHENS

Lands N/F of STEPHENS

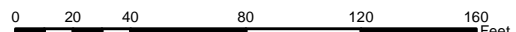
Lands N/F of CAREY

Change of Zone Application #1739

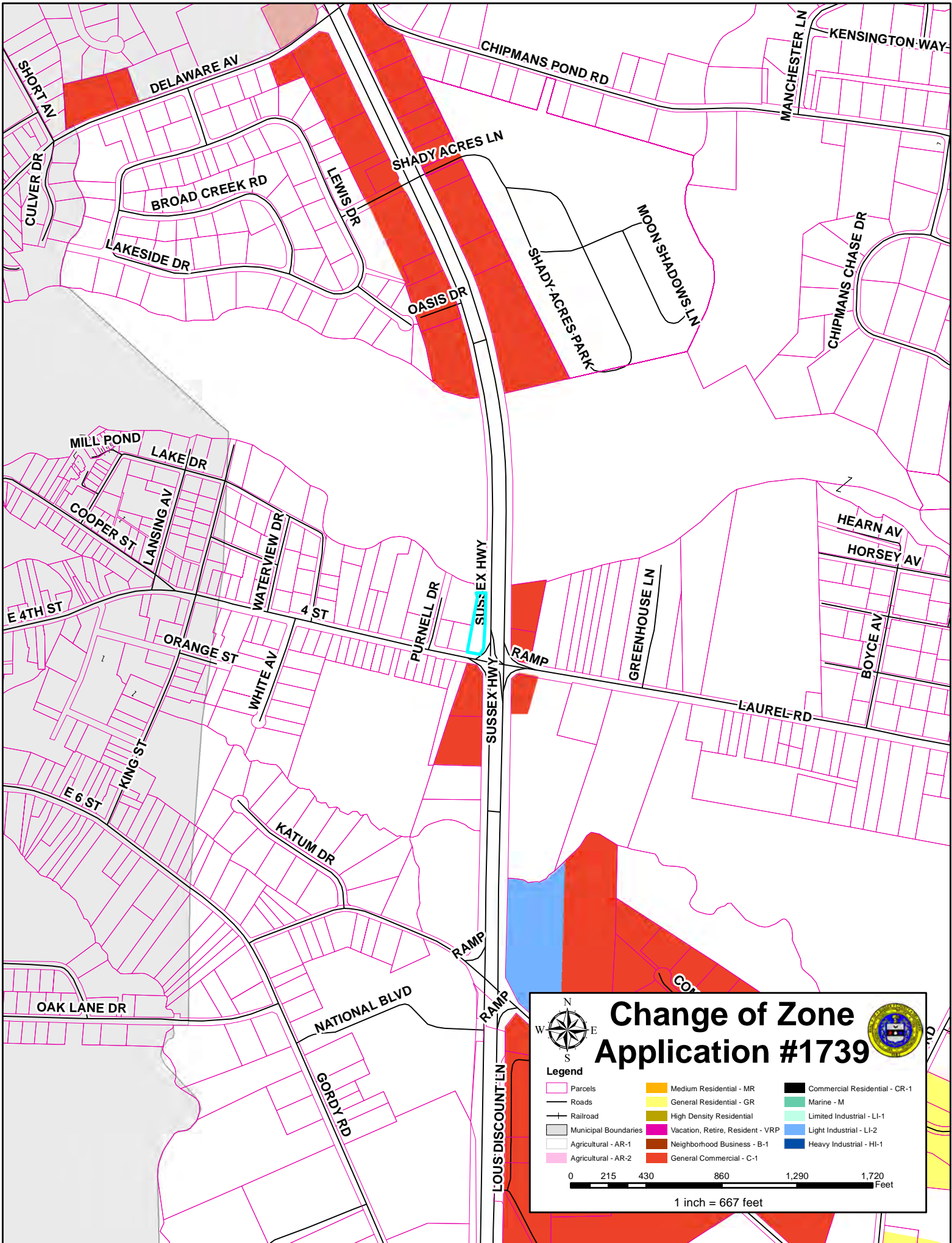


Legend


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



1 inch = 67 feet




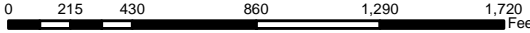
Change of Zone Application #1739



Legend

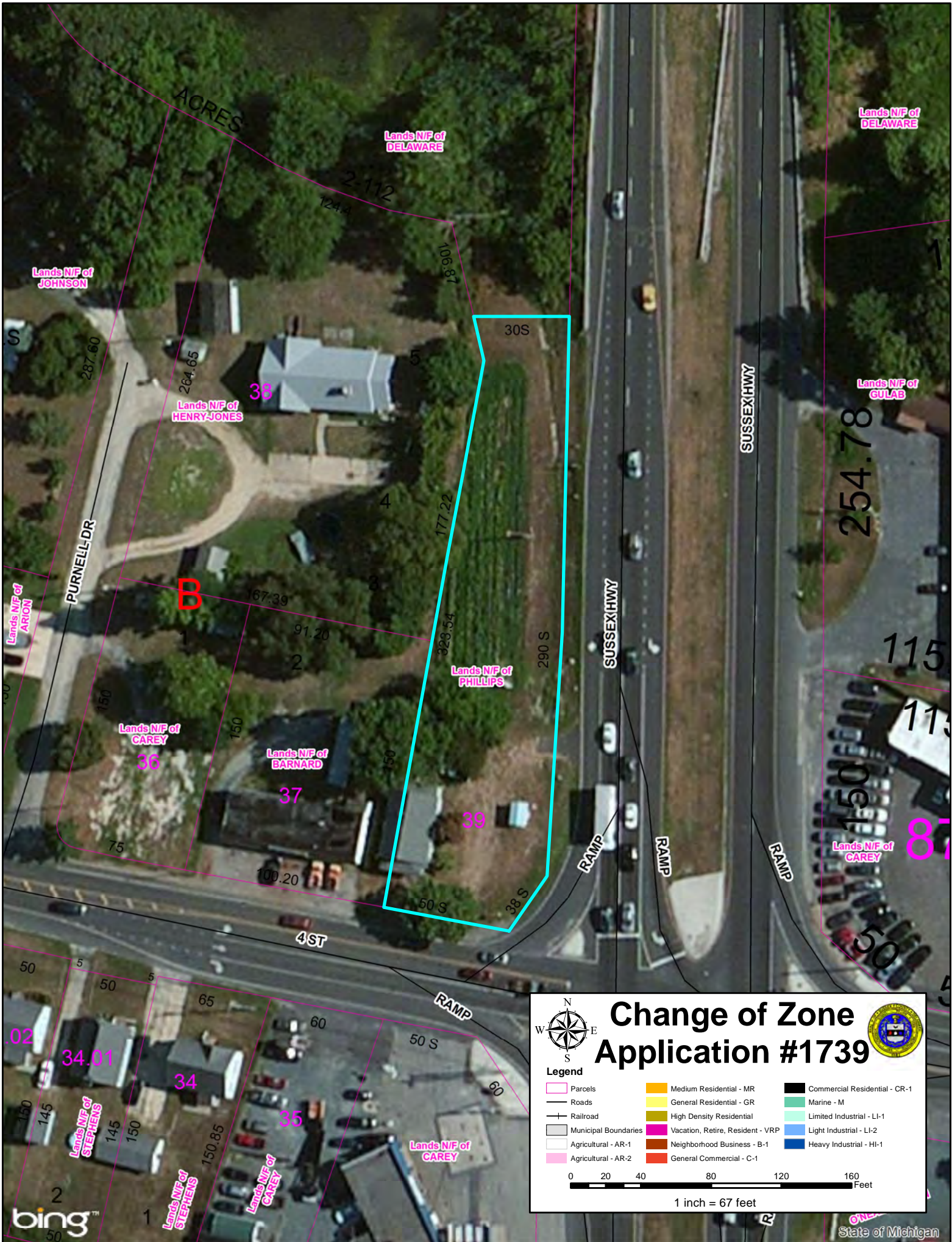
- Parcels
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- Neighborhood Business - B-1
- General Commercial - C-1
- Commercial Residential - CR-1
- Marine - M
- Limited Industrial - LI-1
- Light Industrial - LI-2
- Heavy Industrial - HI-1





0 215 430 860 1,290 1,720
Feet

1 inch = 667 feet

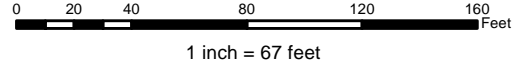


Change of Zone Application #1739



Legend

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



January 29, 2014

County Administrator Todd Lawson
Sussex County Council
2 The Circle
PO Box 589
Georgetown, DE 19947

Dear Mr. Lawson,

On January 21, 2014 eighteen residents of Hampton Circle, an affordable senior rental housing development in Seaford, were forced from their homes due to a small fire and water damage to their units from the sprinkler system. Since their displacement, the property developer, Better Homes of Seaford (BHS), has been providing emergency shelter at the Days Inn in Seaford for those residents who were unable to find temporary housing with friends and family. This arrangement is not sustainable for BHS during the property repairs. Love INC has been working closely with BHS and the residents to find accommodations that are suitable for the residents (all low-income seniors and many with mobility issues) and affordable to BHS.

Many community partners and stakeholders have come together to meet the critical housing needs of this vulnerable group and I hope that you will join them in supporting this effort with a grant of \$15,000 to support the housing related expenses. The total cost for relocation, transitional housing, utilities and replacement of lost possessions is expected to be in excess of \$40,000. These costs are mitigated by the donations of food and toiletries, and the reduction of market-rate rents for the impacted seniors. Our partners include BHS (emergency hotel accommodations), East Coast Property Management (assistance with relocation and coordination of services), Stoney Brook Apartments (reduced rental rates and short 3-month leases), the City of Seaford (deposit for electric), Goodwill of Delaware (mobile pantry), State Service Center (emergency housing subsidy for eligible seniors), Discover Bank (financial support), local churches and Love INC. The projected budget is as follows:

Hotel Expense	\$7,000	Short-term accommodations until apartments are secured
Apartment Rent	\$21,000	3 month leases for 10 apartments
Deposit	\$3,500	Any deposit returned to be utilized to replace items damaged by fire or water
Estimated Utilities	\$4,500	This is an estimate based on standard electric usage at Stoney Brook
Water Sewer	\$2,000	Each unit will need to pay monthly water and sewer to Stoney Brook
Relocation	\$3,000	Many of the impacted seniors will need support from a licensed mover to take items to and from the transitional units
Total	\$41,000	

Funding provided by the county will directly support the housing related expenses of the low-income seniors impacted by this unforeseeable incident that has dramatically impacted the quality of life of those affected. By providing a longer-term housing solution, BHS, Love INC, Sussex County and our other partners will ensure that the seniors will have secure housing during this difficult time. Thank you for your consideration.

Sincerely,

Susan Kent
Executive Director

302-745-1935



New Coverdale Outreach Mission

21165 Coverdale Road

Bridgeville, DE 19933

501C3

Jan. 20, 2014

NCOM Emergency Fund Request

Attention Sir/Madam, (Sam Wilson)

New Coverdale Outreach Mission (NCOM) is a faith-based organization that serves the Coverdale Community and neighboring communities. In the month of November NCOM passed out food including some whole Turkeys to 170+ underprivileged families. And in the following month, December we served 135+ needy children with warm clothing and toys.

We are now in our new building and with our new GED program with the best volunteer teachers. There is never fees requested from any families for any services we have offered in the 14 years NCOM has been serving the community.

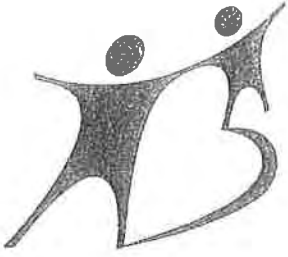
After the icy weather passed in two days we had a serious water out breaks from our pipes upstairs of the Mission attic and a water line downstairs in the women bathroom causing all hardwood and tiles floors to be flooded. The pipe busted caused water damaged in the handicap ceilings and pipe from women bathroom flooded all hard flooring and used rooms. We are asking for emergency help please of \$1,500.(ASAP)

Your thought and consideration in this matter would be highly appreciated by so many families this can effect.

Signed,
Rev. Diane Lofland

Rev. Diane Lofland

Telephone: (302) 337-0247 or (302) 629-3036



BIG BROTHERS BIG SISTERS
of Delaware, Inc.

105 Robino Court, Suite 413, Wilmington, Delaware 19804
838 Walker Road, Suite 22-2, Dover, Delaware 19904
111-A North Bedford Street, Georgetown, Delaware 19947

(302) 998-3577
(302) 674-2486
(302) 856-2918

January 27, 2014

Councilman George C. Cole

Councilwoman Joan Deaver

Sussex County Council

2 The Circle

Georgetown, DE 19947

Dear George

Dear George and Joan,

I am again writing to you today to ask you to support Sussex County's **Big Brothers Big Sisters annual Bowl for Kids' Sake** fundraiser that will be held at Milford Lanes on May the 7th. This is our big fundraiser of the year and we are having it in Milford because it is larger than any bowling venue in Sussex so we can recruit more teams to participate. Last year we made almost \$21,000 and we hope to do even better this year as our overall revenue and donations are down about \$15,000 for Sussex County alone. We are working very hard to try and make up for this difference not only with our BFKS event but with other fundraisers we hold throughout the year. Our program matches total 150 (Bigs and Littles) which are our highest in the last five years and we still have kids on our waiting list to be matched with a mentor or Big Brother or Big Sister.

Sussex County Council has been a loyal contributor to Big Brothers Big Sisters in **Sussex Bowl for Kids' Sake event over the last three or four years** and we appreciate your help. If you and your fellow council members could once again support us with a \$500 sponsorship it would help to our programing. As usual we list all our sponsors and not only at the event but on our web page and in a thank you to the newspaper.

Thank you very much for your help in this matter.

Sincerely,

Ray



Big Brothers Big Sisters of Delaware
111-A North Bedford Street
Georgetown, DE 19947
(302)856-2918

Big Brothers Big Sisters of Delaware
33rd Annual Bowl for Kids' Sake (BFKS) announce the "Oldies Bowl" to celebrate our 50th Anniversary in Delaware

So dust off your bowling ball and join us for a fun-filled evening that benefits kids. Funds raised during BFKS provide guidance and support to children through our programs and go directly toward matching children with volunteer mentors.

The 33rd Annual Bowl for Kids' Sake will be held on Wednesday, May 7th at Milford Lanes in Milford Delaware at 6:00PM.

Bowling teams should consist of 4-6 individuals who are willing to solicit sponsors from friends, co-workers, and family. Big Brothers Big Sisters will send the sponsors pledge reminders after the event, so bowlers **do not** have to collect any pledge money! Participants enjoy two hours of free bowling, free food, drinks, event t-shirts and prizes. There will also be a chance auction, DJ, trophies and special prize for the **best dressed oldies attire for the "Oldies Bowl"**

To register individually or a team, please call Big Brothers Big Sisters of Delaware at (302)856-2918 and ask for Ray Quillen or by e-mail at Rquillen@bbbsde.org