



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

**MEETING:  
May 20, 2014**

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

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



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# Sussex County Council

## AGENDA

MAY 20, 2014

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Todd Lawson, County Administrator

1. Administrator's Report
2. Fiscal Year 2015 Budget Presentation
3. Discussion and Possible Introduction of Proposed Ordinances:

**“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2015”**

**“AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SEWER DISTRICTS”**

### Hal Godwin, Deputy County Administrator

1. Wastewater Agreement – Americana Bayside, Phase 16
2. Legislative Update and Committee Report



**Juel Gibbons, Project Engineer**

**1. Pump Station 207 and Force Main Design – Contract 12-23**

**A. Contract Amendment #1**

**Grant Requests**

1. Rehoboth Summer Children’s Theatre for program expenses.
2. Cape Henlopen Educational Foundation (CHEF) for program expenses.
3. Beebe Medical Foundation to support the Annual Best of the Beach Art Auction fundraiser.
4. Rehoboth Art League for program expenses.

**Introduction of Proposed Zoning Ordinances**

**Any Additional Business Brought Before Council**

**Executive Session – Job Applicants’ Qualifications and Pending/Potential Litigation pursuant to 29 Del. C. §10004(b)**

**Possible Action on Executive Session Items**

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

**Conditional Use No. 1982 filed on behalf of Gary L. Ennis – Southern Delaware Classic Cars, LLC**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR ANTIQUE AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS” (land lying southeast of Road 502 (Old Racetrack Road) 290.4 feet southwest of Route 54 (a.k.a. Route 76 and Delmar Road) (911 Address: 8658 Old Racetrack Road, Delmar, DE 19940) (Tax Map I.D. 532-19.00-54.07, part of)

**Conditional Use No. 1983 filed on behalf of Gerald W. and Emily W. Hocker**

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.6 ACRES, MORE OR LESS” (land lying at the southeast corner of the intersection of Route 17 and Route 26) (911 Address: 34854 Atlantic Avenue, Ocean View, DE 19970) (Tax Map I.D. 134-12.00-330.01)

**Conditional Use No. 1985 filed on behalf of Eugenia Athan**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.6327 ACRES, MORE OR LESS” (land lying southeast of Route 17 (Roxanna Road) 3,200 feet northeast of Road 365) (Peppers Corner Road) (Tax Map I.D. 134-15.00-118.00 part of)**

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on May 13, 2014 at 4:55 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 13, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 13, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

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

**M 220 14  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting “Executive Session – Job Applicants’ Qualifications and Personnel pursuant to 29 Del. C. §10004(b)” and by deleting “Possible Action on Executive Session Items”, and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of May 6, 2014 were approved by consent.**

**Corre-  
spondence**

**Mr. Moore read the following correspondence:**

**DEL-MAR-VA COUNCIL BOY SCOUTS OF AMERICA,  
WILMINGTON, DELAWARE.**

**RE: Letter in appreciation of grant.**

**SHECHINAH, INC. EMPOWERMENT CENTER, GEORGETOWN,  
DELAWARE.**

**RE: Letter in appreciation of grant.**

**Corre-  
spondence  
(continued)**

**Mrs. Deaver read the following correspondence:**

**DELAWARE TECHNICAL & COMMUNITY COLLEGE,  
GEORGETOWN, DELAWARE.**

**RE: Letter in appreciation of grant.**

**American  
Legion  
Memorial  
Poppy**

**Pauline Law was in attendance on behalf of the American Legion Auxiliary Post #28 to present poppies to the Council. Ms. Law stated that the poppy program helps veterans and their families. Ms. Law introduced Miss Poppy, Paris Parks, a 14 year-old student.**

**On behalf of the Council, Mr. Cole presented a donation to the poppy program.**

**Agenda  
Change**

**The Agenda item entitled “Proclamation – Community Action Month” was delayed.**

**Adminis-  
trator’s  
Report**

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

**1. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County**

**The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet May 19 at 10:00 a.m. at the Sussex County West Administrative Complex, 22215 North DuPont Boulevard, in Georgetown. Amber B. Woodland, Esquire, Procino-Wells & Woodland, LLC, will be speaking on “*Estate Planning*.”**

**The Advisory Committee’s Conference Planning Subcommittee will also meet May 19 at 11:30 a.m. at the West Complex.**

**A copy of the agenda for both meetings is attached.**

**2. Sussex County Emergency Operations Center Call Statistics – March and April 2014**

**Attached please find the call statistics for the Fire and Ambulance Callboard for March and April 2014. There were 29,045 total calls handled in the months of March and April. Of those 9-1-1 calls in March and April, 77 percent and 78 percent, respectively, were made from wireless phones.**

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

**Update and Discussion/ Supreme Court Decision on Town of Greece, New York v. Galloway**

**Mr. Moore distributed a memo that he prepared for the purpose of providing information on the U.S. Supreme Court’s decision in the case of Town of Greece, New York v. Galloway and what effect that decision has on the Consent Order entered in Mullin, et al. vs. Sussex County, DE, et al., dated September 12, 2012.**

**Mr. Moore discussed how cases are decided in Appellate Courts:**

**The Courts examine the record below (the decision of the lower Court) to determine if there is an error in the lower Court’s application of the law. In making that determination, they often go into great detail concerning the specific facts of that case and discuss how they are, or are not, consistent with current case law. There is often a detailed discussion of relevant cases and a comparison with, or a distinction from, the facts of those cases. The decisions are very fact specific.**

**Mr. Moore reported that, in the current case, Town of Greece, New York vs. Galloway et.al., the Town opened its meetings with prayer. There was not one specific prayer every meeting, as was the case with Sussex County. Instead, in the Greece case, local clergy were invited to give the invocation prior to the meeting. The Town clerk went through the directory and called local clergy until the clerk found someone available. Later, a list was compiled listing those who agreed to volunteer to say the prayers at future meetings. The Court went on to point out that they “at no point excluded or denied an opportunity to a would-be prayer giver. Its leaders maintained that a minister or layperson of any persuasion, including an atheist, could give the invocation. But nearly all the congregations in town were Christian, and from 1999 to 2007, all of the participating ministers were too.**

**After respondents complained that Christian themes pervaded the prayers, to the exclusion of citizens who did not share those beliefs, the town invited a Jewish layman and the chairman of the local temple to deliver prayers. A Wiccan priestess who had read press reports about the prayer controversy requested and was granted an opportunity to give the invocation.”**

**Thus, it was clear that the Town was open and non-exclusive in allowing other faiths to participate.**

**In arriving at its decision, the Court stated the following:**

- 1. That legislative prayer, even though religious in nature, has long been understood as compatible with the Establishment Clause.**
- 2. That the Town did not review any of the Prayers, which is important because the Town should not censor speech. The court clearly indicated that it did not want legislative bodies reviewing prayers for content.**
- 3. The Town was open to all prayers – even Atheist and Wiccan.**
- 4. The Court went on to state: “Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government**

**Update and Discussion/  
Supreme Court  
Decision  
on Town of Greece,  
New York v. Galloway  
(continued)**

purpose, a challenge based solely on the content of a particular prayer will not likely establish a constitutional violation. Finally, so long as the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer, givers in an effort to achieve religious balancing.”

5. The Court also stated that: “That its purposes are to lend gravity to public proceedings and to acknowledge the place religion holds in the lives of many private citizens. Furthermore, the principal audience for these invocations is not the public, but the lawmakers themselves. And those lawmakers did not direct the public to participate, single out dissidents for opprobrium, or indicate that their decisions might be influenced by a person’s acquiescence in the prayer opportunity.”

Mr. Moore stated that, all of this is very important because it indicated that prayer is permissible within the parameters set forth in the case.

Mr. Moore discussed how this affects Sussex County.

1. The Court decision reads as follows: “The town of Greece does not violate the First Amendment by opening its meetings with prayer that comports with our tradition and does not coerce participation by non-adherents. The judgment of the U.S. Court of Appeals for the Second Circuit is reversed. It is so Ordered.”
2. Though the Supreme Court case affirms the right to have prayers in legislative cases, the Sussex County case was different in that the same prayer was given each week.
3. The Council did enter into a Consent Order that did allow the Council to continue its tradition of prayers before meetings. As such, if the County changes its practice, the County does need to seek the Court’s permission.
4. The first step for Council is to decide if the body wants to change the prayer that it is currently using.
5. If the Council, as a body decides that it does want to ask the Court for relief from the Consent Order, then the Council needs to decide what kind of relief to ask for. If so, Mr. Moore recommended that Scott Shannon, Esq., of the firm of Marshall, Dennehey, Warner, Coleman, and Goggin be part of the strategy discussions. (Mr. Shannon was the lead counsel in the litigation.)

The Council discussed Mr. Moore’s summary of the Greece case and how it relates to Sussex County’s case. Questions were raised by Council and answered by Mr. Moore. [This discussion can be heard on the audio recording of this meeting which is available on Sussex County’s website at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).]



**Update & Discussion/  
Supreme Court Decision on Town of Greece, New York v. Galloway (continued)**

Mr. Phillips questioned if it would be appropriate to discuss this matter in Executive Session since it relates to past litigation. Mr. Moore responded that, if the Council decides as a body to seek relief from the Court Order, it would be permissible to discuss strategy in Executive Session; however, any vote must be in open session.

Mr. Cole expressed concern about the legal costs associated with asking for relief and he questioned what relief the County would be seeking.

Mr. Wilson stated that the Supreme Court has made a ruling and he questioned why the Council has to “bow down to a lower court”.

Mr. Phillips stated that he thought there was sentiment on the Council to at least consider asking for relief from the Consent Agreement and he asked that the matter be discussed in Executive Session on May 20<sup>th</sup>. He asked that the County Administrator contact the Beckett Fund and the Alliance for Liberty to see if they will provide pro-bono services again. Mr. Phillips also commented that, possibly, Scott Shannon, Esq., should participate in the Executive Session. Mrs. Deaver stated that this is not a consensus of the entire Council.

**Proclamation**

A Proclamation entitled “PROCLAIMING THE MONTH OF MAY AS *COMMUNITY ACTION MONTH*” was presented to Bernice Edwards, Executive Director of First State Community Action Agency. Ms. Edwards thanked the Council for its continued support.

**Legislative Update**

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

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”

Mr. Godwin reported that, last week, the Bill was tabled in Committee to allow time for the counties to meet and discuss the legislation.

**Old Business/  
CZ  
No. 1744**

The Council considered Change of Zone No. 1744 filed on behalf of Phillips Cross and Prentice Watkins.

The Planning and Zoning Commission held a Public Hearing on this application on February 27, 2014 at which time the Commission recommended that the application be approved.

The County Council held a Public Hearing on this application on March 25, 2014 at which time action was deferred.

(continued) **Shane Abbott, Assistant Director of Planning and Zoning, read a summary of the Planning and Zoning Commission’s Public Hearing.**

**M 221 14**  
**Adopt**  
**Ordinance**  
**No. 2347/**  
**C/U**  
**No. 1744**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2347 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.85 ACRES, MORE OR LESS” (Tax Map I.D. 235-30.00-55.00) (Conditional Use No. 1744) filed on behalf of Phillip Cross and Prentice Watkins.**

**Motion Adopted: 3 Yeas, 2 Nays.**

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

**Grant**  
**Requests**

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

**M 222 14**  
**County-**  
**wide**  
**Youth**  
**Grant**

**A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$1,000.00 from the Countywide Youth Grant Account to the Children of the Delaware National Guard for youth camp expenses.**

**Motion Adopted: 5 Yeas.**

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

**M 223 14**  
**Grant**

**A Motion was made by Mr. Phillips to give \$6,000.00 from the Countywide Youth Grant Account to the Delaware Community Foundation for *Heart in the Game* community access programs (awareness programs of Sudden Cardiac Arrest in children and young adults).**

**Motion**  
**Failed**

**There was no Second and the Motion Failed.**

**M 224 14**  
**Grant**

**A Motion was made by Mrs. Deaver to give \$500.00 (\$125.00 each from Mr. Cole’s, Mr. Phillips’, Mr. Vincent’s and Mr. Wilson’s Councilmanic Grant Accounts) to the Delaware Police Chiefs Foundation for seminar expenses.**

**Motion**  
**Failed**

**There was no Second and the Motion Failed.**

**M 225 14**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Delaware Police Chiefs Foundation for seminar expenses.**

**M 225 14  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 226 14  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$700.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account, \$100.00 from Mrs. Deaver's Councilmanic Grant Account and \$100.00 from Mr. Phillips' Councilmanic Grant Account) to Eastern Shore AFRAM Festival to sponsor the 2014 festival.**

**Motion Adopted: 5 Yeas.**

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

**M 227 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$3,500.00 (\$2,500.00 from Mr. Cole's Councilmanic Grant Account and \$1,000.00 from Mrs. Deaver's Councilmanic Grant Account) to West Rehoboth Community Land Trust for their housing initiative.**

**Motion Adopted: 5 Yeas.**

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

**M 228 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$166.66 from Mr. Cole's Councilmanic Grant Account, \$166.67 from Mrs. Deaver's Councilmanic Grant Account, and \$166.67 from Mr. Vincent's Councilmanic Grant Account) to the NAACP to support their 2014 activities, i.e. workshop, convention.**

**Motion Adopted: 5 Yeas.**

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

**M 229 14  
Council-  
manic  
Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mr. Phillips' Councilmanic Grant Accounts) to the Mid-Atlantic Symphony Orchestra Society for concert expenses.**

**Motion Adopted: 5 Yeas.**



**Additional  
Business  
(continued)**

**Under Additional Business, Bob Harrison commented on the County Council's prayer practice and the Supreme Court's recent decision on prayer. Mr. Harrison submitted his comments, in writing, to the County Attorney.**

**M 232 14  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 11:03 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**

**DRAFT**

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountype.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

May 07, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
AMERICANA BAYSIDE - PHASE 16  
AGREEMENT NO. 735

#### DEVELOPER:

Mr. Tom Halverstadt  
Carl M. Freeman Communities  
36097 Sand Cove Road  
Selbyville, DE 19975

#### LOCATION:

East Sand Cove Road and Hammerhead Court

#### SANITARY SEWER DISTRICT:

Fenwick Island Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

Seven (7) Single Family Lots

#### SYSTEM CONNECTION CHARGES:

\$36,876.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
04/18/07

Department Of Natural Resources Plan Approval  
01/13/14

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 15  
Construction Admin And Construction Inspection Cost – \$2,701.20  
Proposed Construction Cost – \$18,008.00

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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FAX	(302) 855-7799



# Sussex County

DELAWARE  
sussexcountype.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**May 20, 2014**

## PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 735 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "CARL M. FREEMAN COMMUNITIES", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "AMERICANA BAYSIDE – PHASE 16", LOCATED IN FENWICK ISLAND SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 735

TODD LAWSON  
COUNTY ADMINISTRATOR



# Sussex County Council

## Delaware General Assembly Legislative Report

*Prepared by:*

Hal Godwin, Deputy County Administrator  
May 20, 2014

Bill No.	Description and Purpose	Action
<b>2013-2014 BILLS</b>		
HB 14	This bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.	Assigned to the House Appropriations Committee 1/24/13, no further action. Tabled in Committee
HB 27	This bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect. Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.	6/11/13 passed the House  Assigned to Senate Finance Committee 6/13/13  I have contacted Senator McDowell the Committee Chair explaining our support.  I am assembling a group to apply pressure on Committee Chair McDowell
HB No. 63	This bill is the first leg of a constitutional amendment that forever guarantees the right of farmers to engage in modern farming and ranching practices.	On House Ready List
SB No. 58	This Bill allows Delaware residents 65 years of age and older to qualify for the "Senior School Property Tax Credit Program" upon entering into a payment plan for the taxes due.	We are currently compliant with this proposed Bill.  On Senate Ready List



HB No. 74

This Delaware Health Security Act will provide a cost effective single payer health care system for the State of Delaware. The Act will provide comprehensive health care coverage to all Delawareans without any extra health insurance or out-of-pocket-expense. The system will save money currently wasted on administrative/overhead costs and will provide a stable funding structure.

This Act creates the Delaware Health Security Authority. The authority will be governed by a 15-member Delaware Health Security Board comprised as follows: the Secretary of Health and Social Services, two members from both the State House of Representatives and State Senate Committees concerned with health care issues, five members from state health professional organizations, and five members from eligible consumer organizations in our state.

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

1. All state and federal funds available for health and health care costs in Delaware.
2. Employer and employee graduated payroll tax from 4 percent for employers with less than ten employees to 9 percent for employers with 50 or more employees.
3. A Health Security tax of 2.5 percent on net taxable income (after deductions) for all heads of households and persons subject to Delaware's income tax; and
4. An additional Health Security income surtax on net taxable income of 2.5 percent for persons filing a Delaware income tax return in excess of \$250,000. Married couples filing a joint Delaware income tax return shall pay an additional income surtax of 2.5 percent on net taxable income in excess of \$500,000.

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

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

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

**Committee Members:**

Chairman:	Michael a. Barbieri (302) 368-7257
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[Michael.barbieri@state.de.us](mailto:Michael.barbieri@state.de.us)

Vice-Chairman:	Rebecca Walker (302) 293-2356
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[Rebecca.walker@state.de.us](mailto:Rebecca.walker@state.de.us)

**Members:**

Donald A. Blakey (302) 697-6723	Ruth Briggs-King (302) 856-2772
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[Donald.Blakey@state.de.us](mailto:Donald.Blakey@state.de.us)  
[ruth.briggsking@state.de.us](mailto:ruth.briggsking@state.de.us)

Timothy D. Dukes (302) 280-6344	Earl G. Jaques, Jr. (302) 834-9231
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[Timothy.Dukes@state.de.us](mailto:Timothy.Dukes@state.de.us)    [earl.jaques@state.de.us](mailto:earl.jaques@state.de.us)

S. Quinton Johnson (302) 378-2681	John A. Kowalko, Jr. (302) 737-2396
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[Quinton.johnson@state.de.us](mailto:Quinton.johnson@state.de.us)    [john.kowalko@state.de.us](mailto:john.kowalko@state.de.us)

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

<p>SB No. 78 + SA-1</p>	<p>later than December 31, 2014.</p> <p>The bill also amends Title 7 Del C. Chapter 66, §6607 and §6617 and Title 7 Del C. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the Secretary to issue after-the-fact permits and assess administrative penalties as appropriate.</p>	
<p>SR No. 8</p>	<p>The Resolution urges the United States Congress to support efforts to reinstate the separation of commercial and investment banking functions in effect under the Glass-Steagall Act and supporting H.R. No. 129. <i>(See attached documentation)</i></p>	<p>This is a Resolution only; to demonstrate Delaware State support for Federal Legislation.</p> <p>State Senator Venables is requesting our endorsement.</p> <p>SR No. 8 demonstrates Delaware support for US House of Representative Resolution No. 129 which would support re-enacting Glass-Steagall Act adopted by Congress in 1933 to protect the public interest regarding banking regulations.</p> <p>Congress repealed this law in 1999 which many believe led to the 2<sup>nd</sup> Great Depression in America. Some members of Congress would like to reinstate the Glass-Steagall Act.</p>
<p>HB No. 167</p>	<p>This bill would prohibit a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It would permit inquiry and consideration of criminal background after the conditional offer has been made. The bill specifies that once a background check is conducted an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background check. Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are</p>	<p>Amended by Amendments No. 1, Amendment 1 to No. 1 which were grammatical &amp; House Amendment No. 2 which aligns with County Council's request to eliminate the 5 &amp; 10 year look back limitations.</p> <p>See Synopsis on Attachment House Amendment No. 2 To House Bill No. 167</p> <p>Passed the House 1/28/14</p> <p>Passed the Senate 5/1/14</p> <p>Signed into law by the Governor 5/8/14</p>

HB No. 167 (continued)	excluded from these provisions. The bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.	Assigned to the Senate Labor and Industrial Relations Committee 1/29/14  Released from Committee 3/26/14
SB No. 159	This legislation provides clarification with respect to the placement, installation and maintenance of gateway signs to boundaries of political subdivisions and established non-incorporated areas of the State.	Passed the Senate 1/30/14
HB No. 243	Currently possession actions involving rental of residential or commercial property fall within the exclusive jurisdiction of the Justice of the Peace Court. There is no clear statement of jurisdiction for agricultural leases, though the possession issues are similar. This legislation provides that the Justice of the Peace Court has exclusive jurisdiction over agricultural lease matters and requires that service of process for any such action shall be provided by either personal service or certified mail, return receipt requested.	Introduced in the House 1/30/14  Passed the House 3/25/14  Assigned to the Senate Judiciary Committee 3/27/14
HB No. 159	This bill prohibits a person from running as a candidate for more than one state, county or municipal office in the same election.	County Council supports this legislation.  Passed the House & passed the Senate 3/26/14
SB No. 160	The bill would increase the weight limit for live-haul poultry trucks operating on Delaware highways within 100 miles of the plant in order to accommodate the poultry industry and ensure public safety. In addition, the bill would provide for a weight variance of 3 percent to account for variations in bird weight. Live-haul poultry trucks are granted the increased weight limit and associated variance provided that these trucks are in compliance with several conditions aimed at ensuring public safety. Provided these conditions are met, this bill would allow a live-haul poultry truck to weigh up to 92,700 pounds before any penalty is assessed for exceeding weight restrictions. This weight variance provided for in this bill is the same weight variance granted to vehicles used for farm operations by § 4502(c)(9) of Title 21.	Passed the Senate 3/18/14  Assigned to the House Ag Committee which will meet and consider this Bill 4/2/14
SB No. 166	This bill defines "industrial landfill" in conformity with the Department of Natural Resources and Environmental Control's <i>Regulations Governing Solid Waste</i> . This bill also establishes a	Introduced in the Senate 1/29/14  Assigned to Senate Natural Resources and Environmental

SB No. 166 (continued)	height restriction, or vertical limit, for an industrial landfill at 130 feet above the mean sea level of the area.	Control Committee
HB No. 272	This Bill, modeled after similar legislation enacted in Pennsylvania and West Virginia, clarifies paramedic immunity when consent to render care is unable to be obtained.	Our EMS Department is currently reviewing
SB No. 157	The bill adds sales and leases to the current language regarding publicly capital improvement.	This Bill allows public bodies to meet in Executive Session when considering sales or leases of real property
SB No. 191	This Act establishes "Downtown Development Districts". Under the Act, investors (both non-profit and for-profit) who make qualified real estate improvements in a District would be entitled to receive Downtown Development District (DDD) Grants of up to 20 percent of their "hard costs".	This is a Governor's initiative. Governor Markell explained this bill Wednesday evening, April 2, 2014 in Bridgeville at the SCAT meeting as a fund to help Delaware Municipalities grow.
HB No. 289	This bill creates equity among users of telecommunications services by extending the 911 fee to prepaid wireless retail transactions.	The State shall create a special fund designated as the Enhanced 911 Emergency Reporting System Fund, which shall be used to reimburse the State, counties, local governments and providers of telecommunications services in this State for costs associated with the E-911 Emergency Reporting System.
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	<p>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.</p>	<p>Introduced April 10, 2014 assigned Senate Health and Social Services Committee.</p> <p>Released from Committee April 30. 2014.</p>
HB No. 311	<p>During hearing of the Animal Welfare Task Force, established by Senate Concurrent Resolution 44 in the 146<sup>th</sup> 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.</p>	<p>Introduced April 29, 2014 assigned to House Health and Human Development Committee.</p>
SB No. 207	<p>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.</p>	<p>Introduced April 30, 2014 assigned to Senate Insurance Committee.</p> <p>Released from Committee 5/7/14</p>

HB No. 315	<p>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.</p>	<p>Introduced April 30, 2014 assigned to the House Public Safety &amp; Homeland Security Committee.</p> <p>Released from Committee 5/7/14</p>
HB No. 316	<p>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.</p>	<p>Introduced April 30, 2014 assigned to the House Public Safety &amp; Homeland Security Committee.</p> <p>This bill was reviewed Wednesday, May 7, by the House Public Safety &amp; Homeland Security Committee. The committee tabled this bill to allow time for all three counties to join with the sponsors of the bill in order to amend or rewrite it to better serve all parties involved.</p> <p>Todd, Gina, and I will provide this process with Sussex County's interests.</p>
HB No. 317	<p>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.</p> <p>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.</p>	<p>Introduced April 30, 2014 assigned to the House Public Safety &amp; Homeland Security Committee.</p> <p>Released from Committee 5/7/14</p>



HB No. 279	This bill includes uniformed paramedics as an employee for purposes of the Delaware County and Municipal Police and Firefighter Pension Plan.	
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SPONSOR: Rep. Mitchell & Sen. Ennis  
Reps. Baumbach, Briggs King, Carson, Dukes, Gray,  
Heffernan, Hudson, Jaques, Kowalko, Osienski, Paradee,  
Spiegelman, Wilson; Sens. Blevins, Townsend

HOUSE OF REPRESENTATIVES  
147th GENERAL ASSEMBLY

HOUSE BILL NO. 279

AN ACT TO AMEND TITLE 11 OF THE DELAWARE CODE RELATING TO THE DELAWARE COUNTY AND MUNICIPAL POLICE/FIREFIGHTER PENSION PLAN.

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

1 Section 1. Amend § 8801(5), Title 11 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 (5) "Employee" shall mean:

4 a. An individual who is employed on a full-time basis as a police officer by a county or municipality in  
5 Delaware which has affiliated with the Fund established by this chapter; or

6 b. An individual who is employed on a full-time basis as a uniformed firefighter by the City of  
7 Wilmington after affiliation by the City of Wilmington with the Fund established by this chapter; or

8 c. An individual employed on a full-time basis as a uniformed paramedic by a county in Delaware which  
9 has affiliated with the Fund established by this Chapter.

SYNOPSIS

This bill includes uniformed paramedics as an employee for purposes of the Delaware County and Municipal Police and Firefighter Pension Plan.

**PUMP STATION NO.207 AND FORCE MAIN DESIGN SERVICES**

**PROJECT 12-23  
SUSSEX COUNTY, DELAWARE**

**CONTRACT AMENDMENT NO. 1**

This contract amendment, Contract Amendment No. 1 dated **May 12, 2014** amends our original contract dated **November 27, 2012** between Sussex County Council a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and George, Miles & Buhr, LLC, a State of Maryland Limited Liability Company, as the Second Party, hereinafter referred to as the CONSULTANT, whose address is 206 West Main Street, Salisbury, Maryland 21801. By execution of this amendment, the following sections are hereby changed in the existing engineering services agreement dated **November 27, 2012**:

**ARTICLE FOUR**

**FEE STRUCTURE**

4.3.1 Design Stage: One Hundred Thirty-Six Thousand Eight Hundred Fourteen Dollars and No Cents (\$136,814.00)

4.4.1 Design Stage: Eleven Thousand Six Hundred Fourteen Dollars and No Cents (\$11,614.00)

14.1.1 **EXHIBIT "A2": SCOPE OF SERVICES – DESIGN STAGE CONTRACT ADMENDMENT NO. 1**

14.1.2 **EXHIBIT "B2": AMENDMENT NO. 1 PROGRAM MANHOUR ESTIMATES, DIRECT EXPENSES & FIXED FEE**

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 1 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:  
SUSSEX COUNTY

\_\_\_\_\_  
President, Sussex County Council

\_\_\_\_\_  
Date

APPROVED AS TO FORM:

\_\_\_\_\_  
Assistant Sussex County Attorney

ATTEST:

\_\_\_\_\_  
Clerk of the Sussex County Council

FOR THE CONSULTANT:

GEORGE, MILES & BUHR, LLC

\_\_\_\_\_  
James C. Hoageson, P.E.  
Vice President

WITNESS:

\_\_\_\_\_

## **EXHIBIT A2 - SCOPE OF SERVICES – DESIGN STAGE CONTRACT AMENDMENT NO. 1**

### **PUMP STATION NO. 207 AND FORCE MAIN DESIGN SERVICES**

#### **SUSSEX COUNTY, DELAWARE**

#### **CONTRACT AMENDMENT NO. 1**

This attachment outlines the required Scope of Services for the Pump Station 207 and Force Main Design Services.

#### **Project Coordination:**

GMB provided assistance to the County by coordinating our design with the design efforts of other engineers and utility companies with projects within the area. These efforts mainly involved coordination with Deep Valley Farm (Pennoni), Tidewater Utilities, Chesapeake Gas, Ocean Club (DBF), and PS 210 (DBF). Assistance also was provided in the review of developer's construction cost estimates.

GMB was pleased to be of assistance to the County by taking part in the discussions and evaluations of an alternative force main route to ultimately send flow to the Inland Bays facility. GMB provided assistance with coordinating the PS 207 design with the planning work that WR&A is doing on the Goslee Creek area.

#### **Manifold Force Main:**

During design, discussions arose about designing a manifold force main that would allow PS 207 and PS 210 to share a common force main (manifold) that will allow both of these stations to pump to the IBRWF once the infrastructure was in place. WR&A is currently in the early planning stages of this infrastructure design. Changes made to the PS 207 design included increasing a portion of the 18-inch force main to a 24-inch force main, resizing of the wet well, resizing of the odor control unit, re-calculating head losses, verifying pump selections, and modifications to the site plans and profiles.

#### **Force Main Route:**

There are several roads which had to be avoided per DelDOT's requirement that no road can be open cut if it had been paved within the last five (5) years. These roads included Salt Marsh Road and Eagle Point Road. This restriction has since expired and the force main route has been changed to go along/within these roads resulting in construction cost savings.

As the Deep Valley Farm's utility plans were developed. It was determined by SCED and GMB that significant construction cost savings could result if the force main crossed Rte. 9 in the location of PS 207 and was installed within the Deep Valley project area and crossed over to Beaver Dam Rd and was installed along Salt Marsh Road and Eagle Point Road. Of the 10,500 ft. of force main that was previously surveyed, only 1,500 ft. of it was able to be reused resulting in additional surveying and base mapping.

#### **Finalize Design Changes:**

Incorporate the changes noted above into the Final Construction Documents.

**EXHIBIT B2 AMENDMENT NO. 1 PROGRAM MANHOUR ESTIMATES, DIRECT EXPENSES & FIXED FEE**

**PART 1 - GENERAL**

1. <i>Grantee</i> <b>Sussex County, Delaware</b>		2. <i>Grant Number</i>	
3. <i>Name of Consultant</i> <b>George, Miles &amp; Buhr, LLC</b>		4. <i>Date of Proposal</i> 12-May-14	
5. <i>Address of Consultant</i> 206 West Main St Salisbury,, MD 21801-4907		6. <i>TYPE OF SERVICE TO BE FURNISHED</i> <b>Pump Station #207 and Force Main Amendment No. 1 West Rehoboth Expansion of the Dewey Beach SSD Sussex County Project No . 12-23</b>	

**PART II - COST SUMMARY**

7. <i>DIRECT LABOR</i>	<i>ESTIMATED HOURS</i>	<i>HOURLY RATE</i>	<i>ESTIMATED COST</i>	<i>TOTALS</i>
Project Director PAB	5	\$ 58.30	\$ 291.50	
Project Manager JCH	50	\$ 48.65	\$ 2,432.50	
Sr. Project Engineer ETP	150	\$ 37.00	\$ 5,550.00	
Sr. Designer EFC	25	\$ 29.20	\$ 730.00	
Sr. Designer DJW	45	\$ 17.00	\$ 765.00	
Sr. CADD Drafter MMD	40	\$ 19.50	\$ 780.00	
Project Coordinator CL	5	\$ 23.50	\$ 117.50	
Engineer JJS	5	\$ 29.34	\$ 146.70	
Secretary CS	5	\$ 33.57	\$ 167.85	
<b>DIRECT LABOR TOTAL:</b>	330			
8. <i>INDIRECT COSTS</i>	<i>RATE</i>	<i>x BASE =</i>	<i>ESTIMATED COST</i>	
Overhead and Fringe	1.44	\$ 10,981.05	\$ 15,813	
<b>INDIRECT COSTS TOTAL:</b>				\$ 15,813
9. <i>OTHER DIRECT COSTS</i>				
a. <i>TRAVEL</i>			<i>ESTIMATED COST</i>	
(1) <i>TRANSPORTATION</i> mileage	250	mi @ \$0.48/mi	\$ 120.00	
(2) <i>PER DIEM</i> meals				
<b>TRAVEL SUBTOTAL:</b>			\$ 120.00	
b. <i>EQUIPMENT, MATERIALS, SUPPLIES</i>			<i>ESTIMATED COST</i>	
plots/prints	200	\$ 0.50	\$ 100.00	
copies	250	\$ 0.20	\$ 50.00	
postage	1	\$ 200.00	\$ 200.00	
other	1	\$ 57.00	\$ 57	
<b>EQUIPMENT SUBTOTAL:</b>			\$ 407	
c. <i>SUBCONTRACTS</i>				
			\$ -	
			\$ -	
<b>SUBCONTRACTS SUBTOTAL:</b>	0	0	\$ -	
<b>OTHER DIRECT COSTS TOTAL:</b>				\$ 527
<b>10. ESTIMATED COST</b>				\$ 27,321
<b>11. FIXED FEE</b> 10% of Direct Labor and Indirect Costs (7 + 8)				\$ 2,679
<b>12. TOTAL ESTIMATED COST PLUS FIXED FEE</b>				\$ 30,000



# REHOBOTH SUMMER CHILDREN'S THEATRE

PO BOX 871. REHOBOTH BEACH, DE 19971

302-227-6766

rehobothchildrenstheatre@gmail.com

www.rehobothchildrenstheatre.org

May 6, 2014

The Honorable George B. Cole  
Sussex County Council  
PO Box 589  
Georgetown, DE 19947

Dear Mr. Cole:

When my wife and I began the Rehoboth Summer Children's Theatre in 1982, we had dreams of a long run of top-quality theatre programs for the families of Lower Delaware. In 2014 we will present our 33<sup>rd</sup> season of plays and educational programs. Even as enthusiastic young producers, we could not have envisioned the success of RSCT.

Our activities include a series of family-friendly mainstage performances in Rehoboth at the Epworth Methodist Church and Clear Space Theater. We also conduct an extensive outreach tour, performing our plays in libraries and community centers throughout Sussex and Kent Counties.

For the past three years we have partnered with The First State Community Action Agency to provide a week-long summer camp for the children in their program. Through the years our theater has become an essential part of the cultural life of the community.

Several times over the past few years, the Sussex County Council has assisted the Rehoboth Summer Children's Theatre with a \$500 grant. As we begin our preparations for another exciting season, we encourage you make a similar grant for 2014.

Our mission is to provide programs of entertainment, enrichment and education to audiences of all ages. We rely upon assistance from the community to make this all happen. We encourage you to support RSCT again this year.

Thanks for your consideration.

Yours truly,

Steve Seyfried

Co-founder, Managing Director, RSCT

*RSCT Board of Directors*

*Gary Grunder, Lewes    Katie Daniello, Lewes  
Kathryn Welch, Milford    Sharon Crampton, Lewes  
Nancy Masarro, Lewes    Kim DeBonte, Lewes  
Rachel Wood, Lewes*



Cape Henlopen Educational Foundation  
PO Box 93  
1270 Kings Highway  
Lewes, Delaware 19958

Phone: 302-645-6686 ext. 240  
Fax: 302-645-6486  
info@CapeEducationFund.org  
www.CapeEducationFund.org

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William Schab, Esq.

May 1, 2014

Councilwoman Joan Deaver  
Sussex County Council  
PO Box 589  
Georgetown, DE 19947

Dear Councilwoman Deaver:

As representatives of the Cape Henlopen Educational Foundation (CHEF), we are pleased to submit a request to Sussex County Council for a \$1,500 contribution. We appreciate your support of Sussex County nonprofits, and believe that CHEF, through our partnership with the Cape Henlopen School District (CHSD), is positively impacting the lives of many of the **5,000 students in the nine Cape schools**.

CHEF is one of the few nonprofit educational organizations in the state of Delaware that support local schools. Through teacher grants, performing arts scholarships and special programs, we help CHSD implement innovative ideas and bridge the gap left by decreases in state and federal funding. Our goal is to inspire interest and hands-on learning, and to prepare students—our “workforce of the future”—for healthy, creative and productive lives in a diverse and global society.

A central focus of our efforts is limited income students, who make up 49% of CHSD students...a figure that often surprises area funders. CHEF sponsors a program for homeless students; an anti-bullying program; and many of the teacher grant dollars provide hands-on and community learning experiences that would not otherwise be available, especially for limited income pupils.


This \$1,500 donation would support immediate needs in the district, such as raised planting beds to allow 150 handicapped students to take part in hands on science lessons, a listening station to help special education students in first grade learn to read, books for a summer reading program in underserved neighborhoods and display boards to allow underprivileged students to afford to take part in the district science fair.

Since 2006, CHEF has funded more than 130 teacher grant requests; granted 15 student scholarships and 12 student grants for a total of more than \$85,000 in educational aid to CHSD schools. We have done this by raising money from businesses, individuals and other funders. We do not receive financial support from the school district.

Depending on the wishes of our funders, we are happy to recognize all donors in our printed and media materials. We appreciate your consideration and encourage you to contact us (302-381-0283) if we can provide any additional information.

Sincerely,

  
Kim Hoey Stevenson  
CHEF Development Director

  
Jeffrey W. Gordon (Sussex County District 3)  
CHEF Board of Directors

EIN: 51-0403370





## Beebe Medical Foundation

902 Savannah Road, Lewes, Delaware 19958  
302. 644. 2900 • FAX 302. 644. 2950  
[www.beebefoundation.org](http://www.beebefoundation.org)

March 28, 2014

The Honorable Joan R. Deaver  
Sussex County Council  
Administrative Office Building  
2 The Circle  
PO Box 589  
Georgetown, DE 19947

Dear The Honorable Deaver:

This year, we are proud to announce that we will celebrate the 25th Anniversary of the "Best of the Beach Art Auction" on Saturday evening, June 14<sup>th</sup> from 6:00 P.M. - 11:00 P.M., under the tent at the Beebe Health Campus on Route 24. Over the past 25 years the Art Auction has raised \$1,881,442 towards countless programs with initiatives to help make healthcare affordable and accessible to Sussex County residents in addition to our many seasonal visitors.

Our goal this year is to raise over \$100,000 to provide our Margaret H. Rollins School of Nursing with a state of the art simulation mannequin to advance training and experience. In order to prepare for this exciting milestone of the 25th anniversary, we are reaching out early to invite all of our friends in the local business community to support us.

Enclosed is a sponsorship packet that describes the levels of visibility and promotion of your partnership and support of Beebe Healthcare. As a sponsor and/or underwriter, you will receive recognition in our various publications before, during and after the event.

Please note the following deadlines:

<b>Invitation deadline</b>	April 10, 2014
<b>Program Ad deadline</b>	May 16, 2014

Please respond today with your commitment to reserve your sponsorship by calling me at 302-644-2900 extension 16. Also, if you would like to add anyone to our Art Auction invitation list, please let me know.

Sincerely,

Beth Salaman  
Event Coordinator

## 2014 ADVERTISING SPECIFICATIONS



Black and white ads only

All images used in ads should exist in high-resolution of at least 300 dpi at 100% of actual size in ad

Ads should be supplied at correct contracted size:

FULL page 4.75" wide x 7.75" high

HALF page 4.75" wide x 3.75" high

QUARTER page 4.75" wide x 1.75" high

The preferred final file format is a press-optimized .pdf

For optional file formats please contact [ray@raydaminger.com](mailto:ray@raydaminger.com)

Final digital ads may be submitted to Beth Salaman at

Beebe Medical Foundation via email at: [bsalaman@beebehealthcare.org](mailto:bsalaman@beebehealthcare.org).

You may also submit your ad on CD in a format listed above

If you require assistance in creating your ad, you may contact

Ray Daminger for a quote at 302-258-6183 or [ray@raydaminger.com](mailto:ray@raydaminger.com)

Please submit your ad on or before May 16, 2014



June 14, 2014  
Sponsorship and Underwriting Opportunities

	Sponsorship Opportunities						Underwriting Opportunities							
	Platinum (\$25,000)	Gold (\$10,000)	Diamond (\$8,000)	Emerald (\$5,500)	Ruby (\$2,750)	Sapphire (\$1,750)	Band (\$4,000)	Invitations (\$3,750)	Live Auction (\$3,750)	Artists' Reception (\$3,250)	Air Condition (\$2,750)	Save the Date Cards (\$2,750)	Program (\$2,750)	Decorating (\$2,250)
<b>Benefits</b>														
Seats at Event	24	12	12	6	4	2	4	4	4	4	4	4	4	4
Ad in Program (700) *	Full	Full	Full	Full	Half	Quarter	Half	Half	Half	Half	Half	Half	Half	Half
Listing in BEACON Honor Roll of Donors (90,000)	✓	✓	✓	✓	✓	✓	<b>S</b>	<b>S</b>	✓	✓	✓	<b>S</b>	<b>S</b>	✓
Listing on Beebe's Annual Donor Wall	✓	✓	✓	✓	✓	✓			✓	✓	✓			✓
Recognition in Event Program (700) *	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Joint press release to local newspapers	✓	✓	✓	✓	✓	✓			✓	✓	✓			✓
Recognition in post event thank you ad	✓	✓	✓	✓	✓	✓	<b>O</b>	<b>O</b>	✓	✓	✓	<b>O</b>	<b>O</b>	✓
Listing on Beebe Medical Foundation's website	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Recognition at event entrance	✓										✓			
Recognition in Invitation (2,750) **	✓	✓	✓	✓			<b>L</b>	<b>L</b>				<b>L</b>	<b>L</b>	
Premier Table Placement at Event	✓	✓	✓	✓										
Recognition on Band Stage							✓							
Recognition on Live Auction stage									✓					
Recognition at Food and Beverage Stations							<b>D</b>	<b>D</b>		✓		<b>D</b>	<b>D</b>	
Recognition on Program	✓	✓											✓	
Recognition on Save the Date Cards	✓											✓		
Recognition on Tables	✓													✓
Reserved Parking	✓													
Public Recognition by President Jeff Fried	✓													
Top Sponsor Ad on all Wireless Device (Bidpal)	✓													
Top Recognition in Beacon Newspaper Honor Roll	✓													

\*Deadline for inclusion in the Program: May 16th

\*\*Deadline for inclusion in the Invitation: April 10th



**Medical Foundation**

902 Savannah Road Lewes, DE 19958 (302) 644-2900



# Rehoboth Art League, Inc.

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April 11, 2014

Ms. Joan Deaver  
Sussex County Council  
P.O.Box 589, 2 The Circle  
Georgetown, DE 19947

Dear Joan,

I have been coming to the Rehoboth Art League since I was a little girl. I remember Mrs. Corkran greeting folks as they came to visit, and I took classes from Howard Schroeder. As an artist, I am thrilled to see the League remaining a vibrant art institution here at the beach, and I am writing today to ask for your support to help the Rehoboth Art League continue with this endeavor. Your financial gift provides necessary revenue to help the League pursue its mission to engage youth, provide art instruction and outreach, and offer open studios where artists can work and learn from each other. Our inspiring art exhibitions are some of the few free opportunities for the community to see a range of artistic expressions, featuring not only work from Delaware artists, but from artists across the country.

Contributing to the annual fund communicates your support for the League's mission to teach, inspire and preserve the arts. And this year in particular, you can help the RAL offset extra costs incurred over the past few winter months. The snow and heavy rain have taken a toll on the property and required the League to spend extra on snow and debris removal. The cold took a toll on the boxwoods and energy bills were doubled.

Without members, donors and friends like you, we would not be able to maintain the beautiful grounds and gardens or offer the many educational art classes and opportunities for adults and children.

Please make a financial gift to the Rehoboth Art League's Spring Appeal. Your tax-deductible gift will help ensure we fulfill the vision of the RAL founding artists like Jack Lewis, Ethel P.B. Leach, Howard Schroeder and others. Your support will help us continue to offer programs, provide a place that promotes the arts, supports artists and ensure Delaware's artistic legacy endures in the future. I hope you will consider increasing your gift, as each dollar enables us to more to teach, inspire and preserve.

Please fill out the enclosed card and return it in the envelope provided; or go to [www.rehobothartleague.org](http://www.rehobothartleague.org) and press the "Donate" button on middle of the Homepage. As always, we hope you'll visit us at our historic campus or visit our new gallery on Rehoboth Avenue. The Art League is a jewel, one that belongs to you and your community. *Please consider making as generous a gift as you can.*

Sincerely,



Kit Wilson McNeilly,  
Board of Trustee  
Rehoboth Art League

911 Address: 12209 Coastal Highway, Milton, DE 19968

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VENDOR (LUNCH TRUCK) TO SELL FOODS AND BEVERAGES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 16,820.70 SQUARE FEET, MORE OR LESS” (Tax Map I.D. 235-7.00-44.00)**

WHEREAS, on the 29th day of April 2014, a conditional use application, denominated Conditional Use No. 1992 was filed on behalf of W. Ralph Brumbley; 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. 1992 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. 1992 as it applies to the property hereinafter described.

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

**ALL** that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying northeast of Route One (Coastal Highway) across from Route 5 (Union Street Extended) and being more particularly described in Deed Book 2357, Page 168, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 16,820.70 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: 14639 Saint Johnstown Road, Greenwood, DE 19950

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAINT BALL PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.1345 ACRES, MORE OR LESS” (Tax Map I.D. 430-8.00-9.02)**

WHEREAS, on the 1st day of May 2014, a conditional use application, denominated Conditional Use No. 1993 was filed on behalf of David J. Bosco; 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. 1993 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. 1993 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 Nanticoke Hundred, Sussex County, Delaware, and lying east of Road 600 (Saint Johnstown Road) 1,760 feet north of Road 597 (Tuckers Road) and being more particularly described in Deed Book 3821, Page 137, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.1345 acres, more or less.

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

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOBILE REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 1.5 ACRES, MORE OR LESS” (Tax Map I.D. 235-22.00-18.09**

**WHEREAS, on the 2nd day of May 2014, a conditional use application, denominated Conditional Use No. 1994 was filed on behalf of Robert Wilkerson; 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. 1994 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. 1994 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land, lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying north of Route 88 (Cave Neck Road) 340 feet east of Road 261 (Sweetbriar Road) and being more particularly described as the residual parcel in Plot Book 186, Page 86, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.5 acres, more or less.**

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

PUBLIC HEARINGS

May 20, 2014

This is to certify that on March 27, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank  
Director of Planning and Zoning

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

**Conditional Use #1982 Gary L. Ennis – Southern Delaware Classic Cars, LLC**

Application of **GARY L. ENNIS – SOUTHERN DELAWARE CLASSIC CARS, LLC** to consider the Conditional Use of land in a GR General Residential District for antique auto sales to be located in a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 2.18 acres, more or less, land lying southeast of Road 502 (Old Racetrack Road) 290.4 feet southwest of Route 54 (a.k.a. Route 76 and Delmar Road). (Tax Map I.D. 5-32-19.00-54-07).

The Commission found that DelDOT provided a letter on May 2, 2013 stating that there shall be no parking within the State's Right-of-Way; that if parking becomes an issue, the permit shall be revoked; that no vehicles are to be displayed within the Right-of-Way or in a manner that would hinder site clearances; that all Planning and Zoning conditions must be met; and that if in the future the site proposes to change zoning use, ownership, existing use or adds a new use that increases the existing site ADT, the property owner shall submit information to DelDOT and the entrance be re-evaluated by the Department to determine if any improvements are warranted based on the proposed site or usage changes.

The Commission found that the County Engineering Department Utility Planning Division provided comments on March 25, 2014 referencing that that site is located in the Delmar Future Growth and Annexation Area; that an on-site septic system is proposed; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.



The Commission found that Gary L. Ennis was present with Blake Carey, Esquire, of the Smith Firm, LLC, and that they stated in their presentation and in response to questions raised by the Commission that Mr. Ennis is proposing an antique/classic car sales facility; that all sales will be by appointment only; that he anticipates being open from 9:00 a.m. to 7:00 p.m. on Monday through Friday; that a 50-foot wide right-of-way provides access to the property; that on site water and septic exists on the property; that he will be utilizing an existing 9,500 square foot building for storage and display of the vehicles; that a gravel pad exists for customer vehicle parking; that he lives on the premises; that the site is not in a flood zone; that there should be no impact on the area or the community; that the use is for the general convenience of the residents of Sussex County; that vehicles being sold are ready for sale and are 25 years old or older; that he currently owns approximately 20 vehicles that could be sold; that the maximum number of vehicles that he will maintain for sale will not exceed 40 vehicles; that all vehicles will be displayed indoors; that there will not be any auto repair work performed on the site; that he may erect an unlighted sign; that there are no employees; that he owns approximately 13 acres, but the Conditional Use is only intended for 2.18 acres; that he hauls his vehicles in an enclosed trailer; and that the site will have security cameras and alarms systems.

The Commission found that the Applicant provided an Exhibit Booklet which includes a copy of the proposed site plan; a Google aerial of the property; a copy of the DelDOT letter of No Contention; a copy of the deed to the property; suggested proposed Findings of Fact; and suggested Conditions of Approval.

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

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

Mr. Ross stated that he would move that the Commission recommend approval of C/U #1982 for Gary L. Ennis for antique auto sales based on the record made during the public hearing and for the following reasons:

- 1) The use is the redevelopment of existing buildings on this site. The Applicant has stated that the existing buildings will be used, and that no new buildings will be constructed.
- 2) There will not be any adverse impacts on neighboring properties, the community, or roadways.
- 3) The Conditional Use is requested by the Applicant to obtain a dealer's license from the Department of Motor Vehicles.
- 4) No parties appeared in opposition to this application.
- 5) This recommendation is subject to the following conditions:
  - A. The hours of operation shall be by appointment only between the hours of 9:00 a.m. and 7:00 p.m.
  - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
  - C. All automobiles shall be stored within the building on the site.
  - D. Security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.

- E. No automobile repair shall be performed on the site.
- F. No junked, unregistered or permanently inoperable vehicles shall be stored outside on the site.
- G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

**Conditional Use #1983 Gerald W. and Emily W. Hocker**

Application of **GERALD W. AND EMILY W. HOCKER** to consider the Conditional Use of land in a C-1 General Commercial District for a food vendor to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.6 acres, more or less, land lying at the southeast corner of the intersection of Route 17 and Route 26. (Tax Map I.D. 1-34-12.00-330.01).

The Commission found that DelDOT provided a No Contention letter on March 13, 2014 referencing that the letter is being issued to act as a waiver thereby permitting use of the existing entrances; that shrubbery, plantings, trees and/or other visual barriers that could obstruct the sight distance of a driver preparing to enter the roadway are prohibited; that if this becomes an issue it will be the responsibility of the owner to establish a clear sight distance; that if in the future the site changes zoning, ownership and existing use or adds a new use that increases the existing site ADT, the entrance shall be re-evaluated by the Department to determine if any improvements are warranted; and that if traffic operational issues are observed then additional entrance upgrades may be required by the Department.

The Commission found that the County Engineering Department Utility Planning Division provided comments on March 25, 2014 in the form of a memorandum referencing that the site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction will not be required; that the proposed food cart will not be connected to central sewer; that sewer service has not been extended to the parcel at this time; that the County is coordinating with DelDOT and the project has been bid and a contractor identified; that sewer service could become available as early as Spring of 2015; that a sanitary sewer lateral is proposed to be installed to each parcel's property line along Route 26; that conformity to the South Coastal Area Planning Study – 2005 Update and Route 26 West Technical Memorandum will be required; that the parcel is in the North Millville Expansion of the Bethany Beach Sanitary Sewer District and connection to the sewer system is mandatory; that improvements on parcels are required to connect within one year of sewer service becoming available; and that a concept plan is not required.

The Commission found that on March 17, 2014 the Applicant provided an Exhibit Booklet containing a copy of the application form; a copy of the deed to the property; a copy of a letter from the Planning and Zoning Department referencing the need for a Conditional Use; a series of photographs of the mobile vending trailer; a Google Map of the site; a Sussex County Tax Map

Aerial photograph; a Sussex County Tax Map depicting the zoning in the area; a site plan; a Delaware Health and Social Services Division of Public Health Food Establishment Permit; suggested proposed Findings of Fact; and suggested proposed Conditions of Approval.

The Commission found that Harold Dukes, Jr. Esquire, of Tunnell & Raysor, P.A. and owner of the Creative Concepts building had submitted a letter in support of the application referencing that the Applicants have created many jobs in the community and have been great neighbors; that their business premises are always clean and well kept; that their buildings are always well maintained; and that the Hocker family has shown leadership and a genuine concern for their community.

The Commission found that Jerry Hocker was present with David Hutt, Esquire, of Morris James Wilson Halbrook & Bayard LLP and that they stated in their presentation and in response to questions raised by the Commission that the intent is to park a concession trailer for a food vendor in the front of the parking lot on the site; that they will be selling pit beef, pulled pork, ribs, hot dogs, and more; that the Planning and Zoning Department staff did advise them that they needed a Conditional Use; that the site is surrounded by commercial activities and zoning; that the site is zoned C-1 General Commercial; that the site has been owned by the Hocker family for 30 years; that the site is improved with a grocery, pharmacy, garden center, car wash, office space, and a deli; that the food is prepared in the deli for sale in the concession trailer; that there will be no significant change to the site, only the parking for sales of the BBQ; that the location for the concession trailer was chosen to be more visible and out of the way of traffic flow and the parking lot; that the area for parking the concession trailer is curbed; that they have already obtained a food vending license from the Division of Public Health; that the concession trailer will also be used at off-site events; that the use will primarily be seasonal; that the normal hours on the site for the concession trailer will be from 10:00 a.m. to 8:00 p.m.; that trash cans will be available near the concession trailer and that the trash will be moved daily to the dumpster area near the grocery on site; that there is no need for additional lighting; that the use meets the broad purpose of the Conditional Use section for a C-1 General Commercial District; that the Route 26 roadway improvement project will not impact the location; that the Hocker family has already dedicated 25 feet to the State for right-of-way expansion for future Route 26 improvements; that they are aware that they will need to go before the Board of Adjustment for a variance for the setback of the concession trailer; that the concession trailer is equipped with storage facilities for water and wastewater; that the wastewater will be dumped at an approved dumping location; and that the concession trailer has access at the proposed location for 50 amp electric service connection and is equipped with generator service.

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

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

The Commission deferred action.

On April 10, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of CU #1983 for Gerald W. Hocker and Emily W. Hocker for a food vendor in a C-1 General Commercial District based upon the record made during the public hearing and for the following reasons:

- 1) This project is located on a 9.6 acre property that is owned by the Applicants that already has several commercial activities including a grocery store, hardware store, deli, gas pumps, and car was.
- 2) The location along Route 26 is appropriate.
- 3) The use will be limited to take-out food.
- 4) The proposed use will not have any significant impact on traffic, area roadways or the surrounding community.
- 5) This recommendation is, however, subject to the following conditions:
  - a) The use shall be limited to a take-out style food and beverage vendor.
  - b) There shall be no more than 3 picnic tables on the site. The existing picnic tables shall be shown on the final site plan.
  - c) The use shall be seasonal only, operating from April 1 through November 1, with hours of operation as stated by the applicant.
  - d) Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
  - e) The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

#### **Conditional Use #1985 Eugenia Athan**

Application of **EUGENIA ATHAN** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a storage facility to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 11.6327 acres, more or less, land lying southeast of Route 17 (Roxana Road) 3,200 feet northeast of Road 365 (Peppers Corner Road). (Tax Map I.D. 1-34-15.00-118.00 part of).

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on January 28, 2014 referencing that a Traffic Impact Study is not recommended, and that the current Level of Service “E” of Route 17 will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on March 25, 2014 referencing that the site is located in the Millville Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the project; that Ordinance 38 construction will not be required; that central sewer has not been extended to the area at this time; that conformity to the South Coastal Area Planning Study – 2005 Update will be required; that the Planning and Zoning Information Sheet indicates that the proposed use will connect to the County central sewer, but central sewer is not readily available at this time; that sewer service has not been extended to the area at this

time; that the County does not have a schedule to provide sewer service to the area at this time; that the County is not aware of plans or schedules for others to extend sewer to the area in the near future; and that a concept plan is not required.

The Commission found that Steve Engle of Vista Design, Inc. was present on behalf of the Applicant and stated in his presentation that the original parcel contains approximately 36 acres and that the zoning is evenly split AR-1 Agricultural Residential and Medium Density Residential; that the Applicant proposed to develop the existing large stable buildings into three (3) storage units for the indoor storage of materials; that DelDOT has advised that it will not be necessary for any improvements to the entrance for the proposed use; that a dwelling exists on the property for the purpose of a care-taker or on-site manager; that there will not be any outside storage of vehicles, RVs or boats; that the closest fire station is either Roxana Volunteer Fire Company or Millville Volunteer Fire Company; that the site will remain in appearance as it now exists; that no signage is proposed; that he can only assume that the storage units will be utilized during daytime business hours from approximately 8:00 a.m. to 5:00 p.m.; that no contractor storage is proposed; and that the two larger buildings, one being 5,794 square feet, and one being 13,999 square feet, will be divided into a total of three (3) storage units.

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

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

The Commission deferred action.

On April 10, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of CU #1985 for Eugenia Athan for a 3 unit storage facility based upon the record made at the public hearing and for the following reasons:

- 1) The proposed Conditional Use is within the existing large stable buildings on an 11 acre tract.
- 2) The project, with the conditions placed upon it, will not have an adverse impact on the neighboring properties or community.
- 3) The operation of the business will not generate a significant increase in traffic or noise.
- 4) There is a dwelling on the property for an on-site caretaker or manager.
- 5) No parties appeared in opposition to this application.
- 6) This recommendation for approval is subject to the following conditions and stipulations:
  - a) The use shall be limited to 3 units within the existing stable buildings.
  - b) Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties.
  - c) No outside storage shall be allowed on the premises.
  - d) No chemicals shall be stored on the premises.
  - e) The storage building and garage shall not be used as a workshop or for the operation of power tools or other machinery.

- f) The Site Plan shall be subject to the approval of the Planning and Zoning Commission.

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

Introduced 2/11/14

District 5

911 Address: 8658 Old Racetrack Road  
Delmar, DE 19940

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR ANTIQUE AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS (Tax Map I.D. 532-19.00-54.07, part of)**

WHEREAS, on the 24th day of January 2014, a conditional use application, denominated Conditional Use No. 1982 was filed on behalf of Gary L. Ennis – Southern Delaware Classic Cars, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1982 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1982 as it applies to the property hereinafter described.

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

**ALL** that certain tract, piece or parcel of land, lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying southeast of Road 502 (Old Racetrack Road) 290.4 feet southwest of Route 54 (a.k.a. Route 76 and Delmar Road) and being more particularly described as follows:

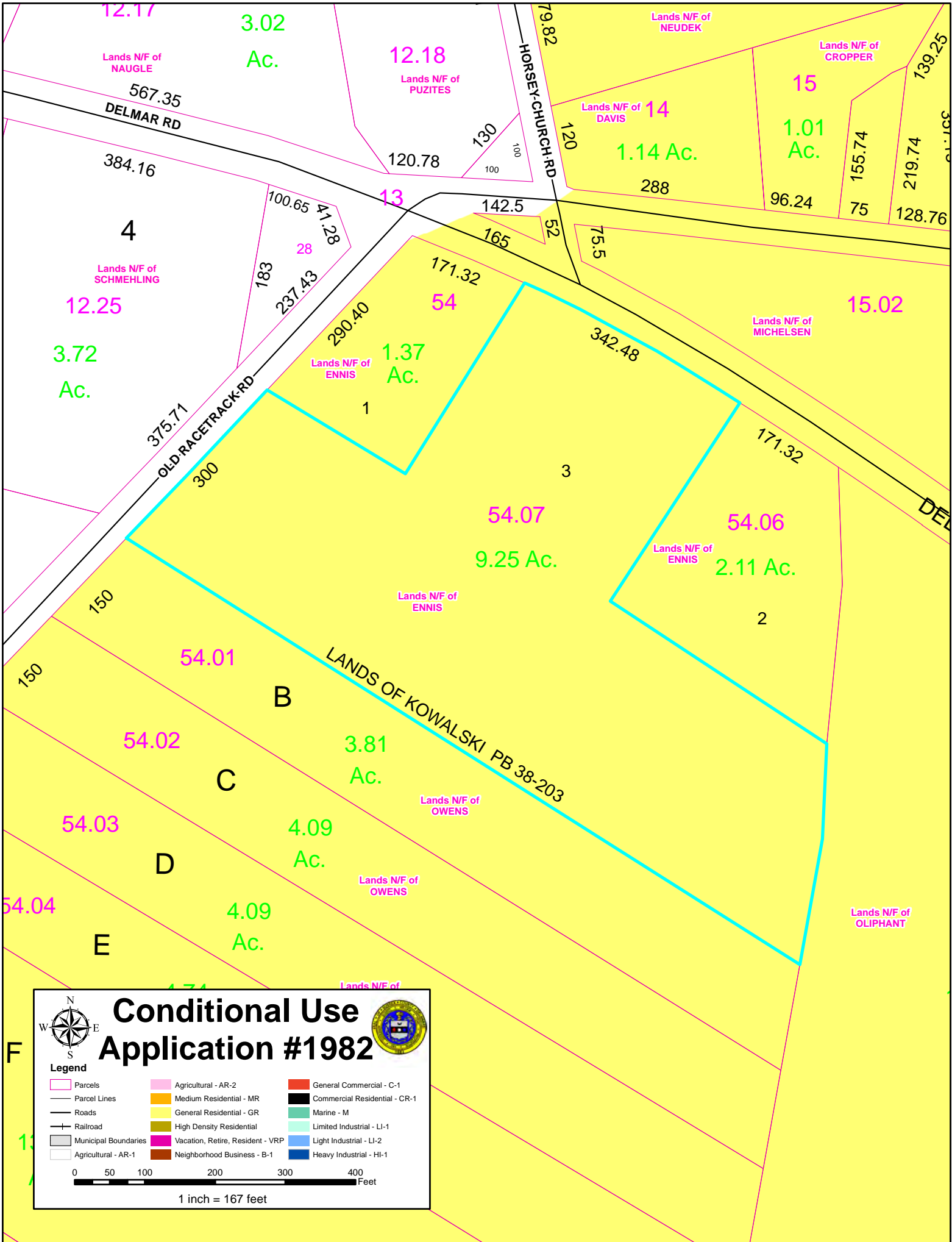
**BEGINNING** at a concrete monument on the southeasterly right-of-way of Road 502 (Old Racetrack Road), a corner for these subject lands and lands, now or formerly, of

**Warren O. and Rose E. Owens; thence north 52°00'40" east 300.00 feet along the southeasterly right-of-way of Road 502 to an iron pipe; thence south 47°54'18" east 287.72 feet along and across lands of Gary L. Ennis to a point; thence south 36°37'19" west 286.35 feet across lands of Gary L. Ennis to a point; and thence north 49°32'15" west 366.84 feet along aforementioned Owens lands to the point and place of beginning, and containing 2.18 acres, more or less as plotted by Miller Lewis, Inc.**

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

Proposed





12.17

3.02  
Ac.

12.18  
Lands N/F of  
PUZITES

Lands N/F of  
NEUDEK

Lands N/F of  
CROPPER

Lands N/F of  
NAUGLE

567.35  
DELMAR RD

Lands N/F of  
DAVIS

14  
1.14 Ac.

15  
1.01  
Ac.

384.16

120.78

130  
100

79.82  
HORSEY CHURCH RD

139.25

219.74

4

Lands N/F of  
SCHMEHLING

12.25

3.72  
Ac.

100.65  
11.28

13

142.5

288

96.24

155.74

75

128.76

183

237.43

165

52

75.5

375.71  
OLD RACETRACK RD

300

290.40

Lands N/F of  
ENNIS

1.37  
Ac.

171.32

54

342.48

171.32

15.02

Lands N/F of  
MICHELSEN

150

54.07

9.25  
Ac.

Lands N/F of  
ENNIS

54.06

2.11  
Ac.

2

Lands N/F of  
ENNIS

150

54.01

B

LANDS OF KOWALSKI PB 38-203

54.02

3.81  
Ac.

Lands N/F of  
OWENS

C

54.03

4.09  
Ac.

Lands N/F of  
OWENS

D

54.04

4.09  
Ac.

Lands N/F of  
OLIPHANT

E

4.74

Lands N/F of



# Conditional Use Application #1982



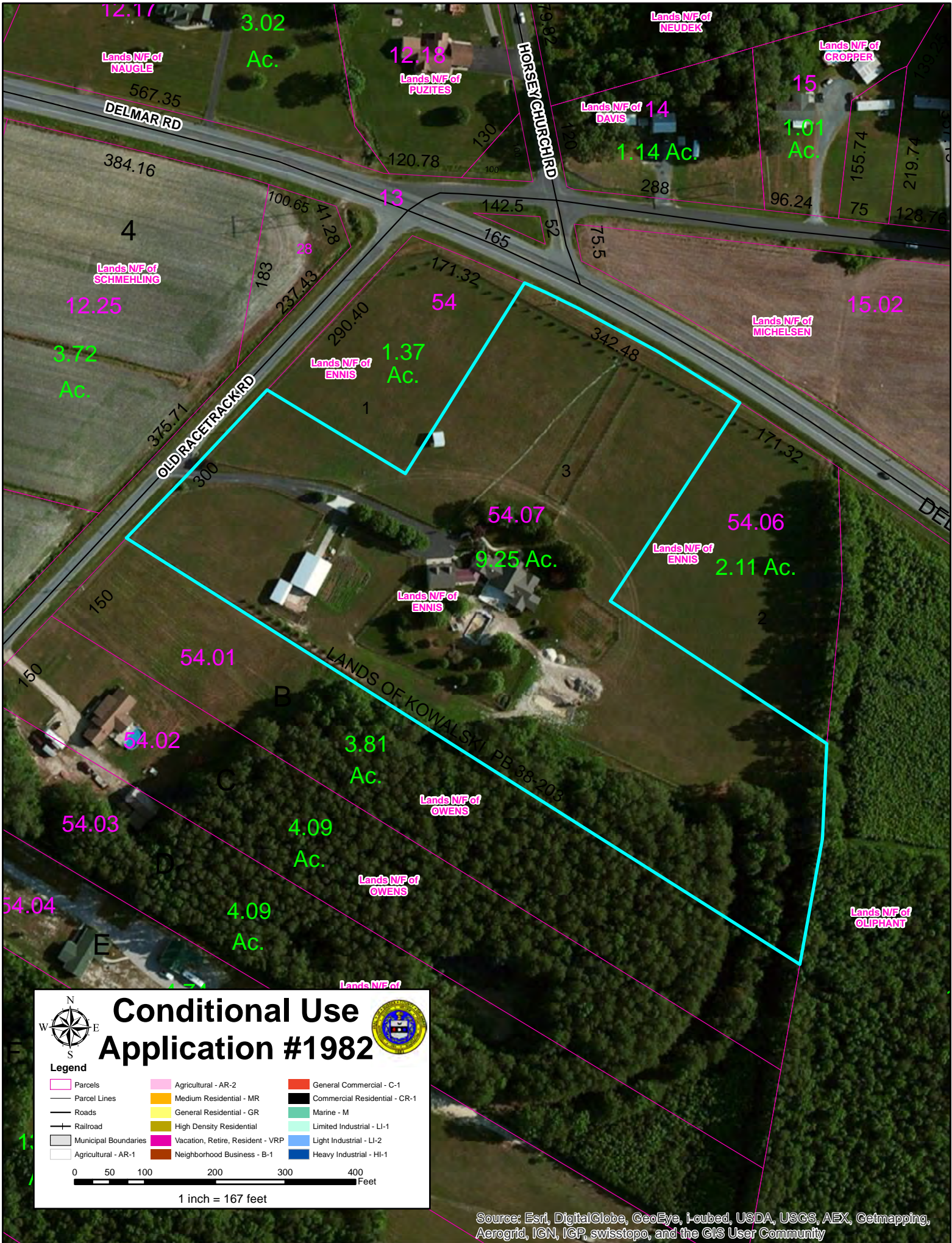
**Legend**

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

0 50 100 200 300 400 Feet

1 inch = 167 feet





# Conditional Use Application #1982



**Legend**

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

0 50 100 200 300 400 Feet

1 inch = 167 feet

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

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.6 ACRES, MORE OR LESS (Tax Map I.D. 134-12.00-330.01)**

WHEREAS, on the 28th day of January 2014, a conditional use application, denominated Conditional Use No. 1983 was filed on behalf of Gerald W. and Emily W. Hocker; 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. 1983 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.

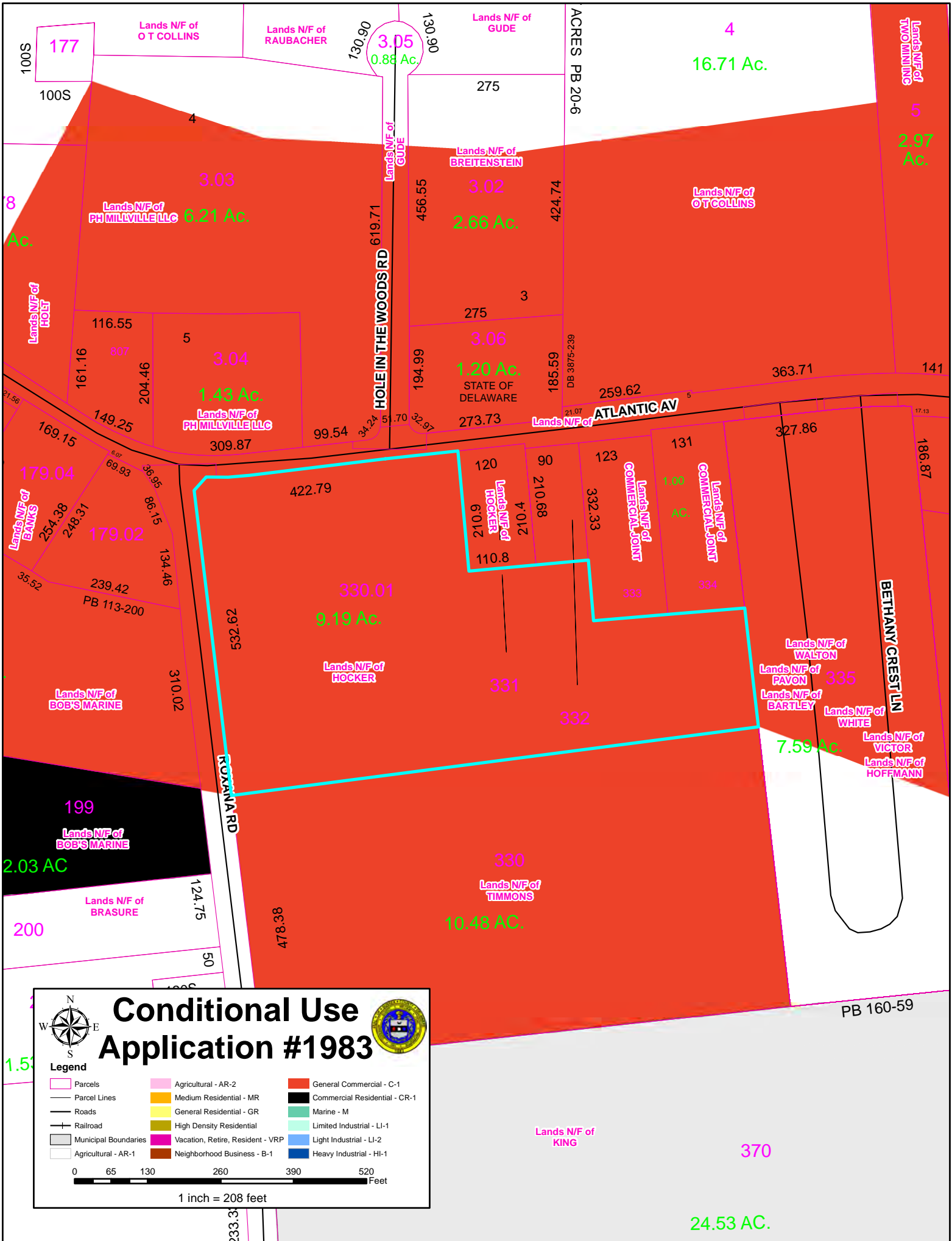
**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1.** That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1983 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 Baltimore Hundred, Sussex County, Delaware, and lying at the southeast corner of the intersection of Route 17 and Route 26 and being more particularly described in Deed Book 2361, Page 133, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 9.6 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.



177

Lands N/F of O T COLLINS

Lands N/F of RAUBACHER

3.05  
0.88 Ac.

Lands N/F of GUDE

4

16.71 Ac.

Lands N/F of TWO MINING

5

2.97 Ac.

100S

Lands N/F of PH MILLVILLE LLC

3.03

6.21 Ac.

Lands N/F of BREITENSTEIN

3.02

2.66 Ac.

Lands N/F of O T COLLINS

Lands N/F of HOLT

116.55

5

3.04

1.43 Ac.

275

3.06

1.20 Ac.

STATE OF DELAWARE

Lands N/F of

ATLANTIC AV

363.71

141

Lands N/F of BANKS

169.15

149.25

204.46

179.04

179.02

254.38

248.31

36.95

86.15

134.49

239.42

PB 113-200

Lands N/F of BOB'S MARINE

310.02

199

Lands N/F of BOB'S MARINE

2.03 AC

Lands N/F of BRASURE

200

124.75

50

186.87

17.13

330

Lands N/F of TIMMONS

10.48 AC.

330

Lands N/F of HOCKER

330.01

9.19 Ac.

331

Lands N/F of HOCKER

110.8

6.012

4.212

210.68

90

123

Lands N/F of COMMERCIAL-JOINT

332.33

131

Lands N/F of COMMERCIAL-JOINT

1.00 AC.

333

Lands N/F of WALTON

334

Lands N/F of RAVON

335

Lands N/F of BARTLEY

7.59 Ac.

Lands N/F of WHITE

Lands N/F of VICTOR

Lands N/F of HOFFMANN

BETHANY CREST LN

370

Lands N/F of KING

24.53 AC.

PB 160-59

ROMANIA RD

532.62

422.79

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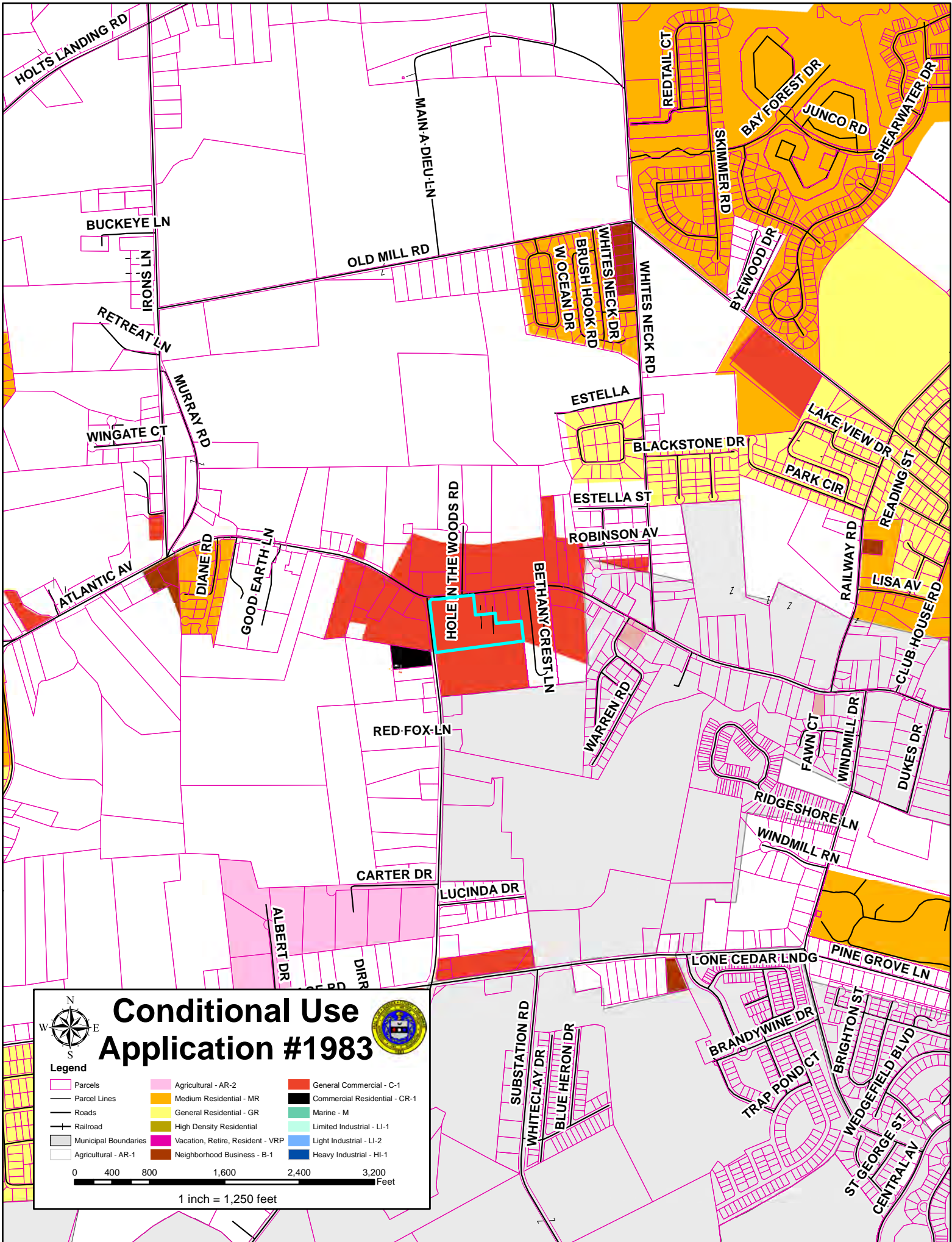
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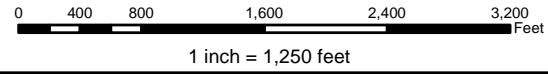
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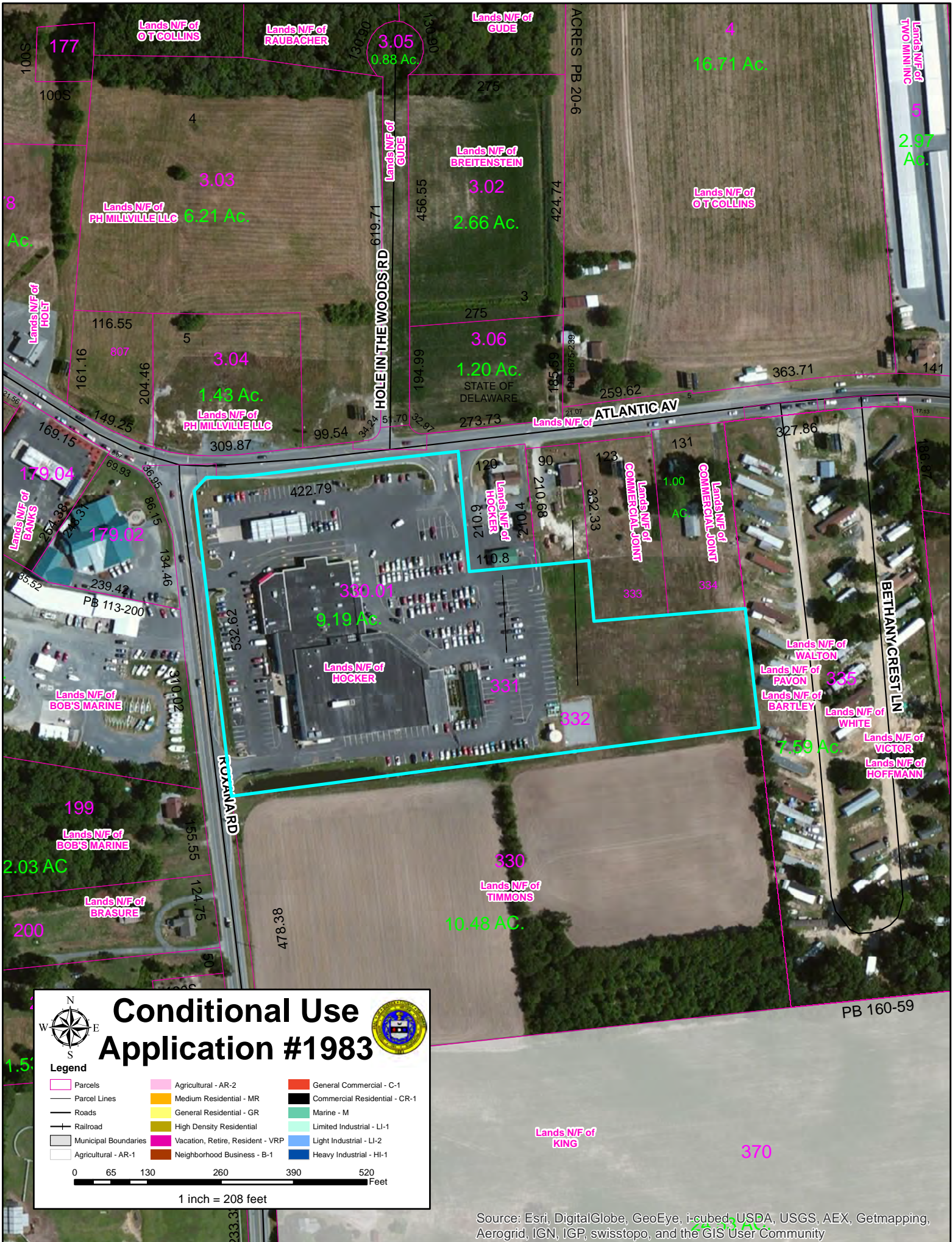


# Conditional Use Application #1983



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





# Conditional Use Application #1983



**Legend**

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

0 65 130 260 390 520 Feet

1 inch = 208 feet

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

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.6327 ACRES, MORE OR LESS (Tax Map I.D. 134-15.00-118.00 part of)**

**WHEREAS, on the 10th day of February 2014, a conditional use application, denominated Conditional Use No. 1985 was filed on behalf of Eugenia Athan; 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. 1985 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. 1985 as it applies to the property hereinafter described.**

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

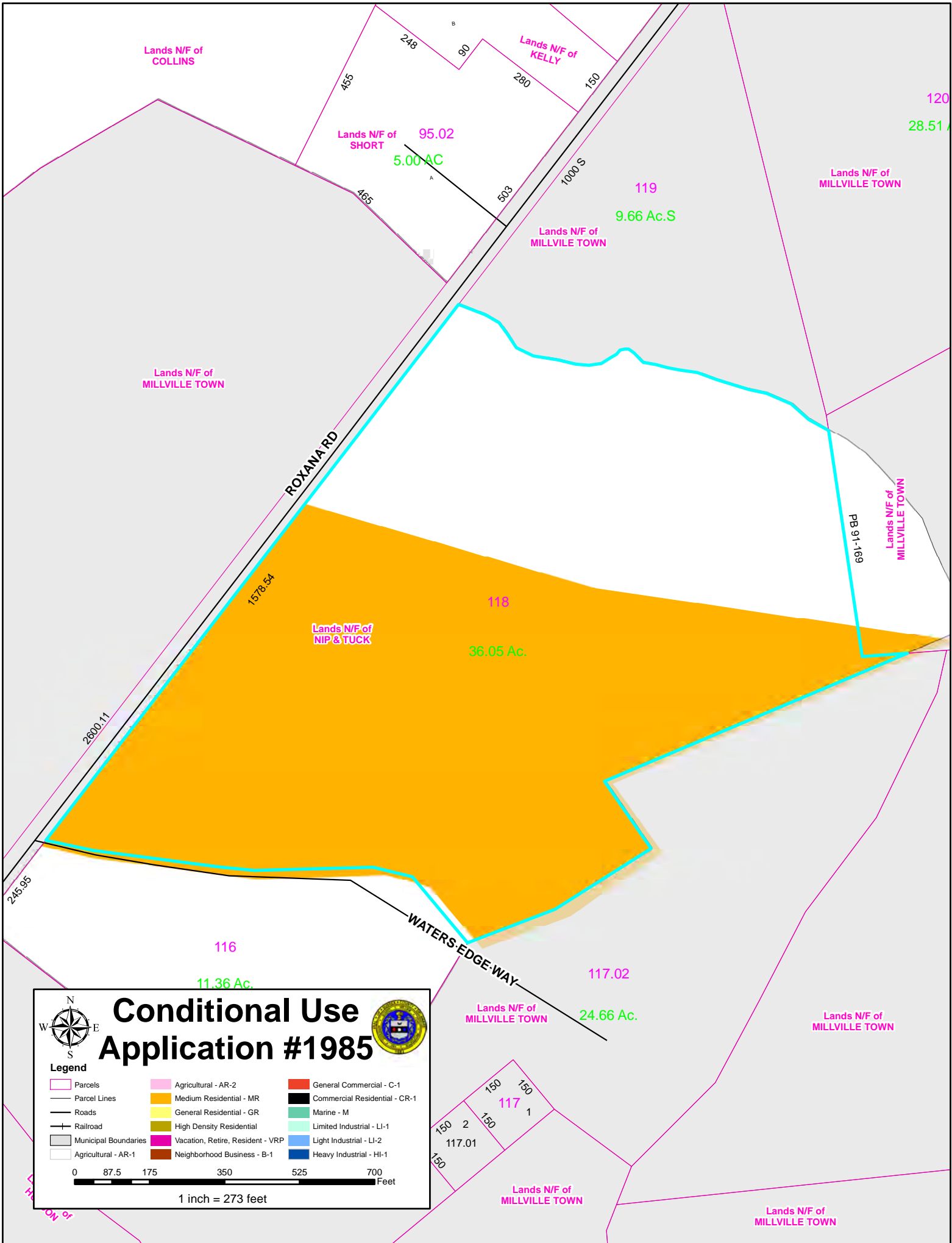
**ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying southeast of Route 17 (Roxanna Road) 3,200 feet northeast of Road 365 (Peppers Corner Road) and being more particularly described as follows:**

**BEGINNING at a point on the easterly right of way of Rt. 17, at the centerline of Beaver Dam Ditch, the dividing line between these subject lands and lands now or formerly of Millville Town Center, LLC; thence following the right of way line south 37°36'31" west 684.18 feet to a point; thence departing the right of way south 82°15'26" east 842.21 feet to a**



point; thence north 71°24'00" east 189.98 feet to a point; thence north 65°10'31" east 306.32 feet to a point that makes the division line of these lands and lands now or formerly of Millville Town Center, LLC; thence north 10°26'14" west 150.04 feet to a concrete marker; thence continuing north 10°26'14" west 20.17 feet to the center point of Beaver Dam Canal; thence with the center of Beaver Dam Canal in a north-westerly direction, the following fourteen courses, north 61°00'09" west 32.23 feet to a point; thence north 49°30'00" west 78.29 feet to a point; thence north 68°20'49" west 61.11 feet to a point; thence north 76°39'51" west 99.67 feet to a point; thence north 69°28'23" west 101.94 to a point; thence north 83°49'22" west 72.58 feet to a point; thence north 55°20'15" west 55.45 to a point; thence south 88°58'56" west 29.10 feet to a point; thence south 64°54'43" west 77.26 feet to a point; thence north 82°17'58" west 67.20 feet to a point; thence north 81°25'47" west 62.89 feet to a point; thence north 65°58'55" west 62.71 feet to a point; thence north 29°56'16" west 72.54 feet to a point; thence north 60°40'41" west 78.21 feet to the point and place of beginning and containing 11.6327 acres, more or less, as surveyed by Vista Design, Inc., dated February 12, 2014.

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



Lands N/F of COLLINS

Lands N/F of KELLY

Lands N/F of SHORT  
95.02  
5.00 AC

119  
9.66 Ac.S

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

ROXANA RD

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

Lands N/F of NIP & TUCK

118  
36.05 Ac.

PB 91-169

116  
11.36 Ac.

WATERS EDGE WAY

Lands N/F of MILLVILLE TOWN  
24.66 Ac.

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

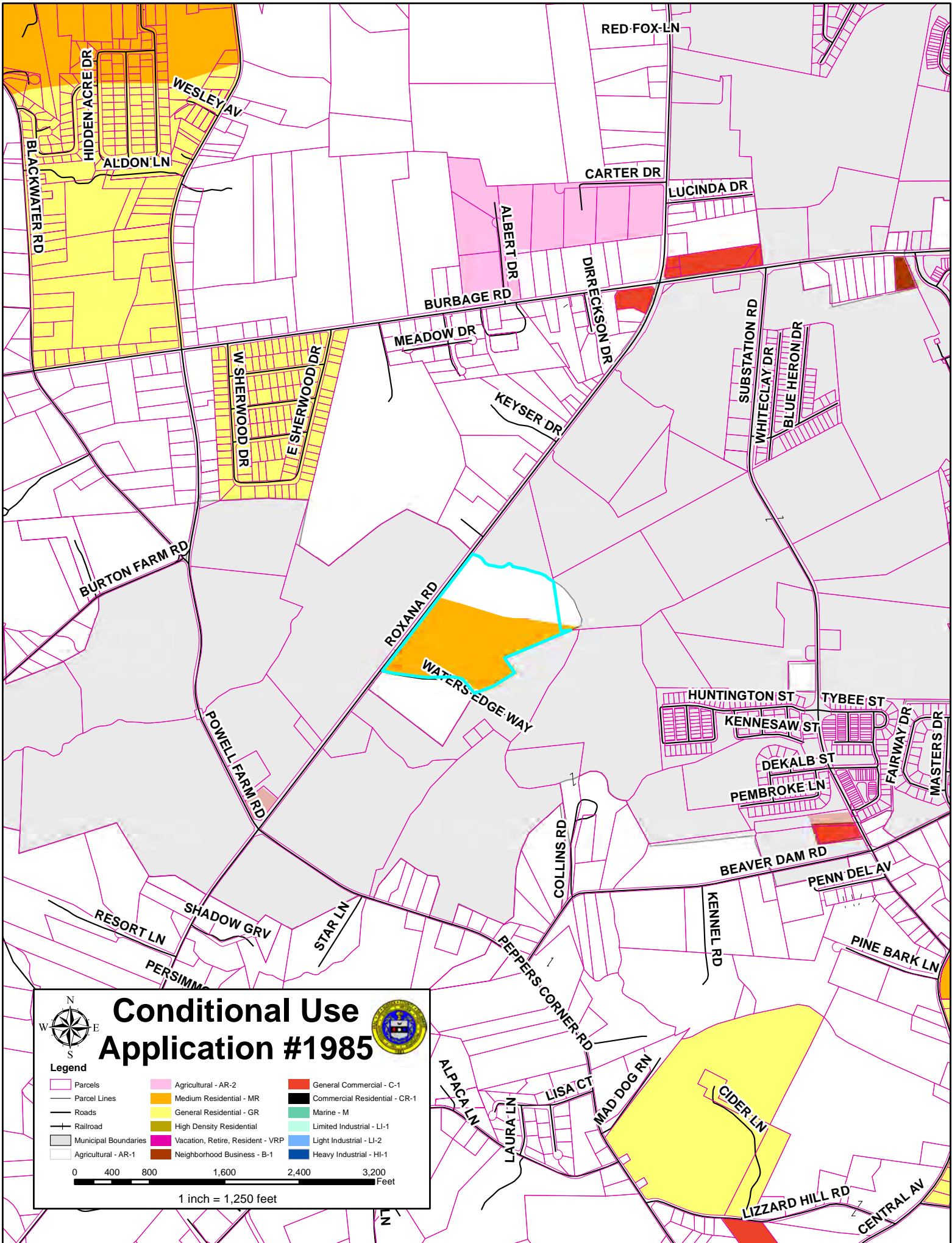
## Conditional Use Application #1985

**Legend**

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

1 inch = 273 feet

Lands N/F of MILLVILLE TOWN

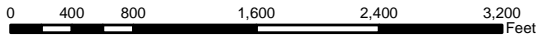


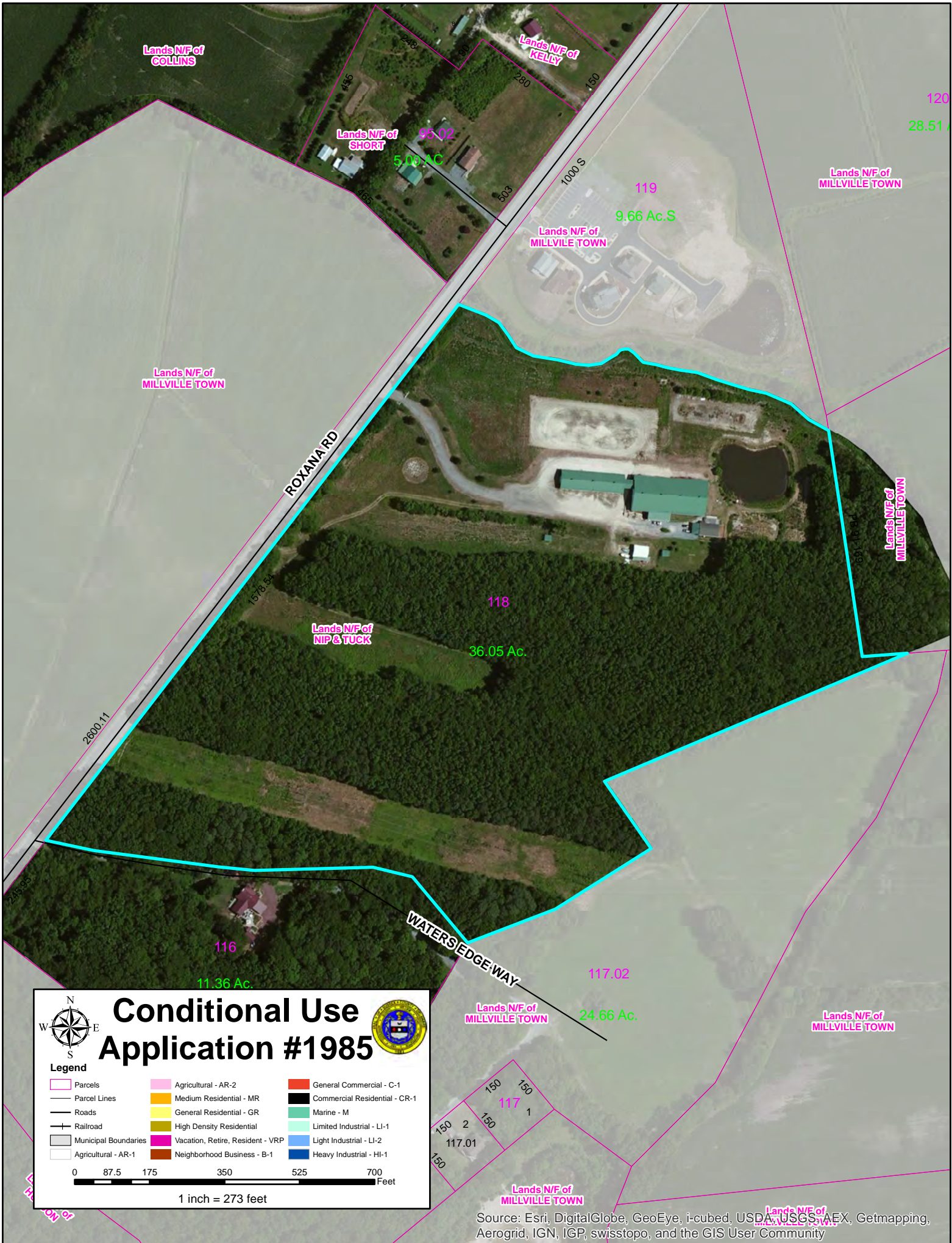
# Conditional Use Application #1985



**Legend**

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





Lands N/F of COLLINS

Lands N/F of KELLY

Lands N/F of SHORT

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

ROXANA RD

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

Lands N/F of NIP & TUCK

118

36.05 Ac.

2600.11

116

11.36 Ac.

WATERS EDGE WAY

117.02

Lands N/F of MILLVILLE TOWN

24.66 Ac.

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

Lands N/F of MILLVILLE TOWN

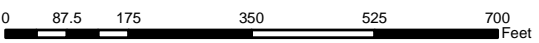


# Conditional Use Application #1985



**Legend**

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



1 inch = 273 feet

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