



Sussex County Council Public/Media Packet

**MEETING:
May 6, 2014**

****DISCLAIMER****

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

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

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



2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
(302) 855-7743 T
(302) 855-7749 F
sussexcountyde.gov

Sussex County Council

AGENDA

MAY 6, 2014

10:00 A.M.

**AMENDED on May 2, 2014 at 12:45 P.M.!

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Nancy Feichtl – Presentation on Sussex Senior Transportation Cooperative

Todd Lawson, County Administrator

1. Administrator's Report

Gina Jennings, Finance Director

1. M&T Bank Resolution for Treasury Management Services

2. Pension Committee Appointment

3. Third Quarter Financial Report

4. Investment Policy Statement Revision

**Hal Godwin, Deputy County Administrator

1. Legislative and Committee Action Update



10:30 a.m. – Public Hearing

Valliant Expansion of the Dagsboro Frankford Sanitary Sewer District

10:45 a.m. – Public Hearing

Kohout Expansion of the Bay View Estates Sanitary Sewer District

Old Business

“AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF SUSSEX COUNTY, ENTITLED “HEIGHT REGULATIONS” IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS”

Grant Requests

- 1. American Legion Auxiliary for Unit 28’s Poppy Fund.**
- 2. Boy Scouts of America Del-Mar-Va Council for summer camp expenses.**
- 3. Boy Scouts of America Del-Mar-Va Council, Troop 182, to oversee a Troop 174 Eagle Scout Project.**
- 4. Milton Chamber of Commerce to sponsor Annual Horseshoe Crab and Shorebird Festival.**
- 5. First State Community Action Agency to sponsor Annual Miniature Golf Tournament.**
- 6. NAIFA DE (National Association of Insurance and Financial Advisors Delaware) to sponsor Annual Career Conference in Dewey Beach.**
- 7. NARFE (National Active & Retired Federal Employees) to sponsor Annual Golf Tournament for Alzheimer’s Research.**
- 8. American Legion Post 8 Sussex for operating expenses for Georgetown Ambulance Station 93.**

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

12:00 p.m. – Luncheon with Sussex County Firefighters Association at The Brick Restaurant, Georgetown

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 29, 2014 at 4:45 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.

###

¹ Per 29 Del. C. § 10004 (e)(5) and Attorney General Opinion No. 13-IB02, this agenda was amended to include the item entitled "Legislative and Committee Action Update" listed herein. The agenda amendment was required to address these matters which need immediate Council attention and which arose after the initial posting of the agenda but before the start of the Council meeting.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 28, 2014

Members of the Sussex County Council hosted and attended a Fair Housing Training Seminar on Friday, February 28, 2014, at 9:06 a.m., at the Sussex County Association of REALTORS® office on Park Avenue, Georgetown, Delaware.

The following were in attendance:

Sussex County Council

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Robin Griffith	Clerk of the Council

Planning and Zoning Commission

Michael Johnson	Commissioner
Martin Ross	Commissioner
Rodney Smith	Commissioner
Robert Wheatley	Commissioner
I. G. Burton	Commissioner

Board of Adjustment

Norman (Bud) Rickard	Commissioner
Brent Workman	Commissioner
Dale Callaway	Commissioner
Jeffrey Hudson	Commissioner
John Mills	Commissioner

Attorneys

J. Everett Moore, Jr.	County Attorney
Vincent Robertson	Assistant County Attorney
Jamie Sharp	Assistant County Attorney
Stephanie Hansen	Attorney

Administration

Todd F. Lawson	County Administrator
Hal Godwin	Deputy County Administrator

Planning and Zoning Department

Lawrence Lank	Director
Shane Abbott	Assistant Director
Steve Hickman	
Kelly Passwaters	

**Dean Pettyjohn
Stacie Rogers
Melissa Thibodeau
Rusty Warrington**

Assessment

**Chris Keeler
William Godwin
Jennifer Jackson
Carrie Patterson
Jeffrey Sauers
Kelly Willing**

Acting Director

Building Code

**Andy Wright
Angela Calio
Dana Lathbury
Roger Smith
Kenneth Morley**

Chief of Building Code

Community Development

**Brad Whaley
Brandy Nauman
Nicole Riddick
William Mike Jones
Dale McDowell, Sr.**

**Director of Community Development
Housing Coordinator & Fair Housing Compliance Officer**

Engineering

**John Ashman
Jayne Dickerson
Joe Wright**

Also in attendance were Melody Taylor-Blancher and Barbara Delaney of HUD.

The meeting was open to the public.

Council President Vincent called the meeting to order.

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

Motion Adopted: 5 Yeas.

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

County Administrator Lawson announced that the training seminar is required by the language and the intent of the Consent Decree that resolved the ongoing litigation between the United States of America and Sussex County and the Planning and Zoning Commission of Sussex County.

It was noted that the purpose of the training seminar is not to argue the merits of the underlying case, or question why it was resolved by this method. The purpose of the training seminar is to learn how to comply with the requirements of the Consent Decree and with the requirements of the Fair Housing Act.

Michael P. Morton, principal of the Firm of Michael P. Morton, P.A., and Stephanie Hansen, Attorney with the firm of Young, Conaway, Stargatt & Taylor, conducted the training session.

Mr. Morton reviewed the requirements/elements of the Consent Decree between Sussex County Council and the Sussex County Planning and Zoning Commission and the United States Department of Justice, Housing and Civil Enforcement Section.

A copy of the Consent Decree, the County's 2013 Fair Housing seminar training presentation, and the County's 2014 Fair Housing seminar training presentation were distributed to all in attendance.

Ms. Hansen reviewed the accomplishments and items remaining under the Consent Decree and the Voluntary Compliance Agreement.

Accomplishments under the Consent Decree:

- **County has drafted an Affordable Housing Marketing Plan and is awaiting final approval on the plan from the United States Department of Justice.**
- **County has designated a Fair Housing Compliance Officer (Brandy Nauman).**
- **County has put in place a procedure to resolve housing discrimination complaints and developed a Housing Discrimination Complaint form.**
- **County makes copies of the Consent Decree, its Fair Housing Policy, the HUD housing complaint form, and other HUD documents freely available at the County's office of Community Development and Housing.**
- **County's Fair Housing Compliance Officer has reported to County Council every six months on the County's progress under the Consent Decree.**
- **County has adopted a Fair Housing Policy and that policy is available on the County's website.**
- **County now places the Equal Housing Opportunity logo on the County's website and all published notices related to housing or residential development.**
- **County completed the first annual training in March 2013, and today's training constitutes the County's second, annual, in-person training.**
- **County has developed an Affordable Housing webpage and posts all compliance reports and other information required under the Consent Decree.**
- **County has compensated Diamond State Community Land Trust as required under the Consent Decree.**

Items remaining under the Consent Decree:

- **Should Diamond State Community Land Trust file a new or amended plan for New Horizons, the County will abide by all of the requirements in the Consent Decree for conducting the hearing, deliberating on the plan, and publishing the results of the deliberations.**
- **Annual FHA training.**
- **Implementation of the Affordable and Fair Housing Marketing Plan.**
- **Continuous compliance reporting.**

Accomplishments under the Voluntary Compliance Agreement (VCA) with HUD (only those separate from the Consent Decree):

- **County submitted its Analysis of Impediments Evaluation and Proposed Priority Plan to DSHA and HUD, and is awaiting final approval from HUD.**
- **County adopted an Anti-NIMBY Policy and incorporated this into the County's Fair Housing Policy.**
- **County amended the Moderately Priced Housing Ordinance so that it would apply to households earning 50% to 120% of the County's median household income (previously the parameters were 80% to 120%).**

Items remaining under the Voluntary Compliance Agreement (VCA):

- **County is in the process of performing an evaluation of impacted communities to determine investment strategies and priority designations for infrastructure improvements.**
- **County continues to review its methodology for allocating CDBG funding to target minorities with disproportionate housing needs.**
- **Implementation of the Analysis of Impediments Evaluation and Proposed Priority Plan.**
- **Continuous compliance reporting.**

Mr. Morton and Ms. Hansen reviewed and discussed the Fair Housing Act, with relevant application to the activities of the County and its offices and officials.

Questions were asked and answers were given throughout the presentation and discussion.

A Motion was made by Councilman Cole, seconded by Councilman Wilson, to adjourn at 11:40 a.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

Note: The training seminar was video and audio recorded and a copy of that recording will be maintained as well as the written materials used for the training.

DRAFT

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 29, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 29, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

Note: Mr. Cole was present for a portion of the meeting.

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 183 14
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of April 8, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**COPD FOUNDATION, WASHINGTON, D.C.
RE: Letter in appreciation of grant.**

**The
Freeman
Stage at
Bayside
Program
Update**

Patti Grimes, Executive Director of the Joshua M. Freeman Foundation, presented an update on The Freeman Stage at Bayside and the progress that they have made in bringing the arts to Sussex County. As part of the Joshua M. Freeman Foundation, they are a public charity that partners to present memorable performances and provide inspired arts education for all. In 2013, approximately 41,000 residents and visitors visited the stage.

The Freeman Stage at Bayside Program Update (continued)

Ms. Grimes reported that The Freeman Stage at Bayside has reached out to partner with Delaware Technical & Community College, local schools, and community groups so that they can present quality arts and other venues year round.

Ms. Grimes stated that The Freeman Foundation could not promote the arts without funding support; funding is received from Sussex County Council, State of Delaware, PNC, National Endowment for the Arts, and Mid Atlantic Arts Foundation.

Ms. Grimes asked for the Council’s continued financial support.

Public Hearing on Proposed Ordinance Relating to Pension Benefits

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”.

This Ordinance amends Sussex County Code, Chapter 26, which governs employee pension benefits, by amending the following code provisions: “Allowable interruptions” as set forth in § 26-3 by adding a new paragraph F.; “Eligibility” as set forth in § 26-6 by adding additional language to the end of paragraphs A. and E.; “Computation of benefits” as set forth in § 26-7 by adding new paragraphs E. and F.; and “Funding” as set forth in § 26-9 by adding new paragraphs F. and G.

The Proposed Ordinance was introduced on March 25, 2014.

Karen Brewington, Director of Human Resources, reported that the Proposed Ordinance would require that new employees hired after January 1, 2014 would contribute 3 percent of their base earnings after the first \$6,000 is earned (each year).

Timothy Snyder of Young, Conaway, Stargatt and Taylor was in attendance to discuss the Proposed Ordinance.

In response to questions raised by Mr. Phillips, Mrs. Jennings stated that a new employee making approximately \$40,000 annually will, on average, contribute \$1,250.00 (annually). This will result in an approximate contribution of \$600,000 to the Pension Fund annually.

Mrs. Brewington reported that the State requires new employees to contribute 5 percent and recently, New Castle County and Kent County have increased their contribution requirements.

Mr. Phillips raised questions about a 401K plan option and investment options and he stated that, if employees express an interest in these options, he would encourage staff to look into it.

Public comments were heard.

Public Hearing on Proposed Ordinance Relating to Pension Benefits (continued)

Dan Kramer questioned why the proposal is for a contribution after the first \$6,000 earned and he stated that it should start from Day 1 of employment.

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

Mr. Phillips questioned if Council thinks there is any reason to consider this for current employees, i.e. a gradual process of bringing current employees into the same contribution level. Mr. Phillips questioned if the Proposed Ordinance could be amended to include this concept. Mr. Moore responded that this would be a substantive amendment and would be better suited for a separate ordinance and separate public hearing. Mr. Phillips stated that the only way he would be interested in doing this is if the current employees could also benefit in some way and that he wouldn't want them to be penalized. He further stated that current employees are working here under a certain plan and Council should not be changing the rules in the middle of the game.

M 184 14 Adopt Ordinance No. 2346

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to Adopt Ordinance No. 2346 entitled "AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES".

Motion Adopted: 4 Yeas, 1 Absent.

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

Present Proclamation

The Council presented a Proclamation entitled "PROCLAIMING APRIL 27 THROUGH MAY 4, 2014 AS *SOIL AND WATER STEWARDSHIP WEEK*" to David Baird, District Coordinator, Sussex Conservation District.

Consent Agendas/ Proposed Rules of Procedure Amendment

Mr. Lawson noted that, at the March 25th Council meeting, a topic of discussion was the consideration of Rules of Procedure Amendment regarding Consent Agendas. The purpose of this matter being placed on the agenda is to look at streamlining the review of wastewater agreements through the use of a Consent Agenda. Mr. Lawson explained that the Consent Agenda would combine the wastewater agreements under one item on the agenda; it would not reduce, limit or eliminate any Council consideration for any of the agreements. Mr. Lawson stated that the Consent Agenda would mostly be all wastewater agreements and any Council member could choose to vote on all items on a Consent Agenda together or pull an item out and vote separately on that item

The Council discussed the proposal.

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

Mr. Lawson advised that if Council chooses to implement a Consent Agenda, it will require an amendment to the current Rules of Procedure. He noted that information was included in Council's packets.

Mr. Lawson read proposed new Rules 4A, 4A.1, 4A.2, and 4A.3:

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.

Several Council members raised concerns about the language proposed and requested that the language specifically state that Consent Agendas would be for wastewater agreements only.

Mr. Lawson read proposed new Rules 4A, 4A.1, 4A.2, and 4A.3, as amended, to reflect a limitation to wastewater agreements only:

Rule 4A. – Consent Agenda

4A.1 The County Administrator or any member of the County Council may propose only Wastewater Agreements to 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.

**M 185 14
Approve
Amendment**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to approve an amendment to the Rules of Procedure (as amended) by including the following for the use of a Consent Agenda:

**M 185 14
Approve
Amendment
to Rules
of Procedure
(continued)**

Rule 4A. – Consent Agenda

4A.1 The County Administrator or any member of the County Council may propose only Wastewater Agreements to 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.

Motion Adopted: 4 Yeas, 1 Absent.

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Absent;
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. County Libraries Closing – Thursday, May 8

Most Sussex County libraries will be closed on Thursday, May 8, to allow staff to attend the annual Delaware Library Association/Maryland Library Association (DLA/MLA) Conference in Ocean City, Maryland.

The DLA/MLA Conference offers concurrent educational sessions throughout the day that will be provided by local, regional, and national library and community leaders. In addition to classes, the conference provides an opportunity for library professionals to network, learn from one another, and share their expertise.

County libraries will reopen at their regular time on Friday, May 9.

2. Delaware Solid Waste Authority Reports

There were 34,992 pounds of recycled material received at the Recycle Delaware pods at the West Complex in Georgetown during the months of January, February, and March 2014. Attached are reports received for each month.

3. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Deep Valley Farm received Substantial Completion effective April 22, 2014.

(continued) [Attachments to the Administrator’s Report are not attachments to the minutes.]

Wastewater Agreements Hal Godwin, Deputy County Administrator, presented wastewater agreements for the Council’s consideration.

M 186 14 A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon Execute the recommendation of the Sussex County Engineering Department, for Wastewater Sussex County Project No. 81-04, Agreement No. 343-7, that the Sussex Agreement/ County Council execute a Construction Administration and Construction Forest Inspection Agreement between Sussex County Council and Forest Landing Landing- Communities, LLC for wastewater facilities to be constructed in Forest Remainder- Landing – Remainder of Phase 2D, located in the Miller Creek Sanitary of Phase 2D Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 187 14 A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon Execute the recommendation of the Sussex County Engineering Department, for Wastewater Sussex County Project No. 81-04, Agreement No. 866-2, that the Sussex Agreement/ County Council execute a Construction Administration and Construction Deep Valley Inspection Agreement between Sussex County Council and Lewes Crossing Farm, Capital Partners, LLC for wastewater facilities to be constructed in Deep Phase 2 Valley Farm – Phase 2, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 188 14 A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon Execute the recommendation of the Sussex County Engineering Department, for Wastewater Sussex County Project No. 81-04, Agreement No. 866-3, that the Sussex Agreement/ County Council execute a Construction Administration and Construction Deep Valley Inspection Agreement between Sussex County Council and Lewes Crossing Farm, Capital Partners, LLC for wastewater facilities to be constructed in Deep Phase 3 Valley Farm – Phase 3, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

**M 188 14
(continued)**

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

Mr. Cole joined the meeting.

**M 189 14
Execute
Wastewater
Agreement/
Vincent
Overlook,
Phase 4**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 843-5, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Vincent Overlook, LLC, for wastewater facilities to be constructed in Vincent Overlook – Phase 4, 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**

**Legislative
Update**

Hal Godwin, Deputy County Administrator, presented the following legislative update:

House Bill No. 297 – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DOGS”

Synopsis: This bill clarifies when an animal control constable or dog warden may impound a dog that is suspected of being dangerous or potentially dangerous. The bill makes clear that any of the paragraphs constitutes grounds. In addition, the bill removes largely redundant language referencing an exception for the dog owner’s property. Section 923 already includes an exception for injury to a “human being who, at the time the injury was sustained, was committing criminal trespass or other tort upon premises occupied by the owner of the dog, or was teasing, tormenting, abusing or assaulting the dog, or was committing or attempting to commit a crime.

Senate Bill No. 196 – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DANGEROUS DOGS”

Synopsis: This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to this list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.

Legislative
Update
(continued)

Mr. Godwin noted that House Bill No. 297 and Senate Bill No. 196 are housekeeping bills.

Mr. Godwin reported that the Dangerous Dog Panel has been reestablished.

Un-numbered House Bill – “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE RESPONSIBILITIES AND GENERAL POWERS OF THE COUNTY GOVERNMENTS”

Synopsis:

In 1999, House Bill 332 established new response time goals and certification standards for the delivery of basic life support and emergency medical services. In order to meet the new standards, volunteer ambulance companies needed to hire paid EMTs and ambulance attendants to ensure the availability of sufficient numbers of trained, certified staff on a 24 hour, 7 days a week basis to meet the new response time goals. The author of House Bill 332 recognized that compliance with the new goals and standards would impose additional expense on the volunteer ambulance companies; however, neither House Bill 332 nor any subsequent legislation has addressed the funding sources for basic life support ambulance service in Delaware. Increased costs, without corresponding increases in revenue, have eroded the financial stability of volunteer ambulance companies. In 2012, 40 of Delaware’s 55 volunteer ambulance companies reported they are now conducting ambulance/EMS operations at a loss.

In 2013, House Bill 215 established the Ambulance and EMS Task Force (“Task Force”). In February 2014, the Task Force issued its report on the state of funding of ambulance and EMS services in Delaware and noted, “By some accounts, the public may begin to see diminished ambulance service in as little as 8 to 12 months, if steps are not taken promptly to meet the funding need.” The Task Force made 9 findings and 13 recommendations aimed at addressing this issue.

This bill would implement one of the Task Force’s recommendations to improve the funding of basic life support ambulance services in Delaware by requiring each county to contribute a minimum of 15% of the total countywide cost of basic life support services provided by volunteer ambulance companies with each county. The bill allows the counties the leeway to determine the best way to provide these funds; however, the bill grants a county the power to support its volunteer ambulance companies through additional funding mechanisms designed solely for the support of volunteer ambulance companies, should it choose to do so. These additional powers are (1) to assess an additional tax rate, assessment, or fee on real property or (2) to adopt a user fee.

Un-numbered Senate Bill – “AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE REQUIRED COVERAGE FOR VOLUNTEER AMBULANCE COMPANY SERVICES”

**Legislative
Update
(continued)**

Synopsis:

In 1999, House Bill 332 established new response time goals and certification standards for the delivery of basic life support and emergency medical services. In order to meet the new standards, volunteer ambulance companies needed to hire paid EMTs and ambulance attendants to ensure the availability of sufficient numbers of trained, certified staff on a 24 hour, 7 days a week basis to meet the new response time goals. The author of House Bill 332 recognized that compliance with the new goals and standards would impose additional expense on the volunteer ambulance companies; however, neither House Bill 332 nor any subsequent legislation has addressed the funding sources for basic life support ambulance service in Delaware. Increased costs, without corresponding increases in revenue, have eroded the financial stability of volunteer ambulance companies. In 2012, 40 of Delaware's 55 volunteer ambulance companies reported they are now conducting ambulance/EMS operations at a loss.

In 2013, House Bill 215 established the Ambulance and EMS Task Force ("Task Force"). In February 2014, the Task Force issued its report on the state of funding of ambulance and EMS services in Delaware and noted, "By some accounts, the public may begin to see diminished ambulance service in as little as 8 to 12 months, if steps are not taken promptly to meet the funding need." The Task Force made 9 findings and 13 recommendations aimed at addressing this issue.

This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by ensuring that health insurers, health service corporations, health maintenance organizations, or managed care organizations do not set their allowable charges below the costs incurred by the volunteer ambulance companies in providing an ambulance run and basic life support services.

The Council discussed the un-numbered bills. Mr. Vincent noted that the County currently provides \$1.5 million to basic life support ambulance services for wages and that the County voluntarily does this. Mr. Vincent stated that the County needs to pay attention to these bills.

**Commercial
Lease
Addendum/
Eastern
Shore
Poultry**

Jim Hickin, Airport Manager, presented a lease amendment with Eastern Shore Poultry Company, Inc. The County entered into a commercial lease with Eastern Shore Poultry (ESP) in April 1992 for Lot 26 in the Industrial Park. At the time, the acreage included in the lease document was preliminary and the lease required ESP to provide a final survey of the property. ESP has provided the final survey as required in the lease. The proposed addendum replaces the preliminary property description with a final, sealed survey; total acreage drops by about 8/10ths of an acre and the rent per year will decrease by approximately \$1,000. No other changes are made to the lease.

M 190 14
Execute
Commercial
Lease
Addendum/
Eastern
Shore
Poultry

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council authorizes the Council President to execute the Addendum to the Commercial Lease for Lot 26 at the Sussex County Industrial Park to Eastern Shore Poultry, Inc., 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**

Lease
Agreement/
Georgetown
Air Services

Jim Hickin, Airport Manager, presented for Council's consideration a Lease Agreement with Georgetown Air Services, LLC. Georgetown Air Services is currently the only Fixed Base Operator (FBO) at the Sussex County Airport, providing aircraft fueling and transient aircraft services. The original FBO lease was signed in 1998 with Harvey & Vera Patrick Family Foundation, Inc. and was later assigned to Georgetown Air Services. The lease has been amended four times to (among other things) adjust rent and redefine the dimensions of the rented property. Georgetown Air Services also leases office space in the Terminal Building under a separate lease agreement, which expires at different intervals from the FBO lease. They use this space as their office and customer service area for the FBO business. Mr. Hickin stated that, in an effort to clean up Airport lease agreements, it is being proposed to combine Georgetown Air Services' two leases into one lease. The proposed agreement combines the terms from both leases into one document and eliminates the need to negotiate two leases at different intervals.

Mr. Lawson noted that this is a fair negotiation with a very good tenant.

M 191 14
Execute
Commercial
Lease
Agreement/
Georgetown
Air Services

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Council President to execute the Commercial Lease Agreement with Georgetown Air Services, LLC, 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**

Inland Bays
Regional
Wastewater
Facility
Expansion,
Phase 2B

Juel Gibbons, Project Engineer, presented a Contract Amendment with Whitman, Requardt and Associates, LLC to provide Construction Administration and Inspection Services for the Inland Bays Regional Wastewater Facility Expansion Phase 2B Project. The major work to be performed under this project involves sludge handling improvements, which would move the County a step closer to producing a Class A sludge at this facility. Ms. Gibbons reported that construction is expected to last one year; Whitman, Requardt and Associates would be responsible for (among

**Inland Bays
Regional
Wastewater
Facility
Expansion,
Phase 2B
(continued)**

other things) review of shop drawings, samples and other submittals for conformance with contract documents, electrical and controls coordination, specialized inspections, etc. The fee for this work is not to exceed \$278,218.00.

In response to questions, Ms. Gibbons stated that the total project is \$3,017,258.00. She noted that this includes a \$2 million grant that was received from USDA for the pre-purchase of equipment which will be installed during this expansion phase.

Council members discussed the Contract Amendment. Mr. Phillips raised questions regarding the percentage being paid to Whitman, Requardt & Associates; the grant funding; if the County has the ability to renegotiate with the contractor; and if Value Engineering was performed.

Joe Wright, Assistant County Engineer, and Michael Izzo, County Engineer, were in attendance to answer questions raised by the Council.

**M 192 14
Execute
Contract
Amendment
with WR&A
for
Inland Bays
Wastewater
Facility
Expansion
Phase 2B
Project**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the County Engineering Department, that the Sussex County Council authorizes its President to execute Contract Amendment 1 with Whitman, Requardt and Associates, LLC of Baltimore, Maryland to provide Construction Administration and Project Inspection Services for Project No. 12-17, Inland Bays Regional Wastewater Facility Expansion Phase 2B at a cost not to exceed \$278,218.00.

Motion Adopted: 4 Yeas, 1 Nay.

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

Mr. Cole left the meeting.

**Grant
Requests**

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

**M 193 14
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the Girl Scouts of the Chesapeake Bay Council (Girl Scout Troop 1482) for trip expenses.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 194 14 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$500.00 from Mr. Vincent’s Councilmanic Grant Account to the Seaford Historical Society for the Town & Country Fair.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 195 14 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Vincent’s Councilmanic Grant Account to the City of Seaford for the Annual Community Night Out Against Crime and Drugs.**

Motion Adopted: 5 Yeas.

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

M 196 14 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$1,000.00 (\$500.00 each from Mr. Phillips’ and Mr. Vincent’s Councilmanic Grant Accounts) to the Laurel Independence Day Committee for the fireworks celebration.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 197 14 Councilmanic Grant **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$1,000.00 (\$700.00 from Mr. Wilson’s Councilmanic Grant Account and \$300.00 from Mr. Phillips’ Councilmanic Grant Account) to Coverdale Crossroads Community Council for operating expenses.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Introduction of Proposed Ordinances **Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 2.3522 ACRES, MORE OR LESS” (Tax Map I.D. 235-16.00-64.00) (Conditional Use No. 1988) filed on behalf of Zhenguo**

**Introduction
of Proposed
Ordinances
(continued)**

Zhang.

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO MODIFY CONDITION NO. 10(C) IMPOSED ON ORDINANCE NO. 2180 FOR CHANGE OF ZONE NO. 1697, THE APPLICATION OF PENINSULA AT LONG NECK, LLC FOR “THE PENINSULA”, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO EXTEND THE TIME TO CONSTRUCT AND OPEN FOR USE THE GOLF CLUBHOUSE FACILITY” (Tax Map I.D. No. 234-30.00-1.00 and others) (Change of Zone No. 1751) filed on behalf of Ribera-Odyssey, LLC.

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 114.4821 ACRES, MORE OR LESS” (Tax Map I.D. No. 235-23.00-1.00) (Change of Zone No. 1752) filed on behalf of TD Rehoboth, LLC.

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A 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 5.00 ACRES, MORE OR LESS” (Tax I.D. No. 335-8.00-37.00 (Part of)) (Change of Zone No. 1753) filed on behalf of Cadbury at Lewes, Inc.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS” (Tax Map I.D. No. 533-12.00-77.00 & 76.03) (Change of Zone No. 1754) filed on behalf of Bayshore Plaza Associates, LLC.

The Proposed Ordinances will be advertised for Public Hearing.

**Additional
Business**

Under Additional Business, Dan Kramer commented on the following: (1) that it is produce season again and that illegal signs should be required to be taken down; (2) that regarding the draft legislation on ambulance charges, the draft legislation does not mention the word “county”; and (3) that the next time the Council takes off, the Council members’ pay should be docked.

**Additional Business
(continued)**

Under Additional Business, Mrs. Deaver referenced the many run-down buildings in the County and she questioned if there is money available in the budget to help with this problem.

Under Additional Business, Mrs. Deaver referenced the Land Use Plan and the many permitted uses listed in the B-1 and C-1 districts. Mrs. Deaver stated that she would like for the Council to review these zoning districts.

Under Additional Business, Mrs. Deaver questioned why Route 9 is considered a major arterial road and Route 24 is not.

In response to Mrs. Deaver's comments about the Land Use Plan and the B-1 and C-1 Districts, Mr. Phillips suggested that the County bring in the County's Land Use Planner, URS, for further discussion.

**M 198 14
Go Into
Executive
Session**

At 11:30 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing issues relating to job applicants' qualifications, personnel, and pending/potential litigation.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Executive
Session**

At 11:34 a.m., an Executive Session of the Sussex County Council was held in the Council Caucus Room for the purpose of discussing issues relating to job applicants' qualifications, personnel, and pending/potential litigation. The Executive Session concluded at 12:04 p.m.

**M 199 14
Reconvene
Regular
Session**

At 12:06 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 4 Yeas, 1 Absent.

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

There was no action on Executive Session items.

**M 200 14
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 12:06 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

**M 200 14
(continued)**

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

Respectfully submitted,

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

DRAFT

GINA JENNINGS
DIRECTOR OF ACCOUNTING

(302) 855-7853 T
(302) 855-7722 F
gjennings@sussexcountype.gov




Sussex County

DELAWARE
sussexcountype.gov

MEMORANDUM:

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

FROM: Gina A. Jennings 
Finance Director

SUBJECT: **TREASURY MANAGEMENT RESOLUTION**

DATE: May 1, 2014

During Tuesday's Council meeting, I will be asking Council to approve a resolution for authorization to conduct treasury management business with our primary bank, M&T. This is the same authority that previous Finance Directors have had. Treasury management services include the opening and closing of bank accounts.

The reason I am asking for your authority now is because we have six bank accounts that we are no longer using. Even though there are no funds in these accounts, I still have to request that M&T close the accounts.

It is important to note that this resolution does not eliminate the requirement of two signatures on all checks and wires.

M&T's resolution is attached for your review. Please call me if you have any questions.

Attachment



Manufacturers and Traders Trust Company



TM RESOLUTION
(CERTIFICATE OF TREASURY MANAGEMENT RESOLUTIONS)

Sussex County Council ("Client") Date:

I, _____, the duly appointed Secretary or other officer, partner, member, proprietor or representative of the Client being duly authorized to certify the approved actions of the Client, Sussex County Council, a [] corporation [] general partnership [] limited partnership [] limited liability company [X] governmental entity or agency [] sole proprietorship [] (other) _____ organized or operating under the laws of the State or Commonwealth of DE _____, hereby certify that at a meeting of the Client's board of directors or other governing body (the "Board") duly called and held, or by unanimous written consent or other method provided by applicable law or governing document, the following resolutions were duly adopted and are now in full force and effect:

- 1. RESOLVED: That, from time to time, Client may obtain any Treasury Management services ("Services") from M&T Bank with respect to any of Client's deposit accounts at M&T Bank or other accounts at M&T Bank (including, without limitation, loan and line of credit accounts) over which Client has authority (together, "Accounts");
2. RESOLVED: That any officer, representative or agent of Client designated below ("Client's TM Signer(s)") may enter into and deliver to M&T Bank, on behalf of Client for its own affairs or with respect to the affairs of any entity on behalf of which Client is authorized to act, any agreements (including, but not limited to, the M&T Master Treasury Management Services Agreement), instruments, and other documents which relate to the Services provided or to be provided by M&T Bank with respect to any Accounts;

Table with 4 columns: Name of Client's TM Signer, E-mail Address of Client's TM Signer, Telephone Number of Client's TM Signer, Specimen Signature of Client's TM Signer. Row 1: Gina A. Jennings, gjennings@sussexcountyde.gov, (302)855-7850, Mailing Address: P O Box 589 GEORGETOWN, DE 19947

Optional Additional Signers:

Table with 4 columns: Name of Client's TM Signer, E-mail Address of Client's TM Signer, Telephone Number of Client's TM Signer, Specimen Signature of Client's TM Signer. Row 2: Michael H. Vincent, mvincent@sussexcountyde.gov, (302) 855-7742, Mailing Address: P O Box 589 GEORGETOWN, DE 19947. Row 3: Samuel R. Wilson, JR., swilson@sussexcountyde.gov, (302) 855-7742, Mailing Address: P O Box 589 GEORGETOWN, DE 19947. Row 4: Empty.

If more TM Signer blocks needed, please check the box here and attach additional sheet to this resolution. []

M&T Bank Internal Use

Alt/Neg []

Treasury Management Resolutions - 0213



3. RESOLVED: That, except as may be elected by Client in Section 5 below:
 - (a) any one of Client's TM Signers may enter into and deliver to M&T Bank, on behalf of Client for its own affairs or with respect to the affairs of any entity on behalf of which Client is authorized to act, any agreements which relate to the Credit Manager Service provided or to be provided by M&T Bank with respect to any Account, including the Credit Manager Product Terms & Conditions ("Credit Manager Agreement"); and
 - (b) any one of Client's TM Signers is authorized to: (i) give notices, certifications, directions, and instructions under the Credit Manager Agreement, (b) execute or otherwise approve any related documents for the Credit Manager Service with respect of any Account and (c) delegate authority to any other person or entity, including any user of WebInfoPLU\$ and other Authorized Representative (as defined in the M&T Master Treasury Management Services Agreement), to act on Client's behalf in any way with respect to the Credit Manager Service with respect of any Account, which persons and entities may or may not be signatories on one or more of the Accounts and may or may not have the ability to delegate authority to others. It is understood that such authority may include, at the discretion of M&T Bank, the authority to access certain loan and line of credit accounts and related information, and to initiate funding draws, direct funds transfers and make payments with respect to such Accounts. M&T Bank is not obligated to inquire into the circumstances or propriety of any such action, notice, certification, direction, instruction or delegation;

4. RESOLVED: That, except as may be elected by Client in Section 5 below, any one of Client's TM Signers is authorized to: (a) give notices, certifications, directions, and instructions under any such agreement, instrument, or document, (b) execute or otherwise approve any related documents, and (c) delegate authority to any other person or entity to act on Client's behalf in any way with respect to any Services or Accounts, which persons and entities may or may not be signatories on one or more of the Accounts and may or may not have the ability to delegate authority to others. M&T Bank is not obligated to inquire into the circumstances or propriety of any such, notice, certification, direction, instruction or delegation;

5. RESOLVED: That, if elected by Client below:

OPTIONAL ELECTION FOR MULTIPLE TM SIGNERS. *(This option is only for Clients who require two or more signers on each legal agreement and Client Election Form.)*

PLEASE CHECK THE BOX BELOW AND INDICATE THE APPROPRIATE NUMBER IF CLIENT WISHES TO REQUIRE MULTIPLE TM SIGNERS TO (1) EXECUTE LEGAL AGREEMENTS AND (2) SIGN CLIENT ELECTION FORMS:

Notwithstanding the above, at least ____ of any of Client's TM Signers listed above, must execute each legal agreement and Client Election Form governing the Services and Accounts.

6. RESOLVED: That, notwithstanding the terms of any prior resolutions adopted by Client, M&T Bank be and hereby is authorized to rely on these TM Resolutions and the actual or purported signatures of any of Client's TM Signers until M&T Bank's relationship manager for the Accounts has actually received and had a reasonable time to act on written notice from Client revoking these TM Resolutions or such authority;

7. RESOLVED: That Client hereby ratifies and confirms all: (a) actions taken, (b) notices, certifications, directions and instructions given, and (c) all agreements, instruments, and other documents entered into, which relate to the Services provided or to be provided by M&T Bank with respect to any Accounts, that were given, taken or entered into prior to the date hereof;

8. AND FURTHER RESOLVED: That Client shall defend, indemnify and hold harmless M&T Bank from and against all liabilities, costs, and expenses (including, but not limited to, attorneys' fees and disbursements) incurred by M&T Bank in connection with honoring, or refusing to honor, any signature, instruction, or action of any of Client's TM Signers.

IN WITNESS WHEREOF, I have executed this Certificate on behalf of the Client on _____.

 Secretary or other authorized official of the Client


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

FROM: Gina A. Jennings 
Finance Director

SUBJECT: **PENSION COMMITTEE MEMBER RECOMMENDATION**

DATE: May 1, 2014

I am sad to report that Ms. Lynda Messick, from Community Bank, has resigned from the Pension Committee due to other commitments. Ms. Messick's term was set to expire January 2016. During Tuesday's Council meeting, I will be recommending Ms. Kathleen Ryan to complete Ms. Messick's term. The Pension Committee consists of the County Administrator, Finance Director, Human Resources Director, one employee, one pensioner, and two community members.

Ms. Ryan is a certified financial planner and is the President of KMR Financial Network in Georgetown. She has non-profit committee experience by previously serving on Nanticoke Hospital's Finance Committee. She comes highly recommended by Ms. Messick. Attached is a copy of Ms. Ryan's biography that she typically provides to retirement plan prospects.

Her strong investment background, with experience in providing retirement planning services to the business community, will make her a great asset to the County's Pension Committee.

Please call me if you have any questions.

Attachment

Kathleen M. (Kit) Ryan, CFP®
President – Investment Advisor Representative
KMR Financial Network



Kit Ryan founded the firm in October of 2005 after working over 25 years in Corporate America in the areas of employee benefits and retirement planning. Kit began her career with Blue Cross/Blue Shield of the National Capital Area in Washington, DC as a Senior Account Executive. She then spent 11 years as Director of Retirement Plan Services with The Principal Financial Group in suburban Philadelphia.

She earned her CERTIFIED FINANCIAL PLANNER™ certification in June 2005. In addition, she holds series 7 and 63 securities registrations along with life and health licenses in all the Mid-Atlantic states. Kit is a member of the Financial Planning Association (FPA) and the Philadelphia Tri-State Chapter of FPA.

A 1983 graduate of Georgetown University, with a BS in Marketing, Kit was also a member of the Lady Hoyas basketball squad. Raised in the South Jersey area, she is now a full time resident of Rehoboth Beach, DE with an office in Georgetown, DE.

KMR Financial Network is focused on offering personalized retirement planning services to the small business community. Kit will assist in every facet of designing the perfect retirement program for each business including: evaluating vendors, selecting and monitoring plan investments, providing ongoing employee education and working with the business owner to ensure that all fiduciary obligations are satisfied.

One of the benefits in working with Kit is her ability to provide clear, easily understood explanations of your retirement and financial products and services. The personalized program that she provides may be your road map to reaching financial independence.

Securities offered through Questar Capital Corporation (QCC). Member FINRA/SIPC.

5701 Golden Hills Road, Minneapolis, MN 55416-1297. (888) 446-5872. Advisory Services offered through Questar Asset Management (QAM). A Registered Investment Advisor. KMR Financial Network is independent of QCC and QAM.


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

FROM: Gina A. Jennings
Finance Director 

SUBJECT: **FINANCIAL REPORT FOR THE QUARTER ENDING
MARCH 31, 2014**

DATE: May 1, 2014

Attached is the unaudited Estimated Revenue and Expense Report for the quarter ending March 31, 2014, which I will be presenting to Council on Tuesday, May 6, 2014.

Please call me if you have any questions.

Attachment

Sussex County Council
Unaudited Revenue and Expense Report
As of March 31, 2014

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
REVENUES				
TAXES				
Property tax *	\$ 10,329,585.75	\$ 13,772,781.00	\$ 10,329,585.75	0.00%
TOTAL TAXES	10,329,585.75	13,772,781.00	10,329,585.75	0.00%
REALTY TRANSFER TAX	15,680,349.16	16,000,000.00	12,000,000.00	30.67%
SERVICES - BUILDING AND CONSTRUCTION				
Fire service fee (pass through)	953,940.74	900,000.00	675,000.00	41.32%
Building permit and zoning fee	1,228,006.11	1,315,000.00	986,250.00	24.51%
Building inspections	976,485.70	856,000.00	642,000.00	52.10%
Private road - review/inspection	353,525.69	250,000.00	187,500.00	88.55%
Water and sewer - review/inspection	-	4,400.00	3,300.00	-100.00%
Mobile home placement tax (pass through)	67,202.77	74,000.00	55,500.00	21.09%
TOTAL SERVICES - BUILDING AND CONSTRUCTION	3,579,161.01	3,399,400.00	2,549,550.00	40.38%
SERVICES - GOVERNMENTAL FEES				
General government fee (911 system fee)	419,727.42	559,630.00	419,722.50	0.00%
Dog licensing	70,850.00	72,000.00	54,000.00	31.20%
Other department fees	35,063.19	20,000.00	15,000.00	133.75%
TOTAL SERVICES - GOVERNMENTAL FEES	525,640.61	651,630.00	488,722.50	7.55%
INTERGOVERNMENTAL				
Federal operating grants	173,443.41	178,850.00	134,137.50	29.30%
State operating grants	3,277,684.11	4,351,073.00	3,263,304.75	0.44%
Community development	774,077.64	1,856,300.00	1,392,225.00	-44.40%
TOTAL INTERGOVERNMENTAL	4,233,279.32	6,386,223.00	4,789,667.25	-11.62%
CONSTITUTIONAL OFFICES				
Clerk of the peace	158,543.56	115,000.00	86,250.00	83.82%
Recorder of deeds	2,450,769.23	3,370,000.00	2,527,500.00	-3.04%
Register of wills	587,739.26	1,000,000.00	750,000.00	-21.63%
Sheriff	1,835,498.13	2,010,000.00	1,507,500.00	21.76%
TOTAL CONSTITUTIONAL OFFICES	5,032,550.18	6,495,000.00	4,871,250.00	3.31%
RENT				
Airport fuel sales	9,312.85	17,000.00	12,750.00	-26.96%
Industrial airpark rent	419,180.04	411,032.00	308,274.00	35.98%
Land rent	5,156.67	3,710.00	2,782.50	85.33%
Emergency operations center (SUSCOM)	17,500.00	17,500.00	13,125.00	33.33%
Miscellaneous rentals	12,932.20	16,000.00	12,000.00	7.77%
TOTAL RENT	464,081.76	465,242.00	348,931.50	33.00%
MISCELLANEOUS				
Investment earnings	504,133.56	170,000.00	127,500.00	295.40%
Fines	17,091.69	24,000.00	18,000.00	-5.05%
Prothonotary	2,075.11	2,000.00	1,500.00	38.34%
Project income - community development	292,517.21	-	-	100.00%
Other charges	191,377.14	192,340.00	144,255.00	32.67%
Appropriated project reserves	-	2,278,232.00	1,708,674.00	0.00%
TOTAL MISCELLANEOUS	1,007,194.71	2,666,572.00	1,999,929.00	-49.64%
Transfers in from sewer and water	-	300,000.00	225,000.00	-100.00%
TOTAL REVENUES	\$ 40,851,842.50	\$ 50,136,848.00	\$ 37,602,636.00	8.64%
* Accruals				

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

Sussex County Council
Unaudited Revenue and Expense Report
As of March 31, 2014

EXPENDITURES	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
General Government				
County council	\$ 387,062.84	\$ 512,422.00	\$ 384,316.50	0.71%
County administration	386,250.63	1,534,137.00	1,150,602.75	-66.43%
Legal	263,758.75	335,000.00	251,250.00	4.98%
Finance	1,472,002.77	1,992,751.00	1,494,563.25	-1.51%
Assessment	1,105,176.76	1,444,031.00	1,083,023.25	2.05%
Building code	476,029.42	633,517.00	475,137.75	0.19%
Mapping	543,067.68	700,011.00	525,008.25	3.44%
Human resources	433,345.42	676,082.00	507,061.50	-14.54%
General employment and retirement	440,090.64	598,488.00	448,866.00	-1.96%
Boards and Commissions	57,545.51	78,872.00	59,154.00	-2.72%
Building and grounds	949,699.66	1,271,318.00	953,488.50	-0.40%
Security	362,255.10	485,228.00	363,921.00	-0.46%
Information Technology/ Data Processing	1,086,955.23	1,537,009.00	1,152,756.75	-5.71%
Constable	170,374.01	247,251.00	185,438.25	-8.12%
Constable - dog control	551,860.18	721,991.00	541,493.25	1.91%
Grant-in-aid programs	6,024,653.79	7,479,615.00	5,609,711.25	7.40%
Planning and zoning	845,153.86	1,223,945.00	917,958.75	-7.93%
Paramedic	10,264,833.22	13,425,165.00	10,068,873.75	1.95%
Emergency operations center administration	358,163.73	529,658.00	397,243.50	-9.84%
Emergency operations center dispatchers	1,747,822.86	2,261,620.00	1,696,215.00	3.04%
Communications	371,152.26	470,178.00	352,633.50	5.25%
Local emergency plan program	60,423.38	82,506.00	61,879.50	-2.35%
Economic development	75,292.58	112,213.00	84,159.75	-10.54%
Industrial airpark	422,464.05	607,260.00	455,445.00	-7.24%
Community development	1,627,908.26	2,109,959.00	1,582,469.25	2.87%
Engineering - administration	896,868.79	1,245,957.00	934,467.75	-4.02%
Engineering - public works	483,988.13	618,835.00	464,126.25	4.28%
Engineering - solid waste	87,177.05	150,000.00	112,500.00	-22.51%
Records management	105,850.27	159,147.00	119,360.25	-11.32%
Library	2,855,120.02	3,926,512.00	2,944,884.00	-3.05%
Marriage Bureau	93,204.47	169,267.00	126,950.25	-26.58%
Recorder of deeds	796,343.98	1,147,759.00	860,819.25	-7.49%
Register of wills	379,239.49	491,531.00	368,648.25	2.87%
Sheriff	477,487.33	657,613.00	493,209.75	-3.19%
Interfund transfers	375,000.00	500,000.00	375,000.00	0.00%
TOTAL EXPENDITURES	37,033,622.12	50,136,848.00	37,602,636.00	-1.51%
EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES	3,818,220.38	-	-	

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

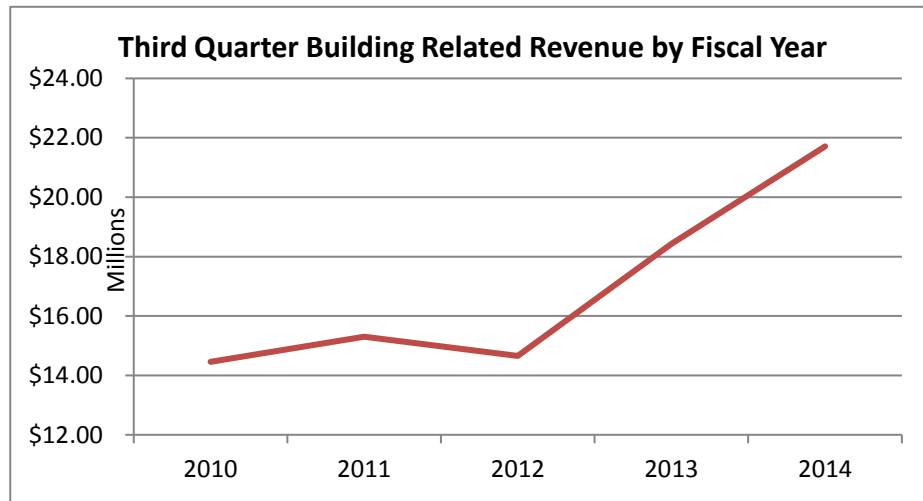
Sussex County Council
Unaudited Revenue and Expense Report
As of March 31, 2014

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
CAPITAL IMPROVEMENT REVENUES				
Federal airport grant	1,077,356.25	2,803,500.00	2,102,625.00	-48.76%
State airport grant	-	155,750.00	116,812.50	-100.00%
State library grant	809,664.90	1,000,000.00	750,000.00	7.96%
Investment earnings	29,054.14	14,000.00	10,500.00	176.71%
Operating Transfers	375,000.00	500,000.00	375,000.00	100.00%
Appropriated reserves	-	5,279,770.00	3,959,827.50	-100.00%
TOTAL CAPITAL IMPROVEMENT REVENUES	2,458,576.96	9,873,020.00	7,404,765.00	-66.80%
CAPITAL IMPROVEMENT EXPENDITURES				
General government	704,464.91	1,186,000.00	889,500.00	-20.80%
Paramedics	2,442.41	400,000.00	300,000.00	-99.19%
Engineering	314,752.72	625,000.00	468,750.00	-32.85%
Library	1,431,950.10	2,246,370.00	1,684,777.50	-15.01%
Airpark	2,285,786.99	5,415,650.00	4,061,737.50	-43.72%
TOTAL CAPITAL IMPROVEMENT EXPENDITURE	4,739,397.13	9,873,020.00	7,404,765.00	-36.00%
EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES	(2,280,820.17)	-	-	

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

Third Quarter Building Related Revenue by Fiscal Year

Building Related Revenue	2010	2011	2012	2013	2014
Building inspections	\$ 629,166.46	\$ 609,264.93	\$ 587,622.17	\$ 659,491.44	\$ 976,485.70
Building permit and zoning fee	842,142.41	825,504.19	908,080.69	1,004,942.30	1,228,006.11
Fire service fee (pass through)	791,472.02	595,013.35	659,866.39	740,622.74	953,940.74
Mobile home placement tax (pass through)	77,666.58	61,354.76	52,155.31	58,316.19	67,202.77
Private road - review/inspection	193,228.93	143,000.90	129,221.71	427,887.96	353,525.69
Recorder of Deeds	2,375,830.37	2,387,231.97	2,401,373.44	2,876,582.87	2,450,769.23
	4,909,506.77	4,621,370.10	4,738,319.71	5,767,843.50	6,029,930.24
Realty Transfer Tax	9,547,736.32	10,686,496.10	9,915,748.72	12,658,066.33	15,680,349.16
Total Building Related Revenue	\$ 14,457,243.09	\$ 15,307,866.20	\$ 14,654,068.43	\$ 18,425,909.83	\$ 21,710,279.40



Revenue	Percent increase over 2013	Percent increase over 2012
Building inspections	48%	66%
Building permit & zoning fee	22%	35%
Fire service fee	29%	45%
Mobile home placement	15%	29%
Private road-review/inspection	-17%	174%
Recorder of Deeds	-15%	2%
Realty Transfer Tax	24%	58%
Total	18%	48%

Total Dwelling Permits Issued through April 11th

	2012	2013	2014
Dwelling Permits	982	1,234	1,472
Percent increase over the previous year		26%	19%


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



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director 

SUBJECT: **INVESTMENT POLICY REVISION**

DATE: May 1, 2014

In February 2013, Council approved Federal Home Loan Board letters of credit to be used as collateral to secure our deposits. Typically, when letters of credit are used as collateral, they are valued at 100 percent of deposits. Letters of credit are not marginalized securities; this means they are valued at their face value and are not subject to fluctuations. When this agreement was signed, M&T thought that our investment policy would allow for the letters of credit to be at 100 percent of our deposits. Since it does not, M&T has been manually adjusting our letter of credits to be 102 percent. Letters of credit are face value so there is no need to have them valued higher than our deposits.

I have reviewed State and County codes, spoke to our independent auditors, and reviewed GFOA best practices. It is acceptable to value all marginal securities at 102 percent and letters of credits at 100 percent. For example, the State of Delaware's investment policy states all securities pledged as collateral have a market value of 102 percent, except for Federal Home Loan Board letters which are at 100 percent.

The purpose for this change is to continue to allow our deposits be secured by Federal Home Loan Board letters of credits. Using this type of collateral provides us a liquid and non-volatile type of security.

Please call me if you have any questions.



SUSSEX COUNTY COUNCIL

INVESTMENT POLICY

I. Scope

The finance department is responsible for the management of cash and investments. It is the policy of Sussex County Government to invest all funds in a manner that provides the highest investment return using authorized instruments while meeting the County's acceptable risk level.

II. General Objectives

The primary objectives, in priority order, of investment activities shall be safety, liquidity, and yield:

- a. Safety – Safety of principal is the foremost objective of the investment program. County investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the portfolio. To attain this objective, diversification is required to ensure that the County prudently manages market, interest rate and credit risk. Each investment purchase must be eligible under the investment policy.
- b. Liquidity – Portions of the investment portfolio shall be sufficiently liquid to enable the County to meet all operating requirements that may be reasonably anticipated.
- c. Return/Yield – The investment portfolio shall be designed to obtain the highest available return, taking into account the County's investment risk constraints and cash flow needs. The Finance Director will attempt to obtain the highest available return using authorized investments.

III. Standards of Care

1. Prudence – The standards of prudence to be used by the County’s Finance Director shall be the “prudent investor” standard and shall be applied in the context of managing an overall portfolio. The Finance Director shall act in accordance with written procedures and this Policy by; exercising due diligence, preparing reports in a timely fashion, and exercising appropriate action to control adverse developments.
2. Ethics and Conflicts of Interest – Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program.
3. Delegation of Authority – Authority to manage the investment program is granted to the County Finance Director. The County Finance Director may delegate to other individuals, such as to the finance departments qualified staff, to perform various investment functions.

IV. Safekeeping and Custody

1. Authorized Financial Dealers and Institutions – Eligible financial institutions must provide copies of audited financial statements and answers to questions regarding their financial status. Recommendations regarding eligible financial institutions will be based on various factors, including, but not limited to, the following:
 - (a) Sussex County presence, branch location;
 - (b) fees;
 - (c) investment performance;
 - (d) financial status of institution

2. Internal Controls – The investment officer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the County are protected from loss, theft, or misuse.

V. Suitable and Authorized Investments

1. All investments will be recommended to the Council for approval. The following investments will be permitted by this policy:
 - a. Government obligations, Defeased Municipal Obligations and any of the following: senior debt obligations of the Federal Home Loan Banks, the Student Loan Marketing Association and the Federal Financing Banks, direct obligation and fully guaranteed certificated of beneficial interest of the Export-Import Bank of the United States, participation certificates and senior debt obligations of the Federal Home Loan Mortgage Association, debentures of the Federal Housing Administration, guaranteed mortgage-backed bonds and guaranteed pass-through obligations of the Government national Mortgage Association, mortgage-backed securities and senior debt obligations of the Federal National Mortgage Association, guaranteed title XI financing of the U.S. maritime Administration and obligations of the Resolution Funding Corporation;
 - b. Repurchase agreements with respect to the obligations listed in paragraph (a) above.
 - c. Certificates of deposit of banks or savings and loan associations designated as municipal depositories which are insured by federal deposit insurance; provided that any amount of the deposit in excess of the federal deposit insurance shall be fully collateralized at 102 percent by marketable U.S. government securities marked to market at least monthly.

- d. Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist of dollar-denominated securities and registered under the federal Securities Act of 1933 and such funds must be rated by S & P at least AAm-G, AAAm, or AAm.
- e. Local government investment pools administered by the State of Delaware.
- f. Commercial paper rated at the time of acquisition by the Trustee or a Depository hereunder in the highest rating category by the Rating Services.
- g. Obligations of state or local government issuers, the principal of and interest on which, when due and payable, have been insured by an Insurer and that are rated at the time of acquisition by the Trustee or a Depository hereunder in one of the two highest rating categories by the Rating Services.
- h. Bankers' acceptances with a maximum term of one year, of any bank which has an unsecured, uninsured and unguaranteed obligation rating of "Prime - 1" or "A3" or better by Moody's Investors Service and "A-1" or "A" or better by Standard & Poor's Corporation.
- i. Full faith and credit obligations of state and local government issuers that are rated at the time of acquisition hereunder in one of the three highest rating categories by the Rating Services (without regard to gradations such as "plus" or "minus").
- j. Any unsecured or secured agreement for the investment of moneys entered into by the County or the Trustee with the Federal National Mortgage Associations or any bank, trust company or national banking association or a corporation subject to registration with the Board of Governors of the Federal Reserve System under the Bank Holding Company Act of 1956 or any other financial institution

whose unsecured obligations or uncollateralized long term debt obligations (or obligations guaranteed by its parent entity) have been assigned a rating by the Ratings Services in one of the two highest rating categories (without regard to gradation such as “plus” or “minus”), or which has issued a letter of credit, contract or agreement in support of debt obligations which have been so rated.

2. Collateralization – In order to protect the County’s public fund deposits, depository institutions are to maintain collateral pledges on certificates of deposit during the term of the deposit. Collateral is required as security for any amount in excess of the federal deposit insurance limit.

a. Collateralization will be established by separate collateralization agreements with each financial institution with, at a minimum, the following terms:

1. collateral maintained at a third party agreed upon location, such as a Federal Reserve Bank;
2. except for Federal Home Loan Bank letters of credit that can be valued at a minimum 100 percent of County asset values, collateralization must be at a minimum of 102 percent of County asset values at a minimum; and
3. collateral will include direct obligations of the U. S. Federal Government, U.S. Government agency securities or Federal Home Loan Bank letters of credit.

3. Repurchase Agreements

- a. Repurchase agreement investments will include U. S. Treasury Direct Obligations.
- b. Repurchase agreement guidelines will be established by individual agreements with each financial institution.

VI. Diversification

A variety of financial instruments and maturities, properly balanced, will help to ensure liquidity and reduce the risk of interest rate volatility and loss of principal. Diversifying investments and maturities will avoid incurring unreasonable risks in the investment portfolio.

VII. Performance Evaluation

The County will utilize the average three-month U.S. Treasury Bill return or other appropriate benchmarks to determine whether market average yields are being achieved.

VIII. Reporting

The Finance Department shall produce a written report monthly for internal purposes. This report will be submitted to the County Administrator for distribution to the County Council on a quarterly basis.

IX. Policy adoption and amendment

This Policy may be reviewed from time to time and amended by the County at its discretion.



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:
Hal Godwin, Deputy County Administrator
May 6, 2014

Bill No.	Description and Purpose	Action
2013-2014 BILLS		
HB 14	This bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.	Assigned to the House Appropriations Committee 1/24/13, no further action. 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

<p>HB No. 74</p>	<p>This Delaware Health Security Act will provide a cost effective single payer health care system for the State of Delaware. The Act will provide comprehensive health care coverage to all Delawareans without any extra health insurance or out-of-pocket-expense. The system will save money currently wasted on administrative/overhead costs and will provide a stable funding structure.</p> <p>This Act creates the Delaware Health Security Authority. The authority will be governed by a 15-member Delaware Health Security Board comprised as follows: the Secretary of Health and Social Services, two members from both the State House of Representatives and State Senate Committees concerned with health care issues, five members from state health professional organizations, and five members from eligible consumer organizations in our state.</p> <p>Funding for the new health care system will be as follows:</p> <ol style="list-style-type: none"> 1. All state and federal funds available for health and health care costs in Delaware. 2. Employer and employee graduated payroll tax from 4 percent for employers with less than ten employees to 9 percent for employers with 50 or more employees. 3. A Health Security tax of 2.5 percent on net taxable income (after deductions) for all heads of households and persons subject to Delaware's income tax; and 4. An additional Health Security income surtax on net taxable income of 2.5 percent for persons filing a Delaware income tax return in excess of \$250,000. Married couples filing a joint Delaware income tax return shall pay an additional income surtax of 2.5 percent on net taxable income in excess of \$500,000. 	<p>This bill has been assigned to the House Health & Human Development Committee</p> <p>This bill has not yet been scheduled for a Committee hearing.</p> <p>I will be certain to alert you of this date and time.</p> <p>Committee Members:</p> <p>Chairman: Michael a. Barbieri (302) 368-7257 Michael.barbieri@state.de.us</p> <p>Vice-Chairman: Rebecca Walker (302) 293-2356 Rebecca.walker@state.de.us</p> <p>Members:</p> <p>Donald A. Blakey Ruth Briggs-King (302) 697-6723 (302) 856-2772 Donald.Blakey@state.de.us ruth.briggsking@state.de.us</p> <p>Timothy D. Dukes Earl G. Jaques, Jr. (302) 280-6344 (302) 834-9231 Timothy.Dukes@state.de.us earl.jaques@state.de.us</p> <p>S. Quinton Johnson John A. Kowalko, Jr. (302) 378-2681 (302) 737-2396 Quinton.johnson@state.de.us john.kowalko@state.de.us</p>
------------------	---	--

<p>HB No. 74 (continued)</p>		<p>Joseph E. Miro (302) 454-1840 Joseph.miro@state.de.us Edward.osiensi@state.de.us</p> <p>Edward S. Osienski (302) 292-8903</p> <p>Charles Potter, Jr. (302) 762-8322 Charles.Potter@state.de.us</p> <p>Darryl M. Scott (302) 735-1781 Darryl.Scott@state.de.us</p> <p>Kimberly Williams (302) 577-8476 kimberly.williams@state.de.us</p> <p>* Federal Health Care Legislation requires all citizens be covered – the new tax will fund</p> <p>* Delaware is currently establishing exchanges to provide coverage for all residents to comply with Federal requirements</p> <p>* HB74 is introduced to cover all Delawareans – doesn't appear to be part of the State or Federal exchange plan</p>
<p>HB No. 135</p>	<p>This Act seeks to create jobs and new sources of revenue for the State of Delaware by, among other means, authorizing the addition of two new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee. This Act creates a nine member, politically-balanced Committee with financial, accounting, or banking experience to select the sites and licensees. This Act also increases the number of required racing days to reflect the current amount of racing, and prevents the addition of video lottery agents from triggering a reduction in the minimum number of days that existing harness tracks must offer harness racing. Finally, this Act also expresses the intent of the General Assembly that the new video lottery casinos will be subject to a one-time license fee and ongoing license fees, as well as such fees as are necessary to create a level playing field for competition with video lottery</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)	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 SB No. 78	This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no later than December 31, 2014.	Signed into Law 7/31/13

+ SA-1	<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>	
SR No. 8	<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 2nd Great Depression in America. Some members of Congress would like to reinstate the Glass-Steagall Act.</p>
HB No. 167	<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 positions with a statutory mandate for background checks are excluded from these provisions. The bill also requires</p>	<p>Amended by Amendments No. 1, Amendment 1 to No. 1 which were grammatical & House Amendment No. 2 which aligns with County Council's request to eliminate the 5 & 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 Committee 1/29/14</p>

HB No. 167 (continued)	contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.	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	Introduced in the Senate 1/29/14 Assigned to Senate Natural Resources and Environmental Committee

SB No. 166 (continued)	feet above the mean sea level of the area.	
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.
SB No. 201	This bill clarifies the roles and authority of the Delaware Division of Public Health Office of Animal Welfare and Delaware Department of Agriculture. The Office of Animal Welfare was established to consolidate and coordinate companion animal programs and address the treatment of companion animals in Delaware by reviewing and determining emerging issues needing attention for the protection of both animals and members of the public. This bill not only authorizes the Department of Health and Social Services to enforce existing shelter standards, the animal population control program and spay/neuter fund, and companion animal welfare license plate funds, all programs previously overseen by the Department of Agriculture, it also establishes an enforcement mechanism to do so. The bill also updates and clarifies the authority of the Department of Agriculture over poultry and livestock species and zoonotic disease prevention, eradication and mitigation.	Introduced April 2, 2014 assigned to Senate Health and Social Services Committee

SB No. 196	This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provision.	Introduced April 10, 2014 assigned Senate Health and Social Services Committee. Released from Committee April 30, 2014.
HB No. 311	During hearing of the Animal Welfare Task Force, established by Senate Concurrent Resolution 44 in the 146 th General Assembly, members of the public expressed serious concern about the lack in standardized training and certification of Animal Control Officers (ACOs) and Animal Cruelty Agents (ACAs). ACOs and ACAs in the State of Delaware carry out law enforcements duties, such as issuing warrants, citations, and seizing evidence, yet they are not currently required to have any uniform training and certification. The Animal Welfare Task Force recommended that the Delaware Division of Public Health Office of Animal Welfare develop and implement statewide training and certification of ACOs and ACAs. This will promote safety of the public, officers and animals, reduce the possibility of having inadequately trained officers carrying out law enforcement duties, and enhance consistency in service among agencies. This Act is based upon those recommendations. This Act does not change the animal cruelty standards or investigative authority currently in the Delaware Code. This Act becomes effective upon final publication of the regulations by the Department of Health and Social Services.	Introduced April 29, 2014 assigned to House Health and Human Development Committee.
SB No. 207	This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by ensuring that health insurers, health service corporations, health maintenance organizations, or managed care organizations do not set their allowable charges below the costs incurred by the volunteer ambulance companies in providing an ambulance run and basic life support services.	Introduced April 30, 2014 assigned to Senate Insurance Committee.

HB No. 315	This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by establishing a \$10 assessment on all violations of Title 21 and creating a Volunteer Ambulance Company Fund. The moneys collected would be earmarked for volunteer ambulance companies and distributed on a pro rata basis by the State Fire Prevention Commission.	Introduced April 30, 2014 assigned to the House Public Safety & Homeland Security Committee.
HB No. 316	This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by requiring each county to contribute a minimum of 15% of the total countywide cost of basic life support services provided by volunteer ambulance companies within each county. The bill allows the counties the leeway to determine the best way to provide these funds; however the bill grants a county the power to support its volunteer ambulance companies through additional funding mechanisms designed solely for the support of volunteer ambulance companies, should it choose to do so. These additional powers are (1) to assess an additional tax rate, assessment, or fee on real property or (2) to adopt a user fee.	Introduced April 30, 2014 assigned to the House Public Safety & Homeland Security Committee.
HB No. 317	This bill would implement two of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by (1) specifying that certain types of health insurers are subject to the insurance premium tax assessment for ambulance service and (2) increasing the amount of the moneys placed in the fund to forty five one hundredths of 1 percent. This bill also adds definitions for volunteer ambulance companies and other related terms. While the bill adds the new definition for volunteer ambulance companies, it retains the prior reference to volunteer rescue services to ensure those entities continue to receive funding from the special fund.	Introduced April 30, 2014 assigned to the House Public Safety & Homeland Security Committee.



SPONSOR: Sen. Blevins & Sen. Peterson & Rep. Jaques & Rep. K. Williams
Sens. Ennis, Henry, McBride, Sokola, Townsend, Venables; Reps. Baumbach, Bennett, Hudson, Keeley, Miro, Osienski, Paradee, Ramone, B. Short, M. Smith, Smyk

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 201

AN ACT TO AMEND TITLES 3, 16, AND 21 OF THE DELAWARE CODE RELATING TO THE HUMANE KILLING OF ANIMALS HELD IN SHELTERS, ANIMAL POPULATION CONTROL PROGRAM AND SPAY/NEUTER FUND, ANIMAL WELFARE LICENSE PLATES, AND AUTHORITY OF THE DEPARTMENT OF AGRICULTURE.

1 WHEREAS, the Animal Welfare Task Force, established by Senate Concurrent Resolution 44 of the 146th
2 General Assembly, recommended the establishment of a State Office of Animal Welfare under the Department of Health
3 and Social Services to carry out recommendations of the Task Force; and,

4 WHEREAS, the Office of Animal Welfare was established through 2014 budget appropriations to coordinate
5 programs, standards, and oversight to protect our state's animals and ensure best practices with public health and safety as
6 outlined by the Animal Welfare Task Force recommendations; and,

7 WHEREAS, The Delaware Department of Agriculture is responsible for the oversight, protection, health and
8 welfare of domesticated commercial animal species utilized in agricultural and related practices;

9 NOW, THEREFORE:

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

11 Section 1. Amend Title 3 and Title 16 of the Delaware Code by transferring Chapter 80 of Title 3 to Title 16, and
12 by redesignating present §§ 8001 through 8007 of Title 3 as §§ 3001E through 3007E of Chapter 30E, Subchapter 1, of
13 Title 16, and by making deletions as shown by strike through and insertions as shown by underline as follows:

14 Chapter 30E. Animals Held in Shelter

15 § 3001E. Definitions.

16 For purposes of this chapter:

17 "Department" means the Department of Health and Social Services or its duly authorized representatives.

18 § 3004E. Euthanasia in animal shelters.

19 (d) Euthanasia method and procedure. —

20 (1) The Department shall promulgate regulations regarding acceptable methods of euthanasia in animal
21 shelters and regarding sanitation and ventilation of euthanasia areas. The methods included shall be approved or
22 conditionally approved by the most recent American Veterinary Medical Association Guidelines on Euthanasia.

23 (2) Under no circumstances shall carbon monoxide or carbon dioxide be used as a method of euthanasia.

24 (3) Any animal shelter performing euthanasia shall have a current policy and procedure manual regarding
25 euthanasia. The policy and procedure manual shall set forth the shelter's equipment, process, and the procedures
26 for individual separation of animals.

27 (4) Notwithstanding the provisions of Chapter 33 of Title 24, euthanasia must be performed by:

28 a. A licensed veterinarian;

29 b. A nationally certified euthanasia technician;

30 c. A licensed veterinary technician; or

31 d. A person certified by a licensed veterinarian, after passing both a written and practical
32 examination, as proficient to perform euthanasia. Training and certification requirements shall be
33 established by Department regulation in consultation with the Delaware Board of Veterinary Medicine.

34 (5) If euthanasia is by injection, animals in an animal shelter that are amenable to being controlled shall
35 be lowered to the surface on which they are being held and shall not be permitted to drop or otherwise collapse
36 without support.

37 (6) The trained staff member performing the euthanasia in animal shelters shall remain in attendance
38 between the time procedures to euthanize the animal are commenced and the time death occurs, and shall verify
39 death has occurred using methods to be determined by regulation.

40 (7) Sodium pentobarbital may be obtained by an animal shelter with required federal and state permits.

41 § 3008E. Enforcement.

42 (a) The Department shall adopt rules and regulations as may be necessary for the protection and care of companion
43 animals in animal shelters, as defined in this subchapter.

44 (b) The Department will conduct at least annual inspection of every animal shelter.

45 (c) The Department or its duly authorized representative(s) shall have the power to enter at all reasonable times,
46 during ordinary business hours, upon any private or public animal shelter for the purpose of determining whether or not
47 there is compliance with or violations of this subchapter, rules, and regulations thereunder.

48 (d) Upon request of the Department, animal shelters shall make available records concerning the requirements of
49 this subchapter.

50 (e) All findings will be documented in writing and a copy provided to the animal shelter within 30 days. Once
51 provided to the animal shelter, the documentation will also be posted on the Department Web site. Deficiencies must be
52 corrected within the timeframe established by the Department.

53 (f) The Department shall have the power to issue orders to correct deficiencies and to impose penalties pursuant to
54 § 107(a) of this title.

55 (g) The animal shelter management has the right to appeal the results of the inspection. If the opinion of the
56 animal shelter management is in conflict with the inspection, the animal shelter management may request a review of the
57 inspection by the Department. The appeal will be made in writing and submitted within 30 days after publication of the
58 findings. After receipt of the appeal, the Department will have 60 days to respond in writing.

59 (h) The Department shall conduct an investigation upon receipt of a complaint of alleged violations of this
60 subchapter.

61 (1) Anyone desiring to file a complaint against any animal shelter shall file a written complaint with the
62 Department. All complaints shall be reviewed and complaints concerning violations of this chapter will be
63 investigated by the Department or its designee. The Department shall notify the animal shelter of the complaint
64 within 30 days of receipt of said complaint. The Department shall be responsible for issuing a final written report
65 of violations of this subchapter to the animal shelter. Once the final report is issued to the facility, the report will
66 also be posted to the Department Web site at the conclusion of the proceedings.

67 (2) The animal shelter management may request a hearing if they wish to contest the findings of the
68 investigation in writing to the Department. The appeal will be made in writing and submitted within 30 days after
69 publication of the findings. Within 30 days of receipt of the request for public hearing, the Department shall set a
70 time and place to conduct a hearing on the complaint. Notice of the hearing shall be given and the hearing
71 conducted in accordance with the Administrative Procedures Act, Chapter 101 of Title 29, and the Freedom of
72 Information Act, Chapter 100 of Title 29.

73 Section 2. Amend Title 3 of the Delaware Code by transferring Chapter 82, Subchapter 2 of Title 3, to Title 16,
74 and by redesignating present §§ 8214 through 8225 of Title 3 as §§ 3010E through 3021E of Chapter 30E, Subchapter 2, of
75 Title 16 and by making deletions as shown by strike through and insertions as shown by underline as follows and
76 redesignating accordingly:

77 § 3017E. Definitions.

78 "Administrator" -- Department of ~~Agriculture~~, Health and Social Services.

79 § 3021E. Enforcement, violations and penalties.

- 80 (a) The administrator shall adopt regulations pursuant to this ~~chapter~~ subchapter relative to:
- 81 (1) Format and content of all forms required under this ~~chapter~~ subchapter.
- 82 (2) Proof of eligibility under ~~§ 8219~~ § 3015E of this title.
- 83 (3) Administration of the Fund established under ~~§ 8222~~ § 3018E of this title.
- 84 (b) (4) Any other matter necessary for the administration or enforcement of the Animal Population Control
- 85 Program and Spay/Neutering Fund established under this subchapter.
- 86 § 3025E. Performance measurement.

87 Performance measurement is necessary to determine the success of the Program and to assess if any changes in the

88 Program should be made.

89 (2) The Performance Review Committee shall be reinstated as the Spay/Neuter Performance Review Committee

90 (the Committee). For purposes of this section, the "Committee" shall mean a committee comprised of the following 14

91 representatives. The Committee shall consist of the following members or their respective designees:

- 92 a. The Secretary of the Department of Agriculture or the Secretary's designee, Health and Social
- 93 Services, shall serve as an ex officio non-voting member and shall also act as Chairperson of the Committee;
- 94 b. A representative of the The Director of the Delaware Division of Public Health, or a designee having
- 95 knowledge in the area of Rabies Control or designee;
- 96 c. The President of the Delaware Veterinary Medical Association or the President's designee;
- 97 d. The President of the A representative of the Delaware SPCA [Board of Directors of the Delaware
- 98 Society for the Prevention of Cruelty to Animals;
- 99 e. A representative of the Kent County The President of the Board of Directors of the First State Animal
- 100 Center-SPCA;
- 101 f. A representative of The President of the Board of Directors of Faithful Friends Animal Society;
- 102 g. A representative The President of the Board of Directors of the Delaware Humane Association;
- 103 h. A representative of the Delaware The Director of the Division of Social Services; and
- 104 i. The following representative of animal rescue organization not cited above, 1 from New Castle
- 105 County, 2 from Kent County and 3 from Sussex County to be appointed by the Secretary of the Department of
- 106 Agriculture. Six (6) additional members appointed by the Chairperson, including two (2) members from each
- 107 county, each of whom shall be a veterinarian or a representative of an animal rescue organization not cited above.

108 (3) The Performance Review Committee Chairperson shall meet schedule Committee meetings as often as is

109 necessary at times and in locations specified by the Chairperson. The Performance Review Committee shall issue

110 recommendations to the Department of ~~Agriculture~~ Health and Social Services as often as the Chairperson deems
111 necessary, but no less often than annually. Any member who fails to attend 3 consecutive meetings, or who fails to attend at
112 least ½ of all regular business meetings during any calendar year, shall automatically upon such occurrence be deemed to
113 have resigned from the Committee and a replacement shall be appointed by the Chairperson.

114 (4) Subject to and in accordance with Robert's Rules of Order, a quorum shall consist of 51% of the ~~Performance~~
115 ~~Review~~ Committee's membership and actions by the Committee may only be taken by majority vote of those members
116 present. The members shall receive no compensation for their services. The Committee is authorized to adopt such rules
117 and procedures as may be necessary or convenient to accomplish the purposes set forth in this subchapter, including
118 without limitation, the adoption of conflict of interest rules.

119 Section 3. Amend § 2139F, Title 21 of the Delaware Code by making deletions as shown by strike through and
120 insertions as shown by underline as follows:

121 § 2139F. Special animal welfare license plates.

122 (g) For purposes of this section, the "Fund Committee" shall consist of the following ~~5- 6~~ 6 persons or their
123 respective designees:

124 (1) The Secretary of the Department of ~~Agriculture~~ Health and Social Services, ~~or the Secretary's designee~~ which
125 person shall also act as chairperson of the committee and shall serve as an exofficio non-voting member;

126 (2) ~~A representative~~ The President of the Kent County First State Animal Center-SPCA Board of Directors;

127 (3) ~~A representative~~ The President of the Delaware SPCA Board of Directors;

128 (4) ~~A representative~~ The President of the Delaware Humane Association Board of Directors;

129 (5) The President of the Faithful Friends Animal Society Board of Directors; and,

130 (5) ~~(6)~~ The President of the State Veterinary Board ~~or the President's designee.~~

131 The Fund Committee shall meet as often as is necessary at times and in locations specified by the chairperson. The
132 Fund Committee shall issue recommendations to the Department of ~~Agriculture~~ Health and Social Services as often as the
133 chairperson deems necessary but no less often than annually. Three members shall comprise a quorum and actions by the
134 committee may only be taken by majority vote of those members present. The members shall receive no compensation for
135 their services. Any member who fails to attend 3 consecutive meetings, or who fails to attend at least ½ of all regular
136 business meetings during any calendar year, shall automatically upon such occurrence be deemed to have resigned from
137 the Fund Committee and a replacement shall be appointed by the chairperson. The Fund Committee is authorized to adopt
138 such rules and procedures as may be necessary or convenient to accomplish the purposes set forth in this section, including
139 without limitation, the adoption of conflict of interest rules.

140 Section 4. Amend § 101, Title 3 of the Delaware Code by making deletions as shown by strike through and
141 insertions as shown by underline as follows:

142 § 101. Powers.

143 The Department of Agriculture may:

144 ~~(8) Exercise authority to make rules and regulations covering the possession, control, care and maintenance of~~
145 ~~ostriches, emus or rheas domesticated and confined for commercial farming purposes; specifically excluding ostriches,~~
146 ~~emus or rheas that are kept and maintained primarily for exhibition purposes;~~

147 ~~(9) Exercise authority to make rules and regulations covering the possession, control, care and maintenance of~~
148 ~~deer, elk, llamas, alpacas or any other species of the cervidae or camilid families domesticated and confined for commercial~~
149 ~~farming purposes. Members of these two families kept for exhibition purposes would not be exempt from these regulations;~~
150 ~~and~~

151 (8) Exercise authority and make and adopt regulations covering the possession, control, care, and maintenance of,
152 and take measures necessary to control disease in and ensure the welfare of, the following domesticated species: poultry
153 and livestock, including but not limited to bovine, camilid, cervidae, equine, swine, ruminants, ratites, rabbits, poultry, and
154 other animals harvested for food, fiber, fur or leather ;

155 (9) Devise and execute measures necessary to mitigate disease occurrences in animal species, if such disease is
156 able to affect poultry or livestock, or is capable of causing disease in humans. For rabies refer to Del. C., Title 3, Chapter
157 82.

SYNOPSIS

This bill clarifies the roles and authority of the Delaware Division of Public Health Office of Animal Welfare and Delaware Department of Agriculture. The Office of Animal Welfare was established to consolidate and coordinate companion animal programs and address the treatment of companion animals in Delaware by reviewing and determining emerging issues needing attention for the protection of both animals and members of the public. This bill not only authorizes the Department of Health and Social Services to enforce existing shelter standards, the animal population control program and spay/neuter fund, and companion animal welfare license plate funds, all programs previously overseen by the Department of Agriculture, it also establishes an enforcement mechanism to do so. The bill also updates and clarifies the authority of the Department of Agriculture over poultry and livestock species and zoonotic disease prevention, eradication and mitigation.

Author: Senator Blevins

SB 201: Oversight authority of Office of Animal Welfare and Department of Agriculture

BACKGROUND:

The Office of Animal Welfare was established to consolidate and coordinate companion animal programs currently managed by the Department of Agriculture, and address the treatment of companion animals in Delaware by reviewing and determining emerging issues needing attention for the protection of both animals and members of the public. The new Office and the Department of Agriculture worked collaboratively to develop this legislation.

GOALS OF THIS BILL:

- This bill authorizes the Department of Health and Social Services to enforce the existing shelter standards law, the animal population control program and spay/neuter fund, and companion animal welfare license plate fund, all programs previously overseen by the Department of Agriculture.
- The bill updates and clarifies the authority of the Department of Agriculture over poultry and livestock species and zoonotic disease prevention, eradication and mitigation.

KEY PROVISIONS:

- Moves companion animal programs from Title 3 (Agriculture) to Title 16 (Health and Safety) so programs can be managed by the new Office of Animal Welfare
- Updates Department of Agriculture authority and clarifies responsibility for the oversight, protection, health and welfare of domesticated commercial animal species utilized in agricultural and related practices
- Establishes an enforcement mechanism for the current shelter standards law
- Updates euthanasia provisions to prohibit the use of inhumane gas chambers in shelters and to allow licensed veterinary technicians to perform euthanasia in shelters as appropriate
- Updates state spay/neuter program Performance Review Committee, and Companion Animal License Plate Fund, to ensure proper management and increased veterinarian involvement

FREQUENTLY ASKED QUESTIONS

Does this bill establish new standards or requirements that would affect shelters?

No. This bill establishes the enforcement mechanism for standards already defined by law.

Have Delaware animal shelters provided input on this legislation?

Yes. The Office of Animal Welfare has collaborated with all Delaware shelters on this legislation.



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Office of Animal Welfare

HB 311: Animal Control Officer and Cruelty Agent Certification and Training

BACKGROUND:

- During hearings of the Animal Welfare Task Force, members of the public expressed serious concern about the lack in standardized training and certification of Animal Control Officers (ACOs) and Animal Cruelty Agents (ACAs).
- ACOs/ACAs in the State of Delaware carry out law enforcement duties such as issuing warrants, citations, and seizing evidence, yet are not required to complete standardized training or be certified to carry out those duties. This is uncommon in other states.

GOALS OF THIS BILL:

- Ensure all persons acting as ACOs/ACAs in Delaware are trained and certified through the Division of Public Health's Office of Animal Welfare.
- Assigns responsibility of the development and implementation of statewide training and certification of ACOs/ACAs to the Office of Animal Welfare.

KEY PROVISIONS:

- Requires all Animal Control Officers or Cruelty Agents be certified by the Department of Health and Social Services (DHSS), which will be managed by the Office of Animal Welfare (OAW)
- Allows DHSS to develop certification and curricula requirements, through regulation, and allows the Department to approve educational programs that meet those requirements
- Defines offenses that may result in disciplinary sanctions and defines sanctions that may be issued if an officer/agent commits an offense

FREQUENTLY ASKED QUESTIONS:

Does this bill establish new dog control or animal cruelty provisions?

No, this act does not change current animal control or cruelty statutes, or does it changes the investigative authority within the Delaware Code.

Who will deliver the training for officers/agents?

Any organization who has curriculum approved by DHSS can deliver training. Therefore, organizations that already train their own ACOs/ACAs can have their curriculum approved through the Department. DHSS may also deliver training to officers.

Will this bill increase costs of animal control?

No. The Office of Animal Welfare will work closely with ACO/ACA organizations to ensure current training programs are certifiable. If additional training requirements are required, the goal is to provide that training at no cost to the shelter or county. The Office may accomplish this by offering training materials developed by the Office or identify free resources for officers.



DELAWARE HEALTH AND SOCIAL SERVICES

Division of Public Health

Office of Animal Welfare



SPONSOR: Sen. Peterson & Rep. Keeley
Sens. Blevins, Sokola, Townsend; Reps. Jaques,
Kowalko, Miro, Paradee, Ramone, D.E. Williams

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 196

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DANGEROUS DOGS.

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

1 Section 1. Amend Chapter 9, Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 920 Definitions.

4 (5) "Domestic animal" shall mean any dog, cat, poultry or livestock.

SYNOPSIS

This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.

Author: Senator Peterson



SPONSOR: Rep. Jaques & Rep. K. Williams & Sen. Blevins & Sen. McBride & Sen. Peterson
Reps. Baumbach, Gray, Hudson, Kowalko, Miro, Ramone, M. Smith, Smyk, D.E. Williams, Wilson; Sens. Bushweller, Cloutier, Poore, Townsend

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 311

AN ACT TO AMEND TITLES 9, 11, AND 16 OF THE DELAWARE CODE RELATING TO ANIMALS.

1 WHEREAS, Animal Control Officers and Animal Cruelty Agents in the State of Delaware carry out law
2 enforcement duties, but there are no requirements or opportunities for uniform training and certification; and

3 WHEREAS, the Animal Welfare Task Force, established by Senate Concurrent Resolution No. 44 of the 146th
4 General Assembly, recommended the development and implementation of statewide training and certification of Animal
5 Control Officers; and

6 WHEREAS, the Office of Animal Welfare was established in the Department of Health and Social Services to
7 carry out recommendations of the Animal Welfare Task Force, including the development and implementation of Animal
8 Control Officer and Animal Cruelty Agent training and certification;

9 NOW, THEREFORE:

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

11 Section 1. Amend § 917, Title 9 of the Delaware Code by making deletions as shown by strikethrough and
12 insertions as shown by underlining as follows:

13 (b) All animal control constables, ~~animal control officers, dog control agents,~~ and dog wardens shall be uniformed
14 and shall be adequately trained, ~~certified,~~ and equipped to enforce the dog control laws and ordinances of the State or any of
15 its political subdivisions and the county, including municipalities.

16 Section 2. Amend § 122(3), Title 16 of the Delaware Code by making deletions as shown by strikethrough and
17 insertions as shown by underlining as follows and redesignating accordingly:

18 aa. Regulate the training and educational qualifications for the certification of animal control constables, animal
19 control officers, animal cruelty agents, dog control agents, and dog wardens. The Department shall:

20 (1) Develop requirements for certification and curricula preparing a person for certification;

21 (2) Develop criteria and standards for evaluating educational programs preparing a person for training
22 and certification; including in conjunction with the Delaware Department of Agriculture and the

23 Delaware Department of Natural Resources and Environmental Control concerning livestock, poultry,
24 and wildlife for animal cruelty agents;

25 (3) Approve such programs that meet the requirements of this chapter and of the Department;

26 (4) Deny or withdraw approval from educational programs for failure to meet approved curricula or other
27 criteria;

28 (5) Certify and renew certification of duly qualified applicants;

29 (6) Keep current a registry of all persons certified as animal control constables, animal control officers,
30 animal cruelty agents, dog control agents, and dog wardens in the State;

31 (7) Establish requirements for mandatory continuing education and certification renewal; and

32 (8) Impose disciplinary sanctions and conduct hearings upon charges that may result in disciplinary
33 sanctions outlined in this chapter in conformance with the Administrative Procedures Act, Chapter 101 of
34 Title 29, and the Freedom of Information Act.

35 (e) A person who acts as a certified animal control constable, animal control officer, animal cruelty agent, dog
36 control agent, or dog warden without certification from the Department is subject to penalties pursuant to Title 16, § 107 of
37 the Delaware Code.

38 (f) The Department may, by endorsement, without written examination, certify an animal control constable, animal
39 control officer, animal cruelty agent, dog control agent, or dog warden who has completed a training program that meets the
40 educational requirements for certification defined by the Department and if, in the opinion of the Department or its
41 designee, the applicant meets the qualifications specified by this chapter for an animal control constable, animal control
42 officer, dog control agent, or dog warden.

43 (g) Dog control educational programs.

44 (1) Any organization or institution desiring to conduct a dog control education program shall apply to the
45 Department and submit satisfactory evidence that it is ready and qualified to instruct students in the
46 prescribed basic curriculum for certifying animal control constables, dog control agents, animal control
47 officers, or dog wardens, and that is prepared to meet other standards which may be established by the
48 Department.

49 (2) If the Department determines that any approved educational program is not maintaining the standards
50 required by this chapter and by the Department, written notice thereof, specifying the deficiency and the
51 time within which the same shall be corrected, shall immediately be issued to the program. The
52 Department shall withdraw such programs approval if it fails to correct the deficiency. The organization

53 or institution may reapply for approval to the Department once the program meets standards established
54 by the Department.

55 (h) The Department may impose sanctions defined in this chapter singly or in combination when it finds a
56 certified or former certified animal control constable, animal control officer, animal cruelty agent, dog control agent, or dog
57 warden committed any offense described below:

58 (1) Engages in fraud or deceit in procuring or attempting to procure a certification/license;

59 (2) Is guilty of a crime against person or property;

60 (3) Has been found by an employer to be unfit or incompetent;

61 (4) Has had a certification or license to serve as a dog control agent suspended or revoked in any
62 jurisdiction; or

63 (5) Has willfully or negligently violated this chapter.

64 (i) The Department shall establish procedures for documenting all complaints, and conducting investigations of
65 complaints filed against animal control constables, animal control officers, animal cruelty agents, dog control agents, or dog
66 wardens that may result in sanctions.

67 (j) Disciplinary sanctions are as follows:

68 (1) Permanently revoke a certification or license to be an animal control constable, animal control officer,
69 dog control agent, or dog warden;

70 (2) Refuse a certification or certification renewal;

71 (3) Suspend a certification or license;

72 (4) Place a certification or license on probationary status and require licensee to: report regularly to the
73 Department upon the matters which are the basis of probation; limit practice to those areas prescribed by
74 the Department; or continue or renew professional education until satisfactory degree of skill has been
75 attained in those areas which are the basis of the probation;

76 (5) Issue a letter of reprimand; and

77 (6) Require additional training.

78 Section 3. Amend § 1325, Title 11 of the Delaware Code, by making deletions as shown by strikethrough and
79 insertions as shown by underlining as follows:

80 (e) Any trained and certified agent of the Delaware Society for the Prevention of Cruelty to Animals, or, ~~in Kent~~
81 ~~County of this State,~~ of the Kent County First State Animal Center - Society for the Prevention of Cruelty to Animals, may
82 impound an animal owned or possessed in apparent violation of this section, consistent with § 7904 of Title 3.

83 Section 4. This Act becomes effective upon final publication of the regulations by the Department of Health and
84 Social Services.

SYNOPSIS

During hearings of the Animal Welfare Task Force, established by Senate Concurrent Resolution 44 in the 146th General Assembly, members of the public expressed serious concern about the lack in standardized training and certification of Animal Control Officers (ACOs) and Animal Cruelty Agents (ACAs). ACOs and ACAs in the State of Delaware carry out law enforcement duties, such as issuing warrants, citations, and seizing evidence, yet they are not currently required to have any uniform training and certification. The Animal Welfare Task Force recommended that the Delaware Division of Public Health Office of Animal Welfare develop and implement statewide training and certification of ACOs and ACAs. This will promote safety of the public, officers and animals, reduce the possibility of having inadequately trained officers carrying out law enforcement duties, and enhance consistency in service among agencies. This Act is based upon those recommendations. This Act does not change the animal cruelty standards or investigative authority currently in the Delaware Code. This Act becomes effective upon final publication of the regulations by the Department of Health and Social Services.



SPONSOR: Sen. Ennis & Sen. Townsend & Rep. Carson & Rep. M. Smith
Sens. Sokola, Poore; Reps. Atkins, Baumbach, Gray, Heffernan, Jaques, J. Johnson, Q. Johnson, Kenton, Longhurst, Outten, Paradee, B. Short, D. Short, D.E. Williams, Wilson, Spiegelman

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 207

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO THE REQUIRED COVERAGE FOR VOLUNTEER AMBULANCE COMPANY SERVICES.

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

1 Section 1. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 3349A. Required coverage for volunteer ambulance company services.

4 (a) For the purpose of this section:

5 (1) “Ambulance run” means a volunteer ambulance company response to dispatched calls for service.

6 (2) “Basic life support (BLS)” shall have the same meaning as set forth in § 9702 of Title 16.

7 (3) “Volunteer ambulance company” means a non-profit ambulance company that is certified by the State Fire
8 Prevention Commission and is providing basic life support (BLS) services.

9 (b) Every individual health insurance policy, contract, certificate, or plan which is delivered or issued for delivery
10 in this State by any health insurer, health service corporation, health maintenance organization, or managed care
11 organization shall include coverage of not less than the cost of every ambulance run and associated basic life support (BLS)
12 services provided by a volunteer ambulance company, inclusive of an allowance for uncompensated service, whether in the
13 form of:

14 (1) An allowable charge;

15 (2) Through 100% payment; or

16 (3) Any combination of the foregoing.

17 (c) In the event that the volunteer ambulance company and the health insurer, health service corporation, health
18 maintenance organization, or managed care organization cannot agree upon the allowable charge or the amount of payment
19 to be made for an ambulance run and associated basic life support (BLS) services, then the volunteer ambulance company

20 shall be entitled to those charges and rates allowed by the Insurance Commissioner or the Commissioner's designee
21 following an arbitration of the dispute.

22 (1) The Insurance Commissioner shall adopt regulations concerning the arbitration of such disputes.

23 (2) The Insurance Commissioner shall establish a schedule of fees for arbitration. The nonprevailing party at
24 arbitration shall reimburse the Commissioner for the expenses related to the arbitration process. Funds paid to the
25 Insurance Commissioner under this subsection shall be placed in the arbitration fund and shall be used exclusively for
26 the payment of appointed arbitrators. The Insurance Commissioner may, in the Commissioner's discretion, impose a
27 schedule of maximum fees that can be charged by an arbitrator for a given type of arbitration.

28 (d) Prior to the determination by the Insurance Commissioner, or the Commissioner's designee, of the allowable
29 charge or the amount of payment to be made for an ambulance run and associated basic life support (BLS) services, the
30 health insurer, health service corporation, health maintenance organization, or managed care organization will pay directly
31 to the volunteer ambulance company the charge assessed by the volunteer ambulance company for the run and basic life
32 support (BLS) services provided, which shall not be subject to reimbursement after the Commissioner's determination. The
33 Insurance Commissioner is authorized to adopt regulations concerning the provisions of this subsection.

34 (e) Nothing in this section shall prevent the operation of policy provisions involving deductibles or copayments.

35 (f) This section shall apply to all policies, contracts, certificates, or plans issued, renewed, modified, altered,
36 amended, or reissued on or after July 1, 2014.

37 Section 2. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and
38 insertions as shown by underline as follows:

39 § 3565A. Required coverage for volunteer ambulance company services.

40 (a) For the purpose of this section:

41 (1) "Ambulance run" means a volunteer ambulance company response to dispatched calls for service.

42 (2) "Basic life support (BLS)" shall have the same meaning as set forth in § 9702 of Title 16.

43 (3) "Volunteer ambulance company" means a non-profit ambulance company that is certified by the State Fire
44 Prevention Commission and is providing basic life support (BLS) services.

45 (b) Every individual health insurance policy, contract, certificate, or plan which is delivered or issued for delivery
46 in this State by any health insurer, health service corporation, health maintenance organization, or managed care
47 organization shall include coverage of not less than the cost of every ambulance run and associated basic life support (BLS)
48 services provided by a volunteer ambulance company, inclusive of an allowance for uncompensated service, whether in the
49 form of:

- 50 (1) An allowable charge;
51 (2) Through 100% payment; or
52 (3) Any combination of the foregoing.

53 (c) In the event that the volunteer ambulance company and the health insurer, health service corporation, health
54 maintenance organization, or managed care organization cannot agree upon the allowable charge or the amount of payment
55 to be made for an ambulance run and associated basic life support (BLS) services, then the volunteer ambulance company
56 shall be entitled to those charges and rates allowed by the Insurance Commissioner or the Commissioner's designee
57 following an arbitration of the dispute.

58 (1) The Insurance Commissioner shall adopt regulations concerning the arbitration of such disputes.

59 (2) The Insurance Commissioner shall establish a schedule of fees for arbitration. The nonprevailing party at
60 arbitration shall reimburse the Commissioner for the expenses related to the arbitration process. Funds paid to the
61 Insurance Commissioner under this subsection shall be placed in the arbitration fund and shall be used exclusively for
62 the payment of appointed arbitrators. The Insurance Commissioner may, in the Commissioner's discretion, impose a
63 schedule of maximum fees that can be charged by an arbitrator for a given type of arbitration.

64 (d) Prior to the determination by the Insurance Commissioner, or the Commissioner's designee, of the allowable
65 charge or the amount of payment to be made for an ambulance run and associated basic life support (BLS) services, the
66 health insurer, health service corporation, health maintenance organization, or managed care organization will pay directly
67 to the volunteer ambulance company the charge assessed by the volunteer ambulance company for the run and basic life
68 support (BLS) services provided, which shall not be subject to reimbursement after the Commissioner's determination. The
69 Insurance Commissioner is authorized to adopt regulations concerning the provisions of this subsection.

70 (e) Nothing in this section shall prevent the operation of policy provisions involving deductibles or copayments.

71 (f) This section shall apply to all policies, contracts, certificates, or plans issued, renewed, modified, altered,
72 amended, or reissued on or after July 1, 2014.

SYNOPSIS

In 1999, House Bill 332 established new response time goals and certification standards for the delivery of basic life support and emergency medical services. In order to meet the new standards, volunteer ambulance companies needed to hire paid EMTs and ambulance attendants to ensure the availability of sufficient numbers of trained, certified staff on a 24 hour, 7 days a week basis to meet the new response time goals. The authors of House Bill 332 recognized that compliance with the new goals and standards would impose additional expense on the volunteer ambulance companies, however, neither House Bill 332 nor any subsequent legislation has addressed the funding sources for basic life support ambulance service in Delaware. Increased costs, without corresponding increases in revenue, have eroded the financial stability of volunteer ambulance companies. In 2012, 40 of Delaware's 55 volunteer ambulance companies reported they are now conducting ambulance/EMS operations at a loss.

In 2013, House Bill 215 established the Ambulance and EMS Task Force ("Task Force"). In February 2014, the Task Force issued its report on the state of funding of ambulance and EMS services in Delaware and noted, "By some accounts, the public may begin to see diminished ambulance service in as little as 8 to 12 months, if steps are not taken promptly to meet the funding need." The Task Force made 9 findings and 13 recommendations aimed at addressing this issue.

This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by ensuring that health insurers, health service corporations, health maintenance organizations, or managed care organizations do not set their allowable charges below the costs incurred by the volunteer ambulance companies in providing an ambulance run and basic life support services.

Author: Sen. Ennis



SPONSOR: Rep. Carson & Rep. M. Smith & Sen. Ennis & Sen. Townsend
Reps. Atkins Baumbach Briggs King Gray Heffernan
Hudson Jaques J. Johnson Kenton Longhurst Outten
Paradee B. Short D. Short Spiegelman D.E. Williams
Wilson ; Sen. Bushweller

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 315

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO FINES, COSTS, PENALTIES, AND FORFEITURES.

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

1 Section 1. Amend § 4101, Title 11 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4101. Payment of fines, costs and restitution upon conviction.

4 (j) In addition to, and at the same time as any fine, penalty, or forfeiture assessed to a criminal defendant or
5 recipient of a civil offense, there shall be levied an additional penalty of \$10 imposed and collected by the courts for any
6 violations of Title 21. When a fine, penalty, or forfeiture is suspended, in whole or in part, this penalty assessment may not
7 be suspended.

8 (1) This penalty assessment shall, for collection purposes, have first priority over all other penalty assessments
9 created by this section and shall:

10 a. Have first priority after payments to the Victim Compensation Fund and restitution, consistent with
11 § 4106(c) of this title;

12 b. Have priority over payments to the Court Security Fund, created by § 8505 of Title 10; and

13 c. Have priority over all other penalty assessments, costs, or fees established by an act of the General
14 Assembly.

15 (2) Upon collection of this penalty assessment, the assessment must be paid over to the prothonotary or clerk
16 of courts, as the case may be, who shall collect the same and transmit it to the State Treasury to be deposited in a
17 separate account for the administration of this subsection, which account shall be designated as the "Volunteer
18 Ambulance Company Fund" (Fund), which is hereby created.

19 (3) The Fund shall be administered by the State Fire Prevention Commission. The Commission shall pay the
20 moneys from the Fund directly to each volunteer ambulance company in this State in proportion to the number of
21 ambulance runs by a volunteer ambulance company out of the total number of ambulance runs by all volunteer
22 ambulance companies in this State.

23 (4) For the purposes of this subsection:

24 a. "Ambulance runs" means volunteer ambulance company responses to dispatched calls for service.

25 b. "Basic life support (BLS)" shall have the same meaning as set forth in § 9702 of Title 16.

26 c. "Volunteer ambulance company" means a non-profit ambulance company that is certified by the State
27 Fire Prevention Commission and is providing basic life support services (BLS).

28 Section 2. This Act becomes effective 90 days after its enactment into law.

SYNOPSIS

In 1999, House Bill 332 established new response time goals and certification standards for the delivery of basic life support and emergency medical services. In order to meet the new standards, volunteer ambulance companies needed to hire paid EMTs and ambulance attendants to ensure the availability of sufficient numbers of trained, certified staff on a 24 hour, 7 days a week basis to meet the new response time goals. The authors of House Bill 332 recognized that compliance with the new goals and standards would impose additional expense on the volunteer ambulance companies; however, neither House Bill 332 nor any subsequent legislation has addressed the funding sources for basic life support ambulance service in Delaware. Increased costs, without corresponding increases in revenue, have eroded the financial stability of volunteer ambulance companies. In 2012, 40 of Delaware's 55 volunteer ambulance companies reported they are now conducting ambulance/EMS operations at a loss.

In 2013, House Bill 215 established the Ambulance and EMS Task Force ("Task Force"). In February 2014, the Task Force issued its report on the state of funding of ambulance and EMS services in Delaware and noted, "By some accounts, the public may begin to see diminished ambulance service in as little as 8 to 12 months, if steps are not taken promptly to meet the funding need." The Task Force made 9 findings and 13 recommendations aimed at addressing this issue.

This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by establishing a \$10 assessment on all violations of Title 21 and creating a Volunteer Ambulance Company Fund. The moneys collected would be earmarked for volunteer ambulance companies and distributed on a pro rata basis by the State Fire Prevention Commission.



SPONSOR: Rep. Carson & Rep. M. Smith & Sen. Ennis &
Sen. Townsend
Reps. Atkins, Baumbach, Gray, Heffernan, Hudson,
Jaques, J. Johnson, Longhurst, Paradee, B. Short, D.
Short, Spiegelman, D.E. Williams, Wilson; Sens.
Bushweller, Poore

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 316

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE RESPONSIBILITIES AND
GENERAL POWERS OF THE COUNTY GOVERNMENTS.

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

1 Section 1. Amend Chapter 3, Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 ~~§ 309. Ambulance, fire protection and police services; appropriations.~~

4 ~~(a) The county governments of Kent County, of New Castle County and of Sussex County may appropriate~~
5 ~~annually the sum of \$750 to each fire company in their respective counties outside the limits of the City of Wilmington~~
6 ~~furnishing an ambulance for the benefit of the residents thereof. The sum appropriated shall be used for the maintenance of~~
7 ~~ambulance service.~~

8 ~~(b) Where an area of real property owned by a county is bounded by a wall, fence or other structure which has~~
9 ~~gates or other lockable entrances, the county shall notify those public agencies within the county which provide ambulance,~~
10 ~~fire and police services of the location of such gates and entrances. A key to each such enclosed area shall be provided by~~
11 ~~the county to the ambulance service, fire company and police department which are closest to the enclosed area. For~~
12 ~~purposes of this subsection, the words "real property" shall include all unimproved land only and shall not include~~
13 ~~buildings.~~

14 § 309. Ambulance, fire protection, and police services; generally.

15 Where an area of real property owned by a county is bounded by a wall, fence or other structure which has gates or
16 other lockable entrances, the county shall notify those public agencies within the county which provide ambulance, fire and
17 police services of the location of such gates and entrances. A key to each such enclosed area shall be provided by the
18 county to the ambulance service, fire company and police department which are closest to the enclosed area. For purposes
19 of this subsection, the words "real property" shall include all unimproved land only and shall not include buildings.

20 § 309A. Volunteer ambulance companies; appropriations.

21 (a) For the purpose of this section:

22 (1) "Ambulance runs" means volunteer ambulance company responses to dispatched calls for service.

23 (2) "Basic life support (BLS)" shall have the same meaning as set forth in § 9702 of Title 16.

24 (3) "Volunteer ambulance company" shall mean a non-profit ambulance company that is certified by the State
25 Fire Prevention Commission and is providing basic life support (BLS) services.

26 (b) The county governments of Kent County, of New Castle County, and of Sussex County shall fund no less than
27 15% of the cost of basic life support (BLS) service provided within each county by annual appropriations to each volunteer
28 ambulance company providing services within their respective counties.

29 (1) Appropriations to each volunteer ambulance company shall be made in proportion to the number of
30 ambulance runs by each volunteer ambulance company out of the total number of ambulance runs by all volunteer
31 ambulance companies in the county. The number of ambulance runs by each volunteer ambulance company and the
32 total number of ambulance by all volunteer ambulance companies in each county shall be determined by the State Fire
33 Prevention Commission. The Commission shall certify this information and provide it to each county government no
34 later than January 15 of each year.

35 (2) The total cost of basic life support (BLS) service provided within in each county shall be determined by
36 the State Fire Prevention Commission. The Commission shall certify the total cost to each county government no later
37 than January 15 of each year.

38 (c) The funds required to be appropriated pursuant to subsection (a) of this section may be appropriated from any
39 one or more of the following sources:

40 (1) The general revenues of each county;

41 (2) The funds raised pursuant to the revenue raising power authorized by § 330(a)(5) of this title;

42 (3) The funds raised pursuant to the user fee authorized by § 330(a)(6) of this title.

43 § 330. General powers and duties.

44 (a) The county government of each county shall:

45 (1) Except as otherwise provided by law, have the direction, management and control of the business and
46 finances of the respective counties; and

47 (2) Have full and complete jurisdiction over all matters and things now or hereafter vested by law in the
48 county governments of the respective counties, or in, or appertaining to, the office of the county governing officials of
49 each county; and

50 (3) Have and exercise every power, privilege, right and duty which belongs and appertains to the county
51 governments of the respective counties, or to the office of the county governing officials of the county; and

52 (4) Have the power and authority to impose and collect by ordinance a tax upon the transfer of real property
53 situate within unincorporated areas of the county, subject to the conditions and limitations provided in § 8102 of this
54 title; and

55 (5) Have the power and authority to impose and collect by ordinance an additional tax, an assessment, or a fee
56 upon the assessed valuation of real property in each county subject to assessment by each county government for the
57 limited purpose of providing to each county's volunteer ambulance companies the funding required pursuant to § 309A
58 of this title; and

59 (6) Have the power and authority to impose and collect by ordinance a user fee to be assessed on and collected
60 from users of the basic life support (BLS) services provided by a volunteer ambulance company, as those terms are
61 defined by § 309A of this title, for the limited purpose of providing to each county's volunteer ambulance companies
62 the funding required by § 309A of this title.

63 a. Any user fee established pursuant to paragraph (6) of this section may not exceed 150% of the
64 Medicare reimbursable rate for services and supplies provided for basic life support (BLS) services.

65 b. Any user fee assessed to a user may be offset to the extent of any benefit paid to the volunteer
66 ambulance company by any health insurer, health service corporation, health maintenance organization, managed
67 care organization, health benefit plan, government health plan, government program, or other health insurance, as
68 defined by § 903 of Title 18.

69 Section 2. Amend § 4133, Title 9 of the Delaware Code by making deletions as shown by strike through and
70 insertions as shown by underline as follows:

71 ~~§ 4133. Ambulance service.~~

72 ~~(a) So long as any of the organizations listed in this subsection shall have an ambulance and provide ambulance~~
73 ~~service for the benefit of the residents of Kent County, the county government shall appropriate annually and on July 1 in~~
74 ~~each year shall pay the sum of \$750 to such organization for the maintenance of its ambulance:~~

75 ~~(1) Robbins Hose Company, No. 1, at Dover;~~

76 ~~(2) David C. Harrison Post, No. 14, Inc., American Legion, at Smyrna;~~

77 ~~(3) Camden Wyoming Fire Company.~~

78 ~~(b) So long as Carlisle Fire Company, of Milford, shall have an ambulance and provide ambulance service for the~~
79 ~~benefit of the residents of Kent and Sussex Counties, the county government may annually appropriate for and pay to such~~
80 ~~Company the sum of \$250 for the maintenance of its ambulance.~~

81 Section 3. Amend § 6106, Title 9 of the Delaware Code by making deletions as shown by strike through and
82 insertions as shown by underline as follows:

83 ~~§ 6106. Ambulance service.~~

84 ~~(a) So long as any of the organizations listed in this subsection shall have an ambulance and provide ambulance~~
85 ~~service for the benefit of the residents of Sussex County, the county government shall appropriate annually, and on May 1~~
86 ~~of each year shall pay, the sum of \$500 to such organization for the maintenance of its ambulance.~~

87 ~~Bridgeville Fire Company, at Bridgeville.~~

88 ~~Delmar Fire Department, Inc., at Delmar.~~

89 ~~Frankford Volunteer Fire Company, at Frankford.~~

90 ~~Gumboro Volunteer Fire Company.~~

91 ~~Laurel Fire Department, at Laurel.~~

92 ~~The Rehoboth Beach Volunteer Fire Company, Inc., at Rehoboth Beach.~~

93 ~~Seaford Volunteer Fire Company, at Seaford.~~

94 ~~Selbyville American Legion Post 9, Inc.~~

95 ~~Sussex Memorial Post, No. 7422, V.F.W. at Millsboro.~~

96 ~~Sussex Post No. 8, Incorporated, American Legion.~~

97 ~~(b) So long as Sussex Post, No. 9, American Legion, at Georgetown, shall have an ambulance and provide~~
98 ~~ambulance service for the benefit of the residents of Sussex County, the county government shall appropriate annually and~~
99 ~~on May 1 in each year shall pay the sum of \$250 to it for the maintenance of its ambulance.~~

100 ~~(c) So long as Carlisle Fire Company, of Milford, shall have an ambulance and provide ambulance service for the~~
101 ~~benefit of the residents of Kent and Sussex Counties, the county government may appropriate and pay to it annually the~~
102 ~~sum of \$250 for the maintenance of its ambulance.~~

103 ~~(d) So long as Lewes Fire Department of Lewes, Delaware, shall have an ambulance and provide ambulance~~
104 ~~service for the benefit of the residents of Sussex County, the county government shall appropriate annually and on May 1 of~~
105 ~~each year shall pay the sum of \$500 to it for the maintenance of its ambulance.~~

SYNOPSIS

In 1999, House Bill 332 established new response time goals and certification standards for the delivery of basic life support and emergency medical services. In order to meet the new standards, volunteer ambulance companies needed to hire paid EMTs and ambulance attendants to ensure the availability of sufficient numbers of trained, certified staff on a 24 hour, 7 days a week basis to meet the new response time goals. The authors of House Bill 332 recognized that compliance with the new goals and standards would impose additional expense on the volunteer ambulance companies; however, neither House Bill 332 nor any subsequent legislation has addressed the funding sources for basic life support ambulance service in Delaware. Increased costs, without corresponding increases in revenue, have eroded the financial stability of volunteer ambulance companies. In 2012, 40 of Delaware's 55 volunteer ambulance companies reported they are now conducting ambulance/EMS operations at a loss.

In 2013, House Bill 215 established the Ambulance and EMS Task Force ("Task Force"). In February 2014, the Task Force issued its report on the state of funding of ambulance and EMS services in Delaware and noted, "By some accounts, the public may begin to see diminished ambulance service in as little as 8 to 12 months, if steps are not taken promptly to meet the funding need." The Task Force made 9 findings and 13 recommendations aimed at addressing this issue.

This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by requiring each county to contribute a minimum of 15% of the total countywide cost of basic life support services provided by volunteer ambulance companies within each county. The bill allows the counties the leeway to determine the best way to provide these funds; however the bill grants a county the power to support its volunteer ambulance companies through additional funding mechanisms designed solely for the support of volunteer ambulance companies, should it choose to do so. These additional powers are (1) to assess an additional tax rate, assessment, or fee on real property or (2) to adopt a user fee.



SPONSOR: Rep. Carson & Rep. M. Smith & Rep. Atkins & Sen. Ennis & Sen. Townsend
Reps. Rep. Baumbach, Briggs King, Gray, Hefferman, Hudson, Jaques, J. Johnson, Q. Johnson, Kenton, Longhurst, Outten, Paradee, B. Short, D. Short, Spiegelman, D.E. Williams, Wilson; Sens. Bushweller, Poore

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 317

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO GROSS PREMIUMS RECEIVED BY LIFE AND HEALTH INSURERS AND THE SPECIAL FUND FOR PAYMENTS TO ALL VOLUNTEER AMBULANCE COMPANIES.

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

1 Section 1. Amend § 713, Title 18 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 713. Reporting gross premiums received by life and health insurers; special fund for payments to all ~~nonprofit~~
4 ~~organizations that provide ambulance or rescue services~~ volunteer ambulance companies or rescue services.

5 (a) The Insurance Commissioner each year shall ascertain the total amount of gross premiums received by
6 insurance companies and agents thereof as payment for all types of life and/or health insurance coverage within this
7 State, including coverage provided by any health insurer, health service corporation, health maintenance organization, or
8 managed care organization. The Insurance Commissioner shall then notify the State Treasurer of the total amount of such
9 gross premiums and also the names and addresses of ~~all nonprofit organizations that provide ambulance and/or rescue~~
10 ~~services within this State, including, but not limited to, organizations such as volunteer fire companies, the Veterans of~~
11 ~~Foreign Wars and the American Legion~~ each volunteer ambulance company or volunteer rescue service in this State. After
12 the Insurance Commissioner so informs the State Treasurer, the State Treasurer shall:

13 (1) Establish a special fund each year. This special fund shall be created out of the existing annual premium
14 taxes paid by insurance companies and agents thereof pursuant to this chapter on all types of life and/or health
15 insurance coverage within this State, including coverage provided by any health insurer, health service corporation,
16 health maintenance organization, or managed care organization. The special fund shall be created out of the aforesaid
17 premium taxes, and shall be equal to ~~fifteen one hundredths of 1 percent~~ forty five one hundredths of 1 percent of the
18 gross premiums received by insurance companies and agents thereof for all types of life and/or health insurance
19 coverage within this State, including coverage provided by a health insurer, health service corporation, health
20 maintenance organization, or managed care organization.

21 (2) Distribute on a pro rata basis the proceeds of the special fund to the aforementioned nonprofit
22 organizations within this State that are engaged in providing ambulance and/or rescue services.

23 (b) The Insurance Commissioner shall have the authority to request and receive any information regarding any
24 insurance company's business relating to any type of life and/or health insurance coverage sold or offered for sale within
25 this State, including coverage provided by any health insurer, health service corporation, health maintenance organization,
26 or managed care organization, for the purpose of determining the gross premiums received for such insurance coverage in
27 order to determine the amount of the special fund.

28 (c) For the purpose of implementing this section, the Insurance Commissioner is authorized to promulgate rules
29 and regulations that are consistent with this section.

30 (d) For the purpose of this section:

31 (1) "Basic life support (BLS)" shall have the same meaning as set forth in § 9702 of Title 16.

32 (2) "Volunteer ambulance company" shall mean a non-profit ambulance company that is certified by the State
33 Fire Prevention Commission and is providing basic life support (BLS) services.

SYNOPSIS

In 1999, House Bill 332 established new response time goals and certification standards for the delivery of basic life support and emergency medical services. In order to meet the new standards, volunteer ambulance companies needed to hire paid EMTs and ambulance attendants to ensure the availability of sufficient numbers of trained, certified staff on a 24 hour, 7 days a week basis to meet the new response time goals. The authors of House Bill 332 recognized that compliance with the new goals and standards would impose additional expense on the volunteer ambulance companies; however, neither House Bill 332 nor any subsequent legislation has addressed the funding sources for basic life support ambulance service in Delaware. Increased costs, without corresponding increases in revenue, have eroded the financial stability of volunteer ambulance companies. In 2012, 40 of Delaware's 55 volunteer ambulance companies reported they are now conducting ambulance/EMS operations at a loss.

In 2013, House Bill 215 established the Ambulance and EMS Task Force ("Task Force"). In February 2014, the Task Force issued its report on the state of funding of ambulance and EMS services in Delaware and noted, "By some accounts, the public may begin to see diminished ambulance service in as little as 8 to 12 months, if steps are not taken promptly to meet the funding need." The Task Force made 9 findings and 13 recommendations aimed at addressing this issue.

This bill would implement two of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by (1) specifying that certain types of health insurers are subject to the insurance premium tax assessment for ambulance service and (2) increasing the amount of the moneys placed in the fund to forty five one hundredths of 1 percent.

The bill also adds definitions for volunteer ambulance companies and other related terms. While the bill adds the new definition for volunteer ambulance companies, it retains the prior reference to volunteer rescue services to ensure those entities continue to receive funding from the special fund.



STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES
AND ENVIRONMENTAL CONTROL

OFFICE OF THE
SECRETARY

89 KINGS HIGHWAY
DOVER, DELAWARE 19901

PHONE: (302) 739-9000
FAX: (302) 739-6242

April 30, 2014

To Members of the 147th Delaware General Assembly:

Governor Jack Markell signed [Senate Bill 78](#) into law in July 2013. This legislation establishes a Wetlands Advisory Committee (Committee) to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware. As part of the legislative charge of SB 78, an interim report of the activities of this Committee is to be delivered to the General Assembly by May 1, 2014. Enclosed is a short summary to date of the work of this 28 member Committee.

The Committee has met seven times since September 2013, and has developed several recommendations regarding regulatory and permitting activities as well as possible landowner incentive programs. This group representing a broad cross section of Delaware agricultural, business, environmental and municipal interests has been hard working, thoughtful and deliberate in their consideration of a myriad of recommended actions for the long term protection of Delaware's non-tidal wetlands.

The Committee will reconvene in mid-May to discuss additional proposals and research to be developed and brought forth to the Committee before its conclusion at years end. I offer my thanks to the Governor, General Assembly and members of this Committee for the support given to this important environmental issue. I look forward to delivery of a comprehensive final report and recommended plan of action to be delivered to the General Assembly by December 31, 2014.

Best Regards,

A handwritten signature in blue ink, appearing to read "Collin P. O'Mara".

Collin P. O'Mara
Secretary

Delaware's Good Nature depends on you!

Delaware Wetland Advisory Committee: Interim Report

April 30, 2014

Governor Jack Markell signed Senate Bill 78 into law in July 2013. This legislation establishes a Wetlands Advisory Committee (Committee) to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy.

Prior to the Senate Bill 78, DNREC contracted with the Environmental Law Institute (ELI) to conduct a preliminary report detailing relevant information on Delaware's past and current wetlands program efforts and those in surrounding states. Internal to DNREC, subgroups were formed to address the ELI report's findings in the areas of: Restoration, Conservation and Protection, Regulatory and Permits, Science, Education and Outreach, and Policy. This information was presented to the Committee at the first meeting.

The legislation charges DNREC Secretary Collin P. O'Mara, within 18 months of the effective date of the legislation and through consultation with the Committee established under this section, with developing wetland protection priorities for the State of Delaware and recommending for consideration by the General Assembly a comprehensive approach for improving non-tidal wetland conservation, restoration, and education within the state.

The Committee is asked to consider nationally recognized best practices and standards, as well as actions that surrounding states have implemented in the way of incentive programs, policies, and assumption of regulatory roles. The Committee is also asked to evaluate the permitting process for activities regulated by state and federal agencies with the goals of reducing duplication, providing efficient one-stop permitting, and improving the state's ability to account accurately for cumulative and individual impacts.

The Committee representation is as follows:

Delaware Farm Bureau (1)	Delaware Forestry Association (1)
Delaware State Bar Association (1)	County government planning agencies (3 total)
Delaware Association of Realtor (1)	Delaware Chapter of the American Council of Engineering Companies (1)
U.S. Army Corps of Engineers (1)	Delaware Department of Natural Resources and Environmental Control (2)
Delaware Home Builders Association (1)	Delaware Senate (2)
Delaware League of Local Governments from each county (3 total)	Delaware House of Representatives (2)
Committee of 100 (1)	U.S. Department of Agriculture Farm Service Agency (1)
Delaware environmental organizations (2)	U.S. Department of Agriculture Natural Resources Conservation Service (1)
Delaware outdoor recreation and wildlife conservation organizations (2)	
Delaware Department of Transportation (1)	
Delaware Department of Agriculture (1)	

The Committee is co-chaired by Michael Parkowski and Porter Schutt. The Committee adopted voting procedures and provided adequate time for discussion, consensus building and consultation with represented

groups. Committee members or designated alternates may vote on action items. It was determined an affirmative vote of 2/3 of total Committee membership is required to pass any motion. Dissenting opinions on any recommendation will be recorded. Representatives from all three federal agencies opted to be non-voting members due to conflicts of interest. This action left the Committee with 19 votes required to pass a motion, representing 19 of the 25 voting members of the 28 member Committee.

The Wetland Advisory Committee convened its first meeting on September 25, 2013 and met monthly six additional times through April 2014. Several recommendations have been considered to date on both permitting and incentives for wetland protection. A special subcommittee was formed to develop voluntary options for landowner incentives. The Committee is currently considering implementation measures primarily in the area of these voluntary programs. Permitting program alternatives were also developed and presented to the overall committee for their discussion and consideration. Details on both the permitting options and the incentive recommendations are included below.

Committee members heard formal presentations from DNREC scientists and program managers, regulatory officials from the U.S. Army Corps of Engineers, as well as Committee representatives of the Delaware Farm Bureau, Delaware Nature Society, Delaware Forestry Association, Delaware Forest Service and Homebuilders Association of Delaware. DNREC expert botanist William McAvoy also presented to the Committee on the subject of Category 1 unique non-tidal wetlands.

Incentive Considerations

Chairman Parkowski requested a workgroup be established to investigate an incentive based approach to protecting freshwater wetlands. Andy Manus and Jayme Arthurs were co-leads assisted by Committee members Marty Ross, Brenna Goggin, Jim McCulley, Sarah Cooksey, Phil McGinnis, Paul Morrill, Mark Davis, Mark Biddle, Mike Valenti, and Tim DeSchepper. The subcommittee met several times during the period from January to March and corresponded often by phone and e-mail. Several presentations were made during the February, March and April full Committee meetings, and as time allowed, discussion occurred around the various options. In advance of full Committee meetings, the subcommittee was actively engaged in sharing information, ideas and possible program options with the full Committee. All of the presentations are available on the Delaware Wetland Advisory Committee web site and Committee discussions are memorialized in the minutes of the meetings. <http://www.dnrec.delaware.gov/swc/Pages/Wetland-Advisory-Committee.aspx>

Initial ideas related to voluntary landowner incentives that were more fully developed during the subcommittee process include the following:

1. A Natural Resource Protection Incentive Ordinance
2. Revitalizing the Forestlands Preservation Program
3. A Conservation Credit Exchange

Full Committee votes were taken on two of the three program recommendations above. The first option is still being investigated. Chairman Parkowski asked the Committee if they supported the following proposals. Voting results are as follows:

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, Chapter 9, Title 3, Delaware Code?

Voting Results - 23 Yes/ 2 No/ 3 non-voting

Does the Committee recommend that the availability and limits of tax credits covered under the Delaware Land and Historic Resources Protection Incentives Act of 1999 (subchapter 1, Chapter 18, Title 30 DelCode) be amended and expanded to create greater incentives to private landowners to protect and preserve freshwater wetland and adjacent natural resource areas?

Voting Results – 21 Yes/ 4 No/ 3 non-voting

Permitting Considerations

DNREC staff presented the topic entitled “Potential Framework for a Non-Tidal Wetlands Program in Delaware” at the February 11 meeting. This presentation outlined three primary program objectives that focused on regulatory protection and streamlined permitting options for consideration. For Category I wetlands, the Committee was asked to consider a program that utilizes “Protection” in the form of new and/or updated regulations and permitting efficiency. For Category II wetlands, the Committee was asked to consider a State program that would implement portions of the existing Federal regulatory program for the purpose of expediting permit processing and establishing DNREC as a single point of contact for all wetland permits. After this meeting, Chairman Parkowski asked DNREC to provide more detailed information specific to the regulation of Category I wetlands.

DNREC staff presented the “Potential Framework for a Category I Wetlands Program in Delaware” at the March 12 meeting. This presentation illustrated the difference between two areas of Category I wetlands which are isolated Category I wetlands that are not currently regulated by the Corps of Engineers (approximately 5,775 acres statewide); and non-isolated Category I wetlands that are regulated by the Corps of Engineers (approximately 12,983 acres statewide). A significant level of effort was generated to compare proposed efficiencies in a state administered program with those currently being managed by the Corps. Additional information provided by DNREC included the fiscal and staff requirements necessary to operate various levels of state programs, a comparison of the existing Federal program and the proposed State program as it relates to improved environmental outcomes and benefits to the regulated community.

At the April 9th meeting, the Committee was asked by Chairman Parkowski to vote on three questions intended to determine if the Committee supports the development of a program within DNREC to develop regulatory and permitting efforts for Category I and Category II wetlands. It should be noted that prior to voting on these regulatory options, each Committee member was asked to share their thoughts on the importance of the information that was presented and discussed. Only after that level of discussion had taken place was a vote taken.

The questions posed to the Committee and the voting results on Permitting Considerations are as follows:

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?

Voting Results - 15 Yes/ 10 No/ 3 non-voting

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?

Voting Results - 15 Yes/ 10 No/ 3 non-voting

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?

Voting Results - 14 Yes/ 11 No/ 3 non-voting

Final Voting Results

The results of voting on recommendations were that recommendations related to incentives passed the 2/3 voting majority and were accepted. For recommendations related to permitting considerations the voting did not reach a 2/3 voting majority and did not pass, although a simple majority were in favor.

Future Considerations

The Wetland Advisory Committee anticipates several more meetings before completing its review and providing a comprehensive set of formal recommendations to the Secretary of DNREC. The next meeting of the Wetland Advisory Committee is scheduled for Wednesday, May 14 from 9am to 12pm at the Kent County Administration Building in Dover.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE DAGSBORO-FRANKFORD SANITARY SEWER DISTRICT (DFSSD) TO INCLUDE A PARCEL OF LAND, SITUATED ALONG COUNTY ROAD 356 (HONOLULU ROAD), EAST OF THE TOWN OF FRANKFORD, BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Dagsboro-Frankford Sanitary Sewer District (DFSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County, northeast of the existing DFSSD, the inclusion of this property will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Anthony DiGiuseppe Jr., a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within thirty days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the DFSSD to include a parcel of land, situated along Honolulu Road, east of the Town of Frankford better described, as follows:

BEGINNING at a point ± 730 feet southeast of the intersection of Honolulu Road and County Road 401 (Clayton Ave), said point being a point on the DFSSD boundary; thence by and with said boundary in a northeasterly direction ± 175 feet to a point, said point being the southeasternmost corner of lands now or formally (N/F) of Michael & Shelda Lee Hudson; thence proceeding by and with said lands of Hudson in a northeasterly direction ± 1100 feet to a point, said point being the northwesternmost corner of lands N/F of G O Moore Farm Limited Partnership; thence proceeding by and with said lands of Moore in the following directions and distances: southeasterly ± 760 feet and southwesterly ± 400 feet to a point, said point being the northwesternmost corner of lands N/F of Carlene Jones; thence proceeding by and with said lands of Jones in a southwesterly direction ± 315 feet to a point, said point being a point on the DFSSD boundary; thence proceeding by and with said boundary in a northwesterly direction ± 640 feet to a point, said point being that of the **BEGINNING**.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

Expansion of the Dagsboro/ Frankford Sanitary Sewer District



Valliant Property

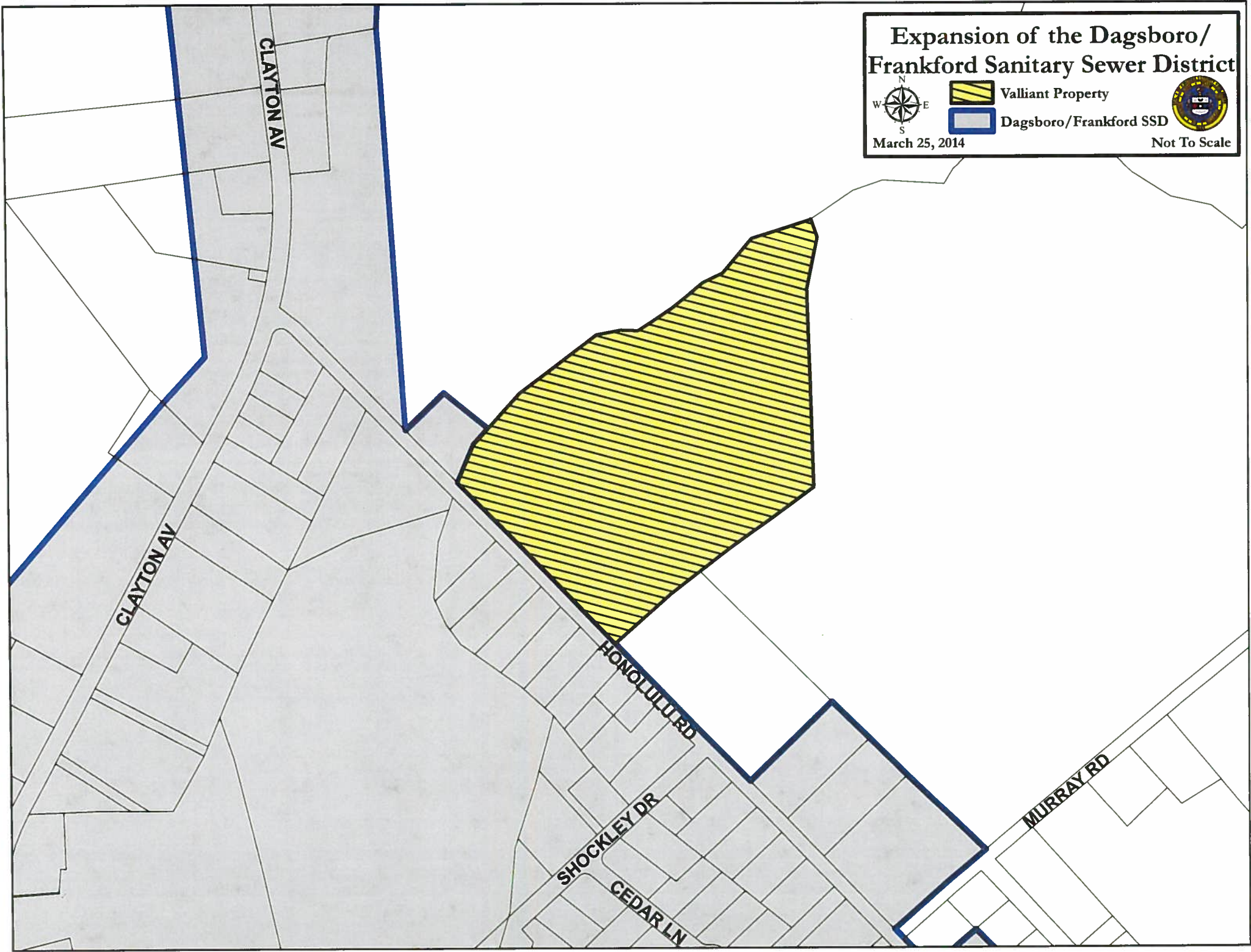


Dagsboro/Frankford SSD



March 25, 2014

Not To Scale



RESOLUTION R

A RESOLUTION TO EXTEND THE BOUNDARY OF THE BAYVIEW ESTATES SANITARY SEWER DISTRICT (BVESSD) TO INCLUDE CERTAIN LOTS, PIECES OR PARCELS OF LAND SITUATED ON THE WEST SIDE OF COUNTY ROAD 395, WILLIAMSVILLE ROAD, BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE

WHEREAS, Sussex County has established the Bayview Estates Sanitary Sewer District; and

WHEREAS, in the best interests of the present district, and to enhance the general health and welfare of that portion of Sussex County west of County Road 395, Williamsville Road, contiguous to the BVESSD, the inclusion of this property will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Robert Lynch, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within thirty days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the BVESSD to include tax map and parcel 533-19.00 289.09 situated on the west side of County Road 395, as follows:

BEGINNING at a point, situate on the westerly right of way (ROW) of Williamsville Road, said point being approximately 2800' southeast of the intersection of Lighthouse Road & Williamsville Road and a point on the existing boundary of BVESSD and the northeasternmost corner of lands N/F of David R. Kohout; thence proceeding by and with said lands of Kohout in the following three (3) directions and distances: southeasterly ± 263 feet, southwesterly ± 176 feet, northwesterly ± 122 feet to a point, said point being the northwesternmost corner of said lands of Kohout and a point on the existing boundary of the BVESSD, thence by and with said BVESSD boundary in a northeasterly direction ± 226 feet to a point, said point being that of the **BEGINNING**.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes;

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

BAY VIEW ESTATES SANITARY SEWER DISTRICT ANNEXATION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, ROBERT LYNCH personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On April 21, 2014 he was a Planning Technician for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 21, 2014 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 1. On the area of land being considered for the proposed annexation of the Bay View Estates Sanitary Sewer District being part of tax map reference 5-33-19.00 Parcel 289.09, in four (4) locations as follows:
 - a. On a driven stake located on parcel 533-19.00-589.09. Approximately 750' southeast of Bayview Blvd;
 - b. On a driven stake located on parcel 533-19.00-589.09. Approximately 800' southeast of Bayview Blvd;
 - c. On a driven stake located on parcel 533-19.00-589.09. Approximately 850' southeast of Bayview Blvd;
 - d. On a driven stake located on parcel 533-19.00-589.09. Approximately 900' southeast of Bayview Blvd;
 2. On a driven stake near the Bay View Estates subdivision's community notice board located near the intersection of Bayview Blvd and Williamsville Rd (County Road 395).
 3. On a driven stake near a stop sign within the Bay View Estates subdivision located at the intersection of Bayview East and Sea Gull Rd.

4. On a driven stake near a stop sign within the Bay View Estates subdivision located at the intersection of Bayview West and Captains Ln.
5. On a driven stake within the Bay View Estates subdivision located in front of Sussex County Pump Station #264, near the intersection of Bayview West and Sea Gull Rd.
6. On a Delmarva Electric Cooperative pole Number 27197 located along the southerly right of way (ROW) of Williamsville Rd (County Road 395).


ROBERT LYNCH

SWORN TO AND SUBSCRIBED before me on this 21ST day of April A.D., 2014.


NOTARY PUBLIC

My Commission Expires _____ Jayne E. Dickerson
Notary Public
Commission Expires 5/31/2015

PUBLIC NOTICE
EXPANSION OF THE BAY VIEW ESTATES SANITARY SEWER DISTRICT
TAX MAP AND PARCEL NUMBER 533-19.00-289.09
LANDS OF DAVID R. KOHOUT
FILE NUMBER: BVSCE – 9.05

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on April 1, 2014, to consider expanding the boundary of the Bay View Estates Sanitary Sewer District (BVESSD) to include tax map and parcel 533-19.00-289.09, land now or formerly (N/F) of David R. Kohout, situated on the west side of County Road 395, Williamsville Road. The parcel is located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

BEGINNING at a point, situate on the westerly right of way (ROW) of Williamsville Road, said point being approximately 2800' southeast of the intersection of Lighthouse Road & Williamsville Road and a point on the existing boundary of BVESSD and the northeasternmost corner of lands N/F of David R. Kohout; thence proceeding by and with said lands of Kohout in the following three (3) directions and distances: southeasterly ± 263 feet, southwesterly ± 176 feet, northwesterly ± 122 feet to a point, said point being the northwesternmost corner of said lands of Kohout and a point on the existing boundary of the BVESSD, thence by and with said BVESSD boundary in a northeasterly direction ± 226 feet to a point, said point being that of the **BEGINNING**.

The proposed expansion of the BVESSD is within these boundaries and said to contain .78 acres, more or less. The boundary description has been prepared using Sussex County tax map number 533-19.00.

A map outlining and describing the extension to the BVESSD is attached. The area involved is crosshatched.



The public hearing will be held on this issue at 10:45 am on May 6, 2014 in the Sussex County Council Chambers. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Michael A. Izzo, P.E.
County Engineer

Expansion of the Bay View Estates Sanitary Sewer District

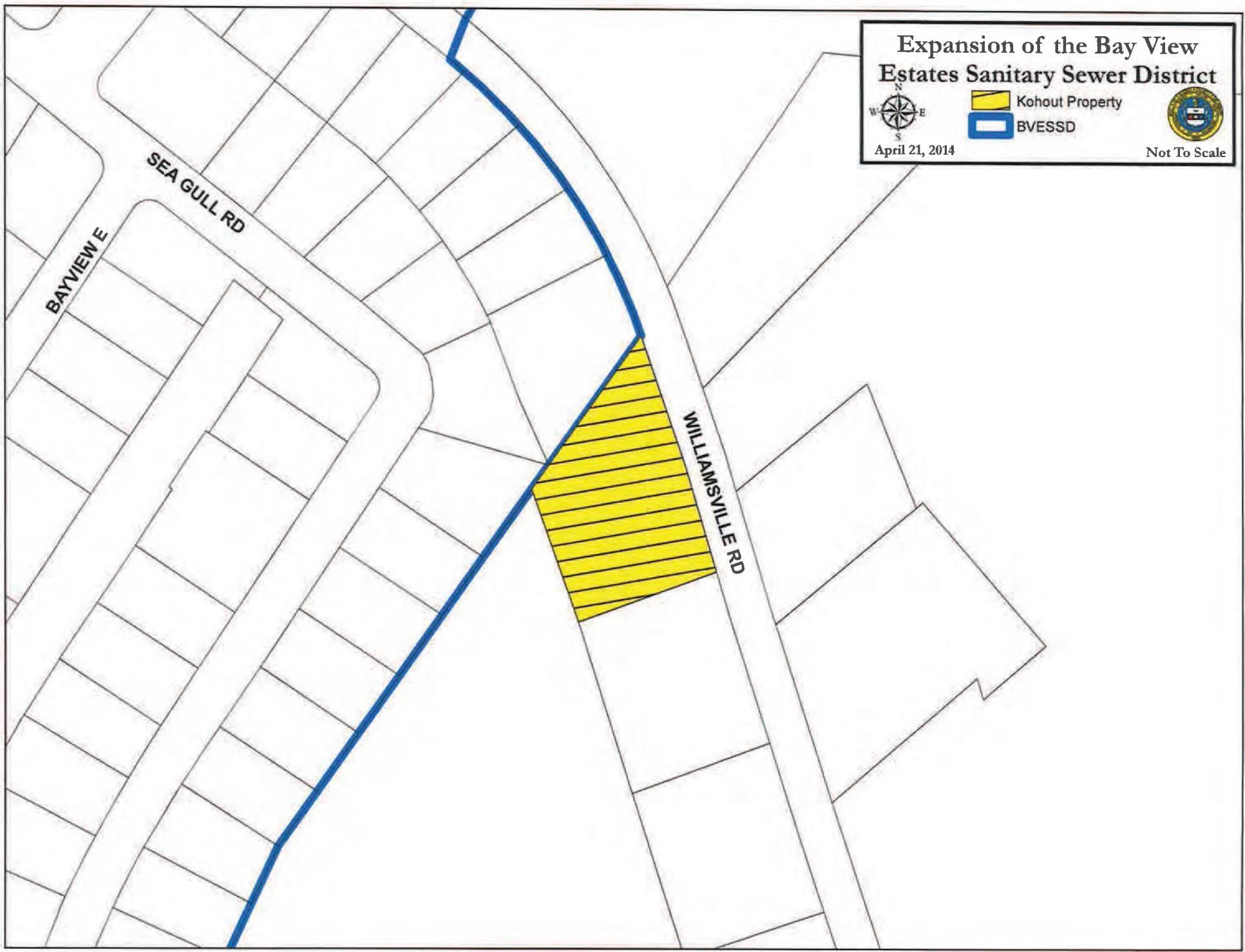


 Kohout Property
 BVESSD



April 21, 2014

Not To Scale



OLD BUSINESS
May 6, 2014

This is to certify that on November 14, 2013 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed Ordinance Amendment. At the conclusion of the public hearing, the Commission moved and passed that the Ordinance Amendment be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SUBSECTION 115-179b OF THE CODE OF SUSSEX COUNTY, ENTITLED "HEIGHT REGULATIONS" IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS.

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

Mr. Lank advised the Commission that a memorandum was received from Michael Izzo, County Engineer, referencing that in commercial zoning, where the greater height limit will come into play, the Engineering Department has planned for 12 EDUs per acre; that as long as any land-use plan does not exceed this density, a negative impact on our sewer planning will not be realized; that the most current example of this type of development, the Colonial Oaks Motel did not exceed the 12-units per acre designation, and a statement of "no objection" was submitted by their Department; and that they will continue to review each application on a case by case basis.

Mr. Lank advised the Commission that a memorandum was received on October 14, 2013 from Diane Hanson, Mayor of Dewey Beach, in opposition to the false interpretation that public or semi-public buildings can now be built to 60' in the County and requesting that the option of a moratorium on any building currently planning to build to 60' and a clarifying ordinance to clarify the past history of the height limit and its original intent be investigated; that knowing that the Town of Dewey Beach held a referendum vote on the height of 35' in 2008 and that 86% of those who voted supported this height limit be maintained, she is certain that the vast majority

of people in Dewey Beach would also support that position; that the history of Sussex County has been that the height limit was 42' and all developers had abided by that rule until recently; that it is unconscionable that this change was allowed to happen without any public knowledge or input; that, as mayor, she had no knowledge of this change until she read it in an editorial; that such a major change in building height, especially along Route One, will bring total grid lock to our area; that traffic is not only an inconvenience, it is a major safety issue as the traffic can slow down ambulances, fire trucks, police and other emergency vehicles from attending to emergencies promptly; that as individual towns we can control the height of buildings within our borders, but are not able to control such a major impact on our quality of life without the support of our County Council and government.

Mr. Lank advised the Commission that a letter was received on October 15, 2013 from Fernmoor Homes, aka Fernmoor Holdings at Vineyards DE Limited Liability Company, the ground tenant since October 2011 of the Vineyards at Nassau Valley; that Fernmoor respectfully requests that either: (a) the ordinance being considered for action be revised to permit those projects which receipted concept or preliminary approvals, and constructed buildings relying on the current ordinance, be allowed to continue development under the existing ordinance, or (b) the introduction of the ordinance be delayed so that interested parties, such as Fernmoor, which will bear the brunt of such a change, be permitted to have adequate time to present information regarding the negative impact of such a change; that when considering the acquisition of its leasehold interest in the Vineyards, Fernmoor took into account many factors, including most importantly, the projects approval status and what the approvals permit to be built; that a key factor in analyzing the financial viability of this project was the continued ability to construct mixed-use buildings with a maximum height of 60', which is the regulation utilized to construct the buildings that were in place in 2011; that those existing buildings were based on the approvals that dated back to 2002 and continue to exist today; that based on this understanding, Fernmoor made a significant investment at the Vineyards; and that they oppose any moratorium.

Mr. Robertson advised the Commission that during the County Council discussion on the height questions, there was some thought to create a moratorium, but one was not imposed; that there has not been any changes in the Code about height and that the 60 foot limit is based on the Code; that the Code refers to a 42 foot height limit throughout the districts, but separately the Supplementary Conditions of the Code establish a 60 foot height limit; that Subsection 115-179B of the Code states that "Except within an area defined as an airport approach zone by the Federal Aviation Administration, public and semipublic or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located."; that the wording goes back to the original Comprehensive Zoning Ordinance; that the definition of "public" in the Code is referenced as "open to common use, whether or not public ownership is involved." And that has a broad meaning and can include a variety of uses where the public is invited, including hotels, restaurants, shopping areas, etc.; that public/semipublic uses are referenced elsewhere in the Code including the standards for granting Conditional Uses; that many commercial and business type enterprises have been approved based upon their classification as "public or semi-public uses" by the County; that examples even include

Conditional Uses for borrow pits since they provide services and materials to the public or for public projects; that the County Council has proposed to change the Code to read “Except within an area defined as an airport approach zone by the Federal Aviation Administration, buildings owned by a political subdivision of the State of Delaware, the Federal Government or any agency thereof, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceed 60 feet and churches and temples may be erected to a height not exceed 75 feet when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.”; that if the Code is amended as proposed, an applicant will still be able to make application for a variance in the height for review by the Board of Adjustment; that the RPC Residential Planned Community regulations in the Code still allow for adjustments to the height of buildings in RPC project when creating a superior living environment by using design ingenuity; and that the use applied for has to be a permitted use in the particular zoning district.

The Commission discussed the proposed ordinance amendment and some of the comments from the Commission members included: that buildings 60 feet tall have more recently become attractive for construction consideration by developers; that there is a mechanism for consideration of increased height through the Board of Adjustment; that there is not a loop-hole in the Code to allow buildings to be built to 60 feet; that the referenced section of the Code just has not been utilized; questioning how the height of a building will impact public sewer; questioning uses v. measurements in reference to Equivalent Dwelling Units; questioning why a 60 foot motel creates such controversy; that there may be a better solution, but has not yet been determined; that further study may be necessary; that the most floors in a 60 foot tall building will be a tight six (6) floors; that there are a lot of cost issues for increased height; that a 60 foot height might help reduce sprawl; that the County should take a more comprehensive look at the issue, including appropriate locations for taller buildings, separation from roadways and waterways and other factors; and that more time might be necessary prior to making a recommendation on this ordinance amendment.

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

At the conclusion of the public hearings the Commission discussed this ordinance amendment.

Mr. Wheatley questioned if a workshop of the Commission and the County Council would be appropriate.

On November 14, 2013 there was a motion by Mr. Ross, seconded by Mr. Johnson, and carried unanimously to defer action for further consideration.

On December 12, 2013 the Commission discussed this Ordinance Amendment under Old Business.

Mr. Burton stated that he still feels that a workshop with the County Council is needed.

Mr. Johnson stated that he opposes any increase in the height over and above 42 feet and questions the definition of "Semi-Public". Mr. Johnson also agreed that there is a need for a workshop.

Mr. Ross stated that the Commission just needs to be consistent; and that if public/governmental buildings are acceptable at a higher height, why aren't semi-public buildings. Mr. Ross agreed that there is a need for a workshop.

Mr. Smith questioned if the height should affect Residential Planned Communities; added that he also sees a need for a workshop; and added that he would like to see other agencies comment in a workshop format, especially DelDOT and County Engineering.

Mr. Wheatley stated that there is not a "loop-hole" in the current regulations; and that in recent years there have been a few applications filed for semi-public buildings.

Mr. Robertson advised the Commission that there are two options for consideration: 1) a recommendation against the proposed ordinance would leave the ordinance as is with commercial type buildings where the public is invited, plus schools, hospitals and institutions going to 60 feet, but still subject to the increased setbacks; or 2) a recommendation for the proposed ordinance that would limit the 60 foot height to just governmental buildings, hospitals, and institutions.

Mr. Ross stated that he would move that the Commission recommend against the adoption of the ordinance to amend Chapter 115, Article 25, Section 115-179B of the Code of Sussex County entitled "Height Regulations" in regard to the height of certain buildings. The current ordinance appropriately permits certain structures to be constructed to a height of 60 feet, provided that additional setbacks are implemented, and the use is permitted in the underlying district.

No one seconded the motion, therefore the motion died for the lack of a second.

Mr. Johnson stated that he would move that the Commission recommend in favor of the adoption of the ordinance to amend Chapter 115, Article 25, Section 115-179B of the Code of Sussex County entitled "Height Regulations" in regard to the height of certain buildings. The ordinance amendment states that only governmental buildings, schools, hospitals and institutions can be constructed to a height of 60 feet if the use is permitted in the underlying zoning district. However, in making this recommendation, it is also his recommendation that the County Council schedule a workshop as soon as possible to have a more comprehensive discussion of height regulations in the County, to determine if there are appropriate locations for taller structures, and how taller structures may relate to existing and future infrastructure needs such as traffic, sewer, water, parking, open space, and other issues; and that the Board of Adjustment and the County Engineering Department should be included in the workshop.

Motion by Mr. Johnson, seconded by Mr. Burton, and carried with three (3) votes to two (2) votes to forward this ordinance amendment to the Sussex County Council with the recommendation that the ordinance amendment be approved. Motion carried 3 – 2.

The Vote by roll call: Mr. Burton – yea, Mr. Johnson – yea, Mr. Smith – yea, Mr. Ross – nay, and Mr. Wheatley – nay.

**FEMA
Flood
Maps
(continued)**

County will be required to amend ordinances to meet or reflect the new FEMA rules. Lawrence Lank, Director of Planning and Zoning, has contacted both the State and FEMA to have them review the County's current flood regulations and ask them for their suggestions. In conjunction with DNREC and FEMA, the County will draft ordinances for the Council's review and consideration; ordinances must be passed by August 2014.

**Financial
Report
for the
First
Quarter
Ending
9/30/13**

Mrs. Jennings presented the Financial Report for the First Quarter ending September 30, 2013. Revenues are 8 percent over budget (\$1 million). Regarding expenses, most departments are under budget; however, Mrs. Jennings noted that most of this due to timing/contracts. Year-to-date, the County is running a \$2 million surplus. Over the last 2 years, the County has seen a substantial increase in building related revenues as activity has picked up in Sussex County.

**Discussion
on Gun
Shops
as a
Special
Use
Exception**

Lawrence Lank, Director of Planning and Zoning, reviewed a history of ordinances relating to gun shops in Sussex County. Guns are considered sporting goods and sporting goods stores are permitted uses in B-1 Neighborhood Business, B-1 General Commercial, CR-1, Marine and LI-2 Districts, all permit uses listed under B-1 and C-1; therefore, sporting goods (guns/archery, etc.) are permitted uses as retail sales. There is also a provision in the Code that allows for home occupations for a salesman and in a lot of cases, there are individuals that offer catalog sales (no shop or displays). Gun shops as Conditional Uses would be allowed under AR, GR, B-1, C-1, CR-1, and Marine. Special Use Exceptions do not list retail as an option; however, something similar is referenced, i.e. archery ranges, rifle/pistol ranges, trap/skeet shooting (all of which are listed as Special Use Exceptions – but not in every District).

Mr. Cole stated that the main concern is the location of a gun shop, i.e. Conditional Uses, and that some areas may not be appropriate. He also noted that stand-alone gun shops may be more of a concern than guns sold in a Walmart type business or in gun shops in shopping centers. Mr. Lank noted the possibility of an application being approved for a sporting goods store and the fact that guns could be sold in that store.

The Council directed Mr. Lank and Mr. Moore to look at ways the County can address this issue for presentation at a future Council meeting.

**Public
Hearing/
Proposed
Ordinance
Relating
to Height
Regulations**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF SUSSEX COUNTY, ENTITLED "HEIGHT REGULATIONS" IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS".

This Ordinance would modify Section 115-179B of the Sussex County Zoning Code to only allow government buildings, hospitals, institutions and schools to be built to a maximum height of 60 feet when those structures are

**Public
Hearing/
Proposed
Ordinance
Relating
to Height
Regulations
(continued)**

permitted in the underlying zoning district. Churches and Temples are unaffected by this amendment. It applies to any new building not currently approved with a valid Sussex County Building Permit.

The Planning and Zoning Commission held a Public Hearing on this Proposed Ordinance on November 14, 2013 at which time the Commission deferred action. (See the minutes of the meeting dated November 14, 2013.)

Lawrence Lank, Director of Planning and Zoning, reviewed some of the comments made and questions raised by the Commission members: that buildings 60 feet tall have more recently become attractive for construction consideration by developers; that there is a mechanism for the consideration of increased height through the Board of Adjustment; that there is not a loop-hole in the Code to allow buildings to be built to 60 feet; that the referenced section of the Code has just not been utilized; questioning how the height of a building will impact public sewer; questioning uses v. measurements in reference to Equivalent Dwelling Units; questioning why a 60 foot motel creates such controversy; that there may be a better solution, but one has not yet been determined; that further study may be necessary; that the most floors in a 60 foot tall building will be a tight six (6) floors; that there are a lot of cost issues for increased height; that a 60 foot height might help reduce sprawl; that the County should take a more comprehensive look at the issue, including appropriate locations for taller buildings, separation from roadways and waterways and other factors; and that more time might be necessary prior to making a recommendation on this ordinance amendment. Planning and Zoning Commission Chairman Wheatley questioned if a workshop of the Commission and the County Council would be appropriate.

Mr. Lank noted that the paragraph that is being considered for amendment has been in the Code since January 1979 and that its existence in the Code has been known; however, for the most part it has not been used with the exception of being used for a couple of motels and the project known as The Vineyards.

Mr. Cole questioned the past interpretation of the 42 foot height limit as being the County's policy.

Vince Robertson, Assistant County Attorney, explained that Section 115-179B of the Code establishes a separate height limit for certain buildings; that the section says that, except in airport approach zones defined by the FAA, "public and semi-public, or public service buildings, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet..." Mr. Robertson then explained that public and public services uses include storage facilities, offices, trash disposal companies, propane services, water towers, boat storage, etc. – a wide variety of things. Mr. Robertson stated that he does not want there to be an impression or interpretation regarding the County's height regulations. Mr. Robertson stated that the question for the Council to consider in

**Public
Hearing/
Proposed
Ordinance
Relating
to Height
Regulations
(continued)**

regards to the Draft Ordinance is does the County want to limit the 60 foot height regulation to government buildings, hospitals, institutions and schools, and to take out the existing myriad of uses. Mr. Robertson noted that setback requirements would still have to be met.

Mr. Cole stated that, even with a 42 foot height limit, there is a method by which applicants can seek a higher height limit - application can be made to the Board of Adjustment.

Mr. Phillips noted that applications for a variance (Board of Adjustment) require that a hardship exists and that there may be a legal impediment for applications seeking buildings with a height up to 60 feet.

Mr. Phillips referenced complaints received in opposition to sprawl and he stated that the 60 foot height allowance can help address that, as well as address the need for mass transit since greater heights allow for more people to live in a close geographic area.

Mr. Robertson noted that by requesting a workshop with the County Council, it is not the Planning and Zoning Commission's intention to delay making a recommendation on this Proposed Ordinance.

Public comments were heard.

Kathleen Baker, a resident of Sterling Crossing, spoke in favor of the Proposed Ordinance and she stated that over 100 residents of Sterling Crossing endorse her statement. She stated that living across from a 6-story apartment building, hotel, or shopping center is "to be affronted, visually, sonically, viscerally". She stated that 60 is not the new 42 and she asked that the Council approve the amendment and to let developers make their individual cases for a 60' high building.

Dan Kramer of Greenwood stated that sprawl will cover everything up and that land will be saved if you build up. Mr. Kramer spoke in support of property rights.

In response to questions raised by Mr. Cole regarding structures being permitted up to a height of 60 feet, a possible proliferation of 60 foot buildings, and how that might affect sewer planning studies, Michael Izzo, County Engineer, stated that if commercial lots develop out at 12 EDUs per acre and AR lots develop out at 4 EDUs per acre, upgrades will have to be made to sewer systems, i.e. new lines and new pump stations.

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

M 541 13

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF

M 541 13
Defer
Action on
Proposed
Ordinance
Relating to
Height
Regulations

SUSSEX COUNTY, ENTITLED “HEIGHT REGULATIONS” IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS”.

Motion Adopted: 4 Yeas, 1 Absent.

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

Public
Hearing/
Extend
Timeframe
to Perform
Work
Without
Posting a
Bond

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99 OF THE CODE OF SUSSEX COUNTY, ENTITLED “SUBDIVISION OF LAND” IN ORDER TO EXTEND THE TIMEFRAME IN WHICH LANDOWNERS MAY PERFORM SITE WORK OR CONSTRUCT CERTAIN IMPROVEMENTS WITHOUT POSTING A BOND OR PERFORMANCE GUARANTY”.

This Proposed Ordinance would modify Section 99-32 of the Sussex County Code in order to extend the time period to January 1, 2015 in which landowners may perform site work and construct certain improvements without posting a bond or other guaranty, subject to the conditions contained therein.

The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on November 14, 2013 and recommended approval with a further recommendation that the time frame be extended to January 1, 2016 (instead of January 1, 2015) in order to match the current time extension ordinance (which relates to subdivisions, Residential Planned Communities, and Conditional Uses). (See the minutes of the Planning and Zoning Commission dated November 14, 2013.)

The Council discussed the Proposed Ordinance. Mrs. Deaver spoke in opposition. Mr. Robertson clarified that the only way a No Bond Process can be used is if a Developer does not sell anything (lots or homes) in the development to a Third Party. Mr. Robertson also stated that, in any situation, there will always be the same level of inspection by the County.

In response to questions regarding infrastructure in a No Bonding situation, Michael Izzo, County Engineer, stated that, once the County finds that a project is substantially completed and the Developer can begin selling the lots, the County must obtain a Warranty Bond, which will cover all improvements. Mr. Izzo noted that a Warranty Bond is only for a year.

Mrs. Deaver noted that Hal Godwin, Deputy County Administrator, distributed information on what other Counties do with bonds and she questioned why this information is not being considered.

It was noted that the Proposed Ordinance would only extend the timeframe.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE XXV, SECTION 115-179B OF THE CODE OF SUSSEX COUNTY, ENTITLED "HEIGHT REGULATIONS" IN REGARD TO THE HEIGHT OF CERTAIN BUILDINGS.

WHEREAS, Sussex County Code, Chapter 115, Article XXV, Section 115-179B currently permits (except in airport approach zones defined by the FAA) "public and semi-public, or public service buildings, hospitals, institutions and schools, when permitted in a district" to be constructed to a height not exceeding 60 feet; and

WHEREAS, Sussex County Code, Chapter 115, Article I, Section 115-4 defines "Public" as merely "open to common use- whether or not public ownership is involved" and said definition is very broad and would apply to many different types of buildings where the public is invited when applied to Section 115-179B of the Sussex County Zoning Code; and

WHEREAS, Sussex County Council desires to amend the Sussex County Code, specifically Section 115-179B thereof, to state that only government buildings, hospitals, institutions and schools may be constructed to a height of 60 feet when those uses are permitted in a district and are not located in an airport approach zone.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County is hereby amended by deleting the phrase "public and semi-public, or public service buildings" from Section 115-179B as shown in brackets and adding the phrase "buildings owned by a political subdivision of the State of Delaware, the Federal Government or any agency thereof" as shown underlined:

§ 115-179. Height Regulations.

B. Except within an area defined as an airport approach zone by the Federal Aviation Administration, [public and semipublic or public service buildings,] buildings owned by a political subdivision of the State of Delaware, the Federal Government or any agency thereof, hospitals, institutions or schools, when permitted in a district, may be erected to a height not exceeding 60 feet

and churches and temples may be erected to a height not exceeding 75 feet when the required side and rear yards are each increased by at least one foot for each one foot of additional building height above the height regulations for the district in which the building is located.

Section 2. This Ordinance shall take effect upon its adoption by Sussex County Council. It shall not apply to any structures or buildings exceeding 42 feet that have a valid Building Permit issued by Sussex County prior to the adoption of this Ordinance.

Synopsis

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

Deleted text is shown in brackets, additional text is underlined.



American Legion Auxiliary Unit #28
31768 Legion Road
Millsboro, DE 19966

April 18, 2014

Sussex County Council
Robin Griffith
P.O. Box 589
Georgetown, DE 19947

Dear Robin,

On behalf of the American Legion Auxiliary Unit 28 and our local veterans I am requesting a donation to our Poppy Fund. The American Legion Auxiliary Memorial Poppy is the official symbol of remembrance for our nations heroes who have paid the ultimate price for freedom with their lives. The funds that we receive in Unit 28's Poppy Fund go directly to assist our local hospitalized and disabled veterans and their families in need. No donation to the Poppy Fund goes for programming or administrative costs. The Poppies are hand made by veterans in Veterans Homes across our nation so their motto is "Veterans helping Veterans". Thank you for considering this request. We look forward to visiting you at County Council on May 13th to distribute Poppies.

Sincerely,

Cindy Phillips
Cindy Phillips
Aux. Unit 28



DEL-MAR-VA COUNCIL
BOY SCOUTS OF AMERICA[®]

April 9th, 2014

Dear Mr. Vincent,

The Del-Mar-Va Boy Scout Council serves 10,500 youth in our various programs in Scouting throughout the Delmarva Peninsula. The Scouting program teaches lifelong leadership and outdoor skills as well as character development and physical fitness. We are committed to ensuring that every Scout, no matter what their financial situation may be, has the opportunity to attend summer camp. So far this year, we have received 620 applications for camp scholarships called "camperships" from families in need. We need your help.

Today I ask for your support to ensure that every Scout has a summer camp experience. Last year the Sussex County Council gave \$2,000 to give 14 Scouts the opportunity to attend one of the Del-Mar-Va Council's summer camps. I ask you to renew this donation of \$2,000 to help send Scouts to camp this summer. Camp provides a unique environment where Scouts experience new activities, learn new skills, reflect on their personal values, and become leaders among their peers. Attached to this letter, you will find correspondence from Trey King, a Cub Scout from Seaford who was able to attend summer camp because of your donation in 2013.

Your investment in our Scouts and their futures is vitally important to our entire community. Scouts who attend camp remain active in Scouting longer and as we all know, Scouts grow up to be great citizens, husbands and fathers that will make our communities better for generations.

I've enclosed a copy of my business card with the contents of this letter. Please feel free to contact me regarding the Sussex County Council's decision regarding this donation request.

Thank you for your support and for your dedication to building a better tomorrow.

Yours in Scouting,

Travis Trego
District Executive
Del-Mar-Va Council



To: Short, Daniel (LegHall)
Subject: Explanation for council

Hello Mr. Short

Mr. King told me that you needed a message for council explaining my project so I will explain it in this e-mail and you can give it to them.

My name is Cyrus Teter. I am a Boy Scout with Troop 174 working on my Eagle project. The project I have chosen to do is the beautification of the area around the Mason-Dixon Line Crownstone tangent marker 15 located on North Oak Grove Road in Seaford, DE. The marker is located only a few yards from the road and is not well preserved, making it a danger to drivers.

The project will involve adding mulch and landscaping fabric around the stone to prevent weeds from regrowing. It will also involve adding a 4ft. by 8ft. fence around the marker. The mulch will be in the fenced-in area and one foot in front of the fenced-in area. Five flower plants will be planted in this one-foot extension.

This will help keep the marker safe and keep drivers safe by making the marker very noticeable. Completing this project will benefit the Delaware Historical Society and DelDOT.

I have already raised some of the funds for this project and am requesting only the funds for the fencing materials from Duke's Lumber. The four fencing pieces cost \$409.32, the four wood posts cost \$37.96, the fencing sleeves cost \$59.98, and the fence post caps cost \$31.96. These add up to a total of \$539.22.

I am hoping to finish this project early enough to get all three Eagle Palms in addition to Eagle Scout. With your help I am on my way to achieving this goal.

Sincerely,
Cyrus Teter



SATURDAY, MAY 24, 2014 @ MILTON MEMORIAL PARK

Once again the Milton Chamber of Commerce and Prime Hook National Refuge are planning the Horseshoe Crab and Shorebird Festival for Saturday of Memorial Day weekend.

The Horseshoe Crab and Shorebird Festival is the first big event of the summer season in Milton. It is also the largest event we sponsor bringing thousands of travelers into Milton and the Prime Hook National Refuge for a day of shopping, dining, learning, and fun. For the 11th consecutive year this wonderful event will attract visitors and families as well as naturalists and nature lovers to learn more about and explore the many treasures of our region. It coincides with the egg laying of the horseshoe crab on the shores of the Delaware Bay and the migration of shorebirds in our region. An important part of the festival takes place at Prime Hook, Milton's beautiful wildlife refuge. As always, the Chamber will provide a shuttle service all day so that families may enjoy activities there as well as in town.

We are thrilled to see the growth and interest this event has generated for our town and we are coming to you to help keep the momentum going. We've added some additional features this year: music in the park Saturday evening and a dedicated children's play area. To make this all happen, we need your help. Please consider the sponsorship package that best reflects your need and ability to give. No gift is too small. Your donation to this non-profit event is fully deductible and will enhance the experience we provide to our community, neighbors and visitors alike.

We sincerely thank you for your consideration and participation in the 11th Annual Horseshoe Crab and Shorebird Festival

WWW.HORSESHOECRABANDSHOREBIRD.COM



SATURDAY, MAY 24, 2014 @ MILTON MEMORIAL PARK

Presenting Sponsor- only 5 available- \$1500

- Full Page/ Full Color ad in festival program
- Company name in print, radio, and all social media ads
- Logo and Link in Presenting Sponsor area of event website
- Logo on Signage in the park on event day
- Opportunity to leave materials at Chamber Table in the park

Horseshoe Crab Sponsor- \$1000

- Full page ad in festival program
- Company name in print, radio, and all social media ads
- Logo and Link in Horseshoe Crab Sponsor area of event website
- Opportunity to leave materials at Chamber Table in the park on event day

Shorebird Sponsor- \$500

- Half Page ad in festival program
- Company name in some print ads
- Company name and link in all social media ads
- Logo and Link in Shorebird Sponsor area of event website
- Opportunity to leave materials at Chamber Table in the park on event day

Delaware Bay Sponsor- \$250

- ¼ page ad in the program book
- Logo and link in Delaware Bay Sponsor listing on event website

Broadkill River Sponsor- \$100

- Business card size in program book
- Logo and link in Broadkill River Sponsor area of event website

Friends of the Festival- \$50

- Listing on Friends of the Festival page in the event program
- Listing in the Friends of the Festival area of the event website

Email company logo and festival program ad to chamber@historiemilton.com. Please send checks payable to: Milton Chamber of Commerce— PO Box 61, Milton, DE 19968. Contact Chamber Director Lisa Sumstine at 302.684.1101 or chamber@historiemilton.com with any questions or to become a sponsor. Thank you for your consideration.



1st Annual Miniature Golf Tournament

Thursday, May 15, 2014

10:00 a.m.– Registration; 12:00 p.m. Lunch

Jungle Jim's Miniature Golf Course, 36944 Country Club Road, Rehoboth Beach, DE 19971

King's Creek Country Club, 1 Kings Creek Circle, Rehoboth Beach, DE 19971

SPONSOR BENEFITS

*\$2,500 Primary Event Sponsor**

"Brought To You By" Advertising on Program, Social Media & Video Marketing

Prominent Exposure on External Banner (can be seen from the road)

Prominent Exposure on our Sponsor Banner

Logo Present on Team Photo Signage

Placement of Company Vehicle (if applicable)

Logo & Company Branding Incorporated at Raffle Draw, Sign-in & Prize Tables

Prominent Mention at Lunch

Prominent Company Mention in Program

Mention on Agency Newsletter & Website

Two Teams

*\$1,500 Lunch Sponsor**

Logo & Company Branding Incorporated at Raffle Draw & Prize Tables

Social Media Mentions Leading Up To Event (and during day-of event)

Mention in Program

Mention on Agency Newsletter & Website

Prominent Exposure on Large Sign at King's Creek

Logo and/or Company name on Table Signage

Two Teams

**receives recognition on all tournament literature and press releases*

*\$1,000 Major Sponsor**

Logo & Company Branding Incorporated at Raffle Draw & Prize Tables

Social Media Mentions Leading Up To Event (and during day-of event)

Logo Present on Team Photo Signage

Large Logo on Sponsor Banner

Mention in Program

Mention on Agency Newsletter & Website

Two Teams

\$500 Awareness Sponsor

Logo on 6 Awareness Signs Around the Course

Mention on Agency Newsletter & Website

Company Mention in Program

One Team

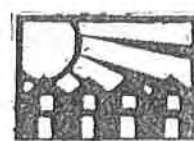
\$100 Hole Sponsor

Your Logo on one Tee Sign (multiples can be purchased by the same company)

Company Mention in Program

Mention on Agency Newsletter & Website

Logo on Sponsor Banner



FirstState
COMMUNITY ACTION AGENCY
People Helping People Build Community



This year for the first time in our history our 41st Annual Career Conference will be held in beautiful Dewey Beach, DE. We are excited to be heading to our beaches to celebrate our great industry - our great Federation - with our great members and supporters like you.

Our event will span over 1 1/2 days - May 14-15, 2014 and will be held at both The Bay Center and the new Hyatt Hotel located in Dewey Beach. The main conference will be held on Thursday, May 15th and will conclude with a relaxed dinner including live music and a few hours of open bar. Our charitable foundation will be hosting the Annual Carl Hill Memorial Golf Outing of May 14th at King's Creek Golf Course at 10:00 a.m.

We will be offering several CE's Wednesday afternoon - after the golf outing - and providing an opportunity for agencies and companies to meet for private dinners. This may be an excellent time for you to host a dinner for those that you do business with and perhaps those that you would like to do business with. Please review the enclosed conference brochure for more details as well as our website at www.naifade.org.

Our keynote speaker this year is the country's best known expert on IRA distribution strategies - **Ed Slott**. Ed's insights into this ever growing complex field is sure to be a great draw for our members and Allied Professionals alike.

Our Career Conference is our sole fund raising event of the year and the proceeds earned allow us to continue our mission of being the best source of Advocacy in our great industry both in Delaware and in DC. With so much emphasis on generating new sources of revenue coming out of DC our industry is being looked at more than ever and a united strong voice in all halls of government is crucial to protecting our clients AND our paychecks.

We have rebuilt our conference from the bottom up including revamping of cost of attendance and the cost for our most important vendors and sponsors. Your continued support of our association and the members of which you serve will allow us to meet and exceed our goals for many years to come.

We thank you in advance for your continued support and we look forward to seeing you in beautiful Dewey Beach.

Questions:

Kate Schlegel, NAIFA Delaware Association Exec. 302.668.3816 ksdesign1@comcast.net

Dan Reisinger, CLU, ChFC, NAIFA Delaware Conference Chair and Incoming NAIFA Delaware President 610.389.1231 finsrv@comcast.net



Why Sponsor?

REACH HUNDREDS AT THE BEACH!

This 1 1/2 day conference is a great way to reach hundreds of financial and insurance professionals in one afternoon. There are several exhibit sessions designated for attendees to network with sponsors and learn about your products. Main exhibit day is May 15th, but we've put together two great days – you won't want to miss out on one thing!

New sponsorship opportunities exist. See below for a brief outline and call with any questions.

Gold Sponsorship: \$2000 *Early-Bird \$1800*

- Includes 13' x 2.5' banner displayed in BayCenter
- 2 tickets to conference
- 2 tickets to dinner
- Link on the Association website
- Full page ad in the conference program

Silver Sponsorship: \$1500 *Early-Bird \$1,350*

Includes 13' x 2.5' banner displayed in BayCenter

- 1 ticket to conference
- 1 ticket to dinner
- Link on the Association website
- Half page ad in the conference program

Bronze Sponsorship: \$1000 *Early-Bird \$900*

Includes 4.33' x 2.5' banner displayed in BayCenter

- 1 ticket to conference
- 1 ticket to dinner
- Link on the Association website

Exhibitor Table: \$550 *Early-Bird \$500*

- Includes 6' draped table (you can opt for the space only and bring your own booth set-up)
- 2 tickets to conference

Early-Bird discount – Signed form received before March 1st.

Banner production - Banners will be seen throughout the main auditorium by all attendees. Artwork provided in pdf or jpg at 300 dpi. We handle printing and installation. Final date for banner production is April 23, 2014.

Questions:

Kate Schlegel, NAIFA Delaware Association Exec. 302.668.3816 ksdesign1@comcast.net

Dan Reisinger, CLU, ChFC, NAIFA Delaware Conference Chair and Incoming NAIFA Delaware President 610.389.1231 finsrv@comcast.net

Special Sponsorships:

Please call to review other sponsorship opportunities such as:

- Conference Breakfast sponsor
- Snack sponsor
- Dinner Sponsor

To guarantee your early-bird rate:

- Send in signed form before 3-1-2014.
- Complete both sides of form for sponsorship and any (additional) attendees
- Pay online with the *register* link at www.naifade.org or mail in by check to:
NAIFA DE
PO Box 15102
Newark, DE 19711



The National Active and Retired Federal Employees Association 2014 Golf Tournament

For the benefit of Alzheimer's Research, the Coastal Sussex Chapter 1690 of the National Active and Retired Federal Employees Assn. (NARFE) is sponsoring a golf tournament at the Salt Pond Golf Course on May 16, 2014 (rain date: TBD). We are asking your support to make this event successful.

You can help us in one of three ways:

First, you can either participate as a player yourself or sponsor an individual or group of players. Entry fee is \$65.00 per player.

Second, you or your company can make a check or cash contribution. If you choose to make a contribution of \$50.00 or more, your name or your firm's name will be included in signage at the golf course and in our published roster of contributors.

Third, you can donate a prize. In turn, we will arrange to publicize your donation to our 450+ members and friends in our chapter newsletter and/or the local media.

Please see the reverse of this sheet to sign up for one or more of the three options mentioned.

We would appreciate any help you can provide, either by participating as a golfer, by sponsoring golfers, or by donating cash, a check, or a prize. We look forward to hearing from you soon. If you have any questions contact:

**Mr. Ron Weber, Golf Committee
30923 Sea Breeze Lane
Ocean View, DE 19970
302-829-8906
rjw98@mchsi.com**

**Mr. Dick Oliver, Chap. 1690 Alzheimer's Chair
410 Victoria Road
Bethany Beach, DE 19930
302-539-3771
dormoliver@msn.com**

NARFE ANNUAL GOLF TOURNAMENT For Alzheimer's Research

Date: Friday, May 16, 2014
Location: The Salt Pond Golf Club
Fee: \$65.00 per Player
Format: Shot Gun Start; "Best Ball"

Rain Date: TBD
Starting Time: 9:00am

**AWARDS LUNCHEON AT THE COTTAGE CAFÉ FOLLOWS CONCLUSION of PLAY
ENTRY FEE: \$65.00 INCLUDES CART, GREENS FEE AND LUNCHEON**

Please include the names of your foursome. When not designated, players will be assigned to complete a foursome.

Name:

Phone:

Email:

1. _____
2. _____
3. _____
4. _____

I wish to sponsor the following players at \$65.00 each:

GOLFERS and SPONSORS ABOVE, make check payable to NARFE CHAPTER 1690

**Make out contibution checks BELOW to NARFE/ALZHEIMER'S RESEARCH
Mail to Ron Weber, 30923 Sea Breeze Lane, Ocean View, DE 19970**

I wish to make a (cash/check) contribution to Alzheimer's Research, in the amount of \$_____.
Please advertise my name/business on a Tee Box (\$50.00 minimum required for Tee Box ads). I
have attached my business card or scan ready logo.

I wish to make a (cash/check) contribution to Alzheimer's Research, in the amount of \$_____.
Do Not advertise my name/business on a Tee Box.

I wish to donate a prize _____, valued at \$_____.

Signed: _____ Print Name: _____



STATION 93
Georgetown EMS
406 North Front Street
Georgetown, Delaware 19947

April 22, 2014

Councilman Samuel Wilson

1 The Circle

Georgetown, De. 19947

Councilman Wilson,

Georgetown Ambulance Station 93 has endured a large increase in police action, ambulance calls nature unknown and drug activity in the past year. We are running in excess of 2000 calls a year. Safety for these calls are most important for the people on the ambulance units responding. We have also recently purchased a new ambulance unit to replace the old unit due to extensive mechanical problems and being unreliable. We would like to request funding from you to purchase Ballistic Vests for our crews. We are currently trying to reach the amount to have all 5 full time employees covered and 5 extra vest in variety of sizes for the extra BLS crew members. The vest would cost \$8,000.00 and would increase our protection in the district. Thank you for your consideration of this matter. Any questions or concerns please feel free to contact me 752-6335 or 856-9520.

Lisa M. Fensick
Lisa M. Fensick

Administrator

911 Address: 24230 Sheep Pen Road, Millsboro, DE

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE AND LAWN MOWER REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 42,961 SQUARE FEET, MORE OR LESS (Tax Map I.D. 133-16.00-7303)

WHEREAS, on the 25th day of April 2014, a conditional use application, denominated Conditional Use No. 1989 was filed on behalf of Bruce Sentman, Jr.; 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. 1989 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. 1989 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 Dagsboro Hundred, Sussex County, Delaware, and lying southeast of Road 328 (Sheep Pen Road) 250 feet northeast of Road 410 (Godwin School Road) and being more particularly described as Lot 2 of the “Karl R. and Linda C. Smith” subdivision, as recorded in Plot Book 92, Page 92, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 42,961 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.

911 Address: 26250 Shortly Road, Georgetown, DE

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NURSERY AND LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 5.436 ACRES, MORE OR LESS (Tax Map I.D. 133-5.00-26.00)

WHEREAS, on the 3rd day of April 2014, a conditional use application, denominated Conditional Use No. 1990 was filed on behalf of Olsen Enterprises, Inc.; 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. 1990 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. 1990 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 Dagsboro Hundred, Sussex County, Delaware, and lying northwest of Road 431 (Shortly Road) 600 feet south of Road 471 (Paradise Road) and being more particularly described as:

BEGINNING at a concrete monument on the northwesterly right-of-way of Road 431 (Shortly Road), a corner for these subject lands and lands, now or formerly, of Mary E. Myers; thence South 31°33'54" West 853.84 feet along the northwesterly right-of-way of Road 431 to a concrete monument; thence North 85°38'26" West 28.66 feet and North 01°09'22" East 843.51 feet along lands, now or formerly, of A. Richard Clark to an iron pipe;

thence North $87^{\circ}38'51''$ East 459.61 feet along Lots 1, 2, and 3 of the Wayne Pepper Subdivision to an iron pipe; and thence South $00^{\circ}17'49''$ West 136.87 feet along lands, now or formerly, of Mary E. Mears to the point and place of beginning, said parcel containing 5.436 acres, more or less.

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

TO BE INTRODUCED