



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

**MEETING:  
April 8, 2014**

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



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# Sussex County Council

## AGENDA

APRIL 8, 2014

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Todd Lawson, County Administrator

1. Fair Housing Month Proclamation
2. Coastal Club LLC Development – Ordinance Requirement Update
3. Administrator's Report

### Gina Jennings, Finance Director

1. Health Insurance Renewal

### Hal Godwin, Deputy County Administrator

1. Legislative Update
2. Wetlands Advisory Committee Update and Possible Action
3. Delaware Bay Beach Work Group Report



### **Grant Requests**

1. New Zion United Methodist Church for the Youth Outreach Team's Annual Basketball Tournament and Community Awareness Day.
2. Little League Baseball (Lower Sussex Little League) for program expenses.

### **Introduction of Proposed Zoning Ordinances**

#### **Any Additional Business Brought Before Council**

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

#### **Possible Action on Executive Session Items**

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

##### **Conditional Use No. 1980 filed on behalf of Eastern Shore Auto Exchange**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14,295 SQUARE FEET, MORE OR LESS” (land lying southwest of Route 5 (Harbeson Road) 0.5 mile south of Road 292A (Rust Road) (Tax Map I.D. 234-4.00-11.00) (911 Address: 90524 Harbeson Road, Harbeson, DE 19951)

##### **Conditional Use No. 1981 filed on behalf of Robert & Julie Norwood**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE FOR A CLEANING SERVICE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS” (land lying at the northwest corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road) (Tax Map I.D. 334-12.00-Parcel 25 & 26) (911 Address: 34428 Retz Lane, Lewes, DE 19958)

##### **Change of Zone No. 1745 filed on behalf of Capital Development Partners, LLC**

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.912 ACRES, MORE OR LESS” (land lying south of Route 16 and 300 feet east of U.S. Route 113) (Tax Map I.D. 230-26.00-102.00 (Part of) (No 911 address available)

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 1, 2014 at 5:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 1, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 1, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

**Mr. Vincent called the meeting to order.**

**M 151 14  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Agenda by deleting “Job Applicants Qualifications”, “Pending/Potential Litigation”, and “Land Acquisition” under “Executive Session”; and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of March 25, 2014 were approved by consent.**

**League of  
Women  
Voters  
Presentation**

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

**Highlights noted, along with the League’s position, included: water problems, the need for a Land Use Planner, the heavy reliance of transfer tax money for County revenue, granting of time extensions to developers, and Citizen’s Right to Know/Citizen Participation.**

**League of Women Voters Presentation (continued)**

**Ms. Lord reviewed additional observations on issues where the League does not have specific positions: “although we continue to be favorably impressed by the fiscal management of the County, the practice of Council Members having individual accounts for granting monetary requests raises questions of appropriateness”, “Council members have demonstrated genuine concern to citizens who have come to them for assistance”, and “County employees are consistently polite and helpful”.**

**Ms. Lord presented copies of the report to the Council.**

**Employee of the Quarter**

**The Council recognized Vanessa Pettyjohn, Employee of the First Quarter. Ms. Pettyjohn has worked for the County since 1976 and is currently a Billing Support Coordinator in the Finance Department.**

**Storage of Waste Materials Including Tires as it Relates to County Code**

**Mr. Lawson presented information on waste materials, including tires, as it relates to violations of the County Code. He reported on the issue regarding a pile of tires on private property in the unincorporated area of Sussex County (Route 113, Georgetown).**

**Mr. Lawson reported that Section 115-191.4 of the County Code provides for the Council to take action. The Code states that “The purpose of this section is to prevent the accumulation of rubbish, trash or waste material so as to create an unsightly condition and/or a nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that could endanger the safety of the owner, possessor or other persons. In that regard: A. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes shall permit refuse, rubbish, trash or other waste material to be placed or to accumulate upon such lands or premises.” Mr. Lawson noted that similar wording can be found in Section 115-191.6 of the Code.**

**Mr. Lawson reported that the County has several options in determining remedies to pursue:**

- 1. Section 115-191.5 allows the County, after ten days’ prior notice, to hire a third party contractor to clean up the rubbish and charge the property owner for the costs associated therewith. Those costs may then be imposed as a lien. (Mr. Lawson noted, however, that there may be additional steps that the County should take prior to taking these steps such as site inspection, speaking to other State agencies, and determining the extent of the site violation.)**
- 2. Section 115-191.2 permits bringing suit in the Justice of the Peace Court for a misdemeanor and fines.**
- 3. Section 115-191.2 also authorizes suit in a court of law or equity to restrain, correct, abate or enjoin the violation or require removal of the offending condition. Under the common law, a public nuisance action may also be alleged.**

**Storage of  
Waste  
Materials  
Including  
Tires  
as it  
Relates  
to County  
Code  
(continued)**

4. Section 115-191.6 states that the County may apply to the Chancery Court for injunctive relief against the property owner or possessor to prevent, enjoin, or abate any continuing violation of the provisions of Section 115.191.
5. Additional remedies may be associated (involving a specific site) with the conditional use violation, if applicable.

Mr. Lawson noted that, in regards to these options, the Council needs to consider how much they want to pursue these sites and at what cost.

Mr. Lawson reported on the tire pile in North Georgetown that has been of discussion recently and he stated that it would cost the County significant money to remove the tires and dispose of them.

The Council discussed the storage of tires, the County's current complaint driven process, the possibility of changing the Code as it relates to certain issues, i.e. trash and rubbish, the fact that DNREC has money for the cleanup of tires and asking the State to take responsibility for these issues, the possibility of the Council cleaning up the site and attaching a lien to the property (including a fine and interest), and giving fair notice to a property owner.

Mr. Vincent asked Mr. Lawson to consider the comments made by Council members and to advise Council as to how to proceed.

**Proposed  
Rules of  
Procedure  
Amend-  
ment  
Regarding  
Consent  
Agendas**

Mr. Lawson discussed a possible amendment to the Rules of Procedure regarding Consent Agendas and he noted that, at the March 25th meeting, the Council discussed the idea of using a Consent Agenda for items on the agenda, such as wastewater agreements. A revised Rule 17.6 was included in the Council packets; this was a draft for the Council's consideration.

**Proposed Amendment:**

**Rule 4A – Consent Agenda**

**4A.1** The County Administrator or any member of the County Council may propose any matter that would be considered on an agenda for the inclusion on a Consent Agenda. The Consent Agenda shall list the matters so included and a brief description of each.

**4A.2** An item may be removed from a Consent Agenda if any member of the County Council requests that it be given separate individual consideration. If an item is removed from the Consent Agenda, it shall be considered as a separate item under the appropriate section of that meeting's agenda.

**4A.3** All items on a Consent Agenda shall be read and voted on as a single group.

**Proposed Rules of Procedure Amendment Regarding Consent Agendas (continued)**

**Mr. Lawson noted that, at the March 25th meeting, questions were raised as to whether or not the Council needs to approve wastewater agreements. Legal Counsel’s advice was that the Council should still approve the agreements; however, the approval process could be by Consent Agenda.**

**Mr. Moore noted that any Council member would be allowed to pull an item off of a Consent Agenda because the items would be listed on the Agenda and it would simply be a matter of amending the Agenda.**

**Council members discussed consent agendas, raising questions and concerns.**

**M 152 14  
Defer  
Action on  
Proposed  
Rules of  
Procedure  
Amend-  
ment**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on a Rules of Procedure amendment regarding Consent Agendas.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator’s  
Report**

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

**1. Delaware Department of Natural Resources & Environmental Control - Tax Assessment Survey**

**The Delaware Department of Natural Resources & Environmental Control (DNREC) recently contacted Sussex County to request County staff respond to the attached County Property Tax Assessment Survey. According to DNREC, “The purpose of this survey is to take the initial step in reviewing county tax assessment data to help quantify how a proposed environmental fee/tax could be implemented to support the Governor’s announced Clean Water for Delaware’s Future Initiative. This survey is part of a discovery process to help ensure that DNREC understands what county tax assessment data is available. Providing answers to the questions below will not commit a county government to a proposed environmental fee/tax collection process.”**

**Staff will work with DNREC to provide an adequate response and will keep the Council apprised of any action DNREC considers.**

**Legislative  
Update**

**Mr. Godwin presented the following legislative update:**

**House Bill No. 272 – “AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PARAMEDIC SERVICES”**

**Synopsis: This Bill, modeled after similar legislation enacted in Pennsylvania and West Virginia, clarifies paramedic immunity when**



**Legislative  
Update  
(continued)**

consent to render care is unable to be obtained.

On March 25th, Mr. Godwin reported that he asked the County's Paramedic Department and Legal Counsel to review and comment on the new legislation. Mr. Schoonover in the Paramedic Department has stated that there is already an implied consent law that allows the paramedics to perform their services in the event they cannot gain consent from the patient. Mr. Godwin stated that this legislation may be a duplicate authorization of the same thing. Mr. Godwin stated that the Paramedic Department supports this legislation.

Mr. Godwin further reported that the Paramedic Department believes that this legislation offers more protection for the physician who gives communication over the phone/computer to a paramedic on the scene.

**Senate Bill No. 157 – “AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO OPEN MEETINGS”**

**Synopsis:** The Bill adds sales and leases to the current language regarding publicly funded capital improvements.

Mr. Godwin stated that he would like the Council's direction on this legislation.

It was the consensus of the Council to support House Bill No. 272 and Senate Bill No. 157.

Mr. Phillips referenced House Bill No 217 entitled “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE GENERAL POWERS OF THE GOVERNMENT OF NEW CASTLE COUNTY”.

**Synopsis:** This Bill allows New Castle County to create a special tax assessment for the purpose of providing funding for volunteer fire, ambulance and/or emergency medical technical services.

Mr. Phillips stated that this could potentially cause concern for Sussex County in the future.

Mr. Godwin stated that it is clearly New Castle County legislation.

The majority of Council members did not think that the Sussex County Council should take a position on this legislation.

Mr. Phillips referenced Punkin Chunkin and he commented that it has been in the news that the property owner of the land on which the event has been held in the past few years is no longer going to allow it to be held on his property. Mr. Phillips referenced Senator Brian Pettyjohn's draft legislation regarding liability limits to protect entities, municipalities, etc. and he stated that the legislation would be worth revisiting.

**Wetlands  
Advisory  
Committee  
Update**

**Hal Godwin, Deputy County Administrator, reported on the Wetlands Advisory Committee meetings that he has attended and he presented an overview of a wetlands report including information on types of non-tidal wetlands in Delaware; total acreage of Category 1 Wetlands; regulated (not isolated) and unregulated (isolated) Category 1 Wetlands; how many are vulnerable and need to be protected; how many are protected – public versus private lands; Category 1 Wetland Ownership in Sussex, Kent, and New Castle counties; and examples of Category 1 wetland losses from 1992-2007.**

**Mr. Godwin noted that there are five questions that the Council needs to vote on prior to the next meeting of the Wetlands Advisory Committee on Friday, April 9th.**

**Virgil Holmes of DNREC gave a presentation on how DNREC would manage the Category 1 wetlands that are currently regulated by the Corps, if given the authority.**

**Brenna Goggin of the Delaware Nature Society and member of the Wetlands Advisory Committee gave a presentation on the conservation tax credit and the options they are proposing to the Wetlands Advisory Committee as incentives to protect wetlands in the State. Ms. Goggin referenced Delaware House Bill No. 248 which allows for this tax credit program. (Ms. Goggin noted that she was making this presentation on behalf of Danielle Leverage, a student at the University of Delaware, who came up with this idea when researching how to come up with a way to incentivize the idea of protecting wetlands in the State.)**

**Jim McCulley of the Home Builders Association of Delaware and member of the Wetlands Advisory Committee gave a presentation on an incentive program (protecting resources with higher density development) that the Association has proposed to the Committee.**

**Marty Ross of the Delaware Farm Bureau and member of the Wetlands Advisory Committee stated that he wishes to address the Council on this issue (incentives) but that due to time constraints, he would speak at the next meeting of Council and he would defer to other members who may not be able to attend the April 8th Council meeting.**

**Chris Bason of the Center for the Inland Bays and member of the Wetlands Advisory Committee gave a presentation on restoring the water quality of the Inland Bays and the importance of wetlands to the Inland Bays. He stated that the Center will be supportive of incentive-based programs and regulatory programs that can help protect wetlands.**

**Bob Walls of the Farm Services Agency and member of the Wetlands Advisory Committee referenced incentives and farmland preservation. Mr. Walls stated that he does not believe any more regulations (DNREC) are needed.**

**Wetlands  
Advisory  
Committee  
Update  
(continued)**

**Senator Gerald Hocker, member of the Wetlands Advisory Committee, stated that he is very reluctant to give the State any additional regulation authority. He also commented on the water quality of the bays.**

**Representative Dave Wilson, member of the Wetlands Advisory Committee, stated his concern about implementing more regulations and he commented on Secretary O'Mara's new incentives for the State of Delaware. Representative Wilson stated that his main concern is that legislation gets changed through the regulatory process and legislators do not hear about it until calls start coming in from constituents. Representative Wilson commented that he is open minded and he wants to hear about the incentives which he thinks is a great idea if the State has the money to pay for it. Representative Wilson encouraged Council members to contact him to let him know the direction the Council supports.**

**There were no additional comments.**

**(Comments, questions, and answers were heard during the presentations. The presentations and discussions can be heard in entirety on the audio recording of this meeting.)**

**Wastewater  
Agreements**

**Hal Godwin, Deputy County Administrator, presented wastewater agreements for consideration.**

**M 153 14  
Execute  
Wastewater  
Agreement/  
Hopkins-  
Pettyjohn  
Subdivision**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 446-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Sweetbriar, LLC, for wastewater facilities to be constructed in Hopkins-Pettyjohn Subdivision (AKA Red Mill Pond North) – Phase 3 (Revised Construction Plan and Construction Record), located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**Motion Adopted: 5 Yeas.**

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

**M 154 14  
Execute  
Wastewater  
Agreement/  
Bishop's  
Landing,  
Phase 3**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 733-5, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dove Barrington Development, LLC, for wastewater facilities to be constructed in Bishop's Landing, Phase 3, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.**

**M 154 14  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Expansion  
of the  
Bay View  
Estates  
SSD**

**John Ashman, Director of Utility Planning, presented a request for permission to prepare and post notices for a property to be included in the Bay View Estates Sanitary Sewer District. A letter of request was received from the property owner, David Kohout, requesting to be annexed into the sewer district. The parcel, containing .82 acres±, is located on Williamsville Road and is adjacent to the sewer district. The owner would like to place a single family home on the parcel in the near future; the parcel is currently vacant. The property owner will be responsible for system connection charges in the amount of \$6,489.00 per EDU based on current rates. A Public Hearing will be scheduled.**

**M 155 14  
Prepare  
and Post  
Notices/  
Proposed  
Expansion  
of the  
Bay View  
Estates SSD**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Bay View Estates Sanitary Sewer District boundary to include Parcel 533-19.00-289.09 owned by David Kohout, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Grant  
Requests**

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

**M 156 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$2,000.00 from Mr. Phillips' Councilmanic Grant Account to the John M. Clayton Elementary School for a Student Mentoring 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 157 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$500.00, (\$250.00 each from Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts) to the Delaware 4-H Association for the Bridgeville Mustangs Club's conference expenses.**

**Motion Adopted: 5 Yeas.**

**M 157 14**  
**(continued)**      **Vote by Roll Call:**      **Mrs. Deaver, Yea; Mr. Cole, Yea;**  
**Mr. Phillips, Yea; Mr. Wilson, Yea;**  
**Mr. Vincent, Yea**

**M 158 14**      **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$600.00**  
**Council-**      **(\$200.00 from Mr. Wilson’s Councilmanic Grant Account and \$100.00 each**  
**manic**      **from Mr. Cole’s, Mrs. Deaver’s, Mr. Wilson’s, and Mr. Vincent’s**  
**Grant**      **Councilmanic Grant Accounts) to the American Cancer Society for the**  
**Eastern/Coastal Relay for Life.**

**Motion Adopted:**      **5 Yeas.**

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

**M 159 14**      **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,000.00**  
**Council-**      **from Mr. Wilson’s Councilmanic Grant Accounts to the Greenwood Police**  
**manic**      **Department for the National Night Out event.**  
**Grant**

**Motion Adopted:**      **5 Yeas.**

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

**M 160 14**      **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give**  
**Council-**      **\$1,000.00 (\$800.00 from Mr. Wilson’s and \$200.00 from Mrs. Deaver’s**  
**manic**      **Councilmanic Grant Accounts) to the Ladies Auxiliary of the Carlisle Fire**  
**Grant**      **Company for uniform shirts and aprons.**

**Motion Adopted:**      **5 Yeas.**

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

**M 161 14**      **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,000.00**  
**County-**      **from the Countywide Youth Grant Account to Trap Pond Partners for the**  
**wide**      **Healthy Kids Day event at Trap Pond State Park.**  
**Youth**

**Grant**

**Motion Adopted:**      **5 Yeas.**

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

**M 162 14**      **A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00**  
**(\$100.00 from each Councilmanic Grant Account) to the Marine Corps**

**M 162 14**      **League Foundation (Delaware Devil Dogs – Detachment 780) for a**  
**Council-**      **fundraiser for various community projects.**  
**manic**

**Grant**  
**(continued)**

**Motion Adopted:      5 Yeas.**

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

**M 163 14**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give**  
**County-**      **\$1,000.00 from the Countywide Youth Grant Account to Delaware**  
**wide**      **Technical & Community College for Kids on Campus for summer**  
**Youth**      **classes/camp.**  
**Grant**

**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 referenced the tire pile discussion and he said he hopes the same standards will apply to other situations, such as his. Mr. Reiger discussed his problems with the neighboring property including barbed wire in a residential area.**

**Under Additional Business, Dan Kramer referenced FOIA and he stated that the Council is not allowed to bring up subjects that are not on the agenda, i.e. budget (at the 3/25/14 Council meeting) and the Punkin Chunkin event (at this meeting). He also referenced comments that he has cost the County (on FOIA complaints) and he stated that if the Council did things correctly, there would be no FOIA violations.**

**Charles Herrman commented on tire problems in the County and he stated that the worse one is located in Millsboro. Mr. Herman expressed concerns about tire piles and he stated that they create a dangerous situation – a disaster waiting to happen – as tires are a fire hazard and tire pile fires are hard to put out.**

**M 164 14**  
**Go Into**  
**Executive**  
**Session**

**At 12:58 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel.**

**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 1:00 p.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers to discuss issues relating to personnel. The Executive Session concluded at 1:22 p.m.

**M 165 14 Reconvene Regular Session** At 1:24 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, 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

**M 166 14 Recess to Workshop** A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to recess to the County's West Complex for a Workshop on Building Height Limits.

**Motion Adopted:** 5 Yeas.

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

**M 167 14 Reconvene/Workshop** At 1:49 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to reconvene for the purpose of holding a Workshop on Building Height Limits. (The meeting reconvened at the County's West Complex.)

**Motion Adopted:** 5 Yeas.

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

**Workshop on Height Limits** The following were in attendance at the Workshop:

- |                              |  |
|------------------------------|--|
| <b>Michael H. Vincent</b>    | <b>President</b>                         |
| <b>Samuel R. Wilson, Jr.</b> | <b>Vice President</b>                    |
| <b>George B. Cole</b>        | <b>Councilman</b>                        |
| <b>Joan R. Deaver</b>        | <b>Councilwoman</b>                      |
| <b>Vance Phillips</b>        | <b>Councilman</b>                        |
| <b>Todd F. Lawson</b>        | <b>County Administrator</b>              |
| <b>Hal Godwin</b>            | <b>Deputy County Administrator</b>       |
| <b>Robert Wheatley</b>       | <b>Chairman – P&amp;Z Commission</b>     |
| <b>I. G. Burton</b>          | <b>Commissioner – P&amp;Z Commission</b> |
| <b>Michael Johnson</b>       | <b>Commissioner – P&amp;Z Commission</b> |
| <b>Marty Ross</b>            | <b>Commissioner – P&amp;Z Commission</b> |
| <b>Rodney Smith</b>          | <b>Commissioner – P&amp;Z Commission</b> |
| <b>Lawrence Lank</b>         | <b>Director of P&amp;Z</b>               |
| <b>Shane Abbott</b>          | <b>Assistant Director of P&amp;Z</b>     |
| <b>Andrew Dolby</b>          | <b>P&amp;Z Intern</b>                    |

**Workshop  
on Height  
Limits  
(continued)**

<b>Dale Callaway</b>	<b>Chairman – Board of Adjustment</b>
<b>Jeff Hudson</b>	<b>Member – Board of Adjustment</b>
<b>John Mills</b>	<b>Member – Board of Adjustment</b>
<b>E. Brent Workman</b>	<b>Member – Board of Adjustment</b>
<b>Norman “Bud” Rickard</b>	<b>Member – Board of Adjustment</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>
<b>Vincent Robertson</b>	<b>Assistant County Attorney</b>
<b>James P. Sharp</b>	<b>Assistant County Attorney</b>
<b>Michael Izzo</b>	<b>County Engineer</b>
<b>John Ashman</b>	<b>Director of Utility Planning</b>
<b>Andy Wright</b>	<b>Chief of Building Code</b>
<b>Marc Cote’</b>	<b>Assistant Planning Director - DelDOT</b>
<b>Duane T. Fox, Jr.</b>	<b>Office of the State Fire Marshal</b>

**Mr. Lawson stated that the purpose of the Workshop is for discussion and to get direction on building heights in Sussex County.**

**Mr. Robertson conducted the Workshop.**

**Mr. Robertson gave an overview of the following: current County Code; County height limits per zoning district; other municipal height limits in Seaford, Rehoboth, and Kent and New Castle counties; examples of existing buildings in the County over 42 feet (with photos); and the County’s method of measurement.**

**Mr. Izzo discussed how building height may relate to the County’s wastewater facilities. He reported on sewer capacity calculations with a specific review of the West Rehoboth Sewer District and he discussed how the height of a building affects sewer (EDUs).**

**Mr. Cote’ explained how DelDOT analyzes the impact of a proposed project with respect to traffic. He also discussed higher building limits which would allow for more mixed use types of designs.**

**Mr. Fox explained the position of the Office of the State Fire Marshal and the fire companies on tall buildings and he explained that their regulations cover the entire State, not specific counties and municipalities. He explained that most height and area limitations come from different building codes. Mr. Fox stated that the Office treats height differently; their height definition has nothing to do with the roof; it stops at the highest floor level. Mr. Fox also explained that their fire lane regulations were changed to fire department access regulations. Mr. Fox noted that the Office has no objection to any kind of zoning but that once a building is constructed and its use defined, the Office comes in and advises what can and cannot be done; additionally, as a building goes up, extra features may be required.**

**Mr. Robertson summarized by saying that a height limit is a zoning issue as well as an engineering, transportation and fire issue.**



**Workshop  
on Height  
Limits  
(continued)**

**Mr. Robertson presented options for the County to consider:**

- **Approve the pending ordinance amending §115-179B to allow 60' buildings for government buildings, hospitals, and schools when permitted in a district.**
- **Amend the County Code to amend the height limits within a specific Zoning District.**
- **Require all buildings over height limits to apply for a variance.**

**No action was taken.**

**(Comments, questions, and answers were heard during the Workshop. The presentations and discussions can be heard in entirety on the audio recording of this meeting.)**

**M 168 14  
Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to adjourn at 3:31 p.m.**

**Respectfully submitted,**

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

GRIFFIN & HACKETT, P.A.

ATTORNEYS AT LAW

19264 MILLER ROAD, UNIT A

JAMES D. GRIFFIN

REHOBOTH BEACH, DELAWARE 19971

DAVID R. HACKETT

VINCENT G. ROBERTSON

(302) 226-8702

FAX: (302) 226-8704

robertson@griffinhackettllaw.com

TO: Sussex County Council

FROM: Vince Robertson, Esq.  
Assistant County Attorney

RE: Coastal Club Development

DATE: April 4, 2014



This Memorandum addresses the status of certain aspects of this Development and Ordinance #1770 (attached) that approved it. According to Ordinance #1770, the developer is required to install streetlights and sidewalks along Jimtown Road, but only "if desired by the residents of Jimtown." There is no guidance on how to determine this, however. The Ordinance also requires the developer to install water and sewer lines in Jimtown Road so that both utilities can be available for properties there to connect if they desire. Connection is not mandatory under the Ordinance, but if the properties do connect within a specified time, the connection fees are paid by the developer. Finally, the Ordinance currently states that the project will be served by private, on-site central sewer. Because the developer now intends to connect to County Sewer, that must be changed.

The current developer of the project is Coastal Club, LLC. Coastal Club, LLC is not affiliated with the original developer of the project.

Coastal Club, LLC is seeking to determine whether the residents desire sidewalks or streetlights on Jimtown Road so that it can proceed with the project. Sussex County has participated in meetings with the developer's representatives and representatives of First State Community Action so that a fair determination of the residents' desires can be made. First State Community Action is working to schedule a meeting of Jimtown residents at a location near that community to explain the question and conduct a poll of whether the residents desire streetlights and/or sidewalks along Jimtown Road.

Once that poll is completed, the developer has stated that it will be filing an application to amend Ordinance #1770 to address at least the following: (a) to correct the fact that #1770 required the developer to have a private on-site sewer system and it will now be part of a County Sewer District (subject to the annexation process); (b) confirm what the residents of Jimtown desire regarding streetlights and sidewalks on Jimtown Road; and (c) clarify some of the timing requirements so that road improvements, sidewalks, etc. logically coordinate with sewer and water installation. The developer is NOT seeking to amend its obligation to install sewer and water mains in Jimtown Road and pay the connection fees for property owners who choose to connect within a specified time. During any public hearings on the Ordinance amendment, the developer will present the result of First State's poll as part of its record in support of the requested changes. Like any ordinance, your decision will be based on the record before you.

I will be available during Council's meeting on Tuesday to answer any questions when this is discussed.

VGR

Cc: Mr. Todd Lawson  
Mr. Everett Moore  
Mr. Michael A. Izzo  
Mr. Lawrence L. Lank  
Mr. Joe Wright

**ORDINANCE NO. 1770**

**With Conditions**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 373.82 ACRES, MORE OR LESS**

**WHEREAS, on the 10th day of December, 2003, a zoning application, denominated Change of Zone No. 1554, was filed on behalf of Marine Farm, L.L.C.; and**

**WHEREAS, on the 23rd day of September 2004, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the 3rd day February 2005, said Planning and Zoning Commission recommended that Change of Zone No. 1554 be approved with conditions; and**

**WHEREAS, on the 12th day of October 2004, 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 of MR-RPC Medium Density Residential District-Residential Planned Community as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Beaver Dam Road (Road 285) and southwest of Jim Town Road (Road 285A), and being more**

particularly described in attached legal description provided by McCrone, Inc., said parcel containing 373.82 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.

This Ordinance was adopted subject to the following conditions:

1. The maximum number of dwelling units shall not exceed 630 of which at least 432 shall be located on single family lots. The 20 lots with roadway connection to Jim Town Road shall be eliminated. The roadway connection to Jim Town Road shall also be eliminated.
2. All entrance, intersection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's determinations.
3. Recreational facilities and amenities shall be constructed and open to use by residents of the development within 2 years of the issuance of the first building permit. These amenities shall include a swimming pool, bath house and tennis courts.
4. The development shall be served by central sewer.
5. The development shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.
6. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements. If it is determined that additional areas are required for stormwater management, parking or other use, the additional area shall be taken from lot areas, not designated Federal or State wetlands or other open space areas.
7. The Applicant, its successors and/or assigns, including a homeowners association that will be formed, shall operate the stormwater management facilities in a manner that is consistent with Best Management Practices (BMPs) as further described in the Applicant's documents submitted into the record.
8. Wetlands shall not be included in individual lots. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. There shall be a minimum of a 50 foot setback from all non-tidal wetlands.
9. No piers, docks, boat ramps, or other water related recreational facilities shall be permitted.
10. Site plan review for each phase of development shall be subject to the approval of the Planning and Zoning Commission.
11. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. The street design shall include curbs, sidewalks, and street lighting.
12. The Applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design which shall include a screen of trees planted around the perimeter of the Bald Eagle preserve area.
13. The 42-acre "Wildlife Habitat Area" surrounding the existing bald eagle nest shall remain an open natural area in perpetuity, as shown on the Preliminary Site Plan and shall be subject to a Conservation Easement subject to approval by the County Attorney.

14. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.
15. The Applicant shall cause to be formed an association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas which shall have the responsibility of enforcing the restrictive covenants, which shall give notice to buyers that they are buying in a development that is located in an agricultural area and an area where hunting activities are carried out.
16. Road naming and addressing shall be subject to the approval of the Sussex County Mapping and Addressing Department.
17. The applicant shall provide the improvements that they offered to the residents of Jimtown as described in their letter of November 18, 2004, as described below:

**A. Sewer**

At its sole cost and expense, Marine Farm, LLC will provide the residents of Jimtown with access to the Marine Farm sewerage treatment plant with capacity for the homes currently existing within Jimtown at the time of this agreement and one home per vacant lot or parcel existing at the time of this agreement on the lots currently in the area specifically recognized by Sussex County as Jimtown in the area north of the existing bridge on Jimtown Road at Gosling Creek to Beaver Dam Road.

At its sole cost and expense, Marine Farm, LLC will provide a sanitary sewer transmission system of sufficient size to convey the Jimtown sewerage through the Marine Farm sanitary sewer system to the Marine Farm sewerage treatment plant within three (3) years of the commencement of construction on the Marine Farm site.

At its sole cost and expense, Marine Farm, LLC will engineer and install an 8" sanitary sewer gravity line within Jimtown Road from the intersection of Jimtown and Beaver Dam Road to its connection with the Marine Farm sanitary sewer system including one lateral per home or lot as defined above.

At its sole cost and expense, Marine Farm, LLC will treat such sewerage and the home, lot or parcel owners will be charged no tap or connection fee nor will any resident of Jimtown be required to hook up to the system until and if he or she chooses.

Each resident of Jimtown that chooses to hook up to the Marine Farm sanitary sewer system, with such hookup being solely at the discretion of each individual property owner, will pay the same rate for treatment that all other Marine Farm residents pay as governed by the Delaware Public Service Commission.

At its sole cost and expense, Marine Farm, LLC will dispose of treated Jimtown sewerage on the Marine Farm disposal site.

**B. Water**

Marine Farm, LLC will coordinate with Tidewater Utilities, Inc. who is providing domestic water and fire protection service for Marine Farm and a representative of Jimtown in an effort to secure the water company's agreement to extend such service to the Jimtown lots or homes. Marine Farm, LLC will coordinate and pay for all engineering and construction costs associated with the such facilities as well as the cost of upsizing of the water treatment plant and tower (if any) and all water lines.

**C. Street Lights:**

If desired by the residents of Jimtown, within one (1) year of the commencement of construction, Marine Farm, LLC at its sole cost and expense will provide for the installation of all street lights required by DeIDOT together with such other street lights as are represented by a number that is consistent with one street light every 100' from the existing bridge within Jimtown Road to the intersection of Jimtown Road and Beaver Dam Road. Additionally, all street light rental or service charges (for these street lights only) will be bourn by Marine Farm, LLC its successors or assigns.

**D. Sidewalks:**

If desired by the residents of Jimtown, within one (1) year of the commencement of construction, Marine Farm, LLC at its sole cost and expense will provide a sidewalk (asphalt or concrete as required by approval agencies or concrete if no agency objects and the residents of Jimtown indicate this preference) either within the Jimtown Road right-of-way on one side of Jimtown Road from the existing bridge within Jimtown Road to the intersection of Jimtown Road and Beaver Dam Road in accordance with review and approval by DeIDOT and Sussex County or outside of the right-of-way on the Jimtown lots from and to the same points on one side of the road.

**E. Jimtown Road Improvements:**

Marine Farm, LLC will provide at its sole cost and expense all roadway improvements required by DeIDOT as indicated in the final approval letter issued by DeIDOT including all Jimtown Road improvements. In addition, Marine Farm, LLC will, together with a Jimtown representative, petition DeIDOT to install speed limit and caution signs for children at play. If accepted by DeIDOT, Marine Farm, LLC will secure such signs at its sole cost and expense and install them in accordance with DeIDOT standards. Additionally, if not otherwise required by DeIDOT and with DeIDOT approval, Marine Farm, LLC will provide at its sole cost and expense an asphalt top coat over the portion of Jimtown Road from the existing bridge within Jimtown Road to the intersection of Jimtown Road and Beaver Dam Road together with any roadway striping acceptable to DeIDOT within that same portion of roadway.

**F. Roadway Connections from Marine Farm to Jimtown Road:**

Given the concerns over traffic and safety issues expressed by the residents of Jimtown and consistent with the letter from Marine Farm, LLC to Mr. Lawrence Lank, Director of Planning and Zoning of Sussex County, dated October 20, 2004, Marine Farm, LLC will:

- (1) Remove the proposed roadway connection from the main portion of Marine Farm to Jimtown Road.
- (2) Delete the 20-lot portion of land with its roadway connection from the Marine Farm Community thus removing all roadway connections from Marine Farm to Jimtown Road.

**G. Reese's Lane and the Reese Property:**

As discussed with Mr. and Mrs. Reese, Marine Farm, LLC will convey the property on which the existing Reese's Lane driveway exists together with appropriate permanent access easements to Mr. and Mrs. Reese and the parties abutting the driveway in a manner suitable to both.

Also as discussed with Mr. and Mrs. Reese, Marine Farm, LLC will convey sufficient property to the Reeses to solve existing encroachment problems in a manner consistent with Sussex County regulations.



**H. Other**

Marine Farm, LLC will provide a 50' minimum forested or landscaped buffer between all Jimtown properties and Marine Farm lots.

As the Applicant offered in a letter dated December 17, 2004 to the County Administrator, the Applicant has voluntarily committed to the following, which shall be additional conditions of the approval:

- (1) Roadway, sidewalk, street light, signage, water and sewer improvements outlined in Marine Farm, LLC's letters to the residents of Jimtown to the extent that the residents collectively choose to have them.
- (2) Jimtown Residents will pay no connection fees to hook up to the Marine Farm central sewer system.
- (3) Jimtown Residents will pay no costs for construction or upsizing of the central water service system to include them.

18. The Applicants shall comply with all State and Federal laws and regulations relating to cemeteries.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 1770 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF APRIL 2005.

  
ROBIN A. GRIFFITH  
CLERK OF THE COUNCIL

The Council found that the change of zone was appropriate legislative action based on the following findings of fact:

1. The application is for a change of zone from AR-1 to MR-RPC Medium Density Residential District – Residential Planned Community on 373.82 acres on the southeast side of Beaver Dam Road (Road 285) and the southwest side of Jimtown Road (Road 285A).
2. A Residential Planned Community (RPC) designation is appropriate for this parcel of land. The purpose of an RPC is to encourage large scale developments using design ingenuity to create superior living environments while protecting existing and future developments and achieving the goals of the Comprehensive Plan. The application is consistent with the stated purpose of an RPC zoning designation.
3. The proposed development is in accordance with the 2002 Sussex County Comprehensive Plan Update in that:
  - A. The development is located in a designated growth area being the Environmentally Sensitive Development Area.
  - B. The 630 residential unit density, being approximately 1.74 units per gross acre, is consistent with the density recommended by the plan and less than the gross density already permitted in the AR-1 Zoning District.
  - C. The plan recognizes that residential development at higher density is appropriate for sites in this developing area in order to preserve agricultural areas by directing development to planned growth areas, such as the Environmentally Sensitive Developing Area.
  - D. The development is designated and incorporates appropriate features to protect and preserve the adjacent and nearby natural environment.

- E. The development site is consistent with the Plan's Future Land Use Map.
  - F. The development site is consistent with existing development patterns and the nature of the area.
  - G. The development will be served by a central community sewer system and a central public water system in accordance with the water and wastewater element of the Plan.
  - H. The development is in accordance with the Conservation Element and Historic Preservation Element of the Plan in that the development will have no negative impact on any critical natural resources or historic districts or sites.
  - I. The development is in accordance with the Recreation and Open Space Element of the Plan in that on site recreational facilities will be created for the use of the development's residents.
  - J. The development is in accordance with the Housing Element and Community Design Element of the Plan in that it will provide a wide range of housing for current and future residents of Sussex County.
4. The requested change of zone promotes the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Sussex County based on the evidence and testimony presented by the applicant including the following:
- A. That adequate fire and police protection are available nearby.
  - B. That the character of the area is appropriate for the proposed development being in a "Growth Area" under the Comprehensive Plan.
  - C. That adequate central water, sewer facilities and adequate utility services are available and that there will be no adverse impact on nearby properties.
  - D. That shopping areas are conveniently accessible for the site both on Route 1 and the Village of Five Points.
  - E. That the development will provide a substantial direct economic impact to Sussex County in terms of property taxes, real estate transfer taxes, building permit fees and other charges and a significant secondary economic impact in terms of jobs and sales of materials.
  - F. That the property is located in an area designated as a growth area and the proposed development will have no adverse effect on the uses or values of existing property and will conserve property values.
  - G. Natural resources will be conserved and there will be no adverse environmental impact. Central community sewer and central water will be provided and storm water management will be designed in full compliance with the requirements of all State and County agencies, insuring protection of the natural environment.
  - H. That the density and design of the development will provide residential housing at an appropriate density in a planned growth area thus providing protection for agricultural lands elsewhere in the County.
  - I. Entrance and roadway improvements shall be in accordance with the requirements of DelDOT and the developer will cooperate with DelDOT's planning in construction of improvements.
  - J. The requested gross density of 1.74 per acre for 650 units is less than that already permitted in the AR-1 Zoning District and provides a low density

**residential development at an appropriate location. An AR subdivision could be created without a zoning change containing up to 841 lots.**

- K. The central community sewer system will be designed for future connection to the Sussex County Sewer System when it is extended to the area.**
  - L. The development will provide off site benefits to the Jimtown Area which will be beneficial to the health and safety of Jimtown residents.**
  - M. The bald eagle nesting area on the property will be fully protected by the implementation of a bald eagle management plan which has been approved by the United States Department of the Interior.**
- 4. The change of zone is subject to eighteen (18) conditions, which will serve to minimize any potential impacts on the surrounding area.**

GINA JENNINGS  
DIRECTOR OF ACCOUNTING  
  
(302) 855-7853 T  
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**Sussex County**  
DELAWARE  
sussexcountycle.gov

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

FROM: Gina A. Jennings  
Finance Director

SUBJECT: **2014-2015 Health Insurance Renewal**

DATE: April 3, 2014

During Tuesday's Council meeting, I will discuss the renewal of our stop/loss insurance. This insurance covers our claims above our self-insurance limits and is renewed every year.

We requested quotes from six carriers, with quotes being received from four. In January, staff met with Integra and Steve Fallon of IBC, our insurance consultant, to discuss the quotes and the County's health insurance performance the last year.

County staff and IBC recommend choosing the incumbent Companion. Their terms are consistent with the current year, with a specific deductible of \$285,000 and an aggregating specific deductible of \$100,000. There will be a \$4,223 annual savings in the County's fixed cost.

The County has had a positive year for health insurance performance. We are anticipating that our claims will be \$500,000, or 5 percent, less than projection. This is more than a \$400,000 decrease from last year's health insurance costs. Below outlines the County's successes during the last year:

- Joined the HPN network; this saved \$160,000. Beebe joined the network in January; they are our highest paid provider. We anticipate another \$80,000 savings annually with this addition and other providers to the network.
- Adopted Spousal Coordination. Five people came off our plan. Using the average \$8,000 cost per person, this equates to \$40,000 annually.
- Encouraged use of brand name drugs. The savings to the plan, with employees using the generic equivalent, is \$149,000 annually.

Firm offers for the top two quotes is attached for your review. Please call me if you have any questions.

**Sussex County Government**  
Quote Analysis for 2014-2015 Contract Year



Plan Information		Projected	Actual	Option 3a	Option 4a
1	Plan Description	HPN, Incl Trans Cov; \$100K Agg Spec, \$350k laser	HPN, Incl Trans Cov; \$100K Agg Spec, \$350k laser	\$100K Agg Spec; \$400K Contingent Laser Not Included; Revised 3/28/14	\$100K Agg Spec; \$400K Contingent Laser Not Included in Rates; Revised 3/28/14; Agg Run In limit \$1.46M
2	Stop Loss Carrier	Companion Life	Companion Life	Companion Life	Standard Security
3	Specific Contract	12/24	12/24	12/24	12/24
4	Benefits Included	Med/Rx	Med/Rx	Med/Rx	Med/Rx
5	Contract Deductible	\$285K	\$285K	\$285K	\$285K
6	Maximum	Unlimited	Unlimited	Unlimited	Unlimited
7	Run-in Limitations	None	None	None	None
8	Aggregating Specific	\$100,000.00	None	\$100,000.00	\$100,000.00
9	Laser Risk	\$65,000	\$65,000	None	None
10	Aggregate Contract	24/12	24/12	24/12	24/12
11	Benefits Included	Med	Med	Med	Med
<b>Fixed Costs (Annual)</b>					
12	Life Product	N/A	N/A	N/A	N/A
13	Contract Premiums	\$238,343	\$238,343	\$238,343	\$230,846
14	Administrative Fees	\$289,104	\$289,104	\$280,917	\$280,917
15	PPO, Health Advocate & Web Fees	\$139,540	\$139,540	\$143,504	\$143,504
16	Run-In Administration	N/A	N/A	N/A	N/A
17	Run-Out Administration	N/A	N/A	N/A	N/A
18	<b>Total Annual Fixed Costs</b>	<b>\$666,987</b>	<b>\$666,987</b>	<b>\$662,764</b>	<b>\$655,267</b>
19	Fixed Cost Increase			-\$4,223	-\$11,720
<b>Projected Plan Costs (Annual)</b>					
20	Fixed Costs (from above)	\$666,987	\$666,987	\$662,764	\$655,267
21	Projected Claims	\$6,691,206	\$6,362,611	\$6,782,805	\$6,782,959
22	Projected Laser Risk	\$48,762	\$0	\$0	\$0
23	Projected Aggregating Specific Claims	\$75,019	\$0	\$75,019	\$75,019
24	Projected Retiree Med/Rx Claims	\$656,457	\$727,356	\$784,817	\$784,817
25	Projected Non-Retiree Rx Claims	\$1,809,107	\$1,680,179	\$1,880,613	\$1,880,613
26	<b>Total Annual Projected Costs</b>	<b>\$9,947,537</b>	<b>\$9,437,133</b>	<b>\$10,186,018</b>	<b>\$10,178,675</b>
27	% Increase in Projected Costs		-5.13%	2.40%	2.32%
28	Projected Cost Increase		-\$510,404	\$238,481	\$231,138
29	Projected Cost Increase PEPM		-\$64	\$30	\$29
<b>Maximum Plan Costs (Annual)</b>					
30	Fixed Costs (from above)	\$666,987	\$666,987	\$662,764	\$655,267
31	Maximum Projected Claims	\$8,543,125	\$6,362,611	\$8,459,766	\$9,390,259
32	Maximum Laser Risk	\$65,000	\$0	\$0	\$0
33	Maximum Aggregating Specific Claims	\$100,000	\$0	\$100,000	\$100,000
34	Maximum Projected Retiree Med/Rx Claims	\$689,272	\$727,356	\$824,058	\$824,058
35	Maximum Projected Non-Retiree Rx Claim:	\$2,261,384	\$1,680,179	\$2,150,279	\$2,150,279
36	<b>Total Annual Maximum Costs</b>	<b>\$12,325,767</b>	<b>\$9,437,133</b>	<b>\$12,196,866</b>	<b>\$13,119,863</b>
37	% Increase in Maximum Costs		-23.44%	-1.05%	6.44%
38	Maximum Cost Increase		-\$2,888,634	-\$128,900	\$794,096
39	Maximum Cost Increase PEPM		-\$364	-\$16	\$100

**Sussex County Government**  
Quote Analysis for 2014-2015 Contract Year



Plan Information		Projected	Actual	Option 3a	Option 4a
1	Plan Description	HPN, Incl Trans Cov; \$100K Agg Spec, \$350k laser	HPN, Incl Trans Cov; \$100K Agg Spec, \$350k laser	\$100K Agg Spec; \$400K Contingent Laser Not Included; Revised 3/28/14	\$100K Agg Spec; \$400K Contingent Laser Not Included in Rates; Revised 3/28/14; Agg Run In limit \$1.46M
2	Stop Loss Carrier	Companion Life	Companion Life	Companion Life	Standard Security
3	Specific Contract	12/24	12/24	12/24	12/24
4	Benefits Included	Med/Rx	Med/Rx	Med/Rx	Med/Rx
5	Contract Deductible	\$285K	\$285K	\$285K	\$285K
6	Maximum	Unlimited	Unlimited	Unlimited	Unlimited
7	Run-in Limitations	None	None	None	None
8	Aggregating Specific	\$100,000.00	None	\$100,000.00	\$100,000.00
9	Laser Risk	\$65,000	\$65,000	None	None
10	Aggregate Contract	24/12	24/12	24/12	24/12

**Monthly Rates**

**Billing/Projected Rates**

11	Single	\$1,377.49	\$1,306.81	\$1,410.67	\$1,409.68
12	Employee & Spouse	\$1,531.85	\$1,453.25	\$1,568.53	\$1,567.38
13	Employee & Children	\$1,457.09	\$1,382.33	\$1,491.98	\$1,490.91
14	Family	\$1,531.85	\$1,453.25	\$1,568.53	\$1,567.38
15	Retiree	\$528.95	\$501.81	\$541.46	\$541.05

**Anticipated Maximum Monthly Rates**

16	Single	\$1,706.82	\$1,706.82	\$1,688.97	\$1,816.78
17	Family	\$1,873.28	\$1,873.28	\$1,853.69	\$1,993.97

18	<b>Total Annual Projected Medical Costs</b>	<b>\$9,947,537</b>	<b>\$9,437,133</b>	<b>\$10,186,018</b>	<b>\$10,178,675</b>
19	Employee Withholding	(\$593,678)	(\$593,678)	(\$593,678)	(\$593,678)
20	Retiree Contributions	(\$84,494)	(\$84,494)	(\$84,494)	(\$84,494)
21	Est. S125 Tax Savings	(\$47,494)	(\$47,494)	(\$47,494)	(\$47,494)
22	COBRA Payments	(\$19,684)	(\$19,684)	(\$19,684)	(\$19,684)
23	Net Projected Company Medical Cos	\$9,202,187	\$8,691,783	\$9,440,668	\$9,433,325
24	Net Projected Medical Cost PEPW	\$1,161	\$1,096	\$1,191	\$1,190

**Sussex County Government**  
Quote Analysis for 2014-2015 Contract Year



Plan Information		Projected	Actual	Option 3a	Option 4a
1	Plan Description	HPN, Incl Trans Cov; \$100K Agg Spec, \$350k laser	HPN, Incl Trans Cov; \$100K Agg Spec, \$350k laser	\$100K Agg Spec; \$400K Contingent Laser Not Included; Revised 3/28/14	\$100K Agg Spec; \$400K Contingent Laser Not Included in Rates; Revised 3/28/14; Agg Run In limit \$1.46M
2	Stop Loss Carrier	Companion Life	Companion Life	Companion Life	Standard Security
3	Specific Contract	12/24	12/24	12/24	12/24
4	Benefits Included	Med/Rx	Med/Rx	Med/Rx	Med/Rx
5	Contract Deductible	\$285K	\$285K	\$285K	\$285K
6	Maximum	Unlimited	Unlimited	Unlimited	Unlimited
7	Run-in Limitations	None	None	None	None
8	Aggregating Specific	\$100,000.00	None	\$100,000.00	\$100,000.00
9	Laser Risk	\$65,000	\$65,000	None	None
10	Aggregate Contract	24/12	24/12	24/12	24/12
11	Benefits Included	Med	Med	Med	Med

**Premiums (per person per month)**

		Projected	Actual	Option 3a	Option 4a
12	Specific/MTP Premium/Fee: Single/EE	\$16.36	\$16.36	\$16.36	\$17.68
13	Family/ESC	\$47.72	\$47.72	\$47.72	\$45.08
14	PPO Fee	\$18.25	\$18.25	\$18.25	\$18.25
15	Health Advocate/Web Fee	\$3.25	\$3.25	\$3.75	\$3.75
16	Aggregate Premium	\$4.51	\$4.51	\$4.51	\$4.18

**Administrative Fees (per person per month)**

**Avg Admin = \$36.47**

**Avg Admin = \$35.43**

		Projected	Actual	Option 3a	Option 4a
17	Admin Fees Single	\$32.00	\$32.00	\$33.28	\$33.28
18	Admin Fees Family	\$43.50	\$43.50	\$45.24	\$45.24
19	Admin Fees Retiree	\$16.00	\$16.00	\$16.64	\$16.64
20	Start Up Fee - HPN	\$2.66	\$2.66	\$0.00	\$0.00
21	Analysis Fee	\$0.50	\$0.50	\$0.50	\$0.50

**Aggregate Factors (per person per month)**

		Projected	Actual	Option 3a	Option 4a
22	Medical Single	\$789.45	\$789.45	\$748.70	\$837.64
23	Family	\$1,838.76	\$1,838.76	\$1,847.46	\$2,045.35

**IAG Factors (per person per month)**

		Projected	Actual	Option 3a	Option 4a
24	Rx Single	\$206.01	\$206.01	\$206.01	\$206.01
25	Family	\$492.18	\$492.18	\$492.18	\$492.18

	Total	Projected	Actual	Option 3a	Option 4a
26	Single	\$995.46	\$995.46	\$954.71	\$1,043.65
27	Family	\$2,330.94	\$2,330.94	\$2,339.64	\$2,537.53

**Average Enrollment (Monthly)**

		Projected	Actual	Option 3a	Option 4a
28	Medical/Rx EE	231.88	231.88	231.88	231.88
29	ES	83.13	83.13	83.13	83.13
30	EC	77.00	77.00	77.00	77.00
31	ESC	127.50	127.50	127.50	127.50
32	RE	141.25	141.25	141.25	141.25
33	Total	660.75	660.75	660.75	660.75

**Sussex County Government**  
Quote Analysis for 2014-2015 Contract Year



**Notes:**

- \* Prescriptions: IAG maximum numbers are projections and not guarantees. Insurance coverage is not provided for an IAG projected aggregate maximum. IAG maximum aggregate projections are calculated upon your past claims experience and where your prior years paid claims have actually tracked against prior year maximums.
- \* The specific maximum amounts included herein may refer to a lifetime or an annual amount as a result of federally mandated legislation. Please review your stop loss policy for exact information.
- \* Health Advocate fee for external claims appeal for non-grandfathered plans is \$.25 pepm. If your company's Plan is determined to be non-grandfathered, you may contract with Health Advocate for this service. This fee is in addition to the costs included herein.
- \* Projected billing rates are based on the average census used herein. Four-tier rates are for comparison purposes and maximum rates from the carrier are based on a 2-tier, single and family basis. Projected billing and maximum rates are subject to change based on increases or decreases in enrollment.
- \* The employee withholdings are based on the aggregate amount supplied by your organization which was then extrapolated. If retiree contributions were included in that amount, the Estimated Tax Savings may be slightly overstated. Please review your records to ensure accuracy.
- \* COBRA payments for the upcoming contract period are expected to remain the same as this plan year for purposes of this analysis.
- \* Aggregating Specific quote options: creates a corridor of risk above the Specific Deductible, which the Plan/Employer assumes. Once the aggregated amount is reached, whether it is due to one or more than one individual, Specific reimbursements are made. Claims exceeding the Specific Deductible up to the Aggregating Specific Deductible are not eligible benefits under the Specific or Aggregate contracts and are the Plan's sole responsibility.
- \* The cost of access to INTEGRATPA.com is \$2.50 per employee, per month, a fee from the vendor that provides this service. It is shown along with the cost of Health Advocate, another of our outside vendors.
- \* Estimated ACA fees of \$11.26 pepm include \$1 per covered person per year (1,097 avg.) for PCORI (Patient-Centered Outcome Research Institute) and \$63 per covered person per year (1,097) for Transitional Reinsurance Fee (TRF). This is provided purely for your budgeting purposes as these amounts will be paid to the appropriate governmental agency. If your organization elects to make the TRF filing, a \$500 credit will be given to you. Otherwise, IAG will file the TRF.

**Companion Life:**

**\* This is a firm renewal offer.**

- \* One covered person will have a contingent laser of \$400K (higher specific deductible amount) for the 2014-15 plan year. Eligible paid claims must exceed the laser amount before the carrier will reimburse for this individual's claims under the specific contract. Only the selected group specific amount will apply towards the aggregate contract.
- \* Includes coverage for work-related accidents & illness for non-incorporated sole proprietors who are not required by law to elect workers compensation coverage.
- \* Common Accident provision – one cause, one deductible. Similar to a 'per family' deductible but at no extra cost.

**Standard Security:**

**\* This is a firm offer.**

- \* One covered person will have a contingent laser of \$400K (higher specific deductible amount) for the 2014-15 plan year. Eligible paid claims must exceed the laser amount before the carrier will reimburse for this individual's claims under the specific contract. Only the selected group specific amount will apply towards the aggregate contract.
- \* Includes coverage for work-related accidents & illness for non-incorporated sole proprietors who are not required by law to elect workers compensation coverage.
- \* Common Accident provision – one cause, one deductible. Similar to a 'per family' deductible but at no extra cost.





# Sussex County Council

## Delaware General Assembly Legislative Report

*Prepared by:*

Hal Godwin, Deputy County Administrator  
April 8, 2014

Bill No.	Description and Purpose	Action
<b>2013-2014 BILLS</b>		
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. Tabled in Committee
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.  I am assembling a group to apply pressure on Committee Chair McDowell
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

HB No. 74

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.

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.

Funding for the new health care system will be as follows:

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.

This bill has been assigned to the House Health & Human Development Committee

This bill has not yet been scheduled for a Committee hearing.

I will be certain to alert you of this date and time.

**Committee Members:**

Chairman: Michael a. Barbieri  
(302) 368-7257

[Michael.barbieri@state.de.us](mailto:Michael.barbieri@state.de.us)

Vice-Chairman: Rebecca Walker  
(302) 293-2356

[Rebecca.walker@state.de.us](mailto:Rebecca.walker@state.de.us)

**Members:**

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<p>HB No. 74 (continued)</p>		<p>Joseph E. Miro (302) 454-1840 <a href="mailto:Joseph.miro@state.de.us">Joseph.miro@state.de.us</a> <a href="mailto:Edward.osienski@state.de.us">Edward.osienski@state.de.us</a></p> <p>Edward S. Osienski (302) 292-8903</p> <p>Charles Potter, Jr. (302) 762-8322 <a href="mailto:Charles.Potter@state.de.us">Charles.Potter@state.de.us</a></p> <p>Darryl M. Scott (302) 735-1781 <a href="mailto:Darryl.Scott@state.de.us">Darryl.Scott@state.de.us</a></p> <p>Kimberly Williams (302) 577-8476 <a href="mailto:kimberly.williams@state.de.us">kimberly.williams@state.de.us</a></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. 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</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>

HB No. 135 (continued)	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.	
HB No. 137	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.	Introduced 5/14/13 - This Bill may cause changes in our pension calculations.  6/6/13 Passed the House  Assigned to Senate Finance Committee
HA No. 1 to HB No. 137	This technical amendment changes the term "employer" to "employee" and corrects a cross-reference.	
HA No. 2 To HB No. 137	This amendment makes the following technical changes: 1) the term "employer" is corrected to "employee"; a cross-reference is added for a newly added paragraph; internal cross-references are corrected; and the judiciary's option of a 6% reduction in exchange for 100% survivor benefit is added.	
HA No. 1 To HA No. 2 To HB No. 137	This amendment to House Amendment No. 2 makes the provisions of this legislation effective for those retiring with an effective date of retirement of July 1, 2014, in order to allow for necessary administrative and systems changes.	
SB No. 78 + SA-1	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	Signed into Law 7/31/13

<p>SB No. 78 + SA-1</p>	<p>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>	
<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 1933 to protect the public interest regarding banking regulations.</p> <p>Congress repealed this law in 1999 which many believe led to the 2<sup>nd</sup> Great Depression in America. Some members of Congress would like to reinstate the Glass-Steagall Act.</p>
<p>HB No. 167</p>	<p>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</p>	<p>Amended by Amendments No. 1, Amendment 1 to No. 1 which were grammatical &amp; House Amendment No. 2 which aligns with County Council's request to eliminate the 5 &amp; 10 year look back limitations.</p> <p>See Synopsis on Attachment House Amendment No. 2 To House Bill No. 167</p> <p>Passed the House 1/28/14</p> <p>Assigned to the Senate Labor and Industrial Relations</p>

HB No. 167 (continued)	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.	Committee 1/29/14  Released from Committee 3/26/14
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  Passed the House 3/25/14  Assigned to the Senate Judiciary Committee 3/27/14
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.  Passed the House & passed the Senate 3/26/14
SB No. 160	The bill would increase the weight limit for live-haul poultry trucks operating on Delaware highways within 100 miles of the plant in order to accommodate the poultry industry and ensure public safety. In addition, the bill would provide for a weight variance of 3 percent to account for variations in bird weight. Live-haul poultry trucks are granted the increased weight limit and associated variance provided that these trucks are in compliance with several conditions aimed at ensuring public safety. Provided these conditions are met, this bill would allow a live-haul poultry truck to weigh up to 92,700 pounds before any penalty is assessed for exceeding weight restrictions. This weight variance provided for in this bill is the same weight variance granted to vehicles used for farm operations by § 4502(c)(9) of Title 21.	Passed the Senate 3/18/14  Assigned to the House Ag Committee which will meet and consider this Bill 4/2/14

SB No. 166	This bill defines “industrial landfill” in conformity with the Department of Natural Resources and Environmental Control’s <i>Regulations Governing Solid Waste</i> . This bill also establishes a height restriction, or vertical limit, for an industrial landfill at 130 feet above the mean sea level of the area.	Introduced in the Senate 1/29/14  Assigned to Senate Natural Resources and Environmental Committee
HB No. 272	This Bill, modeled after similar legislation enacted in Pennsylvania and West Virginia, clarifies paramedic immunity when consent to render care is unable to be obtained.	Our EMS Department is currently reviewing
SB No. 157	The bill adds sales and leases to the current language regarding publicly capital improvement.	This Bill allows public bodies to meet in Executive Session when considering sales or leases of real property
SB No. 191	This Act establishes “Downtown Development Districts”. Under the Act, investors (both non-profit and for-profit) who make qualified real estate improvements in a District would be entitled to receive Downtown Development District (DDD) Grants of up to 20 percent of their “hard costs”.	This is a Governor’s initiative. Governor Markell explained this bill Wednesday evening, April 2, 2014 in Bridgeville at the SCAT meeting as a fund to help Delaware Municipalities grow.
HB No. 289	This bill creates equity among users of telecommunications services by extending the 911 fee to prepaid wireless retail transactions.	The State shall create a special fund designated as the Enhanced 911 Emergency Reporting System Fund, which shall be used to reimburse the State, counties, local governments and providers of telecommunications services in this State for costs associated with the E-911 Emergency Reporting System.



SPONSOR: Sen. Henry & Sen. Bushweller & Sen. Marshall & Rep.  
Keeley & Rep. Bolden & Rep. Scott  
Sens. Blevins, Ennis, McDowell, Sokola, Townsend;  
Reps. Bennett, Potter, Ramone, Spiegelman

DELAWARE STATE SENATE  
147th GENERAL ASSEMBLY

SENATE BILL NO. 191

AN ACT TO AMEND TITLES 22, 29, 30, AND 31 OF THE DELAWARE CODE RELATING TO DOWNTOWN  
DEVELOPMENT DISTRICTS.

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

1 Section 1. Amend Title 22 of the Delaware Code by inserting a new Chapter 19 therein and by making deletions  
2 as shown by strike through and insertions as shown by underline as follows:

3 Chapter 19. The Downtown Development Districts Act.

4 Subpart I. Establishment, Amendment, and Termination of Districts.

5 § 1901. Purpose. Healthy and vibrant downtowns are critical components of Delaware's economic well-being and  
6 quality of life. The purpose of this chapter is to leverage the resources of state government in a limited number of  
7 designated areas in Delaware's cities, towns, and unincorporated areas in a multifaceted effort:

8 (a) To spur private capital investment in commercial business districts and surrounding neighborhoods;

9 (b) To stimulate job growth and improve the commercial vitality of such districts and neighborhoods;

10 (c) To help build a stable community of long-term residents in such districts and neighborhoods by improving  
11 housing opportunities for persons of all incomes and backgrounds; increasing homeownership rates; building a diverse  
12 array of successful businesses; and reducing the number of vacant houses; and

13 (d) To help strengthen neighborhoods, while harnessing the attraction that vibrant downtowns hold for talented  
14 young people, innovative small businesses, and residents from all walks of life.

15 § 1902. Definitions. As used in this chapter:

16 (1) "Committee" means the Cabinet Committee on State Planning Issues established pursuant to 29 Del.C. §§  
17 9101 et seq.

18 (2) "District Plan" means the strategic plan or other detailed description of the overall strategy for the development  
19 of a proposed district submitted by the municipality or unincorporated area as part of its application for District designation.

20 (3) "DSHA" means the Delaware State Housing Authority.



21           (4) “Downtown” means that portion of a city, town, or unincorporated area that traditionally comprises its  
22 downtown or central business district, as determined by such city, town, or unincorporated area in accordance with  
23 guidelines promulgated by the Office.

24           (5) “Downtown Development District” or “District” means an area within a municipality or unincorporated area  
25 designated as a Downtown Development District in accordance with the provisions of this chapter.

26           (6) “Municipality” means any incorporated town or city of this State.

27           (7) “Office” means the Office of State Planning Coordination.

28           (8) “Unincorporated area” means an area of the State having a concentration of population that is not a  
29 municipality and that is eligible to apply for and receive District designation in accordance with rules promulgated by the  
30 Office.

31           § 1903. Applications for District designation.

32           (a) At the request of the Governor, the Office shall solicit applications from municipalities and unincorporated  
33 areas to have an area designated as a Downtown Development District. Such application shall include a description of the  
34 area to be included; the need for District incentives; the District Plan; local incentives offered; and such other information  
35 as may be required by the Office.

36           (b) The Office of State Planning Coordination shall administer the application process and establish criteria to  
37 determine what areas qualify as Downtown Development Districts. The Office is authorized to take such actions as may be  
38 necessary or convenient to fulfill its responsibilities hereunder, including but not limited to promulgating rules and  
39 regulations relating to the establishment, amendment, and termination of Districts and providing assistance to  
40 municipalities and unincorporated areas in connection with the application process.

41           (c) The criteria for designating areas as Downtown Development Districts shall include:

42           (1) The need and impact of such a designation for such area, including but not limited to income, unemployment  
43 rate, homeownership rate, and prevalence of vacant or abandoned housing units in such municipality or unincorporated  
44 area. Need and impact factors shall account for at least 50 percent of the consideration given to applications for District  
45 designation;

46           (2) The quality of the municipality’s or unincorporated area’s District Plan;

47           (3) The quality of the local incentives offered; and

48           (4) Such other criteria as may be determined by the Office.

49           § 1904. Review and approval of applications.

50           (a) Applications for District designation shall be evaluated by the Cabinet Committee on State Planning Issues,  
51 which shall recommend to the Governor those applications with the greatest potential for accomplishing the purposes of  
52 this chapter.

53           (b) Upon receipt from the Committee of any recommended application, the Governor (i) may designate  
54 immediately the recommended area as a District; (ii) may designate the recommended area as a District effective one year  
55 from the date of such determination by the Governor; or (iii) may deny such application.

56           (c) The initial round of applications shall result in the immediate designation of at least one but no more than three  
57 Districts.

58           § 1905. Designation, renewal, and amendment of Districts.

59           (a) No more than 15 Districts shall be designated at any one time. Designation of the first three Districts shall  
60 include one District in each county.

61           (b) Districts shall be designated for an initial 10-year period. Upon recommendation of the Committee, the  
62 Governor may renew Districts for up to two five-year renewal periods. Recommendations for renewals shall be based on  
63 the performance of District responsibilities by the municipality (or county in the case of an unincorporated area); the  
64 continued need for such a District; and its effectiveness in creating capital investment, increasing population, creating jobs,  
65 improving housing stock, providing enhanced retail and entertainment opportunities, and otherwise improving the quality  
66 of life within such District.

67           (c) Any municipality (or county in the case of an unincorporated area) having a District within its borders shall be  
68 responsible for providing the local incentives specified in its application, providing timely submission of reports and  
69 evaluations as required by rule or regulation, implementing an active local Development District program within the  
70 context of overall economic and community development efforts, and fulfilling such other responsibilities as may be  
71 required by law, rule, or regulation in connection with such District.

72           (d) Each District shall be required to submit regular reports and information to the Office as may be necessary to  
73 evaluate such District's effectiveness and compliance with this section.

74           § 1906. Local incentives.

75           (a) Any municipality or unincorporated area submitting an application for District designation shall propose local  
76 incentives that address local economic and community conditions, and that will help achieve the purposes set forth in §  
77 1901 of this chapter. Such local incentives may include but are not limited to a reduction in fees or taxes. In addition, the  
78 application may also contain proposals for regulatory flexibility, which may include but are not limited to permit process  
79 reforms, special zoning districts, or exemptions from local ordinances.

80 (b) All incentives proposed in the application shall be binding upon the municipality (or county in the case of an  
81 unincorporated area) upon designation of the District. The extent and duration of such incentives shall be consistent with  
82 the requirements of the Delaware Constitution and the United States Constitution.

83 (c) A municipality or county may establish eligibility criteria for local incentives that differ from the criteria  
84 required to qualify for the incentives provided in this chapter.

85 § 1907. Amendments to District boundaries and incentives.

86 A municipality or county may apply to the Office to amend the boundaries of the District or to amend one or more  
87 District incentives, provided that any revised incentive proposed by the municipality or county shall be equal or superior to  
88 the incentive for which the amendment is sought. All proposed amendments are subject to approval by the Committee.

89 § 1908. Formal Review and Termination of Districts.

90 (a) If a municipality (or a county in the case of an unincorporated area) fails to fulfill its obligations pursuant to §  
91 1905 or as otherwise set forth in this Act, then the Office may recommend to the Committee that the District be placed  
92 under formal review or that its District designation be terminated.

93 (b) Except in instances where a city, town, or municipality fails to provide local incentives in accordance with §  
94 1906 hereunder, the Office (1) may not recommend placing any District under formal review for at least 2 years following  
95 the initial designation of such District, and (2) may not recommend terminating the designation of any District for at least 1  
96 year following the placement of the District on formal review by the Committee.

97 (c) In no event shall the Office recommend formal review or termination of any District without providing  
98 sufficient notice and opportunity to be heard to such District.

99 (d) The Committee may approve any recommendation by the Office to place a District under formal review or to  
100 terminate a District's designation upon the affirmative vote of three-fifths of the members of the Committee.

101 (e) The Office may promulgate regulations to authorize the continuation of previously authorized District  
102 incentives for a reasonable period following termination of the District; provided, however, that no new incentives shall be  
103 authorized for any entity after the date of termination.

104 Subpart II. Downtown Development District Grants.

105 § 1921. Qualifications for Downtown Development District Grants.

106 (a) Subject to the limitations set forth in this subpart, any Qualified District Investor making a Qualified Real  
107 Property Investment in a District shall be entitled to a Grant in an amount up to 20 percent of the Qualified Real Property  
108 Investments made by such Qualified District Investor in excess of the Minimum Qualified Investment Threshold.

109 (b) For purposes of this chapter:

110 (1) "DDD Grant" or "Grant" shall mean a Downtown Development District Grant as set forth in paragraph (a)  
111 hereunder.

112 (2) "Facility" means a complex of buildings, co-located at a single physical location within a District, all of which  
113 are necessary to facilitate the conduct of the same residential, trade, or business use. This definition applies to new  
114 construction as well as to the rehabilitation and expansion of existing structures.

115 (3) "Minimum Qualified Investment Threshold" means the minimum level of Qualified Real Property Investments  
116 required to be made by a Qualified District Investor in a building or facility in order to qualify for a DDD Grant, as  
117 determined by DSHA. Notwithstanding the foregoing, for the fiscal year ending June 30, 2015, the Minimum Qualified  
118 Investment Threshold shall be \$25,000 with respect to a single residential or mixed-use building or a facility. No more  
119 often than once per year, DSHA may amend the Minimum Qualified Investment Threshold with respect to uses (residential,  
120 commercial, industrial, etc.), types of projects (rehabilitation, new construction, etc.), or other criteria determined by DSHA  
121 to be necessary or convenient to accomplish the purposes of this chapter.

122 (4) "Qualified District Investor" means an owner or tenant of real property located within a District who expands,  
123 rehabilitates or constructs such real property for residential, commercial, industrial or mixed use. In the case of a tenant, the  
124 amounts of qualified real property investment specified in this section shall relate to the proportion of the building or  
125 facility for which the tenant holds a valid lease. In the case of an owner of an individual unit within a common interest  
126 community, as such term is defined in 25 Del.C. § 81-103(11), the amounts of qualified real property investments specified  
127 in this chapter shall relate to that proportion of the building for which the owner holds title and not to common elements.

128 (5) "Qualified Real Property Investment" means the amount in excess of the Minimum Qualified Investment  
129 Threshold that is properly chargeable to a capital account for improvements to rehabilitate, expand or construct depreciable  
130 real property placed in service during the calendar year within a District. Specific inclusions and exclusions from the  
131 definition of "Qualified Real Property Investments" shall be determined by DSHA, but such definition shall generally  
132 include expenditures associated with (i) any exterior, interior, structural, mechanical or electrical improvements necessary  
133 to construct, expand or rehabilitate a building or facility for residential, commercial, industrial, or mixed use; (ii)  
134 excavations; (iii) grading and paving; (iv) installing driveways; (v) landscaping or land improvements; and (vi) demolition.  
135 Notwithstanding the foregoing, no investment in the rehabilitation, expansion, or construction of any building or facility in  
136 a District shall be a Qualified Real Property Investment unless it is performed in accordance with the District Plan.

137 § 1922. Limitations and Conditions.

138 (a) The availability of Downtown Development District Grants in any given year shall be subject to appropriation  
139 by the General Assembly.

140 (b) In addition to its other powers and responsibilities hereunder, DSHA is expressly authorized to establish such  
141 other limitations and conditions with respect to Grants as may be necessary or convenient to accomplish the purposes of  
142 this chapter, including but not limited to:

143 (1) Amending the Minimum Qualified Investment Threshold;

144 (2) Establishing caps or limits on DDD Grants available to any Qualified District Investor, alone or in combination  
145 with other local, state, or federal incentives for any individual building or facility (including but not limited to State  
146 Historic Preservation Tax Credits pursuant to Chapter 18 of Title 30);

147 (3) Establishing additional qualifying criteria with respect to uses (residential, commercial, industrial, etc.) or  
148 types of projects (rehabilitation, new construction, etc.);

149 (4) Incentivizing particular types of uses or projects in one or more Districts; and

150 (5) Establishing such other limitations and conditions in one or more Districts as DSHA shall determine from time  
151 to time.

152 (c) DSHA may establish or amend the foregoing limitations and conditions no more often than once per year.

153 § 1923. Policies and procedures for allocation of Downtown Development District Grants.

154 (a) Qualified District Investors shall be eligible to receive DDD Grant provided for in this chapter to the extent that  
155 they apply for and are approved for grant allocations through DSHA.

156 (b) The accuracy and validity of information on Qualified Real Property Investments shall be subject to  
157 verification procedures in accordance with rules promulgated by DSHA on forms supplied by DSHA and in accordance  
158 with dates specified by DSHA.

159 § 1924. Administration.

160 (a) DSHA shall have the primary responsibility for administering the DDD Grant program. In connection  
161 therewith, DSHA's powers and duties shall include but not be limited to the following:

162 (1) Adopting such rules and procedures as may be necessary or desirable to effectuate the provisions of this  
163 chapter;

164 (2) Administering, enforcing, and interpreting such rules and procedures;

165 (3) Allocating Grant funds in accordance with the provisions of this chapter; and

166 (4) Monitoring the implementation and operation of this subpart.

167 (b) Beginning no later than December 31, 2015, DSHA shall issue an annual report to the Governor and the  
168 General Assembly evaluating the effectiveness of the Grant program established hereunder.

169 (c) DSHA may delegate to, and receive assistance from, other entities including the Office, DEDO, and other state  
170 agencies in carrying out its responsibilities hereunder.

171 Section 2. Amend Title 29, § 9101(a) of the Delaware Code by making deletions as shown by strikethrough and  
172 insertions as shown by underline as follows:

173 § 9101 Cabinet Committee on State Planning Issues.

174 (a) A Cabinet Committee on State Planning Issues is established and shall serve in an advisory capacity to the  
175 Governor. It shall be comprised of the following members or their respective designees:

176 (1) The Secretary of the Department of Natural Resources and Environmental Control.

177 (2) The Secretary of the Department of Transportation.

178 (3) The Secretary of the Department of Agriculture.

179 (4) The Director of the Delaware Economic Development Office.

180 (5) The Director of the Delaware State Housing Authority.

181 (6) The Secretary of the Department of Safety and Homeland Security.

182 (7) Such others as the Governor may designate.

183 Section 3. Amend Title 29, § 9101(c) of the Delaware Code by making deletions as shown by strikethrough and  
184 insertions as shown by underline as follows:

185 (c) The Committee shall consider matters relating to the orderly growth and development of the State, including,  
186 but not limited to:

187 (4) Recommendations on land use planning actions that are subject to review and comment pursuant to Chapter 92  
188 of this title; ~~and~~

189 (5) Preparing the Strategies for State Policies and Spending document and maps, which shall serve as the primary  
190 policy guide that summarizes the State's land use goals, policies and strategies and directs state spending into investment  
191 levels that support the most efficient use of state resources, be they physical, fiscal, or natural, except that county and  
192 municipal governments shall retain their existing autonomy with respect to the land use designations set forth in their  
193 proposed and/or adopted comprehensive plans. The Strategies for State Policies and Spending shall be updated at least  
194 every 5 years, provided that the Governor may extend the deadline at his or her discretion; and

195 (6) Performing such other duties and responsibilities with respect to Downtown Development Districts as set forth  
196 in Chapter 19 of Title 22.

197 Section 4. Amend Title 29, § 9101(h) of the Delaware Code by making deletions as shown by strikethrough and  
198 insertions as shown by underline as follows:

199 The Office of State Planning Coordination shall render local planning technical assistance. The Office of State  
200 Planning Coordination may serve as the lead agency to engage other state agencies, local governments, and other  
201 governmental and nongovernmental organizations for the purposes of coordinating planning activities, promoting liaison  
202 between various state agencies and local governments, building capacity through training and sharing of digital and other  
203 information, developing infrastructure plans and master plans, addressing specific growth and design issues, and such other  
204 actions as are appropriate to achieve the purposes of this chapter. The Office of State Planning Coordination shall develop  
205 and promote cooperation and coordination among state agencies and local governments to ensure effective and efficient  
206 planning and infrastructure investment. The Office of State Planning Coordination may make grants available to county and  
207 municipal governments to assist them in achieving any of the objectives outlined in this section, provided that funded  
208 activities and deliverables are in compliance and in harmony with the Strategies for State Policies and Spending. The Office  
209 of State Planning Coordination shall further have such authority and responsibility with respect to Downtown Development  
210 Districts as set forth in Chapter 19 of Title 22.

211 Section 5. Amend Title 30, § 1812(6) of the Delaware Code by making deletions as shown by strikethrough and  
212 insertions as shown by underline as follows and renumbering the remaining sections accordingly:

213 (6) “Downtown Development District” means an area of a city or down that has been designated by the Governor  
214 as a Downtown Development District in accordance with Chapter 19 of Title 22.

215 Section 6. Amend Title 30, § 1816(a) of the Delaware Code by making deletions as shown by strikethrough and  
216 insertions as shown by underline as follows:

217 (a) The maximum amount of credit awards under this chapter in any fiscal year shall not exceed \$5,000,000. One  
218 hundred thousand dollars of the credit awards in a fiscal year must be reserved for distribution to qualified resident curators.  
219 If in any fiscal year there are insufficient qualified resident curators to exhaust this allotment, the unused credit amount will  
220 be available in the next fiscal year for award to persons qualifying under § 1813(a)(1) or (2) of this title. In any ~~±~~ one year,  
221 ~~\$2,000,000~~ \$1,500,000 of tax credits shall be reserved for projects receiving a credit of not more than \$300,000. In  
222 addition, in any one year, \$1,500,000 of tax credits shall be reserved for projects located in Downtown Development  
223 Districts, of which \$500,000 shall be reserved for projects in such Districts receiving a credit of not more than \$300,000.  
224 On April 1 of each year, any unused balance of the ~~\$2,000,000 pool~~ foregoing pools of tax credits shall be available to any  
225 eligible project. However, should a credit award exceed the actual credit claimed, the amount of the excess credit award  
226 shall not be available for a subsequent award.

227 Section 7. Amend Title 31, § 4002(a) of the Delaware Code by making deletions as shown by strikethrough and  
228 insertions as shown by underline as follows:

229 § 4002 Purpose.

230 (a) It is the purpose of this chapter that DSHA have the authority and capacity to:

231 (9) Advise and inform the Governor and the public on the affairs and problems relating to housing and community  
232 development and revitalization, and make recommendations to the Governor for proposed legislation pertaining thereto;

233 and

234 (10) Administer such provisions of the Downtown Development District Act as set forth in Chapter 19 of Title 22;

235 and

236 (11) Operate DSHA's financial affairs in a prudent and sound manner.

237 Section 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the  
238 invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision  
239 or application; and, to that end, the provisions of this Act are declared to be severable.

#### SYNOPSIS

Healthy and vibrant downtowns are critical components of Delaware's economic well-being and quality of life. The Downtown Development Districts Act is intended to leverage state resources to spur private investment in commercial business districts and surrounding neighborhoods; to improve the commercial vitality of our downtowns; and to increase the number of residents from all walks of life in downtowns and surrounding neighborhoods.

This Act establishes "Downtown Development Districts," a small number of areas in our cities, towns, and unincorporated areas that will qualify for development incentives and other state benefits. Municipalities must apply for District designation. In the case of unincorporated areas, counties must apply. Applications will be evaluated by the Cabinet Committee on State Planning Issues, which will make recommendations to the Governor. Following the initial round of applications, the Governor must designate at least 1 but no more than 3 Districts. Designation of the first 3 Districts must include 1 District in each county. Under the Act, no more than 15 Districts may be designated at any one time.

As part of the application process, municipalities or counties must offer local incentives. The factors to be considered by the Committee when evaluating applications include, among others, (1) the municipality's or unincorporated area's need for District designation; (2) the quality of the District Plan; and (3) the quality of the local incentives offered. The Office of State Planning Coordination will prepare applications, establish criteria to determine what areas qualify as DDDs, and provide assistance to municipalities and counties during the application process.

Under the Act, investors (both non-profit and for-profit) who make qualified real estate improvements in a District would be entitled to receive Downtown Development District (DDD) Grants of up to 20 percent of their "hard costs" such as exterior, interior, and structural improvements. The incentive is modeled after a similar program in Virginia, which has been extremely successful in leveraging significant amounts of private capital in under-served areas. Investors would need to invest at least \$25,000 in a building or facility to qualify, and the 20 percent incentive would only qualify with respect to investments above \$25,000. For example, an investor making \$45,000 worth of qualifying investments in a District would be entitled to a DDD Grant of up to \$4,000 (i.e., 20% of \$20,000). The Act gives DSHA the authority to cap the amount of Grants and to establish further conditions and limitations.

In addition, because Delaware's Historic Preservation Tax Credit Program has proven to be a powerful tool both in preserving important historic structures and revitalizing neighborhoods, the Act also provides that 30% of the state's yearly allocation of HPTCs will be reserved for projects in Downtown Development Districts. If by April 1 of each year any such credits are not allocated to projects in DDDs, such credits will be made available to any eligible project statewide.

Author: Sens. Henry & Bushweller & Marshall





SPONSOR: Rep. Scott & Rep. Pardec & Sen. McDowell  
Reps. Bennett, Hudson, Ramone; Sen. Bushweller

HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE BILL NO. 289

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Three-fifths of all members elected to each house thereof concurring therein):

1           Section 1. Amend Chapter 101, Title 16 of the Delaware Code by making insertions as shown by underlining and  
2 deletions as shown by strikethrough as follows:

3           **CHAPTER 101. ENHANCED 911 EMERGENCY REPORTING SYSTEM FUND**

4           Subchapter I. Creation of Fund; Administration; Disbursements.

5           § 10101. Purpose.

6           The State shall create a special fund designated as the Enhanced 911 Emergency Reporting System Fund, which shall be  
7 used to reimburse the State, counties, local governments and providers of telecommunications services in this State for  
8 costs associated with the E-911 Emergency Reporting System.

9           § 10105. Regulations.

10           The Secretary and, to the extent the collection of surcharges under this chapter is delegated to or performed by the  
11 Director of Revenue, each is authorized to adopt such regulations as are necessary to carry out the purpose of this ~~chapter~~  
12 subchapter and subchapter II.

13           §§10106 – 10109. Reserved.

14           Subchapter II. Prepaid Wireless Retail Transactions.

15           § 10110. Definitions.

16           In addition to the definitions set forth in Subchapter I, the following definitions shall be applicable to this  
17 subchapter:

18           (1) “Consumer” means a person who purchases prepaid wireless telecommunications service in a retail transaction.

19           (2) “Prepaid wireless E911 surcharge” means the surcharge that is required to be collected by a seller from a  
20 consumer in the amount established under §10112 of this chapter.

21 (3) "Prepaid wireless telecommunications service" means a wireless telecommunications service that allows a  
22 caller to dial 911 to access the 911 system, which service must be paid for in advance and is sold in predetermined units or  
23 dollars of which the number declines in a known amount.

24 (4) "Prepaid wireless provider" means a person that provides prepaid wireless telecommunications service  
25 pursuant to a license issued by the Federal Communications Commission.

26 (5) "Retail transaction" means the purchase of prepaid wireless telecommunications service from a seller for any  
27 purpose other than resale.

28 (6) "Seller" means a person who sells prepaid wireless telecommunications service to another person.

29 § 10111. Imposition of charge.

30 (a) There shall be a prepaid wireless E911 surcharge on each retail transaction. The initial rate of the surcharge  
31 shall be sixty cents per retail transaction. Any rate changes shall be implemented under the provisions of subsection (f) of  
32 this section.

33 (b) The prepaid wireless E911 surcharge shall be collected by the seller from the consumer for each retail  
34 transaction occurring in this state. The amount of the prepaid wireless E911 surcharge shall be either separately stated on  
35 an invoice, receipt, or other similar document that is provided to the consumer by the seller, or otherwise disclosed to the  
36 consumer.

37 (c) For purposes of determining whether a retail transaction is subject to the prepaid wireless E911 surcharge, the  
38 following transactions are deemed to occur in Delaware and are subject to the surcharge imposed under this section:

39 (1) The retail transaction is effected in person by the consumer at a business location of the seller if that  
40 business location is in Delaware; or

41 (2) The prepaid wireless telecommunications service is physically delivered to a consumer at a Delaware  
42 address provided to the seller; or

43 (3) The seller's records that are maintained in the regular course of business indicate that the consumer's  
44 address is in Delaware and the records are not kept or made in bad faith; or

45 (4) The consumer gives a Delaware address during the consummation of the retail transaction, including  
46 the customer's payment instrument if no other address is available, and the address is not given in bad faith; or

47 (5) The consumer's mobile telephone number is associated with a Delaware location.

48 (d) The prepaid wireless E911 surcharge is the liability of the consumer and not of the seller or of any prepaid  
49 wireless provider, except that the seller shall remit all prepaid wireless E911 surcharges that the seller collects from  
50 consumers as provided in this section, including all such surcharges that the seller is deemed to collect where the amount of

51 the surcharge has not been separately stated on an invoice, receipt, or other similar document provided to the consumer by  
52 the seller.

53 (e) The amount of the prepaid wireless E911 surcharge that is collected by a seller from a consumer, if such  
54 amount is separately stated on an invoice, receipt, or other similar document provided to the consumer by the seller, shall  
55 not be included in the base for measuring any tax, fee, surcharge, or other charge that is imposed by this state, any political  
56 subdivision of this state, or any intergovernmental agency.

57 (f) The prepaid wireless E911 charge shall be proportionately increased or reduced, as applicable, upon any  
58 change to rate of the surcharge as determined under the provisions of § 10103(a) of this chapter. Provided, however, that  
59 any rate changes shall only be effective on the first day of the calendar quarter not less than 60 days after the Board  
60 provides final notice of such rate change. The Division of Revenue shall provide not less than 30 days of advance notice of  
61 such increase or reduction on the Division's website.

62 (g) If a minimal amount of prepaid wireless telecommunications service is sold with a prepaid wireless device for  
63 a single, non-itemized price, then the seller may elect not to apply the surcharge imposed by this section to such transaction.  
64 For purposes of this paragraph, an amount of service denominated as ten (10) minutes or less, or five dollars (\$5) or less, is  
65 minimal.

66 (h) The surcharge shall not be applied to prepaid wireless telecommunications service provided to a person  
67 through the Lifeline program.

68 § 10112. Administrative provisions.

69 (a) Prepaid wireless E911 surcharges collected by sellers shall be remitted to the Division of Revenue quarterly on  
70 forms issued by the Director of Revenue and subject to such regulations and requirements as shall be prescribed by the  
71 Director of Revenue.

72 (b) The Director of Revenue shall deposit remitted prepaid wireless E911 surcharges to the credit of the Fund  
73 established under § 10103 of this chapter.

74 (c) The Division of Revenue shall establish procedures by which a seller of prepaid wireless telecommunications  
75 service may document that a sale is a sale for resale transaction and not a retail transaction.

76 (d) To the extent practicable, the audit, appeal, and other administrative provisions of Chapters 3 and 5 of title 30  
77 shall apply to the administration of the prepaid wireless E911 surcharge.

78 (e) A seller shall be permitted to deduct and retain three percent (3%) of prepaid wireless E911 surcharges that are  
79 collected by the seller from consumers.

80 § 10113. Liability; records; confidentiality.

81           (a) The provisions of § 10008, §10009, and §10010 of this chapter shall apply to providers and sellers of prepaid  
82 wireless telecommunications service.

83           (b) No provider or seller of prepaid wireless telecommunications service shall be liable for damages to any person  
84 resulting from or incurred in connection with the provision of any lawful assistance to any investigative or law enforcement  
85 officer of the United States, this or any other state, or any political subdivision of this or any other state, in connection with  
86 any lawful investigation or other law enforcement activity by such law enforcement officer.

87           § 10114. Only permissible E911 surcharge on prepaid wireless service.

88           The prepaid wireless E911 surcharge imposed by this Act shall be the only E911 funding obligation imposed with  
89 respect to prepaid wireless telecommunications service in this state, and no tax, fee, surcharge, or other charge shall be  
90 imposed by this state, any political subdivision of this state, or any intergovernmental agency, for E911 funding purposes,  
91 upon any prepaid wireless provider, seller, or consumer with respect to the sale, purchase, use, or provision of prepaid  
92 wireless telecommunications service.

93           Section 2. The provisions of this Act shall take effect January 1, 2014.

#### SYNOPSIS

This bill creates equity among users of telecommunications services by extending the 911 fee to prepaid wireless retail transactions.

HAL GODWIN  
DEPUTY COUNTY ADMINISTRATOR  
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**Sussex County**  
DELAWARE  
sussexcountype.gov

**Memorandum**

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

Todd F. Lawson  
County Administrator

FROM: Hal Godwin  
Deputy County Administrator 

RE: ***WETLANDS ADVISORY COMMITTEE UPDATE***

DATE: April 4, 2014

---

Please review the attached questions proposed to the Wetlands Advisory Committee by Chairman Parkowski as well as the Carrot Committee's questions and report. I need your direction on how to address these questions at the Committee's next meeting April 9, 2014.

Attached you will also find a letter sent to Wetland Advisory Committee Members from Governor Markell.

Please let me know if you have any questions.

HG/kac

Attachment

## **WETLANDS ADVISORY COMMITTEE QUESTIONS**

1. Does the Committee recommend that DNREC be given the authority to adopt a freshwater wetland program to protect Category I wetlands that are currently regulated by the Corps assuming federal nationwide permit authority is delegated to DNREC?
2. Does the Committee recommend that DNREC be given the authority to adopt a freshwater wetland program to protect Category I wetlands that are not currently regulated by the Corps?
3. Does the Committee recommend that DNREC be given authority to adopt a freshwater wetlands program to protect all federally regulated wetlands which are subject to federal nationwide permit authority assuming federal nationwide permit authority is delegated to DNREC?
4. Does the Committee recommend that a consistent source of funding be provided for the purchase of forestland preservation easements in the forestland preservation program established under Subchapter V of Chapter 9 of Title 3 of the Delaware Code?
5. Does the Committee recommend that the availability and limits of tax credits provided under the Delaware Land and Historic Resources Protection Incentives Act of 1999 (Subchapter I, Chapter 18, Title 30 of the Delaware Code) be amended and expanded to create greater incentives to private landowners to protect and preserve freshwater wetland and adjacent natural resource areas?

### **Below please find brand new information you may want to review:**

EPA released a proposed Waters of the US rule this week which can be found here: <http://www2.epa.gov/uswaters>

Dear Committee members,

Andy Manus and Jayme Arthurs asked that the following message and attached report be distributed to the committee:

**In lieu of meeting in person between DWAC meetings, the Carrot Committee communicated via email. Attached is our report. The report includes Carrot Committee members comments on the incentives to be considered at the April meeting; suggests a format for any approved incentives that DWAC intends to recommend in its report; and highlights the need for further information with respect to policy questions and the leveraging of other state and federal programs.**

**Given the agenda for the April meeting and the questions under consideration, there will not be any presentations by the Carrot Committee. This report is a bit longer than we had anticipated (actions items are on pages 1-3) but we are hopeful that by providing in advance it will bring all up to speed on our deliberations and thinking to date.**

**Respectfully submitted,**

**Jayme and Andy**

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Delaware Wetland Advisory Committee  
Carrot Sub-Committee Report: April 9<sup>th</sup>, 2014

**Carrot Committee supports moving two questions previously transmitted by co-chair Mike Parkowski on March 27<sup>th</sup> and noted below:**

4. Does the Committee recommend that a consistent source of funding be provided for the purchase of forestland preservation easements in the forestland preservation program established under Subchapter V of Chapter 9 of Title 3 of the Delaware Code?

5. Does the Committee recommend that the availability and limits of tax credits provided under the Delaware Land and Historic Resources Protection Incentives Act of 1999 (Subchapter I, Chapter 18, Title 30 of the Delaware Code) be amended and expanded to create greater incentives to private landowners to protect and preserve freshwater wetland and adjacent natural resource areas?

Per co-chair Mike Parkowski:

*There is also a question to be considered in the future regarding the bonus density incentive and a request has been made to the Carrot Committee to consider the scope and nature of that question.* (For more information on this topic see discussion below).

**Carrot Committee remarks that:**

The DWAC should recommend to the DNREC Secretary, pursuant to SB 78 Section 6603A that part of the State's comprehensive approach to "improving non-tidal wetland conservation, ... within the state" include the following incentive components: *A Natural Resource Protection Incentive Ordinance; Revitalizing a Forestlands Preservation Program;* and a *Conservation Tax Credits and Exchange* program. This recommendation should be included in the draft interim report describing the work of the DWAC due to the General Assembly no later than May 01, 2014. It is recommended that the Power Point presentations given to the DWAC on March 12<sup>th</sup> be included in this draft interim report. Details of how such a program will be administered and implemented will be detailed in the final report of recommendations no later than December 31, 2014. The question regarding the *Natural Resource Protection Ordinance* is still being developed and will be presented at the May meeting.

For each incentive included in the final report the following format will be used:

**Title of Incentive Program:**

**Goal/Purpose:** (Include a synopsis of how the incentive will work).

**Major Program Components:**

- 1.
- 2.
3. Etc.



**Action Steps required to implement:** (Important to note here who is responsible for each action step and the approximate time to complete it. Also include here any impediments that may need to be resolved).

- 1.
- 2.
- 3.
4. Etc.

**Performance Measures:** (Suggest ways that the incentive's performance 3 to 5 years out might be evaluated).

- 1.
- 2.
- 3.
4. Etc.

**Fiscal Note:** (Include an annual estimated cost to implement).

**Carrot Committee Comments on Incentive Programs (as they relate to Questions 4 and 5 noted above):**

**Question#4:** *Revitalizing a Forestlands Preservation Program*-- It is my understanding that the Ag./Forestland/Openspace recommendation would require those respective boards to adjust or modify evaluation criteria to accept our recommendation. It would seem prudent to provide each appropriate governing body and their respective constituencies an opportunity to review our recommendation and provide feed- back.

If these boards are agreeable to changing their purchasing model there may not be a need for additional funding. This appears to be especially important considering the most recent DEFAC report. **Marty Ross**

Response: The incentive titled: *Revitalizing a Forestlands Preservation Program* as presented by Mike Valenti at the last DWAC meeting is a stand-alone program that is not dependent upon the Agricultural Lands Preservation Program or Open Space Program adjusting or modifying their evaluation criteria. I have confirmed my understanding of this after having reviewed the presentation made at the last meeting a second time; discussed the presentation and the intent of the incentive with Mike Valenti; and reviewed the history of the program when it was implemented for one year back in 2009. In fact if the Forestland Preservation Program were to be revitalized, there already exists statutory language that provides for the implementation and administration of the program through the existing Agricultural Lands Preservation Foundation.

There are a number of appealing reasons to revitalize this program. Foremost among them is the fact that 80-85% of the remaining non-tidal wetlands are embedded in the State's approximately 385,000

acres of forested landscapes and the majorities are privately owned. Additionally this program contains a number of the key attributes of an incentive program that the Carrot Committee identified as important back in January. Briefly several of these attributes include that the incentive proposed be: voluntary for private landowners; be capable of leveraging of funding sources such as ENGO and Federal funds; be transparent in the manner in which implemented and have understandable criteria; target forest and help foster public and private partnerships for conservation. **Andy Manus with contributions from Mike Valenti**

All of the above said, I am also very mindful of the State's current budgetary situation and the findings in the recent DEFAC report. I would note that by revitalizing the *Forestlands Preservation Program* we are giving the administration and the General Assembly a viable and fiscally responsible alternative to accomplish its land preservation and non-tidal wetlands program and policy goals. To do conservation in a time of scarcity requires that we rethink the way we do business. For example, under the Open Space program, the State owns the property and has to budget additional funds to maintain and manage it. Under the *Forestlands Preservation Program*, the landowner bears the burden of managing and maintaining the property. By revitalizing the *Forestlands Preservation Program* as a viable option for land preservation this incentive gives the administration and the General Assembly another reasonable and responsible way to accomplish their objectives. [Please all note that this paragraph is simply my view and is intended to keep the conversation going. My discussion may or may not relate to the comments that Phil M. provided suggesting to the Carrot Committee that; ***our recommendations would be the three programs presented last Wednesday, but we intending to discuss policy considerations, as well, such as more money from other programs, and so forth.*** So let the conversation continue.] **Andy Manus**

I support consistent source of funding for purchase of forested wetlands, although I am not sure if that questions reads quite that way. We started this exercise on wetlands, and I believe we should conclude the exercise on wetlands, and forests and timber land, and such, should come another day. To the extent forest land is wet land, I am all-in. Once again, I support using transfer tax dollars already diverted from the General Fund in acquiring any wetlands, forested or not, as a priority in the Open Space and Ag Land Preservation programs already in place. I will distribute my DRTT analysis (Dela Realty Transfer Tax) in a couple of days, once I get it updated through F2013, and with hopefully estimates for F2014 included. There's a lotta money in that DRTT, and if the rhetorical priority is wetlands, then the fiscal priority ought to be wetlands, as well. **Phil McGinnis**

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**Question #5: A Conservation Tax Credits and Exchange--** The tax credit incentive presented by Brenna was well received. I believe that before we make an official recommendation we need to specifically identify what changes in code are needed and we need to test run a few examples on a spreadsheet to ensure both transparency and effectiveness. **Marty Ross**

In regards to Conservation Tax Credits I would just add “amend and expand” as allowing for the credits to be transferrable goes beyond just expanding and we want to be sure to capture that idea. **Brenna Goggin**

Yes absolutely. Again, I am not supporting any eminent domain theories in land preservation. I support intergovernmental coordination, and maybe the Division of Revenue should kick in a small share. **Phil McGinnis**

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### Still Under Development

*A Natural Resource Protection Incentive Ordinance*— Question on this incentive currently being re-worked. Jim McCulley has offered the following: **Does the Committee recommend that Counties and Municipalities be encouraged to provide incentives for Natural Resource Protection, including wetlands through density bonuses and similar land use tools during the development planning process and also to review current land use programs to determine if there are programs which create incentives for Natural Resources losses prior to submission of development plans?** This question will be discussed by Carrot sub-committee and a recommendation made to the full DWAC at the May meeting. Comments below represent views expressed by members and others to date.

The Homebuilders density bonus concept is hopefully recognized by all to be a County and Municipal activity. I think it will be a wasted effort if this concept isn't discussed formally by the three County governing bodies. These conversations should be open to the public during normal Council or Levy Court meetings to reduce the possibility of us chasing our tail. We should request each county government vote in support, opposition or other position to this concept. **Marty Ross**

The recommendations we are making are to the Delaware Legislature which has no direct land use authority. The recommendation I envisioned was for the Delaware Legislature to establish an incentive program. Otherwise, all the Delaware Legislature would do under your question is say “we would like you to do this” which in my experience has not accomplished much in the past. Let me know if there is any change in your thinking. **Mike Parkowski**

The Counties have expressed an interest in this. I think all three will adopt some type of incentive and this Committee was the push they needed. It does not need to be a recommendation to General Assembly but it would require DNREC to provide support to the Counties as the Counties see fit.

Not sure how we put it in the report. **Jim McCulley**

Jim McCulley made an excellent presentation at our last meeting on the benefits of using density bonuses as a means of protecting freshwater wetlands and natural resource areas. At the time it was mentioned that specific land use decisions are made at the County and Municipal levels. When I crafted the recommendation question regarding density bonuses the focus was on

an incentive program that the General Assembly would adopt since our Committee's recommendations are to be directed to the General Assembly.

Jim has suggested in his version that the recommendation be directed to Counties and Municipalities. In my exchange of comments with Jim he indicated that a recommendation to the General Assembly may not be necessary. In order to move forward with the bonus density incentive concept I need some direction from the Carrot Committee. If there is a desire for General Assembly involvement one approach would be to request adoption of a Joint Resolution simply encouraging Counties and Municipalities to adopt bonus density programs. Another approach would be for the General Assembly to provide yet to be identified incentives to the Counties and Municipalities which chose to adopt such programs. For example, with respect to the recommendations subject to consideration one involves better tax credits and the other involves program funding, both of which require General Assembly action.

If the intent is simply to express encouragement to Counties and Municipalities there is no need for a recommendation vote which goes to the General Assembly, and the encouragement could simply be addressed in our final report.

In order to give the Carrot Committee the opportunity to consider the matter further I will not schedule consideration of the bonus density recommendation at our next meeting on April 9, and I will communicate that information to the full Committee. **Mike Parkowski**

I am reluctant to give the Legislature the idea of direct involvement in the local land use planning process. I spent my youth at Leg Hall in the Mid- and Late-Nineties strenuously battling Tom Sharp and Phil Cloutier and Bill Oberle and numerous other legislators who repeatedly introduced bills would have the General Assembly step on local planning departments, local planning commissions, and local councils with Legislative ratification procedures. So while I wholeheartedly support Jim's ideas, I am not supporting any language which recommends General Assembly involvement in those decisions. Now if you can define an idea whereby the General Assembly might nudge local governments towards density bonuses for natural resource protection, I am all in. **Phil McGinnis**

My recommendation would be that the Carrot Committee further discuss possible incentives that the General Assembly could provide to Counties and Municipalities for adopting some time of Natural Resource Protection Incentive Program.

This could be transfer tax rebates or some other incentive. Maybe the County Reps on the committee could weigh in on what might be a meaningful incentive for the Counties to adopt such a program. **Jim McCulley**

I think we have missed the mark with capturing an incentive that can be implemented by the legislature. I think a density bonus or credit sounds nice, but we are missing the bigger picture. The trouble is that the demand for land seems to be dictating what happens to the wetlands. In other words, development and urbanization is boosting the economy, but at the cost of losing precious natural resources deemed critical for securing the health of our lives. Knowing that we are not the only ones who have faced this battle, I did a little homework on Yellowstone Park and how it became a

National Park. It seems at one time that mining and the building of the railroad threatened to damage the park, however relentless action was taken to sign into law Bills and Protection Acts that preserved this land for many years. The incentive here is that we now have this beautiful National Park to enjoy and cherish as a vital resource to our environment. Of course this took a lot of executive will and expert politicking, but it wasn't brain surgery. There was great economic value to be gained here, but the value of the resource was much greater than money could ever buy.

For the "preservation" of wetlands, this would also take radical legislation to procure scientific management as a course of action. In other words, when all else fails with bonuses, credits and other forms of tradeoff, the only logic can be to place the incentive on the land itself. Nothing is more valuable than land, especially when it comes to our livelihoods. **Tim DeSchepper**

I went to Yellowstone last year for the first time and it is an amazing place worthy of the highest level of protection. A category 1 resource is there ever was one.

The main difference I see, is that the land where Yellowstone exists was not under private ownership at the time that the park was established. The Native Americans might have something to say about the creation of the National Park but that is another very sad story in the history of Yellowstone.

We are talking about the wetlands of Delaware that are under private ownership and those owners must be compensated for the public value of the wetlands if any type of preservation effort is to succeed. This can be done through purchase, purchase of easement or some other incentive that doesn't cost money that isn't available. These would be tax incentives, density bonuses and other things could add value to the wetland area commensurate to the value of the resource.

If we could convince the residents of Delaware to pay for the permanent preservation of these resources through tax increases, wetland taxes, gas tax or some other tax scheme this would be easy.

I don't want to suggest that we subject the current owners of Freshwater Wetlands to the fate of the Nez Perce, Bannocks and Shoshones.

The park does provide a great economic boon to the surrounding towns such as Red Lodge, West Yellowstone, Cooke City, etc. These areas have boomed with restaurants, hotels, gift shops, tour guides, etc. These towns have grown well beyond what would have been supported if the National Park wasn't there, kind of like a density bonus in exchange for the preservation of the park.

I continue to believe that further regulation will not work but that a variety of meaningful incentives available to property owners that value the wetlands (and other natural resources) correctly will do the trick. It has worked with many Natural Resources in many areas including elephant protection in Africa by allowing local villages to harvest and sell ivory based on elephant herd size, air pollution credit sales and Laguna Canyon. **Jim McCulley**

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**Carrot Committee general comments**-- I am thinking that part of our recommendations would be the three programs presented last Wednesday, but we intending to discuss policy considerations, as well, such as more money from other programs, and so forth.

So I for one believe we need to list all of the other policy considerations that need to be included. **Phil McGinnis**

I think the attachment format is fine, it just needs to be filled in! I like the performance measures. I would especially like them if they were weighted strongly for protection/preservation because I don't think we can simply "restore" these wetlands. What I mean is, if after 3 - 5 years we discover the incentives haven't worked, and we have lost several Category 1 wetlands, I don't think we know enough about the plant/habitat to simply "restore" it.

In other words, it needs to be fiscally beneficial for the private landowner. We haven't had a lot of time for discussion -but do we know what will make this work from a landowner's perspective? (Wish I had the resources for the landowners' opinion survey we have talked about). Simply put, what if we don't get the fiscal support to make this a go?

I think our committee work is almost done, maybe we need to memorialize that this won't work without cash and/or exceptional tax breaks. **Sarah Cooksey**

I would clarify that the density bonus incentive program does not require cash or tax breaks.

I will be meeting with Kent County to put together a potential framework of how the program would actually work for the next meeting. **Jim McCulley**

The best opportunity for leveraging federal dollars was not discussed in February; that is using current federal conservation programs in conjunction with state programs. This is not a new idea since DNREC already does this. Identifying opportunities and challenges in this area will open an opportunity for us to work with our Congressional delegation to customize a program for Delaware.

I do not believe we need to set in stone any option in the interim report. It would be prudent in my opinion to highlight these four ideas as initial points of interest, leave open the possibility of other options surfacing and use the time allotted to us to (December 2014) to arrive at a more comprehensive and vetted set of solutions.

I am not a big fan of meetings. I do feel we need more "qualified" information on the tax incentive because unless I missed someone's pedigree we do not have an expert at the table on this idea. We may also need to meet as feedback warrants.

In my opinion interim reports are just that. We should not feel pressured to put the final coat of paint on yet. **Marty Ross**

**Some members of the Delaware League of Local Governments comments:** They are mostly okay with the proposals, but some concern came about with the efforts to incentivize these actions. Town of Smyrna claims that this seems much like a TDR program and that hasn't gained much traction in Delaware. Their residential density is already higher than what has already been discussed.

**Town of Middletown Comments:** The questions as written in the email all seem like reasonable options to offer as incentive to help preserve freshwater wetlands and natural resource areas. We would need to see more details to offer an opinion on how likely they are to be used. Strong opposition usually occurs when land owners and developers feel someone has impinged upon their right to develop land. It doesn't seem like the three options necessarily do that since you can't develop these areas anyway. **Comments compiled by Tim DeSchepper**

Regarding the Draft-Draft-Draft Report Andy circulated, I think that doc sums up what we have decided. I am hoping the complete Carrot Cmte report does not include only the three programs presented by Brenna, Mike and Jim. I am hoping that we will include policy considerations such as employing transfer tax monies diverted to Open Space and Ag Land preservation in acquiring more wetlands as a priority. I am hoping our report will include policy considerations such as mitigation banks, and intergovernmental coordination, eg (for example), DeIDOT should mitigate wetland disturbance whether they need a permit or not, and DNREC should or could have an MOU with Corps of Engineers to give themselves a permit. I note that in my world, local govt planning departments do not permit wetlands disturbance, even the NT Isolated Category Whichever wetlands of which 4,000 acres or so exist. I am not totally certain, but I think it is easier to get the Corps Permit to disturb wetlands than it is to get that disturbance approved by Planning Commissions. **Phil McGinnis**

Phil, I agree with all of the above and believe that discussions and recommendation from the entire DWAC be provided in the final report. The Carrot Committee has been laser focused on 2 to 3 incentives that can be actionable items and implemented quickly if the General Assembly so chooses. The policy questions that you raise are equally valuable components to whatever comprehensive conservation freshwater wetlands approach DNREC and DWAC recommends to the General Assembly in its final report. Currently, the DWAC has not had the full benefit of DNREC's thinking on these topics. DNREC has been working internally with the Environmental Law Institute on a number of these issues and hopefully we will see more clearly the department's thinking on these topics as the draft report as required by SB 78 is prepared. This bill directs DNREC to "compile the results of the Committee recommendations, develop a draft report, and reconvene the Committee to review the draft report and solicit feedback before finalizing the report of recommendations." The timeline for this to occur requires: "The Secretary shall deliver an interim report of the work of the Committee to the General Assembly no later than May 1, 2014 and deliver the final report of recommendations no later than December 31, 2014." Hopefully, DNREC will soon share with DWAC a timeline for pulling together the May 1<sup>st</sup> interim draft report and an outline of topics that will be included in it. **Andy Manus**



STATE OF DELAWARE

OFFICE OF THE GOVERNOR

TATNALL BUILDING, SECOND FLOOR  
WILLIAM PENN STREET, DOVER, DE 19901

JACK A. MARKELL  
GOVERNOR

PHONE: 302-744-4101  
FAX: 302-739-2775

April 2, 2014

Dear Wetland Advisory Committee Members,

First, let me offer my sincere thanks for making time in your busy schedules to help develop the best path forward for freshwater wetland conservation and protection in Delaware. Wetlands are one of Delaware's most important ecological and economic resources, providing clean water, flood protection, important habitat for waterfowl and many other species, and support for a thriving recreational economy.

I remain concerned that we do not have the authority or legal ability to manage our own freshwater wetland resources in Delaware. We are the only state in our region that has not come up with ways to more efficiently protect and administer these valuable resources. With your help, we can both minimize the impacts for those who have to deal with permitting and more effectively protect these valuable resources.

As you know, if a property owner in Delaware wants to conduct an activity that may involve a freshwater wetland, to obtain a determination of jurisdiction or a permit for the work, they must work through the U.S. Army Corps of Engineers. Like so many federal agencies, the Corps is struggling to maintain their workload with the limited resources they are allocated. These resource issues slow the permitting process considerably. In addition, there are concerns about the federal program lacking in predictability from changing definitions of jurisdiction and providing limited opportunities for property owners to challenge wetland permitting decisions.

We can do it better in Delaware.

As committee members, you have the opportunity to recommend a state program that would create an efficient one-stop shop and coordinate the process so that we may improve the turnaround for jurisdictional determinations and permits. This is our chance to develop a program for freshwater wetland management the way that we Delawareans would like to see it managed with more accountability, predictability, and clear appeal rights.

Thanks to improvements within DNREC over the past five years, our tidal wetland permitting program has reduced the time for a permit to be completed to an average of 41 days. This is a significant improvement in efficiency and predictability in a just short amount of time without additional resources. I am confident that the same program improvements DNREC has implemented in the tidal wetlands program will be replicated in an efficient freshwater wetlands program. This effort will be bolstered by close collaboration with the Delaware Department of



April 2, 2014

Page 2

Agriculture, which will provide expertise in both agriculture and forestry. The benefits of a local program will reduce frustrations, costs, and uncertainties for developers, landowners, and businesses, which will in turn lessen the strain on the economy experienced when projects are delayed due to an unpredictable and confusing federal permitting process.

I am reaching out today to ask that you support a state wetlands program that includes both strong landowner incentives and a regulatory component by voting yes on the questions before the committee. We cannot meet our goals of protecting Delaware's wetlands with incentives alone. A permitting program, combined with incentives, is necessary. Such a program will be designed to maximize efficiencies for predictability and timeliness, while preventing any future regulatory over-reach.

I know that we in Delaware can work together, as we often do across agriculture, business, government and environmental interests, to provide conservation and protection for our wetlands in ways that strengthen our economy, enhance our environment, and respect private property use. I believe that the best way to accomplish our mutual goals for Delaware's wetland conservation and protection is to provide the service at the local, rather than federal level, and to strike a balance with a program that includes both incentives and permitting. I ask that you join us in this effort. Let us be proactive and protect our wetlands today so that future generations will be able to benefit from the natural services wetlands provide and continue to enjoy these resources as part of Delaware's heritage.

Sincerely,

A handwritten signature in blue ink, appearing to read 'JW', with a long horizontal flourish extending to the right.

Jack A. Markell  
Governor

HAL GODWIN  
DEPUTY COUNTY ADMINISTRATOR  
(302) 854-5060 T  
(302) 855-7749 F  
hgodwin@sussexcountyde.gov



**Sussex County**  
DELAWARE  
sussexcountyde.gov

**Memorandum**

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

Todd F. Lawson  
County Administrator

FROM: Hal Godwin  
Deputy County Administrator

RE: ***DELAWARE BAY BEACH WORK GROUP REPORT***

DATE: April 4, 2014

---

During Tuesday's Council meeting, I am scheduled to discuss the final report findings from the Delaware Bay Beach Work Group.

The first meeting of the Delaware Bay Beach Work Group was held on November 12, 2010 in the Senate Hearing Room of Legislative Hall, in Dover. This is a group formed by DNREC Secretary Colin O'Mara for the purpose of examining issues such as beach erosion, marsh drainage and other related issues in the Delaware Bay Beach communities, resulting in recommendations, both short and long term, for how the State of Delaware and other levels of government may address these problems.

I have attached for your review, the updated findings on the DNREC Division of Watershed Stewardship Drainage Program and Economic Analysis Delaware Bayshore Communities: Delaware Bay Beach Work Group Briefing, as well as recent and upcoming shoreline projects.

Please let me know if you have any questions.

HG/kac

Attachments



# Delaware Bay Shore Workgroup

March 21, 2014  
DNREC Division of Watershed Stewardship  
Drainage Program

# Bay Beach Coastal Drainage Study

- Professional Services Agreement with URS
- Held Community Meetings
  - Primehook
  - Broadkill Beach
  - Kitts Hummock & Pickering Beach
  - S. Bowers Beach
  - Slaughter Beach
  - Lewes Beach



# Bay Beach Coastal Drainage Study

- Community Drainage/Flooding Survey
- Next Steps
  - Synthesizing Data
    - Meetings & Surveys
  - Engineering Field Review (Early April)
  - Develop & Rank Alternative
  - Conceptual Design of up to 10
    - Feasibility Assessment
    - Cost Estimates

**Bay Beach Drainage and Flooding Concerns**  
**Delaware Department of Natural Resources and Environmental Control**

**Introduction**

*The Delaware Department of Natural Resources and Environmental Control (DNREC) requests assistance from property owners and renters in Bay Beach Communities to identify locations within the community where drainage or flooding issues regularly occur. The information collected will be used to identify areas of concern. Areas of concern will be evaluated on site by engineers under contract with DNREC. It may be necessary for the engineers to contact you for additional information.*

**Part I: Contact Information**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Community Name: \_\_\_\_\_ Phone: \_\_\_\_\_  
Property Address: \_\_\_\_\_ Email: \_\_\_\_\_

Ownership Information  Full-Time Resident  Part-Time Resident  Rental Property

**Part II: Drainage Observations**

Please complete the following sections for each drainage issue observed.

For this section, include descriptions of drainage issues related to the following: ponding water, water coming out of inlets, water not able to drain through inlet or pipe, or flooding of roadway or driveway due to slow moving (or not moving at all) water.

**Description of concern:** \_\_\_\_\_  
\_\_\_\_\_

**Location of drainage concern (please be as specific as possible):** \_\_\_\_\_  
\_\_\_\_\_

**Probable cause of drainage concern** (for example: poor drainage system, low lying area) \_\_\_\_\_  
\_\_\_\_\_

**When does this drainage concern typically occur** (for example: during high tides, during northeast winds, after every rain event, after large rain events, sometimes after a rain event, during hurricanes or significant coastal events) \_\_\_\_\_  
\_\_\_\_\_

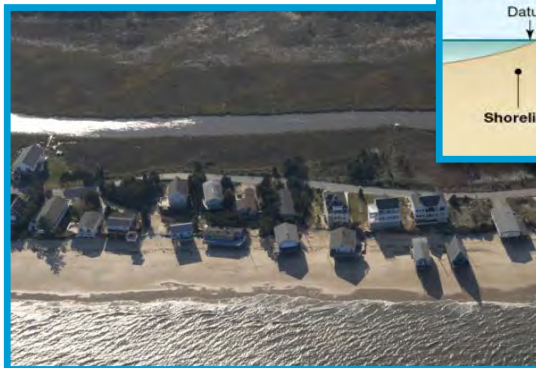
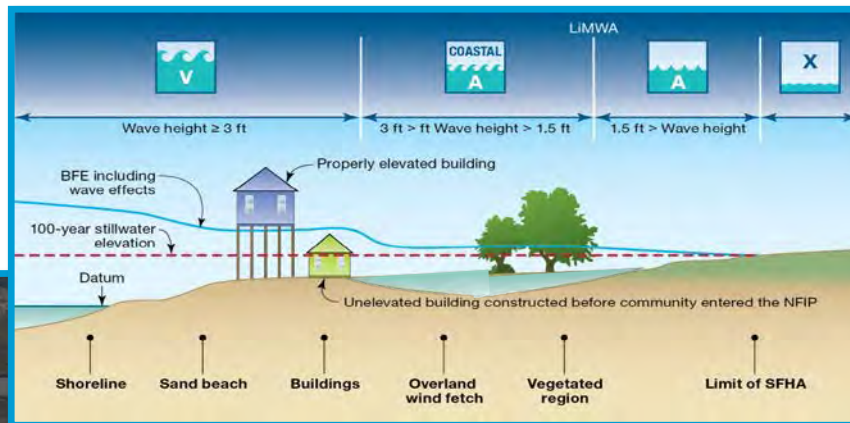
**How often does this drainage concern occur** (for example: once a month, twice a year, only during hurricanes. Also, list approximate date of the last time the drainage concern occurred) \_\_\_\_\_  
\_\_\_\_\_

Please use additional sheets, if necessary.

Page 1



# Economic Analysis Delaware Bayshore Communities: Delaware Bay Beach Work Group Briefing



March 21, 2014

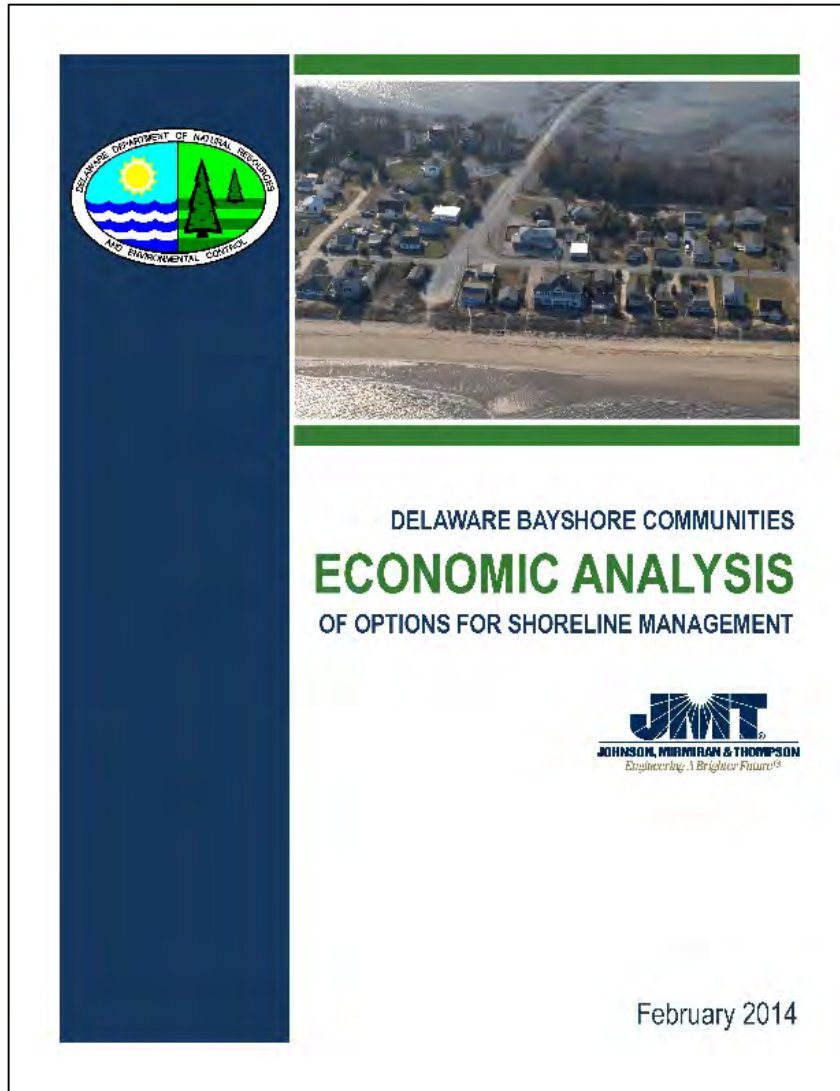
# Summary – History of Presentations

## *Multiple Presentations to Date – Since January 2011*

### TOPICS

- Geographic Coverage
- Management Scenario Development
- Data Collection
  - Structure Inventory - Elevations
  - Structure Metrics
  - Modeling Flood/Erosion/SLR
  - Flood/Erosion Damages
  - Recreational Beach Widths
- Economic Studies – Approach
  - Flood/Erosion Damages Avoided
  - Recreation
  - Tax Revenues
  - Ecosystem Services
- Economic Studies Preliminary Findings – Costs/Benefits
  - All Scenarios
  - All Communities

# Sources/Credits



Credits: Sources for Tables, Images, Data in Presentation

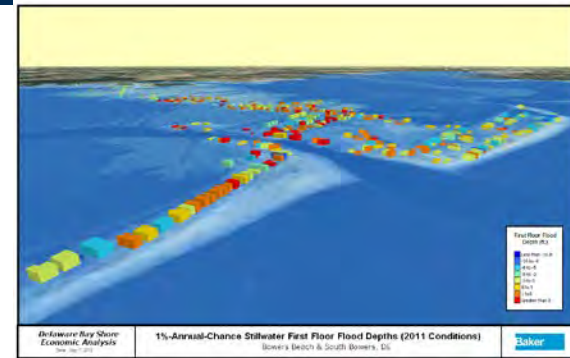
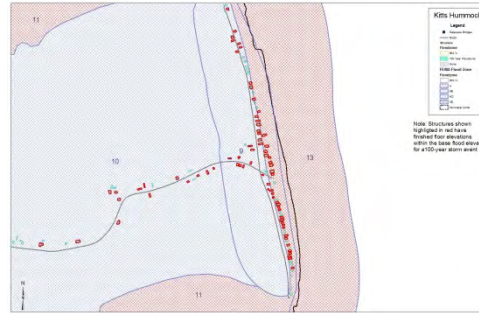


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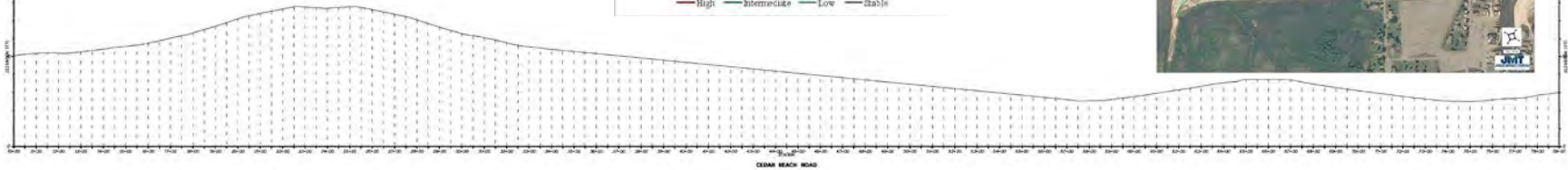
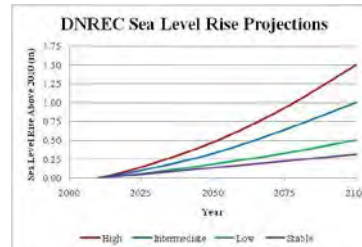
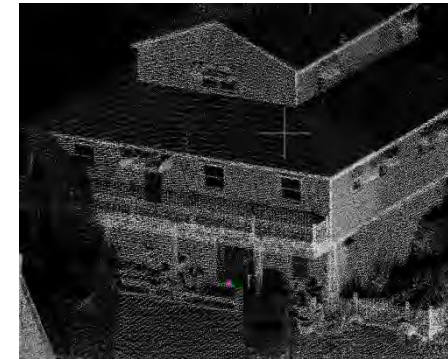
- **Distribution** and
- **Benefits** of different management
- **Scenarios.**

*All scenarios compared to the **No-Action Scenario***

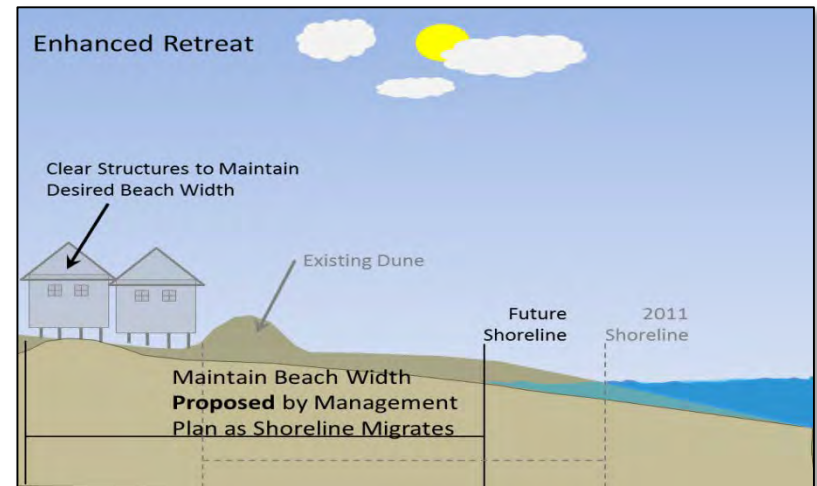
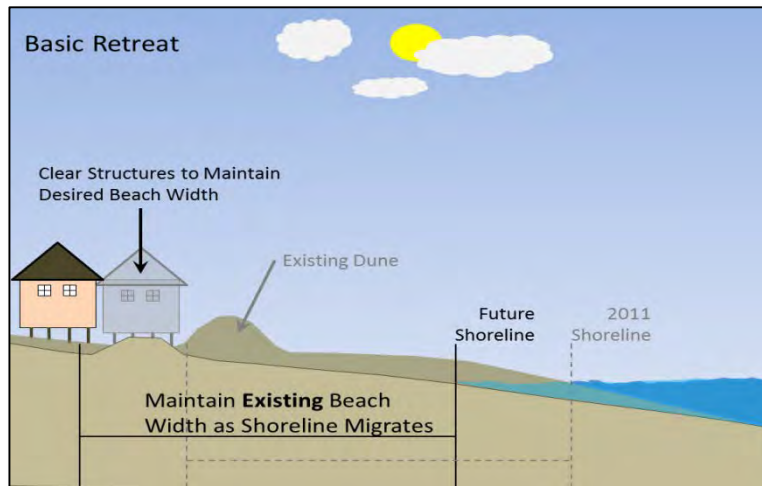
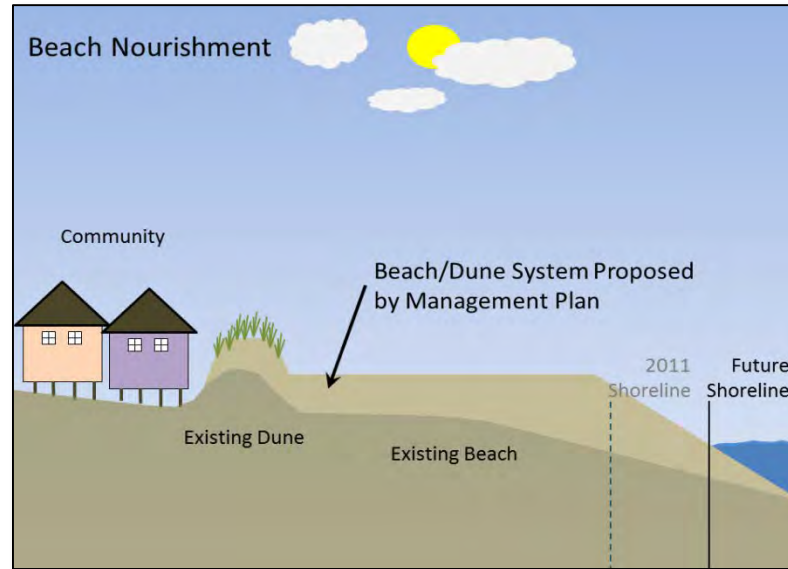
# Background - Data Collection



JMT_Classific	Res_Bldg_Type	NRes_Bld	NRes_Bldg_Name	Constr_Type	FoundationType	Kent Fo	FF_SQFT	Bldg_SQFT	Kent Sr
Residential	Two or More Stories without Basement	<Null>	<Null>	Engineered	Pile	<Null>	1423.8307	2347.861479	<Null>
Residential	Two or More Stories without Basement	<Null>	<Null>	Engineered	Slab	<Null>	1121.6008	2263.213629	<Null>
Residential	One-Story without Basement	<Null>	<Null>	Engineered	Crawlspace	<Null>	3065.6480	3065.648072	<Null>
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Residential	One-Story without Basement	<Null>	<Null>	Engineered	Crawlspace	<Null>	3036.8643	3036.864587	<Null>
Residential	<Null>	<Null>	<Null>	Engineered	Pile	<Null>	1486.5210	1456.521015	<Null>
Residential	<Null>	<Null>	<Null>	<Null>	<Null>	<Null>	1482.0881	1482.088108	<Null>
Residential	One-Story without Basement	<Null>	<Null>	Engineered	Pile	<Null>	1270.2472	1270.24724	<Null>
Residential	One-Story without Basement	<Null>	<Null>	Engineered	Crawlspace	<Null>	2405.1306	2405.13064	<Null>
Residential	Two or More Stories without Basement	<Null>	<Null>	Engineered	Pile	<Null>	1342.0204	2066.60664	<Null>
Residential	Mobile Home	<Null>	<Null>	Pre-Engineered	Crawlspace	<Null>	1233.2701	1233.270104	<Null>
Residential	One-Story without Basement	<Null>	<Null>	Engineered	Pile	<Null>	1864.0355	1864.035592	<Null>
Residential	Two or More Stories without Basement	<Null>	<Null>	Engineered	Pile	<Null>	1199.1430	2290.2970	<Null>
Residential	One-Story without Basement	<Null>	<Null>	Engineered	Pile	<Null>	1791.8626	1791.862604	<Null>
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Residential	Two or More Stories without Basement	<Null>	<Null>	Engineered	Pile	<Null>	2711.4743	5422.948714	<Null>
Residential	Two or More Stories without Basement	<Null>	<Null>	Engineered	Pile	<Null>	1752.0482	3554.098546	<Null>



# Background – “BUILD/ACTION” Scenarios



# Background - Benefits Quantified

## ECONOMIC ANALYSES -

- General Categories of Economic Effects Analyzed/Quantified
  - **Structures/Assets Damages**
    - Property values
  - **Recreation**
    - Tourism Revenues
    - Local/Statewide business revenues
    - Natural Resource Capital Valuation
      - Wetlands, Wildlife, Fisheries, Etc.
    - Others

# Benefit, Cost or Transfer Analysis

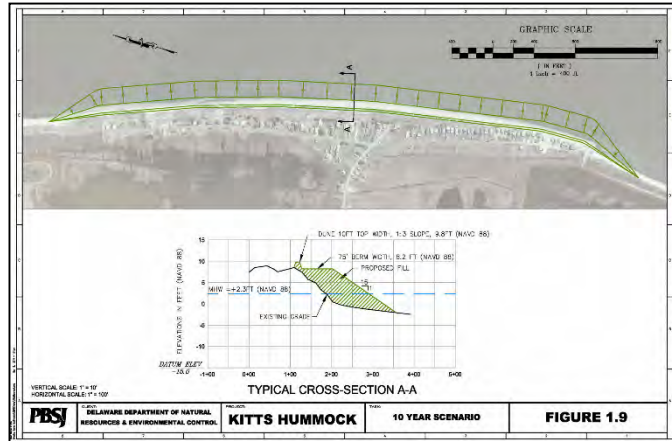
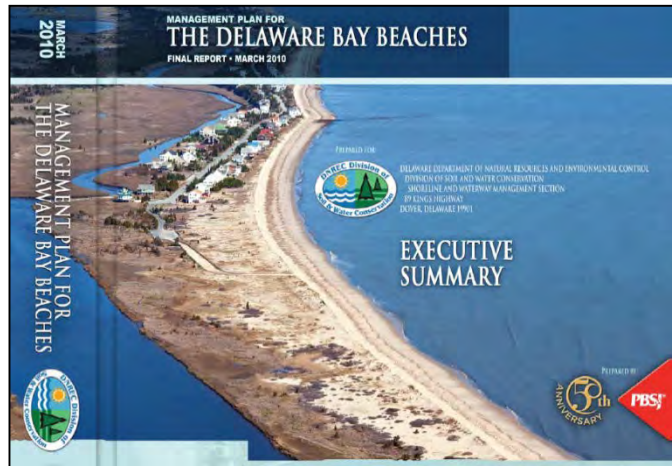
BENEFIT, COST OR TRANSFER	HOW MEASURED	DESCRIPTION AND ECONOMIC INTERPRETATION
<b>Sand, Fill and Demolition Costs</b>	Change in costs paid by the State. Quantified using predicted market costs.	These reflect the opportunity cost of resources used for management.
<b>Housing Service Benefits</b>	Change in the net present value of services received from homes, as reflected in property values.	These reflect gains or losses to homeowners related to the continued existence of a housing structure into the future. According to economic theory, equilibrium property values should reflect the capitalized present value of future housing services.
<b>Recreational Benefits</b>	Change in the net present value of beach recreation, quantified using changes in discounted consumer surplus.	Beach recreation generates non-market use values. These values can be quantified using consumer surplus, defined as the difference between what an individual would be willing to pay for beach recreation and what is actually paid in travel and access costs.
<b>Flood and Erosion Damages</b>	Change in net damages to homes (repair and replacement costs).	Changes in beach management can influence the likelihood and severity of flood and erosion damage to homes. This is in addition to homes that are entirely lost. The true relationship between damage costs and the willingness to pay to avoid flood damage (a true measure of benefit) is generally undefined, although these are sometimes interpreted as an approximation of benefit losses.
<b>Housing Acquisition Payments (Transfer)</b>	Payments from the State to homeowners to compensate for lost housing services.	These reflect a transfer payment from the State to homeowners. That is, for each \$1 paid by the State, \$1 is received by homeowners; these payments are a simple transfer of funds from one group to another, the net benefit of which is zero.

# Key Benefits, Costs and Impacts Assessed in the Management Scenarios

Benefit or Cost Category	Measure	Description	Beneficiaries (for quantified benefits)
<b>COSTS OF MANAGEMENT (RELATIVE TO NO ACTION)</b>			
Shoreline management	Sand or fill costs	<ul style="list-style-type: none"> <li>Applies to beach nourishment activity</li> <li>Based design specifications for volume of sand needed over time and unit costs of fill</li> <li>Unit fill costs account for excavation, hauling and placement of beach fill material</li> </ul>	N/A
	Demolition	<ul style="list-style-type: none"> <li>Costs of clean up for structures with 100% damage due to erosion</li> </ul>	N/A
<b>QUANTIFIED BENEFITS OF MANAGEMENT (RELATIVE TO NO ACTION)</b>			
Erosion- shoreline migration	Recreational activity	<ul style="list-style-type: none"> <li>Change in values of recreational beach trips</li> <li>Based on recreation demand model estimates</li> </ul>	<ul style="list-style-type: none"> <li>Community residents</li> <li>Beach visitors</li> </ul>
	Housing services	<ul style="list-style-type: none"> <li>Change in annualized service flows provided by housing</li> <li>Based on real estate price used to estimate the capitalized service value of property suffering 100% loss</li> </ul>	Property owners
Coastal flooding	Avoided property and content damage	<ul style="list-style-type: none"> <li>Cost of replacement less depreciation of assessed parcel value (avoided damages do not typically provide an exact measure of economic benefit; see Chapters 3 and 5).</li> </ul>	Property owners
<b>UNQUANTIFIED BENEFITS, COSTS OR IMPACTS</b>			
Erosion - shoreline migration	Economic activity in service sectors	<ul style="list-style-type: none"> <li>Productivity impacts local economy (e.g., restaurants, hotels, retail) measured in jobs and business revenue</li> <li>Not assessed, but assumed to positively correlated with recreational activity</li> <li>Not a valid measure of economic benefit or cost</li> </ul>	<ul style="list-style-type: none"> <li>Government</li> <li>Businesses</li> <li>Residents</li> </ul>
	Habitat protection and other ecosystem services	<ul style="list-style-type: none"> <li>Ecosystem service flows not assessed in this analysis/ natural resource capital valuation</li> <li>Omission likely understates total benefit of shoreline management to a small degree</li> <li>Available evidence suggests that effects on these ecosystem service values are likely to be minor</li> </ul>	Passive use values for the public
Tax revenue	Lost tax revenue for Kent and Sussex Counties	<ul style="list-style-type: none"> <li>Estimated but not included in net impact of management options</li> <li>Reflects transfers between property owners to the County for services</li> <li>Not a valid measure of economic benefit or cost</li> </ul>	N/A

# Focus Presentation

## Beach Nourishment



Versus

## No Action



# Net Benefits - Aggregate

Scenario	(A) Sand, Fill and Demolition (PV, \$mill)	(B) Housing Acquisition Payments (paid by State) (PV, \$mill)	(C) Housing Acquisition Payments (received by property owners) (PV, \$mill)	(D) Recreation (PV, \$mill)	(E) Housing Services <sup>2</sup> (PV, \$mill)	(F) Reduction in Additional Flood and Erosion Damages <sup>3</sup> (PV, \$mill)	(G) Net Benefits (PV, \$mill; sum of A through F)
<b>Beach Nourishment (Scenario 1)</b>	<b>-\$61.1</b>	<b>\$0</b>	<b>\$0</b>	<b>\$16.1</b>	<b>\$18.2</b>	<b>\$2.7</b>	<b>-\$24.1</b>
<b>Basic Retreat (Scenario 3)</b>	<b>-\$0.5</b>	<b>-\$61.3</b>	<b>\$61.3</b>	<b>\$10.8</b>	<b>-\$43.1</b>	<b>\$3.0</b>	<b>-\$29.8</b>

<sup>1</sup> Costs (or reduced benefits) enter as negative numbers. Benefits (or reduced costs) enter as positive numbers. All benefits and costs are relative to the No Action alternative.

<sup>2</sup> Change in benefits due to the total loss of housing structures.

<sup>3</sup> Damages to remaining housing structures. Although the beach width is similar under nourishment and enhanced retreat, damages avoided differ due to (a) the construction of additional protective dunes under beach nourishment and the removal of homes under enhanced retreat that would otherwise be subject to damage.



# Net Benefit by Scenario and Community

Community	Beach Nourishment	Basic Retreat
	Net Benefit (PV, \$mill)	Net Benefit (PV, \$mill)
Pickering	-\$3.2	-\$0.5
Kitts Hummock	-\$4.6	-\$1.6
Bowers	-\$3.1	-\$2.9
South Bowers	-\$3.8	-\$0.4
Slaughter	-\$11.6	\$0.7
Prime Hook	-\$4.6	-\$3.4
Broadkill	<b>\$6.8</b>	-\$21.9
<b>Total</b>	<b>-\$24.1</b>	<b>-\$29.8</b>

Notes: Net benefits calculated relative to the No Action Scenario. The table reports all figures in 2011 dollars. The reported values are the present value of the stream of annual estimates aggregated across 30 years (from 2011 to 2041) and discounted at 4%.

# Distribution of Net Benefits by Management Scenario

Metric	Units	Beach Nourishment		Basic Retreat	
		Taxpayers & Non-Residents	Residents	Taxpayers & Non-Residents	Residents
Net Benefits	PV, \$mill	-\$48.1	\$24.0	-\$52.3	\$22.5

Notes: All values reported in 2011 dollars. The figures are the present value of the stream of costs and benefits aggregated across 30 years (from 2011 to 2041) and discounted at 4%.

# Distribution of Net Benefits by Management Scenario, By Community

Community	Beach Nourishment (PV, \$mill)		Basic Retreat (PV, \$mill)		Enhanced Retreat (PV, \$mill)	
	Taxpayers & Non-Residents	Residents	Taxpayers & Non-Residents	Residents	Taxpayers & Non-Residents	Residents
Pickering	-\$5.8	\$2.6	-\$3.3	\$2.8	-\$5.1	\$3.2
Kitts Hummock	-\$7.3	\$2.7	-\$4.5	\$2.9	-\$11.1	\$4.2
Bowers	-\$4.1	\$1.0	-\$3.6	\$0.7	-\$7.2	\$1.4
South Bowers	-\$4.2	\$0.5	-\$0.8	\$0.4	-\$2.2	\$0.8
Slaughter	-\$12.9	\$1.2	\$0.2	\$0.5	-\$9.4	\$0.9
Prime Hook	-\$6.7	\$2.1	-\$4.7	\$1.3	-\$39.0	\$2.6
Broadkill	-\$7.1	\$13.9	-\$35.8	\$13.9	-\$69.7	\$16.6
<b>Total</b>	<b>-\$48.1</b>	<b>\$24.0</b>	<b>-\$52.3</b>	<b>\$22.5</b>	<b>-\$143.7</b>	<b>\$29.7</b>

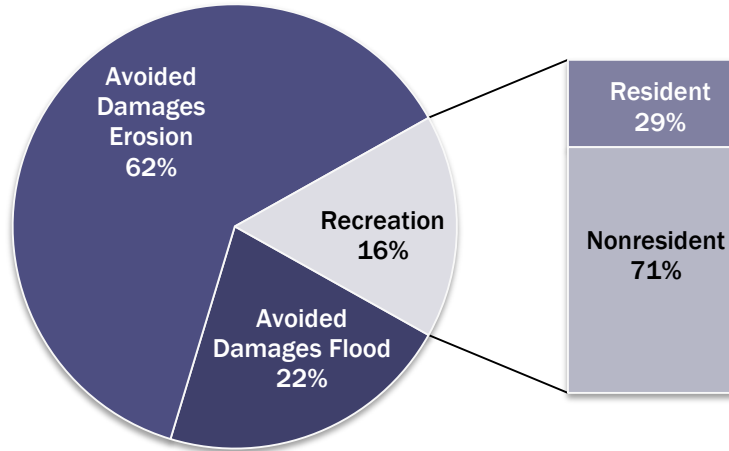
Notes: All values reported in 2011 dollars. The figures are the present value of the stream of costs and benefits aggregated across 30 years (from 2011 to 2041) and discounted at 4%.

# Nourishment Costs by Community Relative to No Action

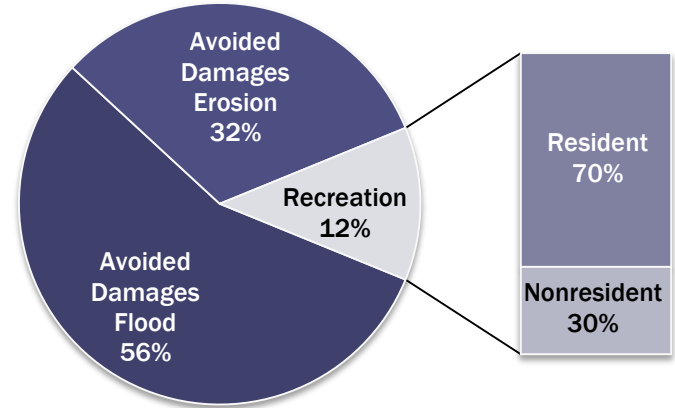
Community	Net Cost Relative to No Action	Demolition Costs Avoided (from Table 4.2a)	Nourishment Cost	Structures	Cost per structure
	(PV \$mill)	(PV \$mill)	(PV \$mill)	(No.)	(\$/structure)
Pickering	<b>\$6.25</b>	-\$0.15	\$6.4	43	<b>\$148,800</b>
Kitts Hummock	<b>\$7.68</b>	-\$0.12	\$7.8	114	<b>\$68,400</b>
Bowers	<b>\$4.87</b>	-\$0.03	\$4.9	<b>325</b>	<b>\$15,100</b>
South Bowers	<b>\$4.57</b>	-\$0.03	\$4.6	69	<b>\$66,700</b>
Slaughter	<b>\$14.60</b>	-\$0.0	\$14.6	<b>308</b>	<b>\$47,400</b>
Prime Hook	<b>\$7.26</b>	-\$0.04	\$7.3	185	<b>\$39,500</b>
Broadkill	<b>\$15.77</b>	-\$0.23	<b>\$16</b>	<b>599</b>	<b>\$26,700</b>
<b>Total</b>	<b>\$61.10</b>	<b>-\$0.6</b>	<b>\$61.7</b>	<b>1,643</b>	<b>\$37,500</b>

# BENEFIT DISTRIBUTION – Nourishment

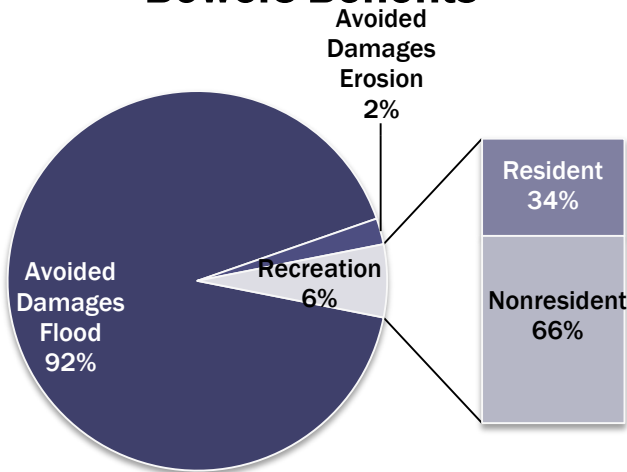
## Pickering Benefits



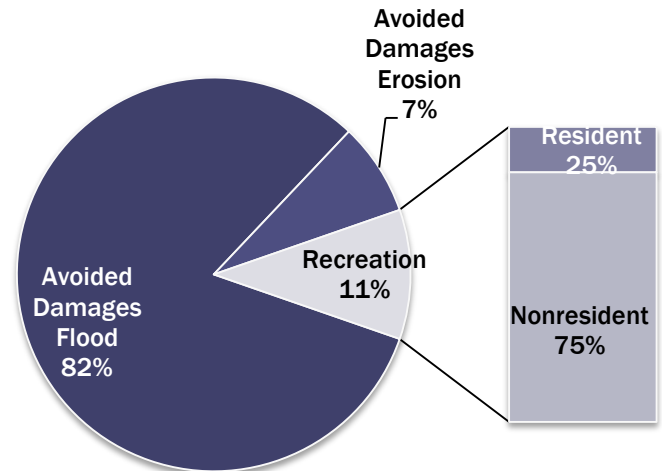
## Kitts Hummock Benefits



## Bowers Benefits

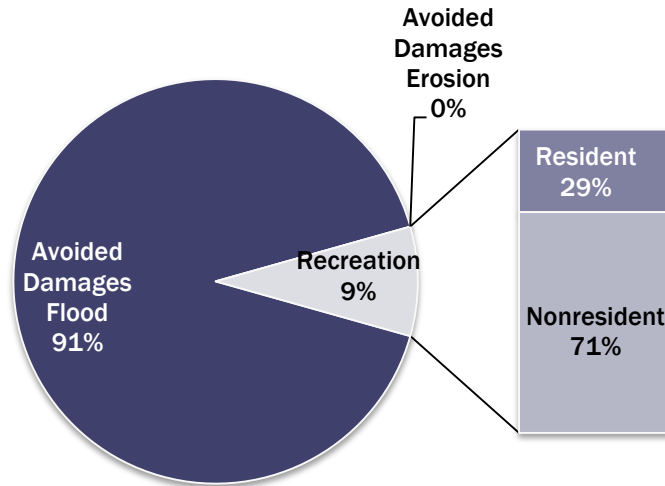


## South Bowers Benefits

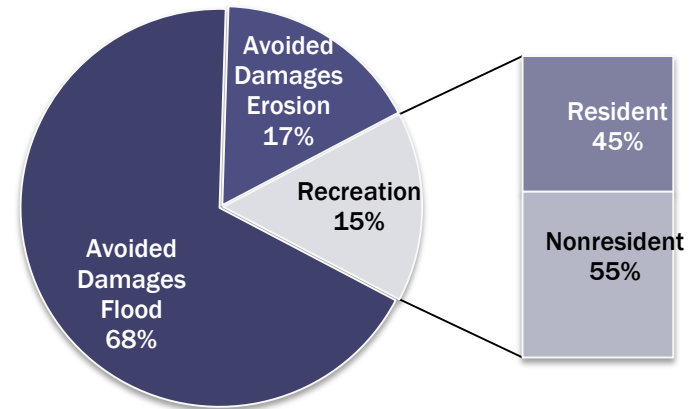


# BENEFIT DISTRIBUTION - Nourishment

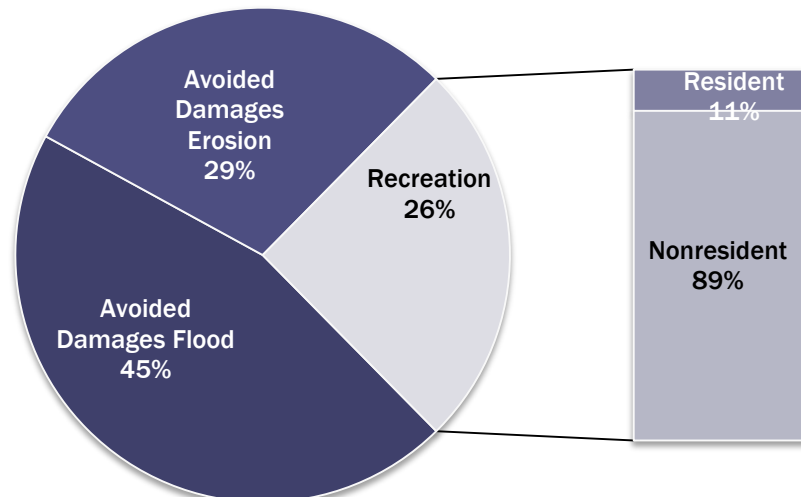
## Slaughter Benefits



## Prime Hook Benefits



## Broadkill Benefits



# General Findings

- **Benefits are limited to:**
  - **Avoided Flood Damages and Erosion Damages (Housing Services)**
  - **Recreational Benefits**
- **Tax revenue impacts are nominal for the communities and determined to be a “wash” for cost/benefit calculations**
- **Benefits (recreational/avoided damages) and their distribution were identified for each community**
- **Only a subset of the properties evaluated (those closest to the shoreline) recognized significant benefit for flood/erosion damage avoidance**

# General Findings (cont.)

- Costs for all scenarios when compared to the No Action exceed identified total benefits and benefits assigned to the public
  - Exception: **Broadkill Beach**
- All scenarios assumed State of Delaware (government) funding
  - Costs identified are significant for any of the communities/counties
    - Alternative sources of revenue generation could be required if other parties are to participate in funding



# ***QUESTIONS***

# UPDATE ON RECENT AND UPCOMING SHORELINE PROJECTS

Pickering Beach

- Beach fill - dredge (2001 27,000 cy)
- Beach fill planning and engineering (2014)
- Beach fill construction (2017)



# UPDATE ON RECENT SHORELINE PROJECTS

Kitts Hummock

- Beach fill - truck (2010 10,000 cy)
- Beach fill - truck (2012 7,000 cy)
- Beach fill - truck (2014 7,500 cy)
- Design beach fill planning and engineering (2014)
- Design beach fill construction (2017)



# UPDATE ON RECENT AND UPCOMING SHORELINE PROJECTS

Bowers Beach

- Beach fill by truck (2009 17,000 cy)
- Beach fill by truck (2012 13,000 cy)
- Murderkill jetty repairs (2014)
- Murderkill channel maintenance (2014) **Completed**
- Design beach fill planning and engineering (2014)
- Design beach fill construction (2015)



# UPDATE ON RECENT AND UPCOMING SHORELINE PROJECTS



South Bowers Beach

- Beach fill - truck (2009 2,000 cy)
- Beach fill - truck (2012 2,000 cy)
- Murderkill jetty repairs (2014)
- Murderkill channel maintenance (2014) **Completed**
- Beach fill from channel material (2014 – 25,000 cy) **Completed**
- Design beach fill planning and engineering (2014)
- Design beach fill construction (2015)



# UPDATE ON RECENT AND UPCOMING SHORELINE PROJECTS

Slaughter Beach

- Beach fill - dredge (2005 115,000 cy)
- Design beach fill planning and engineering (2014)
- Design beach fill construction (2015)



# UPDATE ON RECENT AND UPCOMING SHORELINE PROJECTS

Prime Hook Beach

- Atkins Flood Alternatives Analysis
- DNREC/URS Flooding Evaluation (2014)
- Design beach fill planning and engineering, easements (2014-2015)
- Design beach fill construction? (2016)



# UPDATE ON RECENT AND UPCOMING SHORELINE PROJECTS

Broadkill Beach

- Beach fill - truck (2011 30,000 cy)
- Beach fill - truck (2013 10,000 cy)
- Beach fill - truck (2014 29,000 cy)
- Corps beach fill construction (2014-2015)





# FUNDING OUTLOOK FOR SHORELINE/WATERWAY MANAGEMENT (entire coast)

- Approx. annual revenue \$2,000,000
- Approx. fixed spending  
IRI bypass/contractual \$1,000,000
- Net annual remainder  
for projects \$1,000,000

Funding outlook based on anticipated shoreline/waterway management needs:

FY 14 balance	+\$ 9.7 million
FY 15 balance	+\$ 0.3 million
FY 16 balance	<b>(-\$ 9.3 million)</b>
FY 17 balance	<b>(-\$12.7 million)</b>
FY 18 balance	<b>(-\$13.7 million)</b>
FY 19 balance	<b>(-\$30.0 million)</b>





**NEW ZION UNITED METHODIST**  
**428 WEST SIXTH STREET**  
**LAUREL, DELAWARE 19956**  
**302-875-0727**

[NEWZIONUNITEDMETHODIST@VERIZON.NET](mailto:NEWZIONUNITEDMETHODIST@VERIZON.NET)  
Non-profit # 51-0268222

Dear Honorable Michael Vincent:

The Youth Outreach Team of New Zion United Methodist Church is hosting its 10<sup>th</sup> Annual "Balling for God" Basketball Tournament and Community Awareness Day on Saturday, June 14, 2014. This is a day where the community especially the children come together to enjoy a day of fun and basketball while learning about some of the major health issues that plague our community: HIV, AIDS, Drugs, Diabetes, etc... As an outreach team, we feel it is important to educate the community and provide awareness as well as intervention.

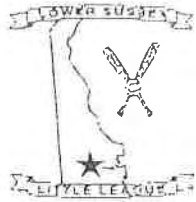
The success of this day largely depends upon donations and contributions from sponsors like you. This is where you can help us by giving back to the community. There are several levels of sponsorship: \$100, \$150, \$200, etc... Your contribution will be used to purchase trophies, medals, to rent children's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

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

We thank you for your time and look forward to hearing from you. If you have any questions, please contact Amy Handy at 302-875-4263, or the church – 302-875-0727.

Sincerely,

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



## **Lower Sussex Little League Inc.**

P.O. Box 320  
Ocean View, DE 19970

March 25, 2014

George and Vance:

Lower Sussex Little League is again requesting \$2,500.00 for its little league program.

This year we have over 750 children registered. The money we raise pays for uniforms, dirt, lime, electric and repairs to the complex.

Again, this year we are hosting the Girls Little League softball World Series. We have the 15 and 16 year old World Series and the 17 and 18 year old World Series. Twenty teams from around the world will be coming to our complex. There will be (6) games on ESPN.

We thank you for your past support.

Bruce Layton  
302-841-7961 (cell)

PUBLIC HEARINGS

April 8, 2014

This is to certify that on March 13, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone.. At the conclusion of the public hearings, the Commission moved and passed that these applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING

COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

**Conditional Use #1980 – Eastern Shore Auto Exchange**

Application of **EASTERN SHORE AUTO EXCHANGE** to consider the Conditional Use of land in a B-1 Neighborhood Business District for a used car sales facility to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 14,295 square feet, more or less, land lying southwest of Route 5 (Harbeson Road) 0.5 mile south of Road 292A (Rust Road) (Tax Map I.D. 2-34-4.00-11.00).

The Commission found that the Applicant submitted a survey/site plan with his application.

The Commission found that DelDOT has issued a letter of “No Contention” of the use of existing entrances with conditions.

The Commission found that the County Engineering Department Utility Planning Division provided a memorandum on March 10, 2014 referencing that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conforming to the North Coastal Planning Area will be required; that the proposed project is not in an area where Sussex County currently has a schedule to provide sewer service; and that a concept plan is not required.

Mr. Lank advised the Commission that this site is located in a Low Density Area according to the Sussex County Comprehensive Plan Update.

The Commission found that Wendy Wall was present on behalf of this application and stated in her presentation and in response to questions raised by the Commission that they have applied for an automotive sales lot; that there will not be any auto repairs performed on the site; that they will be detailing some vehicles on the site; that the metal building will be used for storage of vehicles for sale; that they will not be offering more than 10 vehicles for sale at any one time; that business hours are proposed to be from 10:00 a.m. to 6:00 or 7:00 p.m. with weekend hours by appointment only; that signage will be limited to placement on the building; that a detail shop exists to the south and that there are several businesses in the Harbeson intersection area to the north; that the building was previously used as a package store; and that security lighting already exists on the site.

The Commission found that Christian Thompson was present, not in opposition, with some concerns about expansion of lighting; that the existing lighting is not an issue; that she would prefer that there not be any night-time activities; and that she has no objection if the vehicles displayed do not exceed 10 vehicles.

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

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

On March 13, 2014 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On March 27, 2014 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1980 for Eastern Shore Auto Exchange for a used car sales facility 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 commercial uses, and this is a redevelopment of the site for a used car sales facility.
- 3) There are other small business and commercial uses in the area and this will be consistent with these existing uses.
- 4) This recommendation for approval is subject to the following conditions and stipulations:
  - A. The hours of operation shall be from 10:00 a.m. to 7:00 p.m., Monday through Friday, with weekend hours by appointment only.
  - 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. No automobile repairs shall be performed on the site. No automobile parts shall be stored outside. Automobile detailing shall be permitted on the site.
- F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the facility.
- G. No more than 10 cars shall be displayed for sale on the site at any one time.
- H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.
- I. The site shall be subject to all DelDOT entrance and roadway requirements.
- J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, 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 and with the conditions and stipulations stated. Motion carried 5 – 0.

**Conditional Use #1981 – Robert & Julie Norwood**

Application of **ROBERT & JULIE NORWOOD** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an office for cleaning service business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 24,205 square feet, more or less, land lying at the northeast corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road) (Tax Map I.D. 3-34-12.00- 25.00 & 26.00).

The Commission found that the Applicant submitted a survey/site plan and photographs of the site and other business uses in the area, including but not limited to Delaware Eye Institute, Apple Electric, Family Dollar, Maplewood Dental, Ryan Homes office, Beebe Medical Center, LogoMotive, Sussex Tree, Windswept Stables, Next Stop : College; Bella Mead Farm, Lamps and Shades, Copp’s Seafood, Top of the Line Janitorial, and Beacon Middle School.

The Commission found that DelDOT had reviewed an application for this site as a rezoning to CR-1 and determined that a Traffic Impact Study was not recommended and that the current Level of Service “E” of Route 24 at this location would not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided a memorandum on March 10, 2014 referencing that the site is located in the Goslee Creek Planning Area; that the proposed office will use an existing on-site septic system; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conforming to the North Coastal Planning Area Study will be required; that when the County provides sewer service, the on-site system must be abandoned and a direct connection to the central system is mandatory; and that a concept plan is not required.

The Commission found that a copy of the public notice was returned with a note from Pastor Maxine McWhorter Ungerbuehler, a resident on Retz Lane, advising that they are the Applicants neighbors and that they have no objection.

The Commission found that Robert Norwood was present and stated in his presentation and in response to questions raised by the Commission that he thanks the Commission for allowing him to be considered as a Conditional Use; that he wants to operate an office for his window cleaning business and to park his three (3) company trucks on the site; that he plans on converting the garage into an office; that the existing dwelling is in need of a lot or repairs and improvements and may become a rental; that there will not be any mechanical work on vehicles on site; that there were be a standard household trash receptacle for business trash; that he would like to erect a lighted sign; that the one security pole light on the premises is sufficient since it is located between the garage and the dwelling; that normal business hours are from 8:00 a.m. to 7:00 p.m.; that there is no work performed on site, except some office work; that he currently has three (3) employees, but the number of employees increases to eight (8) during the summer season; that access to the site will be from Retz Lane, with no direct access to Route 24; that his employees will be parking and meeting on the site to go to job sites; and that he plans on creating a stone parking area with parking bumpers to mark the parking spaces.

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

On March 13, 2014 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On March 27, 2014 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would move that the Commission recommend approval of C/U #1981 for Robert and Julie Norwood for a cleaning service business based on the record made at the public hearing and for the following reasons:

- 1) This business will have little or no impact on neighboring or adjacent properties.
- 2) There are other small business uses in the area, including doctor's offices, a screen printing business, a lamp store, a small seafood business, and others. Most of these are conditional uses, as well.
- 3) The use will involve use of the existing garage as an office to coordinate the cleaning service. The actual business activities consisting of cleaning and window cleaning occur off site.
- 4) This location along Route 24 is appropriate for a small business use such as this.
- 5) No parties appeared in opposition to this Conditional Use application and one neighbor supports it.
- 6) Although this property is located in a subdivision the deeded documents reference commercial use of the parcel.

- 7) This recommendation is subject to the following conditions:
- A. The use shall be limited to a cleaning service business and the offices for such a business.
  - B. The hours of operation shall be 8:00 a.m. through 7:00 p.m.
  - C. The entrance, subject to any DelDOT requirements and/or approvals, shall be from Retz Lane as it currently exists.
  - D. One lighted sign shall be permitted. The sign shall not exceed 32 square feet in size per side.
  - E. All parking areas for company vehicles and employee vehicles shall be shown on the Final Site Plan and clearly marked on the site.
  - F. No mechanical work on any vehicles shall occur on site.
  - G. Any storage of equipment, cleaning supplies, chemicals and other items associated with the business shall be located inside of buildings.
  - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

#### **Change of Zone #1745 – Capital Development Partners, LLC**

Application of **CAPITAL DEVELOPMENT PARTNERS, LLC** to amend 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 Cedar Creek Hundred, Sussex County, containing 2.912 acres, more or less, land lying south of Route 16 and 300 feet east of U.S. Route 113 (Tax Map I.D. 2-30-26.00-102.00 (part of)).

The Commission found that the Applicants provided an Exhibit Booklet on March 4, 2014 and that the Booklet contains a Presentation Outline; Concept Plans: boundary survey, conceptual site plan, and building elevations; references to Land Utilization/Zoning: map of existing businesses, Zoning Map, Future Land Use Map, and State Spending Strategies Map; references to Environmental Issues: a current aerial location map, a 1992 aerial map, and a Sourcewater Protection Areas map; and references to Traffic: a DelDOT Support Facilities Report.

The Commission found that on January 6, 2014 DelDOT provided comments in the form of a letter and Support Facilities Report referencing that they recommend that this application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that that site is located in the



Ellendale Sanitary Sewer District; that wastewater capacity is available for up to 4.0 Equivalent Dwelling Units (EDU) per acre; that downstream upgrades, at the developers expense, could be required for a project that exceeds 4.0 EDU per acre; that the current System Connection Charge Rate is \$7,992.00 per EDU; that the parcel is served with an 8-inch lateral on the parcels frontage along Route 16 (Beach Highway); that the lateral is located near the parcels northeast corner; that conformity to the Ellendale Wastewater Planning Study of June 2007 will be required; and additional information is required before a capacity determination and EDU Assessment can be made; and that a concept plan is required.

The Commission found that Zac Crouch, Professional Engineer from Davis, Bowen & Friedel, Inc. was present on behalf of this application and stated in his presentation and in response to questions raised by the Commission that a Dollar General store is proposed to be built on this site; that they will be complying with all DelDOT requirements; that several commercial and business uses and zonings exist in close proximity to this site; that they will be submitting site plans in the near future if the rezoning is approved; that Dollar General has built several stores in the County recently; that the site is almost adjacent to the intersection of U.S. Route 113 and Route 16; that the site is located in an Investment Level 2 according to the State Spending Strategies; that the site is located in an excellent recharge area; that the parcel will be subdivided from a larger 10 acre parcel; that they have not received any comments from the Town of Ellendale; and that Jeffrey Reed, an adjoining property owner, has provided a letter in support of this rezoning.

Mr. Crouch submitted a copy of Mr. Reed's letter for the record.

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

Mr. Burton stated that he would move that the Commission recommend approval of Change of Zone No. 1745 for Capital Development Partners, LLC for a change of zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) The site is in a Developing Area according to the Sussex County Comprehensive Plan. It is very near the Town of Ellendale.
- 2) The site, essentially at the intersection of U.S. Route 113 and Route 16, is appropriate for CR-1 zoning.
- 3) There are many other commercial zonings and uses in the vicinity. The rezoning will be consistent with this area.
- 4) The rezoning will not adversely affect neighboring properties or area roadways.
- 5) No parties appeared in opposition to this application.

Motion by Mr. Burton, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5 – 0.

911 Address: 20524 Harbeson Rd.  
Harbeson, DE 19951

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14,295 SQUARE FEET, MORE OR LESS (Tax Map I.D. 234-4.00-11.00)**

**WHEREAS, on the 31st day of December 2013, a conditional use application, denominated Conditional Use No. 1980 was filed on behalf of Eastern Shore Auto Exchange; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1980 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. That Chapter 115, Article X, Subsection 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1980 as it applies to the property hereinafter described.**

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying southwest of Route 5 (Harbeson Road) 0.5 mile south of Road 292A (Rust Road) and being more particularly described:**

**BEGINNING at an iron bar on the southwesterly right-of-way of Route 5, a corner for these subject lands and lands of Wilmer J. Hunter, Trustee; thence south 46°01'38" east 150.00 feet along the southwesterly right-of-way of Route 5 to an iron bar; thence south 43°49'58"**

west 95.19 feet along lands of Wilmer J. Hunter, Trustee, to an iron pipe; thence north 46°07'00" west 150.00 feet along lands of Wilmer J. Hunter, Trustee, to an iron pipe; thence north 43°49'58" east 95.42 feet along lands of Wilmer J. Hunter, Trustee, to the point and place of beginning, and containing 14,295 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.

PROPOSED



# Conditional Use Application #1980



### 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

C-1

Lands N/F of LACKNER

Lands N/F of CROSSAN

HARBESON RD

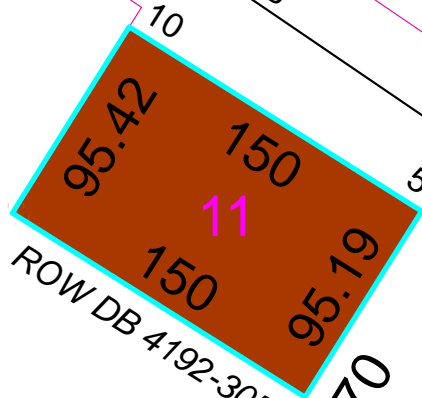
160.1

176.18

307

Lands N/F of HUGHEY

123.0



ROW DB 4192-305

170

204.73

10.36

Lands N/F of HUNTER

3

175

193

Lands N/F of HUNTER

Lands N/F of HUNTER

10.37

4

PB 65-223



# Conditional Use Application #1980



## 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       |

0 200 400 800 1,200 1,600 Feet

1 inch = 625 feet





# Conditional Use Application #1980

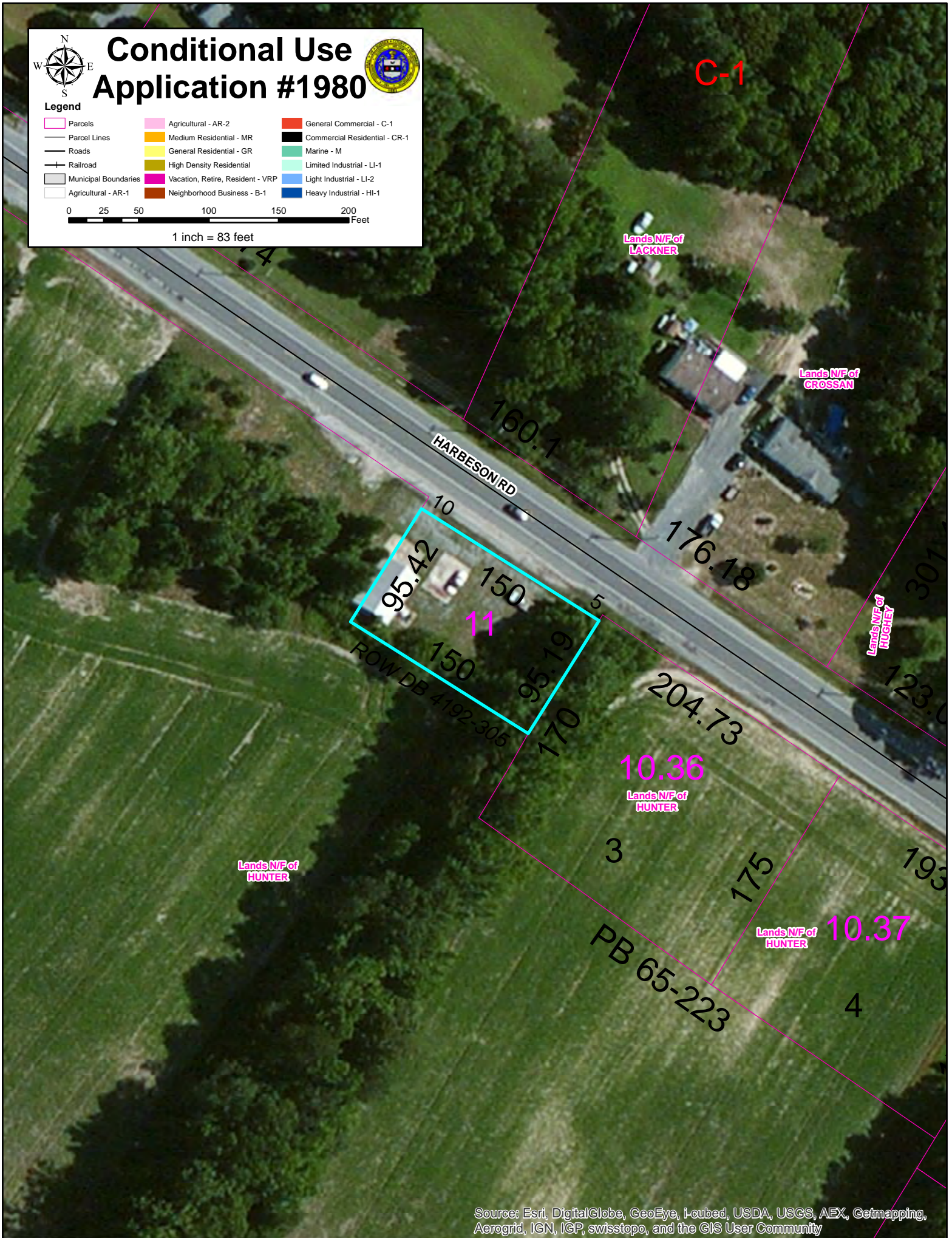


### Legend

- 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



ORDINANCE NO. \_\_\_\_

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

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

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1981 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

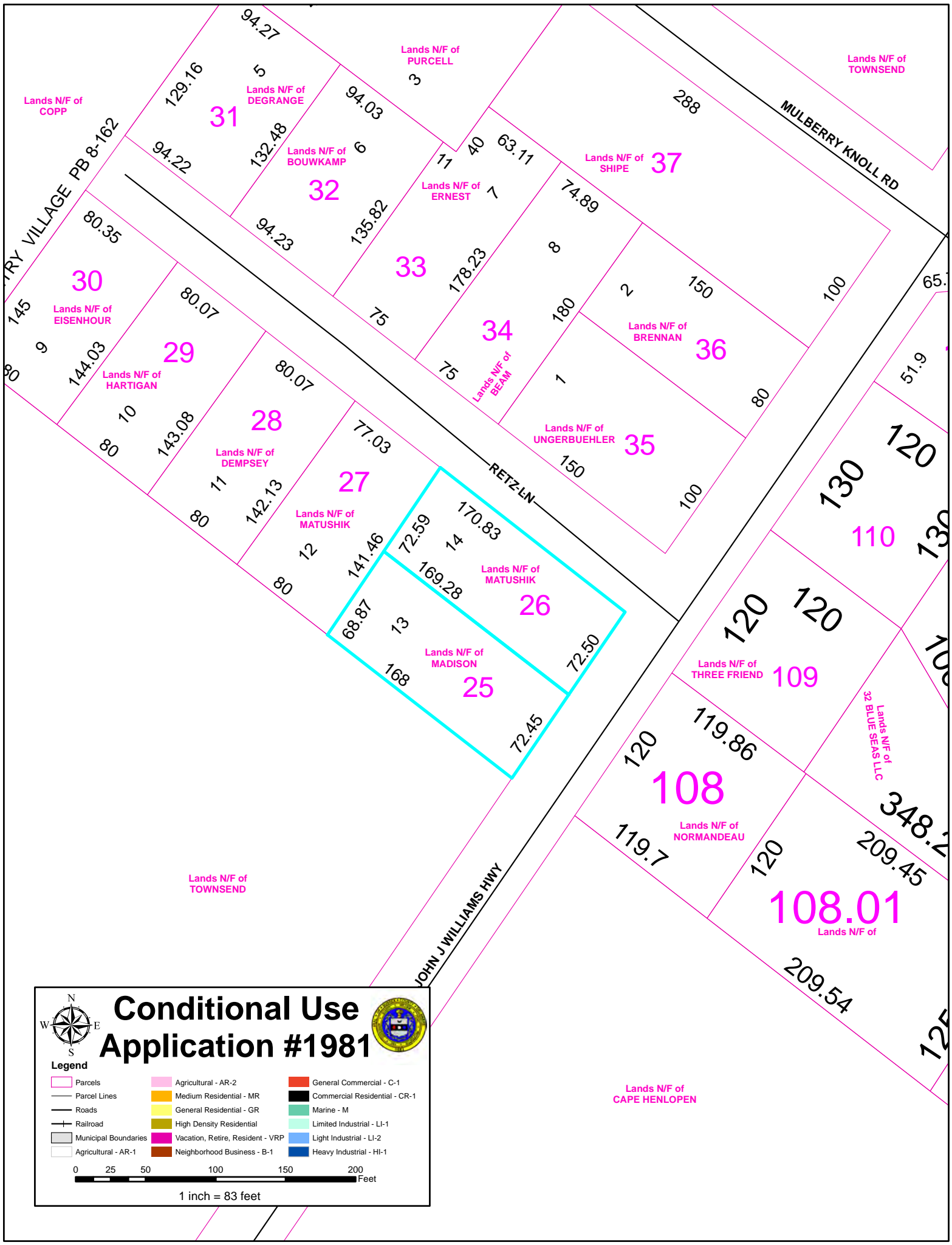
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1981 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying at the northwest corner of Route 24 and Retz Lane (a private street) 280 feet southwest of Road 284 (Mulberry Knoll Road) and being more particularly described as Lots 13 and 14 in Country Village Subdivision as recorded in Plot Book 8, Page 162, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,205 square feet, more or less.

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



Lands N/F of COPP

31

Lands N/F of DEGRANGE

32

Lands N/F of BOUWKAMP

Lands N/F of ERNEST

33

Lands N/F of SHIPE

37

30

Lands N/F of EISENHOUR

29

Lands N/F of HARTIGAN

28

Lands N/F of DEMPSEY

27

Lands N/F of MATUSHIK

34

Lands N/F of BEAM

Lands N/F of BRENNAN

36

Lands N/F of UNGERBUEHLER

35

Lands N/F of MATUSHIK

26

Lands N/F of MADISON

25

Lands N/F of THREE FRIEND

109

Lands N/F of BLUE SEAS LLC

108

Lands N/F of NORMANDEAU

108.01

Lands N/F of

Lands N/F of CAPE HENLOPEN

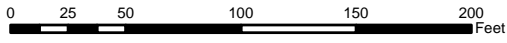


# Conditional Use Application #1981



**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



1 inch = 83 feet





# Conditional Use Application #1981

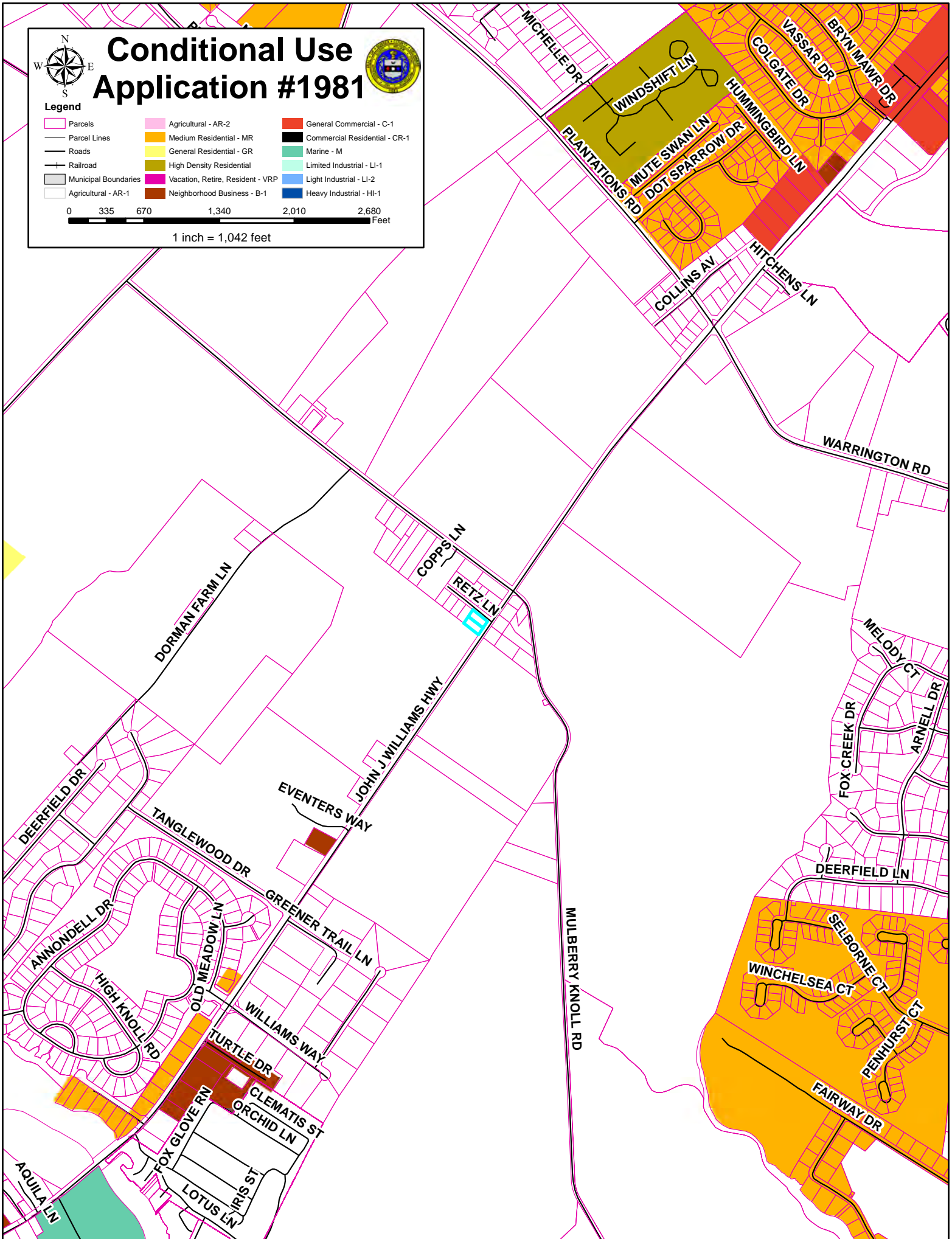


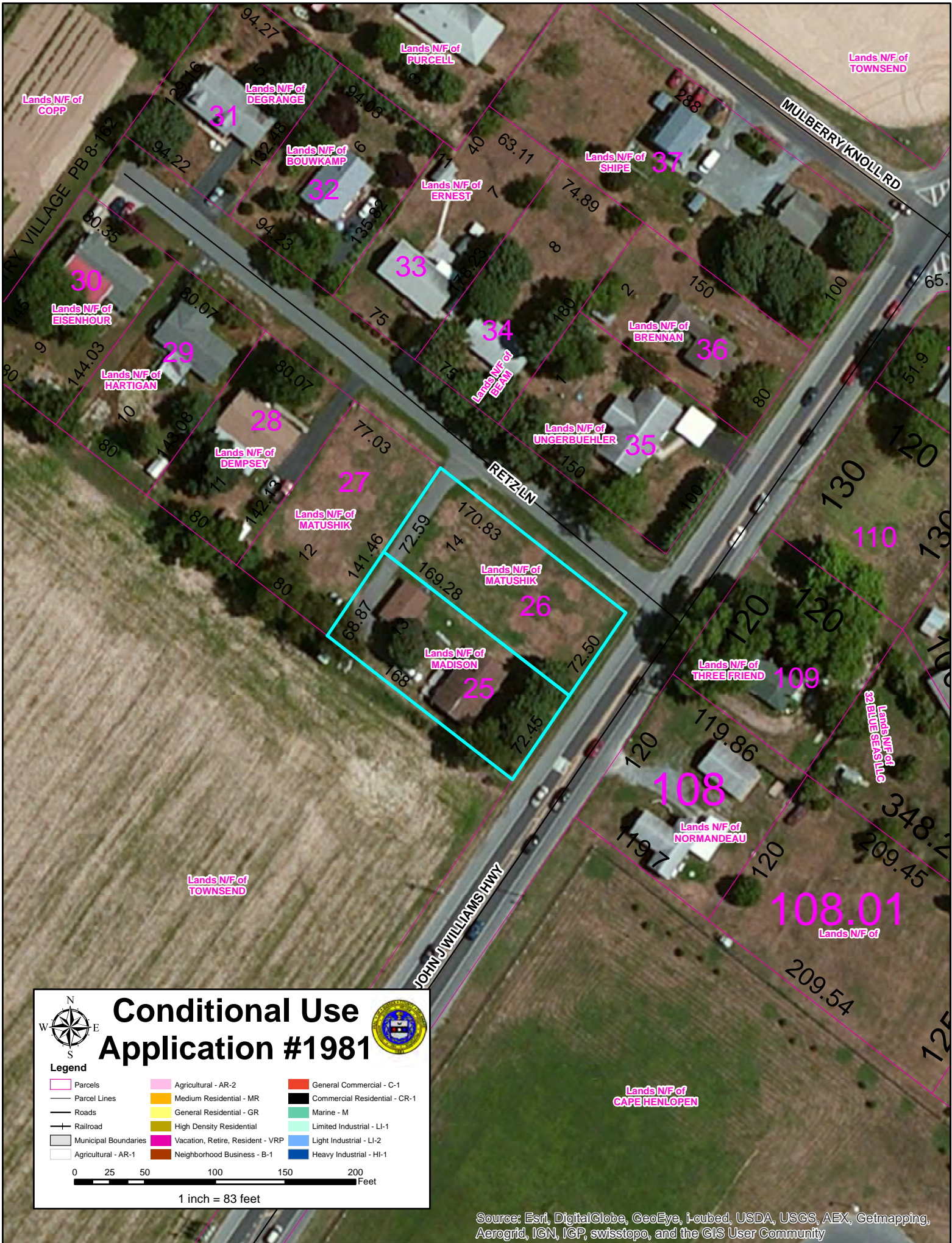
### Legend

- |                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| 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       |

0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet



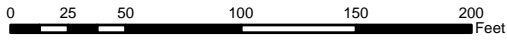


# Conditional Use Application #1981



**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



Source: Esri, DigitalGlobe, GeoEye, i-cubed, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

**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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.912 ACRES, MORE OR LESS (Tax Map I.D. 230-26.00-102.00 (Part of)**

**WHEREAS, on the 8th day of January 2014, a zoning application, denominated Change of Zone No. 1745 was filed on behalf of Capital Development Partners, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1745 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,**

**NOW, THEREFORE,**

**THE COUNTY OF SUSSEX HEREBY ORDAINS:**

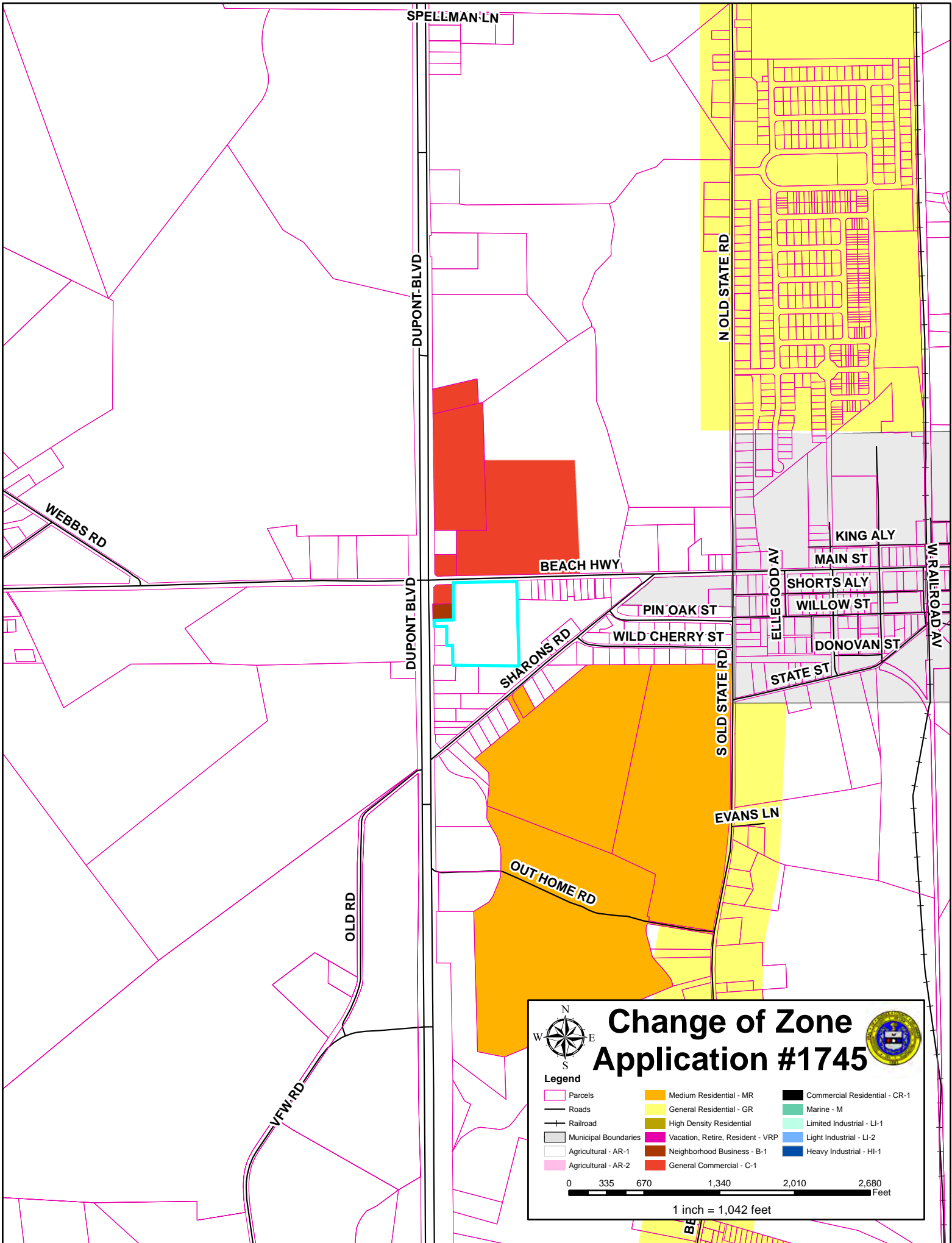
**Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District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

**Section 2. The subject property is described as follows:**

**ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying south of Route 16 and 300 feet east of U.S. Route 113 and being more particularly described as follows per the attached legal description prepared by Davis, Bowen & Friedel, Inc. Said parcel containing 2.912 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.**





SPELLMAN LN

DUPONT BLVD

N OLD STATE RD

WEBBS RD

DUPONT BLVD

BEACH HWY

KING ALY

MAIN ST

W RAILROAD AV

SHORTS ALY

WILLOW ST

PIN OAK ST

WILD CHERRY ST

DONOVAN ST

STATE ST

SHARONS RD

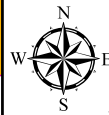
S OLD STATE RD

EVANS LN

OLD RD

OUT HOME RD

VFW RD

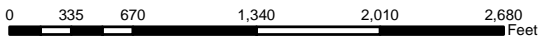


# Change of Zone Application #1745

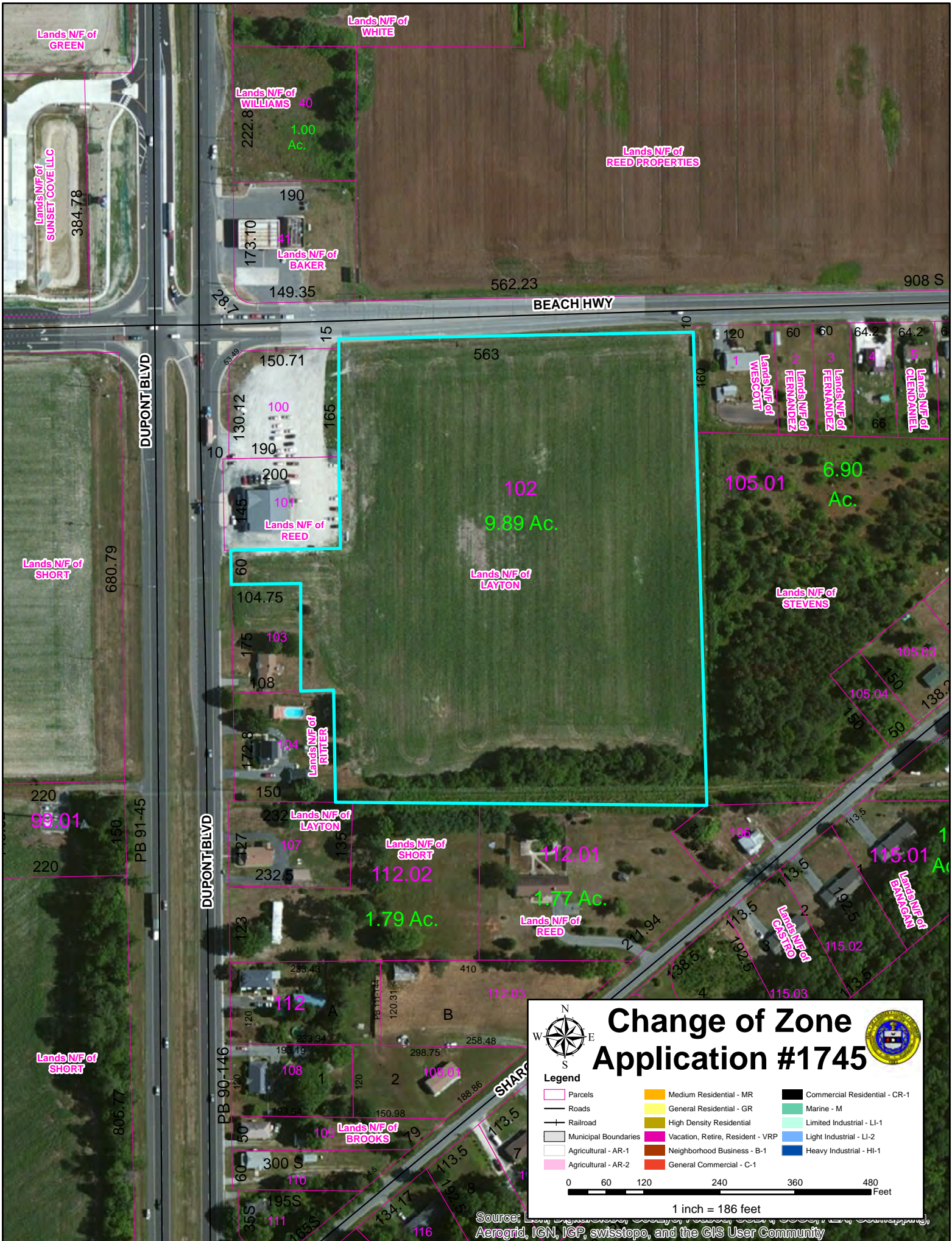


**Legend**

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



1 inch = 1,042 feet



## Change of Zone Application #1745

1 inch = 186 feet

Legend		
	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	

Source: Aerial Imagery, IGP, swisstopo, and the GIS User Community