



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

**MEETING:  
June 18, 2013**

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



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# Sussex County Council

## AGENDA

June 18, 2013

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Lt. Michael Costello, Department of Natural Resources & Environmental Control - Trash Control Program Presentation

### Todd Lawson, County Administrator

#### 1. Administrator's Report

### 10:15 a.m. Public Hearings

**"AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR  
FISCAL YEAR 2014"**

**Assessment Rolls for Sewer and Water Districts**

**"AN ORDINANCE ESTABLISHING ANNUAL SEWER 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

**A. Carona Seagrass Plantation, LLC – Seagrass Plantation - Revision 2, Phase 5**

#### 2. Legislative Update



**Rob Davis, Senior Planner, Utility Planning Division**

**1. Ocean View Beach Club Annexation – Expansion of the Bethany Beach Sanitary Sewer District**

**A. Request to Prepare and Post Public Hearing Notices**

**Grant Requests**

- 1. City of Milford for 2013 Museum Challenge Campaign**
- 2. Boy Scout Troop 281 for William J. McCabe's Eagle Scout Project**
- 3. Laurel Historical Society for Studley House interior renovation expenses**

**Introduction of Proposed Zoning Ordinances**

**Any Additional Business Brought Before Council**

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

**Change of Zone No. 1729 filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.**

**"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS" (Tax Map I.D. 2-34-25.00-31.01, 31.02 & 31.04)**

**Conditional Use No. 1963 filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey's Landing Park, Inc.**

**"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS" (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04)**

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**In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 11, 2013 at 4:40 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, JUNE 11, 2013**

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 11, 2013, 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 272 13  
Approve  
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Phillip, to approve the Agenda.

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 June 4, 2013 were approved by consent.

**Corre-  
spondence**

Mrs. Deaver read the following correspondence:

**JOHN AND CAROL KANE, MILTON, DELAWARE.**

**RE: Questions/Answers relating to the Sussex County Code: building permit applications, Certificates of Compliance and/or Occupancy. (The letter will be forwarded to the Planning and Zoning Department.)**

**Tribute  
Recognizing  
Ann Hobbs/  
Wastewater  
Operator**

The Council recognized Ann Hobbs, State of Delaware Wastewater Operator of the Year, an award presented by Delaware Technical & Community College. Ms. Hobbs has been employed by the County since 1999 and she is currently a Wastewater Operator and Lab Manager at the South Coastal Regional Wastewater Facility.

**Procla-  
mation/**

The Council recognized the Laurel High School Girls' Softball Team with a Proclamation entitled "A PROCLAMATION TO HONOR THE LAUREL HIGH SCHOOL GIRLS' SOFTBALL TEAM UPON WINNING THE 2013

|   |  |
|---|--|
| <b>LHS Softball Team</b>                                    | <b>DIAA CHAMPIONSHIP". The Laurel High School Girls' Softball Team won the Delaware Interscholastic Athletic Association title as State Champions for the 2013 season.</b>   |
| <b>Appoint-ments</b>  | <b>Mr. Lawson announced that Jeff Hudson's and Dale Callaway's terms on the Board of Adjustment will expire on June 30, 2013.</b>  |
| <b>M 273 13 Board of Adjustment Appoint-ment</b>            | <p><b>A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to reappoint Jeff Hudson (District 5) to the Board of Adjustment for a term of 3 years</b></p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b></p>                |
| <b>M 274 13 Board of Adjustment Appoint-ment</b>            | <p><b>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reappoint Dale Callaway (District 3) to the Board of Adjustment for a term of 3 years.</b></p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b></p>                 |
| <b>Appoint-ment</b>   | <b>Mr. Lawson announced that Emory West's term on the Library Advisory Board will expire on June 30, 2013.</b>   |
| <b>M 275 13 Library Advisory Board Appoint-ment</b>         | <p><b>A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to reappoint Emory West to the Library Advisory Board for a term of 3 years.</b></p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b></p>                          |
| <b>Appoint-ment</b>   | <b>Mr. Lawson reported that Robert Wheatley's term on the Planning and Zoning Commission will expire on June 30, 2013.</b>   |
| <b>M 276 13 Planning and Zoning Commission Appoint-ment</b> | <p><b>A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to reappoint Robert Wheatley (District 5) to the Planning and Zoning Commission for a term of 3 years.</b></p> <p><b>Motion Adopted: 5 Yeas.</b></p> <p><b>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</b></p> |

**Draft  
Ordinance/  
Lot  
Main-  
tenance**

The Council discussed a draft ordinance entitled “AN ORDINANCE TO DELETE THE CURRENT CHAPTER 80 OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE AND ADOPT A MORE COMPREHENSIVE NEW CHAPTER 80 PERTAINING TO PROHIBITED GROWTH OF GRASS AND WEEDS TOGETHER WITH ENFORCEMENT AND PENALTY PROVISIONS”.

This Ordinance deletes the current Chapter 80 entitled Lot Maintenance in its entirety and inserts a new Chapter 80 also entitled Lot Maintenance which sets forth prohibited growths and accumulations, enforcement provisions and penalties for failure to comply with this Chapter.

Mr. Lawson noted that a previous Draft Ordinance relating to Lot Maintenance was introduced and then withdrawn; he explained that it is now being proposed to introduce a new draft ordinance (under Chapter 80).

Eddy Parker, Director of Assessment, reported that, originally, lot maintenance was a part of the zoning ordinance and it was moved to Chapter 80; however, when Chapter 80 was amended, there were sections inadvertently removed relating to the penalties for lot maintenance violations. He noted that the draft ordinance will rectify this and provide a means for imposing penalties.

Vince Robertson, Assistant County Attorney, stated that when the Planning and Zoning Commission held a Public Hearing on the original Proposed Ordinance (entitled “AN ORDINANCE TO REPEAL CHAPTER 80, “LOT MAINTENANCE,” § 80-3 IN ITS ENTIRETY AND AMEND CHAPTER 115, ARTICLE XXV, “SUPPLEMENTARY REGULATIONS,” § 115-191.4 AND 115-191.5 OF THE CODE OF SUSSEX COUNTY BY INCLUDING IN § 115-191.4 MINIMUM STANDARDS FOR LOT MAINTENANCE PERTAINING TO PROHIBITED ACCUMULATIONS OF OVERGROWN GRASS AND WEEDS AND TO INCLUDING FAILURE TO COMPLY WITH THE MINIMUM LOT MAINTENANCE STANDARDS PROHIBITING OVERGROWN GRASS AND WEEDS IN THE PENALTY AND ENFORCEMENT PROVISIONS OF § 115-191.5”), there were questions raised regarding why it should be put into Chapter 115 since it would create an additional layer of bureaucracy. The Commission recommended that the Proposed Ordinance be denied.

Mrs. Deaver raised a question relating to lot maintenance and ornamental grasses/native flowers. She stated that these types of grasses and flowers grow tall and she questioned if the County needs to consider this. Mr. Robertson stated that the new Draft Ordinance does address this issue.

**Introduction  
of Proposed  
Ordinance/  
Lot Main-  
tenance**

Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO DELETE THE CURRENT CHAPTER 80 OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE AND ADOPT A MORE COMPREHENSIVE NEW CHAPTER 80 PERTAINING TO PROHIBITED GROWTH OF GRASS AND WEEDS

**Introduction (continued)**     **TOGETHER WITH ENFORCEMENT AND PENALTY PROVISIONS”.**

**The Proposed Ordinance will be advertised for Public Hearing.**

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

**trator’s  
Report**

**1.     Federal Emergency Management Agency (FEMA) Flood Insurance Meeting**

Per the attached letter, the Federal Emergency Management Agency (FEMA) will host a public workshop on June 19<sup>th</sup> from 10:00 to 12:00 PM in the Council Chambers. The purpose of the workshop is to discuss and receive feedback on FEMA’s new digital Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS). Copies of the maps will be available for the public to review and comment, and representatives from FEMA will be available for questions.

**2.     Sussex County Emergency Operations Center Call Statistics – May 2013**

Attached please find the call statistics for the Fire and Ambulance Callboard for May 2013. There were 14,813 total calls handled in the month of May. Of those 9-1-1 calls in May, 77 percent were made from wireless phones.

**3.     Neva West**

It is with sadness that we inform you that Neva West, County pensioner, passed away on May 31, 2013. Ms. West worked for Sussex County from September 1971 until her retirement in March 1993. She retired from SCRWF where she worked as a Clerk IV - Supervisor. We would like to express our condolences to the West family.

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

**Update/  
Pension  
and OPEB  
Plans**

Mrs. Jennings updated the Council on the County’s Pension and OPEB Plans. Included in Council’s Agenda Packets for June 11th were the draft minutes of the May 16, 2013 Pension Committee meeting and the Investment Performance Report as of March 31, 2013.

Summary of the Pension Investment Analysis – Market value was \$62,209,232 as of March 31, 2013; one year return of \$4.3 million, or 9.3 percent, net of investment fees; strong returns with good downside protection; out of the 30 clients that Pierce Park manages, the County’s is the most conservative plan; the County is ranked 24 percent nationally among all plans of all sizes; all managers except Fidelity outperformed their benchmark for the first quarter; and there are no recommended changes to the plan at this time as the overall risk versus reward remains very good.



Update/  
Pension  
and OPEB  
Plans  
(continued)

Summary of the OPEB Investment Analysis – Market value was \$27,638,534 as of March 31, 2013; one year return of \$1.8 million, or 7.1 percent, net of investment fees; fund still ranked above average nationally; OPEB Plan has made progress, however, improvements to the Plan need to be considered.

Mrs. Jennings reported that the Pension Committee is recommending the reallocation of OPEB funds to the current investment managers, but in areas that the managers are performing the strongest. The rationale for the recommendation is as follows: rebalance fixed income back to policy target of 35 percent; convert the Harding Loevner Global Equity investment to the Harding Loevner International Equity Investment since the Harding Loevner International strategy has posted strong returns; add funds to the Russell 1000 Index and Vanguard Dividend Growth portfolios to meet Domestic Equity targets of 48 percent; this will save an estimated \$14,000 annually in investment fees. (Mrs. Jennings noted that the reallocation was included in the Council's Agenda packet.)

M 277 13  
Approve  
OPEB  
Fund Mix  
Reallocation

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that the Sussex County Council approves the Pension Committee's recommendation to reallocate the OPEB Fund mix to the following: Black Rock Equity Dividend – 4 percent, Vanguard Dividend Growth – 6 percent, Vanguard Russell 1000 Index – 24 percent, Vanguard Mid Cap Index – 5 percent, Ridgeworth Small Cap Value – 5 percent, Dodge & Cox Global – 8 percent, Harding Loevner Global Equity – none, Wilmington Trust Fixed Income – 35 percent, Cash & Equivalents – 5 percent, and Harding Loevner International Equity – 8 percent.

Motion Adopted: 5 Yeas.

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

Wastewater  
Agreement

Hal Godwin, Deputy County Administrator, presented a wastewater agreement for the Council's consideration.

M 278 13  
Execute  
Wastewater  
Agreement/  
Millville  
by the Sea

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 856-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Miller and Smith for wastewater facilities to be constructed in Millville by the Sea – Sub Phase 2C-2, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

**M 278 13  
(continued)**

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

**Legislative  
Update**

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

**House Bill No. 27 – “AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES”**

**This Bill allows school taxes and property taxes to be collected by tax intercept.**

**This Bill is on the House Agenda on this date.**

**House Bill No. 63 – “AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION RELATING TO AGRICULTURE”**

**Synopsis: 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.**

**This Bill is on the House Ready List.**

**Senate Bill No. 58 – “AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES”.**

**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 payment of taxes due.**

**This Bill is on the Senate Ready List.**

**House Bill No. 150 – “AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RAW MILK”**

**This Bill legalizes the sale of unpasteurized, raw milk directly to a final consumer. This Bill tasks the Department of Health and Social Services, in consultation with the Department of Agriculture, with establishing a raw milk permit program, as well as such rules, regulations, and standards as are necessary to further the objectives and provisions of the Bill and to ensure the safety of the general public.**

**This Bill will be reviewed by the Agricultural Committee in the House on Wednesday, June 12th.**

**Mr. Godwin stated that he does not have any direction from the Council on this legislation.**

Legislative  
Update  
(continued)

**House Bill No. 95 – “AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION AND ENVIRONMENTAL LIENS”.**

This Act provides the Department of Natural Resources and Environmental Control (DNREC) with the authority to impose environmental liens on real property in an effort to recover taxpayers' money expended by the State in order to investigate and clean up contaminated properties in circumstances where the property owners who caused the contamination have failed to do so.

Mr. Godwin stated that there is an amendment to the Bill which clarifies an environmental lien's position in the order of priority. Specifically, a lien that relates back to before the environmental lien is perfected has priority over the environmental lien. The amendment also (1) changes the minimum time period for DNREC to give a property owner notice of a lien from 21 to 30 days before its effective date and it requires that the notice of lien include the amount of and basis for the lien, (2) clarifies that the provisions of this Act do not preclude any equitable claims by an aggrieved person in the Court of Chancery including actions to quiet title, and (3) provides that, within 10 days of a written request, DNREC shall make available the documentation upon which such lien is based.

This Bill has not yet been placed on the House Agenda.

**House Bill No. 135 – “AN ACT TO AMEND TITLES 3 AND 29 OF THE DELAWARE CODE RELATING TO THE LICENSING OF VIDEO LOTTERY CASINOS AND HARNESS RACING DAYS”.**

This Act seeks to create jobs and new sources of revenue for the State of Delaware by, among other means, authorizing the addition of two new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee. This Act creates a nine member, politically-balanced Committee with financial, accounting, or banking experience to select the sites and licensees. This Act also increases the number of required racing days to reflect the current amount of racing, and prevents the addition of video lottery agents from triggering a reduction in the minimum number of days that existing harness tracks must offer harness racing. Finally, this Act also expresses the intent of the General Assembly that the new video lottery casinos will be subject to a one-time license fee and ongoing license fees, as well as such fees as are necessary to create a level playing field for competition with video lottery agents who operate horse racing or harness racing, and directs the Department of Finance to prepare legislation implementing that intent.

This Bill will be discussed by the Gaming and Pari-mutuels Committee on June 12th at 1:00 p.m. in the House Majority Caucus Room.

**M 279 13  
Oppose  
House  
Bill  
No. 135**

**A Motion was made by Mr. Phillips, seconded by Mr. Wilson, that the Sussex County Council goes on record in opposition to House Bill No. 135.**

**Motion Adopted: 3 Yeas, 1 Nay, 1 Abstention.**

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

**It was noted that Sussex County previously addressed casino applications as a land use/zoning issue (Ordinance No. 2183 was adopted creating a moratorium on applications for casino and/or gambling or gaming venues in Sussex County).**

**Legislative  
Update  
(continued)**

**Senate Bill No. 78 – “AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO NON-TIDAL WETLANDS”**

**Synopsis: This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no later than December 31, 2014.**

**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 wetlands 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.**

**Senate Amendment No. 1 to Senate Bill No. 78 adds additional stakeholders to the Wetlands Advisory Committee.**

**This Bill passed the Senate.**

**Senate Resolution No. 8 – “URGING THE UNITED STATES CONGRESS TO SUPPORT H.R. NO. 129”.**

**Synopsis: 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 support H. R. No. 129.**

**Council members have not expressed an opinion on this Resolution.**

**Legislative  
Update  
(continued)**

**House Bill No. 160 – “AN ACT TO AMEND TITLE 3 AND TITLE 7 OF THE DELAWARE CODE RELATING TO AQUACULTURE”.**

**Synopsis:** Delaware is the only state on the East Coast of the United States that does not have a shellfish aquaculture industry. Shellfish aquaculture can provide significant economic benefits to coastal communities while improving the water quality and enhancing the habitat value of Delaware’s most imperiled estuaries, the Inland Bays. This bill is designed to minimize conflicts with existing uses of the Inland Bays. It authorizes the Department of Natural Resources and Environmental Control to direct and control the shellfish aquaculture activities within the Inland Bays and to set criteria for the approval of lease sites and applications for leasing. The legislation also gives the Department the authority to collect fees for lease applications and to administer a harvester license. The bill sets lease fees and harvester license fees, establishes term limits on leases, sets penalties for non-compliance with the provisions of the bill, defines illegal gear, stipulates what is to be the disposition of abandoned lease sites, and defines what would constitute theft or tampering with gear legally set on leased sites. The legislation also authorizes the Department to promulgate regulations on issuing and administering leases, including the revocation of leases for cause. It further gives the Department regulatory authority over determining: what species may be cultured and where, adding acreage to approved lease sites, the required marking and inspection of lease sites, limits on the type and nature of gear that may be used on lease sites, what would constitute abandonment of lease sites and disposition of gear left on abandoned sites, seasonal restrictions on working on lease sites, prevention and control of shellfish-borne diseases, and criteria for importation of shellfish to be used for aquaculture purposes in order to protect wild shellfish. The legislation also clarifies the authority of the Department of Agriculture to coordinate activities in closed-system aquaculture only and deletes reference to the Department’s Delaware Aquaculture Council, which is not active and is no longer needed given the clarification of authority.

**This Bill has passed the House.**

**Mr. Godwin stated that he needs direction from the Council regarding its position on this legislation.**

**Mr. Cole commented that one concern is if they started leasing out parcels and restrict use to others as some of the areas are primary recreation area. He noted that DNREC should make Public Hearings a part of the process.**

**It was noted that the Center for the Inland Bays supports this legislation.**

**M 280 13  
Request  
Regarding  
HB No. 160**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to support the idea that, if House Bill No. 160 is passed, there should be public input/a public hearing process prior to DNREC awarding any aquaculture leases in accordance with House Bill No. 160.**

**M 280 13  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Legislative  
Update  
(continued)**

**Draft Legislation Relating to DelDOT and Traffic Impact Districts**

**Mr. Godwin reported that this Bill is in Draft Form and he noted that DelDOT is not comfortable with the Bill moving yet.**

**Mr. Godwin stated that he will continue to watch this Draft Legislation.**

**Barking  
Dog/Noise  
Complaint  
Issue**

**Hal Godwin, Deputy County Administrator, reported on the barking dog/noise complaint issue, a topic of discussion requested during the June 4th Council meeting.**

**Mr. Godwin provided a review of the Council's discussions on this issue in 2006 (February 14 and May 2 minutes) including a Draft Ordinance. No action was taken in 2006.**

**Mr. Godwin also reviewed New Castle County's and Kent County's Codes relating to Noise Control. Major Brian Whipple, Kent County SPCA Animal Control Operations Officer, was in attendance to discuss New Castle County's Ordinance and Leslie Persans, Kent County Assistant Director of Planning Services – Inspection Enforcement, was in attendance to discuss Kent County's Ordinance.**

**Both Major Wipple and Leslie Persans commented that, sometimes, complaints can be resolved by educating the dog owner and the person filing the complaint on the noise ordinance (in New Castle and Kent counties); and they stated that they serve as information gatherers, negotiators and arbitrators. With no ordinance on the books in Sussex County, Major Wipple stated that it is difficult to address barking dog complaints.**

**Mr. Cole suggested that staff look over the New Castle County and Kent County ordinances to see if it is something Sussex County should consider.**

**South  
Bethany  
Sewer Line  
Renovations  
Project**

**Rodney Marvel, Assistant Director of Environmental Services, reported on the South Bethany Sewer Line Renovations Project (Sussex County Project No. 12-29). Mr. Marvel reviewed a proposed Balancing Change Order in the amount of \$559.00 (as a result of grout problems at New Castle Avenue) and he requested that Substantial Completion be granted effective May 24, 2012.**

**M 281 13**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Sussex County Contract No. 12-29, South**

- M 281 13**  
**Approve**  
**C/O and**  
**Grant**  
**Substantial**  
**Completion/**  
**South**  
**Bethany**  
**Sewer Line**  
**Renovations**  
**Project**  
**(continued)**
- Bethany Sewer Line Renovations, with Tri-State Grouting be approved, which increases the contract by the amount of \$559.00 for a new contract total of \$66,559.00; that Substantial Completion be granted effective May 24, 2012; and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Phillips, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea**
- Fair**  
**Housing**  
**Update**
- Brandy Nauman, Fair Housing Compliance Officer, provided the Council with a brief update on actions taken in compliance with the U.S. Department of Justice and U.S. Department of Housing & Urban Development (HUD) fair housing settlement agreements over the last six months in order to comply with Section IV (18) of the Consent Decree:**
- **The County submitted its first draft of the Affordable and Fair Housing Marketing Plan to the Department of Justice on March 28th. Comments were received back regarding the Plan and it was resubmitted on May 13th; the County is still waiting to hear about final approval. Once final approval is received, it must be implemented within 5 days.**
  - **As Fair Housing Compliance Officer, Mrs. Nauman receives and reviews complaints of housing discrimination against the County. To date, the County has received, reviewed, and concluded one complaint; all the documentation and correspondence between the County and the Complainant have been sent to the Department of Justice for review.**
  - **The County is required to provide fair housing materials to the public, i.e. the HUD complaint form, the Consent Decree, and the County's Fair Housing Policy. All of these materials and more are available in the Community Development Office.**
  - **The County passed a Fair Housing Policy on December 11, 2012 and it was amended on April 16, 2013 to add additional protected classes from the Delaware Fair Housing Act as well as any language that is read prior to any land use or zoning public hearing. The Fair Housing Policy has been added to the County's land use application.**
  - **The County is required to create an Affordable Housing and Fair Housing webpage; this has been created and will launch on June 19, 2013. The website will be updated regularly to provide affordable housing updates, progress on the New Horizons subdivision application, the County's compliance reports to HUD and Department of Justice, and fair housing materials.**
  - **On March 8, 2013, the County completed its fair housing training for all staff and employees affiliated with housing, land use and zoning;**

**Fair  
Housing  
Update  
(continued)**

two additional training sessions were held for staff who were unable to attend on March 8th. Signed certificates have been sent to the Department of Justice.

- The County was required to review and evaluate three different analyses of impediments to fair housing and develop a proposed priority plan to address those impediments; the draft plan has been sent to HUD and the Delaware State Housing Authority (DSHA) for review. On March 28th, comments were received back from the DSHA; the comments were incorporated into a second draft which was resent. A response is still pending from HUD.
- On April 23, 2013, the Council voted to adopt the amendment to the MPHU Ordinance, which lowered the income guidelines from 80 to 125 percent of AMI to 50 to 125 percent of AMI.
- An internal evaluation of ten rural communities in the County is required; this evaluation would determine the prioritized secondary infrastructure and community service needs of each community. Once the communities have been evaluated, the County will have a basis from which to prioritize its own investments and requests for federal funding. The Community Development and Housing Department has submitted a funding request to the DSHA as part of the CDBG funding application to assist with the data collection for the study; formal approval of the funding request has not yet been received.

**Grant  
Request**

Mrs. Jennings presented a grant request for the Council's consideration.

**M 282 13  
Council-  
manic  
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$1,500.00 (\$1,200.00 from Mr. Wilson's Councilmanic Grant Account and \$300.00 from Mr. Phillips' Councilmanic Grant Account) to the Town of Georgetown for repairs to the fountain on The Circle.

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinances**

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A WASTEWATER TREATMENT PLANT TO TREAT OFFSITE WASTE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.26 ACRES, MORE OR LESS" (Conditional Use No. 1967) filed on behalf of Tidewater Environmental Services, Inc.

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT



**Introduction of Proposed Ordinances (continued)**      **TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.4219 ACRES, MORE OR LESS” (Change of Zone No. 1732) filed on behalf of Herola Family, LLC and Artisan’s Bank.**

**The Proposed Ordinances will be advertised for Public Hearing.**

**There was no additional business.**

**M 283 13 Go Into Executive Session**      **At 11:20 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing land acquisition.**

**Motion Adopted:      5 Yeas.**

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

**Executive Session**      **At 11:22 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing land acquisition. The Executive Session concluded at 11:47 a.m.**

**M 284 13 Reconvene Regular Session**      **At 11:48 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted:      5 Yeas.**

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

**There was no action on Executive Session issues.**

**M 285 13 Adjourn**      **A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 11:48 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**

ORDINANCE NO. \_\_\_\_

AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR  
FISCAL YEAR 2014

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1: The Statement of Anticipated General Fund Revenues for the Fiscal Year  
Ending June 30, 2014 is as follows:

|  | <u>Amount<br/>Year Ending<br/>June 30, 2014</u> |
|--|---|
| <b><u>REVENUES:</u></b>                      |   |
| <b><u>Taxes</u></b>                          |   |
| Real Property – County                       | \$12,237,907                                    |
| Real Property – Library                      | 1,434,874                                       |
| Realty Transfer Tax                          | 16,000,000                                      |
| Fire Service                                 | 900,000   |
| Penalties and Interest                       | 100,000   |
| <b><u>Intergovernmental</u></b>              |   |
| Federal Grants                               |   |
| Emergency Operations                         | 160,000   |
| Emergency Management                         | 3,250   |
| Housing and Urban Development                | 1,856,300                                       |
| Payments in Lieu of Taxes                    | 5,600   |
| State Grants                                 |   |
| Paramedics                                   | 3,941,135                                       |
| Library                                      | 340,938   |
| Local Emergency Planning Commission          | 69,000  |
| Department of Health                         | 10,000  |
| <b><u>Charges for Services</u></b>           |   |
| Constitutional Office Fees                   |   |
| Marriage Bureau                              | 115,000   |
| Prothonotary                                 | 2,000   |
| Recorder of Deeds                            | 3,300,000                                       |
| Recorder of Deeds – Town Realty Transfer Tax | 30,000  |
| Recorder of Deeds - Maintenance              | 40,000  |
| Register of Wills                            | 1,000,000                                       |
| Sheriff                                      | 2,010,000                                       |
| General Government Fees                      |   |
| Building Permit and Zoning Fees              | 1,315,000                                       |
| 911 System Fee                               | 559,630   |
| Manufactured Home Placement Tax              | 74,000  |
| Building Inspection Fees                     | 856,000   |
| Airpark Operation Fees                       | 430,912   |
| Miscellaneous Fees                           | 25,000  |
| Dog Licensing                                | 72,000  |
| Rents other than Airpark                     | 37,210  |
| Private Road and Inspection Fees             | 250,000   |
| Sewer Review and Inspection                  | 4,400   |

|                                       | <b><u>Amount<br/>Year Ending<br/>June 30, 2014</u></b> |
|---------------------------------------|--|
| <b><u>Miscellaneous Revenue</u></b>   |  |
| Contributions and Donations           | \$ 25,000  |
| Economic Loan Repayments              | 45,560   |
| Fines and Forfeits                    | 24,000   |
| Investment Income                     | 170,000  |
| Reimbursements – Medicare             | 96,000   |
| Miscellaneous Revenues                | 17,900   |
| <b><u>Other Financing Sources</u></b> |  |
| Reimbursements from other funds       | 300,000  |
| Appropriated Reserves                 | 2,278,232  |
| <b><u>TOTAL REVENUES</u></b>          | <b><u>\$50,136,848</u></b>                             |

**Section 2. The Statement of General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2014 is established as follows:**

|                                      | <b><u>Amount<br/>Year Ending<br/>June 30, 2014</u></b> |
|--------------------------------------|--|
| <b><u>EXPENDITURES:</u></b>          |  |
| <b><u>General Administration</u></b> |  |
| County Council                       | \$ 502,368   |
| County Administration                | 504,559  |
| Legal                                | 335,000  |
| Finance                              | 1,822,809  |
| Assessment                           | 1,403,250  |
| Building Code                        | 620,243  |
| Mapping & Addressing                 | 686,443  |
| Human Resources                      | 1,277,746  |
| Records Management                   | 156,759  |
| Buildings and Grounds                | 1,333,246  |
| Data Processing                      | 340,982  |
| Information Technology               | 1,131,861  |
| Constable                            | 240,845  |
| Dog Control                          | 720,665  |
| <b><u>Planning &amp; Zoning</u></b>  | <b>1,267,923</b>                                       |
| <b><u>Paramedics</u></b>             | <b>13,137,115</b>                                      |
| <b><u>Emergency Preparedness</u></b> |  |
| Administration                       | 478,060  |
| Emergency Operations                 | 2,017,436  |
| Communication Systems                | 462,864  |
| Local Emergency Planning Committee   | 80,640   |

|                                       | <b><u>Amount<br/>Year Ending<br/>June 30, 2014</u></b> |
|---------------------------------------|--|
| <b><u>Engineering</u></b>             |  |
| Administration                        | \$1,359,323  |
| Public Works                          | 554,441  |
| <b><u>Library</u></b>                 |  |
| Administration                        | 620,153  |
| Facilities                            | 1,829,573  |
| Local Libraries                       | 1,434,874  |
| <b><u>Economic Development</u></b>    |  |
| Economic Development                  | 109,691  |
| Security                              | 475,712  |
| Airpark                               | 499,440  |
| <b><u>Community Development</u></b>   | 2,100,243  |
| <b><u>Grant-in-aid</u></b>            | 7,329,615  |
| <b><u>Constitutional Offices</u></b>  |  |
| Marriage Bureau                       | 165,415  |
| Recorder of Deeds                     | 1,125,127  |
| Register of Wills                     | 481,485  |
| Sheriff                               | 630,942  |
| <b><u>Other Financing Sources</u></b> |  |
| Transfers out                         | 500,000  |
| Reserved for Contingencies            | 2,400,000  |
| <b><u>TOTAL EXPENSES</u></b>          | <b><u>\$50,136,848</u></b>                             |

**Section 3. The Tax Rate, Firemen's Enhancement Funding Program, and Cluster Fees for Fiscal Year Ending June 30, 2014 are established as follows:**

- (a) County Property Tax Rate \$ .4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program – Building Permit surcharge of one-quarter of one percent (.25%) of construction values.
- (c) Cluster Fee for a density bonus.
  - 1. For the Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel, and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
  - 2. For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
  - 3. For the Environmentally Sensitive Developing Area - \$20,000 per unit in excess of two dwelling units per acre.

**Section 4. The Statement of Revenues and Expenditures for the Capital Projects Fund for the Fiscal Year Ending June 30, 2014 is as follows:**

|                                     | <b><u>Amount<br/>Year Ending<br/>June 30, 2014</u></b> |
|-------------------------------------|--|
| <b><u>Revenues:</u></b>             |  |
| Appropriated Reserves               | \$ 5,279,770   |
| Federal Aviation Grant              | 2,803,500  |
| Investment Income                   | 14,000   |
| Interfund Transfer                  | 500,000  |
| State of Delaware Grant – Aviation  | 155,750  |
| State of Delaware Grant – Bond Bill | 1,000,000  |
| State of Delaware Grant - Paramedic | <u>120,000</u>   |
| <b><u>Total Revenues</u></b>        | <b><u>\$ 9,873,020</u></b>                             |
| <b><u>Expenditures:</u></b>         |  |
| Administrative                      |  |
| Building Improvements               | \$ 487,600   |
| ERP System                          | 250,000  |
| IT Data Center                      | 185,000  |
| Other Improvements                  | 28,900   |
| Parking Lot Improvements            | 120,000  |
| Records Building                    | 114,500  |
| Airpark                             |  |
| Electrical Improvements             | 559,500  |
| Land Acquisition                    | 900,000  |
| Pavement Improvements               | 516,900  |
| Runway 4-22 Extension               | 3,115,000  |
| Stormwater Improvements             | 239,250  |
| Terminal Improvements               | 35,000   |
| Airport Sign                        | 50,000   |
| Engineering                         |  |
| Woodland Park                       | 250,000  |
| Land Acquisition                    | 375,000  |
| Library                             |  |
| Greenwood                           | 2,100,000  |
| Milton                              | 96,370   |
| South Coastal                       | 50,000   |
| Paramedic                           |  |
| Land Acquisition                    | <u>400,000</u>   |
| <b><u>TOTAL EXPENDITURES</u></b>    | <b><u>\$ 9,873,020</u></b>                             |

**Section 5. The Statement of Enterprise Funds Budget Revenues and Expenditures for the Fiscal Year Ending June 30, 2014 is as follows:**

|  | <b><u>Amount<br/>Year Ending<br/>June 30, 2014</u></b> |
|--|--|
| <b><u>Operating Revenues</u></b>                 |  |
| Finance Charges                                  | \$ 5,400   |
| Holding Tank Fees                                | 237,000  |
| License, Permits, and Review Fees                | 818,400  |
| Miscellaneous Fees                               | 18,150   |
| Service Charges                                  | 18,601,782   |
| <b><u>Non-Operating Revenues</u></b>             |  |
| Assessment Charges                               | 9,040,059  |
| Capitalized Ordinance 38 Fees                    | 1,050,000  |
| Connection Charges                               | 2,304,300  |
| Investment Earnings                              | 98,270   |
| Miscellaneous Revenue                            | 219,890  |
| <b><u>Other Financing Sources</u></b>            |  |
| Transfers In                                     | 85,500   |
| Available Funds                                  | 1,137,847  |
| <b><u>TOTAL REVENUES AND OTHER FINANCING</u></b> | <b><u>\$33,616,598</u></b>                             |
| <b><u>Expenditures</u></b>                       |  |
| Administrative Costs                             | \$ 5,773,125   |
| Operations and Maintenance Costs                 | 11,218,745   |
| Capital Expenditures                             | 2,686,595  |
| Debt Service                                     | <u>13,938,133</u>                                      |
| <b><u>TOTAL EXPENDITURES</u></b>                 | <b><u>\$33,616,598</u></b>                             |

**Section 6. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.**

**Section 7. The County has invested \$10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee, but at the discretion of the Sussex County Council. Sussex County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after Sussex County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or the fire service. Sussex County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, after a review of investment results at March 15 of each year.**

**Section 8. This Ordinance shall become effective on July 1, 2013.**

PUBLIC HEARING

JUNE 18, 2013

10:15 A.M.

SUSSEX COUNTY COUNCIL CHAMBERS

ASSESSMENT ROLLS FOR ALL  
SUSSEX COUNTY  
SANITARY SEWER & WATER DISTRICTS

**EXHIBIT 1  
SUSSEX COUNTY, DELAWARE**

**SUMMARY OF COSTS TO BE RECOVERED  
THROUGH ANNUAL UTILITY CHARGES  
JULY 1, 2013 – JUNE 30, 2014**

| District                      | (1)<br>Operating<br>Expense<br>\$ | (2)<br>Capital<br>Cost<br>\$ | (3)<br>Total Cost<br>of Service<br>\$ |
|-------------------------------|-----------------------------------|------------------------------|---------------------------------------|
| Dewey Beach Water             | 1,108,482                         | 0                            | 1,108,482                             |
| Dewey Beach Sewer             | (a)                               | 109,040                      | 109,040                               |
| Bethany Beach Sewer           | (a)                               | 0                            | 0                                     |
| Sussex Shores                 | (a)                               | 18,962                       | 18,962                                |
| North Bethany Expansion       | (a)                               | 592,447                      | 592,447                               |
| Ocean Way Estates I & II      | (a)                               | 25,024                       | 25,024                                |
| Ocean View Expansion          | (a)                               | 399,267                      | 399,267                               |
| Cedar Neck Expansion          | (a)                               | 363,058                      | 363,058                               |
| North Millville Expansion     | (a)                               | 973,609                      | 973,609                               |
| South Bethany Sewer           | (a)                               | 0                            | 0                                     |
| Fenwick Island Sewer          | (a)                               | 53,776                       | 53,776                                |
| Holts Landing Sewer           | (a)                               | 220,493                      | 220,493                               |
| The Greens at Indian River    | (a)                               | 70,000                       | 70,000                                |
| Blades Sewer                  | (a)                               | 0                            | 0                                     |
| Henlopen Acres Sewer          | (a)                               | 0                            | 0                                     |
| Long Neck Sewer               | (a)                               | 1,314,042                    | 1,314,042                             |
| Dagsboro-Frankford Sewer      | (a)                               | 49,597                       | 49,597                                |
| Prince Georges Acres Sewer    | (a)                               | 26,060                       | 26,060                                |
| West Rehoboth Sewer Expansion | (a)                               | 2,782,834                    | 2,782,834                             |
| Miller Creek Sewer            | (a)                               | 346,195                      | 346,195                               |
| Ellendale Sewer               | (a)                               | 99,690                       | 99,690                                |
| New Market Village Sewer      | (a)                               | 33,269                       | 33,269                                |
| Oak Orchard Sewer             | (a)                               | 299,426                      | 299,426                               |
| Oak Orchard Expansion Sewer   | (a)                               | 371,768                      | 371,768                               |
| Bay View Estates Sewer        | (a)                               | 135,213                      | 135,213                               |
| Sea Country Estates Sewer     | (a)                               | 24,748                       | 24,748                                |
| South Ocean View Sewer        | (a)                               | 206,000                      | 206,000                               |
| Angola Neck Sewer             | (a)                               | 880,509                      | 880,509                               |
| Golf Village Sewer            | 0                                 | 11,688                       | 11,688                                |
| Johnson's Corner Sewer        | (a)                               | 301,996                      | 301,996                               |
| Woodlands of Millsboro Sewer  | 0                                 | 3,348                        | 3,348                                 |
| Unified Sewer District        | 17,493,300                        | 0                            | 17,493,300                            |
| <b>Total</b>                  | <b>18,601,782</b>                 | <b>9,712,059</b>             | <b>28,313,841</b>                     |

**Notes:**

(a) Part of the Unified District.



**EXHIBIT 2  
SUSSEX COUNTY, DELAWARE**

**SUMMARY OF ANNUAL SERVICE CHARGES  
AND ASSESSMENT CHARGES  
JULY 1, 2013 – JUNE 30, 2014**

| <u>District</u>                                     | <u>Annual<br/>Service<br/>Charge<br/>\$/EDU</u> | <u>Annual Assessment Charge</u>                       |  |                          |
|---|---|---|--|--------------------------|
|   |   | <u>Distribution<br/>Or<br/>Collection<br/>\$/foot</u> | <u>Transmission<br/>And/or<br/>Treatment<br/>\$/foot</u> | <u>Total<br/>\$/foot</u> |
| DEWEY BEACH WATER                                   | 305.76  | .00   | .00  | .00                      |
| DEWEY BEACH SEWER                                   | 298.14  | .50   | .21  | .71                      |
| BETHANY BEACH SEWER                                 | 270.00  | .00   | .00  | .00                      |
| SUSSEX SHORES <sup>1</sup>                          | 270.00  | 2.83  | .00  | 2.83                     |
| NORTH BETHANY EXPANSION <sup>1</sup>                | 270.00  | 5.21  | 5.89   | 11.10                    |
| OCEAN WAY ESTATES I & II <sup>1</sup>               | 270.00  | 2.29  | .00  | 2.29                     |
| OCEAN VIEW EXPANSION <sup>1</sup>                   | 270.00  | 2.82  | .86  | 3.68                     |
| CEDAR NECK EXPANSION <sup>1</sup>                   | 270.00  | 2.61  | .78  | 3.39                     |
| NORTH MILLVILLE EXPANSION <sup>1</sup>              | 270.00  | 4.41  | .77  | 5.18                     |
| SOUTH BETHANY SEWER                                 | 270.00  | .00   | .00  | .00                      |
| FENWICK ISLAND SEWER                                | 270.00  | .28   | .04  | .32                      |
| HOLTS LANDING SEWER                                 | 270.00  | .68   | 2.58   | 3.26                     |
| THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>4</sup> | 270.00  | 5.23  | 2.58   | 7.81                     |
| BLADES SEWER  | 281.82  | .00   | .00  | .00                      |
| HENLOPEN ACRES SEWER                                | 487.15  | .00   | .00  | .00                      |
| LONG NECK SEWER                                     | 258.43  | 3.34  | .23  | 3.57                     |
| DAGSBORO-FRANKFORD SEWER                            | 270.00  | .38   | .22  | .60                      |
| PRINCE GEORGE'S ACRES SUBDISTRICT <sup>5</sup>      | 270.00  | 4.63  | .22  | 4.85                     |
| WEST REHOBOTH SEWER EXPANSION <sup>2</sup>          | 270.00  | 1.77  | 1.08   | 2.85                     |
| MILLER CREEK SEWER                                  | 270.00  | 6.10  | .82  | 6.92                     |
| ELLENDALE SEWER                                     | 270.00  | .96   | .92  | 1.88                     |
| NEW MARKET VILLAGE SUBDISTRICT <sup>3</sup>         | 270.00  | 3.97  | .92  | 4.89                     |
| OAK ORCHARD SEWER                                   | 270.00  | 2.16  | 2.19   | 4.35                     |
| EXPANSION NO. 1 & CAPTAINS GRANT EXP.               | 270.00  | 2.61  | 1.58   | 4.19                     |
| BAY VIEW ESTATES SEWER                              | 270.00  | 4.37  | 2.81   | 7.18                     |
| SEA COUNTRY ESTATES SEWER                           | 270.00  | 4.79  | .04  | 4.83                     |
| SOUTH OCEAN VIEW SEWER                              | 270.00  | 4.88  | .59  | 5.47                     |
| ANGOLA NECK SEWER                                   | 270.00  | 3.45  | 3.13   | 6.58                     |
| GOLF VILLAGE SEWER                                  | 0.00  | 1.47  | 0.00   | 1.47                     |
| WOODLANDS OF MILLSBORO                              | 808.00  | 0.00  | 0.42   | .42                      |
| JOHNSON'S CORNER                                    | 270.00  | 2.60  | 1.95   | 4.55                     |

**Notes:**

1. Part of the Bethany Beach Sanitary Sewer District.
2. Part of the Dewey Beach Sanitary Sewer District.
3. Part of the Ellendale Sanitary Sewer District.
4. Part of the Holts Landing Sanitary Sewer District.
5. Part of the Dagsboro-Frankford Sanitary Sewer District.

"foot" means assessable footage

"EDU" means equivalent dwelling unit

**EXHIBIT 3**  
**SUSSEX COUNTY, DELAWARE**

**SUMMARY OF SYSTEM CONNECTION CHARGES**  
**JULY 1, 2013– JUNE 30, 2014**

| District  | Connection Charge      |                     | Total System<br>Connection<br>Charge<br>\$/EDU |
|---|------------------------|---------------------|--|
|   | Transmission<br>\$/EDU | Treatment<br>\$/EDU |  |
| DEWEY BEACH WATER                                 | 1,030                  | 0                   | 1,030  |
| DEWEY BEACH SEWER                                 | 1,030                  | 2,675               | 3,705  |
| BETHANY BEACH SEWER                               | 1,030                  | 3,905               | 4,935  |
| SOUTH BETHANY SEWER                               | 1,030                  | 3,905               | 4,935  |
| FENWICK ISLAND SEWER                              | 1,363                  | 3,905               | 5,268  |
| BLADES SEWER                                      | 1,030                  | 2,292               | 3,322  |
| HENLOPEN ACRES SEWER                              | 1,030                  | 2,675               | 3,705  |
| LONG NECK SEWER                                   | 1,796                  | 1,999               | 3,795  |
| DAGSBORO-FRANKFORD SEWER                          | 2,119                  | 4,681               | 6,800  |
| WEST REHOBOTH EXPANSION                           | 2,765                  | 2,057               | 4,822  |
| HOLTS LANDING SEWER                               | 2,459 <sup>2</sup>     | 3,905               | 6,364  |
| OCEAN VIEW EXPANSION                              | 1,030                  | 3,905               | 4,935  |
| CEDAR NECK EXPANSION                              | 1,030                  | 3,905               | 4,935  |
| NORTH MILLVILLE EXPANSION (EXISTING) <sup>3</sup> | 0                      | 2,300               | 2,300  |
| NORTH MILLVILLE EXPANSION (NEW) <sup>4</sup>      | 2,399                  | 3,905               | 6,304  |
| MILLER CREEK SEWER                                | 1,343                  | 3,905               | 5,248  |
| OAK ORCHARD SEWER                                 | 1,728                  | 1,999               | 3,727  |
| ELLENDALE SEWER (EXISTING) <sup>5</sup>           | 2,836                  | 1,541               | 4,377  |
| ELLENDALE SEWER (NEW) <sup>5</sup>                | 3,865                  | 4,127               | 7,992  |
| BAY VIEW ESTATES SEWER                            | 2,584                  | 3,905               | 6,489  |
| SEA COUNTRY ESTATES SEWER                         | 1,363                  | 3,905               | 5,268  |
| SOUTH OCEAN VIEW                                  | 2,288                  | 3,905               | 6,193  |
| JOHNSON'S CORNER SEWER                            | 1,202                  | 3,905               | 5,107  |
| GOLF VILLAGE SEWER <sup>7</sup>                   | -                      | -                   | -  |
| ANGOLA NECK SEWER                                 | 1,725                  | 1,999               | 3,724  |
| WOODLANDS OF MILLSBORO <sup>8</sup>               | -                      | -                   | -  |

**Notes:**

1. "EDU" means "Equivalent Dwelling Unit."
2. Applicable only to extensions of the District.
3. For existing improvements within the original District as of June 30, 2003.
4. For new improvements within the original District after June 30, 2003 and extensions of District boundaries.
5. For new improvements in the District as of January 1, 2005 and extensions after June 30, 2004.
6. For existing improvements as of January 1, 2005 within the original district.
7. Amount equal to the Town of Georgetown's Impact Fee.
8. Amount equal to the Town of Millsboro's Impact Fee.

**EXHIBIT 4**  
**SUSSEX COUNTY, DELAWARE**

**ONE-TIME SEPTIC INSTALLATION FEE**  
**JULY 1, 2013 – JUNE 30, 2014**

| <b>District</b>                                    | <b>One-time Septic Installation Fee<br/>\$/EDU</b> |
|--|--|
| Holts Landing Sewer                                | 2,567  |
| Notes: (1) "EDU" means "Equivalent Dwelling Unit." |  |

ORDINANCE NO.

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 SANITARY SEWER DISTRICTS

BE IT ORDAINED BY THE COUNTY OF SUSSEX:

Section 1. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Dewey Beach Water District are established as follows:

- A. For an annual service charge: \$305.76 per EDU;
- B. For distribution, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$1,030.00.

Section 2. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Dewey Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$298.14 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.50;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.21; and
- D. For a connection charge, per equivalent dwelling unit: \$3,705.00.

Section 3. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$4,935.00.

Section 4. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Sussex Shores Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.83;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$4,935.00.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the North Bethany Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$5.21;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$5.89; and
- D. For a connection charge, per equivalent dwelling unit: \$4,935.00.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ocean Way Estates Extension of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.29;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$4,935.00.

Section 7. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the South Bethany Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$4,935.00.

Section 8. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Fenwick Island Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.28;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.04; and
- D. For a connection charge, per equivalent dwelling unit: \$5,268.00.

Section 9. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Blades Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$281.82 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$3,322.00.

Section 10. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Henlopen Acres Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$487.15 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$3,705.00.

Section 11. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Long Neck Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$258.43 per EDU;
- B. For collection, an assessment rate per billable front foot: \$3.34;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.23; and
- D. For a connection charge, per equivalent dwelling unit: \$3,795.00.

Section 12. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Dagsboro/Frankford Sanitary Sewer District are established as follows:



- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.38;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.22; and
- D. For a connection charge, per equivalent dwelling unit: \$6,800.00.

Section 13. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$1.77;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.08; and
- D. For a connection charge, per equivalent dwelling unit: \$4,822.00.

Section 14. The annual service charge, annual assessment rate for collection and transmission and/or treatment, connection charge, and one-time septic installation charge for the Holts Landing Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$0.68;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.58;
- D. For a connection charge, per equivalent dwelling unit: \$3,905.00 within the existing sewer service area as of March 24, 1998 included within the Holts Landing Sanitary Sewer District;



- E. For a connection charge, per equivalent dwelling unit: \$6,364.00 within extensions to the existing Holts Landing Sanitary Sewer District after March 24, 1998; and
- F. For a one-time septic installation charge, per equivalent dwelling unit: \$2,567.00.

Section 15. The annual service charge, annual or one-time assessment rate for collection, annual assessment rate for transmission and/or treatment, and connection charge for The Greens at Indian River Subdistrict of the Holts Landing Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an annual assessment rate per billable front foot: \$5.23;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.58; and
- D. For a connection charge, per equivalent dwelling unit: \$6,364.00.

Section 16. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.82;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.86; and
- D. For a connection charge, per equivalent dwelling unit: \$4,935.00.

Section 17. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.61;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.78; and
- D. For a connection charge, per equivalent dwelling unit: \$4,935.00.

Section 18. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the North Millville Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$4.41;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.77;
- D. For a connection charge, per equivalent dwelling unit: \$2,300.00 for existing improvements as of June 30, 2003 within boundaries of original district; and
- E. For a connection charge, per equivalent dwelling unit: \$6,304.00 for new improvements after June 30, 2003 and district extensions.

Section 19. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Miller Creek Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;

- B. For collection, an assessment rate per billable front foot: \$6.10;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.82;
- D. For a connection charge, per equivalent dwelling unit: \$5,248.00.

Section 20. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Oak Orchard Sanitary Sewer District is established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.16;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.19; and
- D. For a connection charge, per equivalent dwelling unit: \$3,727.00.

Section 21. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for Expansion No. 1 and Captain's Grant Expansion of the Oak Orchard Sanitary Sewer District is established as follows:

- E. For an annual service charge: \$270.00 per EDU;
- F. For collection, an assessment rate per billable front foot: \$2.61;
- G. For transmission and/or treatment, an assessment rate per billable front foot: \$1.58; and
- H. For a connection charge, per equivalent dwelling unit: \$3,727.00.

Section 22. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ellendale Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.96;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.92;
- D. For a connection charge, per equivalent dwelling unit: \$4,377.00 for existing improvements as of January 1, 2005 within boundaries of original district; and
- E. For a connection charge, per equivalent dwelling unit: \$7,992.00 for new improvements on or after January 1, 2005 and for extensions after June 30, 2004.

Section 23. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the New Market Village Subdistrict of the Ellendale Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$3.97;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.92; and
- D. For a connection charge, per equivalent dwelling unit: \$7,992.00.

Section 24. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Bay View Estates Sanitary Sewer District is established as follows:

- A. For an annual service charge: \$270.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$4.37;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.81; and

D. For a connection charge, per equivalent dwelling unit: \$6,489.00.

Section 25. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Sea Country Estates Sanitary Sewer District is established as follows:

A. For an annual service charge: \$270.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.79;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.04; and

D. For a connection charge, per equivalent dwelling unit: \$5,268.

Section 26. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the South Ocean View Sanitary Sewer District are established as follows:

A. For an annual service charge: \$270.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.88;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.59; and

D. For a connection charge, per equivalent dwelling unit: \$6,193.00.

Section 27. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Johnson's Corner Sanitary Sewer District are established as follows:

A. For an annual service charge: \$270.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$2.60;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.95; and

D. For a connection charge, per equivalent dwelling unit: \$5,107.00.

Section 28. The annual service charge, annual assessment rate for transmission and/or treatment, and connection charge for the Angola Neck Sanitary Sewer District are established as follows:

A. For an annual service charge: \$270.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$3.45;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$3.13; and

D. For a connection charge, per equivalent dwelling unit: \$3,724.00.

Section 29. The connection charge for the Golf Village Sanitary Sewer District is established as follows:

A. For collection, an assessment rate per billable front foot: \$1.47; and

B. For a connection charge, per equivalent dwelling unit: Amount equal to the Town of Georgetown's Impact Fee.

Section 30. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Prince George's Acres Subdistrict of the Dagsboro-Frankford Sanitary Sewer District are established as follows:

A. For an annual service charge: \$270.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.63;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.22; and

D. For a connection charge, per equivalent dwelling unit: \$6,800.00.

Section 31. The annual service charge, annual assessment rate for transmission and/or treatment for the Woodlands of Millsboro Sanitary Sewer District are established as follows:

A. For an annual service charge: \$808.00 per EDU; and

B. For transmission and/or treatment, an assessment rate per billable front foot: \$.42.

C. For a connection charge, per equivalent dwelling unit: Amount equal to the Town of Millsboro's in-town rate for Impact Fee.

Section 32. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 33. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2013.

Section 34. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the sewer districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.



# NOTICE OF PUBLIC HEARING

## ASSESSMENT ROLLS FOR ALL SUSSEX COUNTY SANITARY SEWER AND WATER DISTRICTS

The Dewey Beach Water District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer District (including Sussex Shores, North Bethany Expansion, and Ocean Way Estates, Sections I & II, Ocean View Expansion, Cedar Neck Expansion, and North Millville Expansion), South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, Dagsboro-Frankford Sanitary Sewer District (including the Prince George's Acres Subdistrict), West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Holts Landing Sanitary Sewer District (including The Greens at Indian River Subdistrict), Miller Creek Sanitary Sewer District, Ellendale Sanitary Sewer District (including the New Market Village Subdistrict), Oak Orchard Sanitary Sewer District, Expansion No. 1 and Captain's Grant Expansion of the Oak Orchard Sanitary Sewer District, Bay View Estates Sanitary Sewer District, Sea Country Estates Sanitary Sewer District, South Ocean View Sanitary Sewer District, Angola Neck Sanitary Sewer District, Golf Village Sanitary Sewer District, Johnson's Corner Sanitary Sewer District, and the Woodlands of Millsboro Sanitary Sewer District assessment rolls for the period from July 1, 2013 through June 30, 2014 have been completed and filed in the Sussex County Utility Division located at the County Administrative Offices, 2 The Circle, Georgetown, Delaware. The assessment rolls may be reviewed in the Sussex County Utility Division between the hours of 8:30 a.m. and 4:30 p.m., local time, Mondays through Fridays, except on legal holidays recognized by the Sussex County Council.

The Sussex County Council will meet and hold a public hearing at 10:15 a.m., local time, on Tuesday, June 18, 2013, in Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware to hear and consider any objections that may be made to the assessment rolls.

The proposed annual service and assessment charges used in preparing the assessment rolls are presented below.

| SUSSEX COUNTY, DELAWARE   |   |   |  |                          |
|---|---|---|--|--------------------------|
| SUMMARY OF ANNUAL SERVICE CHARGES<br>AND ASSESSMENT CHARGES<br>JULY 1, 2013 – JUNE 30, 2014 |   |   |  |                          |
| <u>District</u>   | <u>Annual<br/>Service<br/>Charge<br/>\$/EDU</u> | <u>Annual Assessment Charge</u>                       |  |                          |
|   |   | <u>Distribution<br/>Or<br/>Collection<br/>\$/foot</u> | <u>Transmission<br/>And/or<br/>Treatment<br/>\$/foot</u> | <u>Total<br/>\$/foot</u> |
| DEWEY BEACH WATER   | 305.76  | .00   | .00  | .00                      |
| DEWEY BEACH SEWER   | 298.14  | .50   | .21  | .71                      |
| BETHANY BEACH SEWER   | 270.00  | .00   | .00  | .00                      |
| SUSSEX SHORES <sup>1</sup>  | 270.00  | 2.83  | .00  | 2.83                     |
| NORTH BETHANY EXPANSION <sup>1</sup>  | 270.00  | 5.21  | 5.89   | 11.10                    |
| OCEAN WAY ESTATES I & II <sup>1</sup>   | 270.00  | 2.29  | .00  | 2.29                     |
| OCEAN VIEW EXPANSION <sup>1</sup>   | 270.00  | 2.82  | .86  | 3.68                     |
| CEDAR NECK EXPANSION <sup>1</sup>   | 270.00  | 2.61  | .78  | 3.39                     |
| NORTH MILLVILLE EXPANSION <sup>1</sup>  | 270.00  | 4.41  | .77  | 5.18                     |
| SOUTH BETHANY SEWER   | 270.00  | .00   | .00  | .00                      |
| FENWICK ISLAND SEWER  | 270.00  | .28   | .04  | .32                      |
| HOLTS LANDING SEWER   | 270.00  | .68   | 2.58   | 3.26                     |
| THE GREENS AT INDIAN RIVER SUBDISTRICT <sup>4</sup>   | 270.00  | 5.23  | 2.58   | 7.81                     |
| BLADES SEWER  | 281.82  | .00   | .00  | .00                      |
| HENLOPEN ACRES SEWER  | 487.15  | .00   | .00  | .00                      |
| LONG NECK SEWER   | 258.43  | 3.34  | .23  | 3.57                     |
| DAGSBORO-FRANKFORD SEWER  | 270.00  | .38   | .22  | .60                      |
| PRINCE GEORGE'S ACRES SUBDISTRICT <sup>5</sup>  | 270.00  | 4.63  | .22  | 4.85                     |
| WEST REHOBOTH SEWER EXPANSION <sup>2</sup>  | 270.00  | 1.77  | 1.08   | 2.85                     |
| MILLER CREEK SEWER  | 270.00  | 6.10  | .82  | 6.92                     |



|   |        |      |      |      |
|---|--------|------|------|------|
| ELLENDALE SEWER                             | 270.00 | .96  | .92  | 1.88 |
| NEW MARKET VILLAGE SUBDISTRICT <sup>3</sup> | 270.00 | 3.97 | .92  | 4.89 |
| OAK ORCHARD SEWER                           | 270.00 | 2.16 | 2.19 | 4.35 |
| EXPANSION NO. 1 & CAPTAINS GRANT EXP.       | 270.00 | 2.61 | 1.58 | 4.19 |
| BAY VIEW ESTATES SEWER                      | 270.00 | 4.37 | 2.81 | 7.18 |
| SEA COUNTRY ESTATES SEWER                   | 270.00 | 4.79 | .04  | 4.83 |
| SOUTH OCEAN VIEW SEWER                      | 270.00 | 4.88 | .59  | 5.47 |
| ANGOLA NECK SEWER                           | 270.00 | 3.45 | 3.13 | 6.58 |
| GOLF VILLAGE SEWER                          | 0.00   | 1.47 | 0.00 | 1.47 |
| WOODLANDS OF MILLSBORO                      | 808.00 | 0.00 | 0.42 | .42  |
| JOHNSON’S CORNER                            | 270.00 | 2.60 | 1.95 | 4.55 |

|  |  |  |  |  |
|--|--|--|--|--|
| Notes: <div> <div>1. Part of the Bethany Beach Sanitary Sewer District.</div> <div>2. Part of the Dewey Beach Sanitary Sewer District.</div> <div>3. Part of the Ellendale Sanitary Sewer District.</div> <div>4. Part of the Holts Landing Sanitary Sewer District.</div> <div>5. Part of the Dagsboro-Frankford Sanitary Sewer District.</div> </div> <div> “foot” means assessable footage<br/> “EDU” means equivalent dwelling unit </div> |  |  |  |  |
|--|--|--|--|--|

The Sussex County Council will also consider the proposed system connection charges for the period from July 1, 2013 through June 30, 2014 for the Dewey Beach Water District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer District, South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, Dagsboro-Frankford Sanitary Sewer District, West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Holts Landing Sanitary Sewer District, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, North Millville Expansion of the Bethany Beach Sanitary Sewer District, Miller Creek Sanitary Sewer District, Ellendale Sanitary Sewer District, Oak Orchard Sanitary Sewer District, Bay View Estates Sanitary Sewer District, Sea Country Estates Sanitary Sewer District, South Ocean View Sanitary Sewer District, Johnson’s Corner Sanitary Sewer District, Golf Village Sanitary Sewer District, and Angola Neck Sanitary Sewer District.

The System Connection Charge shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service, and shall be billed and payable in a manner determined by the County. The proposed system connection charges are presented below.

| SUSSEX COUNTY, DELAWARE                           |                     |                  |                                       |
|---|---------------------|------------------|---------------------------------------|
| SUMMARY OF SYSTEM CONNECTION CHARGES              |                     |                  |                                       |
| JULY 1, 2013– JUNE 30, 2014                       |                     |                  |                                       |
| District  | Connection Charge   |                  | Total System Connection Charge \$/EDU |
|   | Transmission \$/EDU | Treatment \$/EDU |                                       |
| DEWEY BEACH WATER                                 | 1,030               | 0                | 1,030                                 |
| DEWEY BEACH SEWER                                 | 1,030               | 2,675            | 3,705                                 |
| BETHANY BEACH SEWER                               | 1,030               | 3,905            | 4,935                                 |
| SOUTH BETHANY SEWER                               | 1,030               | 3,905            | 4,935                                 |
| FENWICK ISLAND SEWER                              | 1,363               | 3,905            | 5,268                                 |
| BLADES SEWER                                      | 1,030               | 2,292            | 3,322                                 |
| HENLOPEN ACRES SEWER                              | 1,030               | 2,675            | 3,705                                 |
| LONG NECK SEWER                                   | 1,796               | 1,999            | 3,795                                 |
| DAGSBORO-FRANKFORD SEWER                          | 2,119               | 4,681            | 6,800                                 |
| WEST REHOBOTH EXPANSION                           | 2,765               | 2,057            | 4,822                                 |
| HOLTS LANDING SEWER                               | 2,459 <sup>2</sup>  | 3,905            | 6,364                                 |
| OCEAN VIEW EXPANSION                              | 1,030               | 3,905            | 4,935                                 |
| CEDAR NECK EXPANSION                              | 1,030               | 3,905            | 4,935                                 |
| NORTH MILLVILLE EXPANSION (EXISTING) <sup>3</sup> | 0                   | 2,300            | 2,300                                 |
| NORTH MILLVILLE EXPANSION (NEW) <sup>4</sup>      | 2,399               | 3,905            | 6,304                                 |
| MILLER CREEK SEWER                                | 1,343               | 3,905            | 5,248                                 |
| OAK ORCHARD SEWER                                 | 1,728               | 1,999            | 3,727                                 |
| ELLENDALE SEWER (EXISTING) <sup>6</sup>           | 2,836               | 1,541            | 4,377                                 |

|  |       |       |       |
|--|-------|-------|-------|
| ELLENDALE SEWER (NEW) <sup>5</sup>   | 3,865 | 4,127 | 7,992 |
| BAY VIEW ESTATES SEWER   | 2,584 | 3,905 | 6,489 |
| SEA COUNTRY ESTATES SEWER  | 1,363 | 3,905 | 5,268 |
| SOUTH OCEAN VIEW   | 2,288 | 3,905 | 6,193 |
| JOHNSON'S CORNER SEWER   | 1,202 | 3,905 | 5,107 |
| GOLF VILLAGE SEWER <sup>7</sup>  | -     | -     | -     |
| ANGOLA NECK SEWER  | 1,725 | 1,999 | 3,724 |
| WOODLANDS OF MILLSBORO <sup>8</sup>  | -     | -     | -     |
| Notes:<br>1. "EDU" means "Equivalent Dwelling Unit."<br>2. Applicable only to extensions of the District.<br>3. For existing improvements within the original District as of June 30, 2003.<br>4. For new improvements within the original District after June 30, 2003 and extensions of District boundaries.<br>5. For new improvements in the District as of January 1, 2005 and extensions after June 30, 2004.<br>6. For existing improvements as of January 1, 2005 within the original district.<br>7. Amount equal to the Town of Georgetown's Impact Fee.<br>8. Amount equal to the Town of Millsboro's Impact Fee. |       |       |       |

The Sussex County Council will also consider the one-time septic installation charge for the period from July 1, 2013 through June 30, 2014 for the Holts Landing Sanitary Sewer District. The proposed one-time septic installation fee is presented below.

| SUSSEX COUNTY, DELAWARE<br><br>ONE-TIME SEPTIC INSTALLATION FEE<br>JULY 1, 2013 – JUNE 30, 2014 |  |
|---|--|
| District  | One-time Septic Installation Fee<br>\$/EDU |
| Holts Landing Sewer   | 2,567                                      |
| Notes: (1) "EDU" means "Equivalent Dwelling Unit."  |  |

After holding the public hearing, the Sussex County Council will establish, at one of its regularly scheduled meetings, the assessment rolls to be known respectively as the "Dewey Beach Water District Assessment," "Dewey Beach Sanitary Sewer District Assessment," "Bethany Beach Sanitary Sewer District Assessment (including Sussex Shores, Ocean Way Estates Sections I and II, Ocean View Expansion, Cedar Neck Expansion, and North Millville Expansion)," "North Bethany Expansion of the Bethany Beach Sanitary Sewer District Assessment," "South Bethany Sanitary Sewer District Assessment," "Fenwick Island Sanitary Sewer District Assessment," "Blades Sanitary Sewer District Assessment," "Henlopen Acres Sanitary Sewer District Assessment," "Long Neck Sanitary Sewer District Assessment," "Dagsboro-Frankford Sanitary Sewer District Assessment," "Prince George's Acres Subdistrict Assessment of the Dagsboro-Frankford Sanitary Sewer District Assessment," "West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Assessment," "Holts Landing Sanitary Sewer District Assessment," "The Greens at Indian River Subdistrict Assessment of the Holts Landing Sanitary Sewer District," "Miller Creek Sanitary Sewer District Assessment," "Ellendale Sanitary Sewer District Assessment," "New Market Village Subdistrict Assessment of the Ellendale Sanitary Sewer District," "Oak Orchard Sanitary Sewer District Assessment," "Expansion No. 1 and Captain's Grant Expansion of the Oak Orchard Sanitary Sewer District," "Bay View Estates Sanitary Sewer District Assessment," Sea Country Estates Sanitary Sewer District Assessment," "South Ocean View Sanitary Sewer District Assessment," "Johnson's Corner Sanitary Sewer District Assessment," "Angola Neck Sanitary Sewer District Assessment," "Golf Village Sanitary Sewer District Assessment," and "The Woodlands of Millsboro Sanitary Sewer District Assessment." Unless otherwise posted in the Office of the Clerk of the Sussex County Council, the Sussex County Council meets regularly every Tuesday at the posted time, in the County Administrative Offices, 2 The Circle, Georgetown, Delaware. After holding the public hearing, the Sussex County Council may change or amend the assessment rolls as it deems necessary or just and may confirm and adopt the assessment rolls as originally proposed, or as amended, or changed.



# Sussex County Council

## Delaware General Assembly Legislative Report

*Prepared by:*

Hal Godwin, Deputy County Administrator

June 18, 2013

| Bill No.          | Description and Purpose   | Action  |
|-------------------|---|---|
| <b>2013 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.  |
| 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<br><br>Assigned to Senate Finance Committee 6/13/13<br><br>I have contacted Senator McDowell the Committee Chair explaining our support.                 |
| HB 44             | This bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.   | 4/18/13 passed the House with Amendment No. 2<br><br>4/24/13 assigned to Senate Community/County Affairs Committee and released from Committee 6/5/13<br><br>On Senate Ready List |
| 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.<br><br>On Senate Ready List  |
| Senate Bill<br>No Number                  | This Bill provides for property tax exemption for the dwelling of military veterans who are disabled and for their spouses, if the veteran is deceased.                           | Not introduced, we have been asked for our comments.<br><br>Our plan currently reduces property taxes for people with disabilities; however this bill would completely eliminate property taxes for disabled veterans. |
| HB No. 150                                | This Bill is considered the Raw Milk Bill. This Bill would establish a permit processes to allow farmers to sell raw milk from their farms.                                       | 6/12/13 Released from Committee  |
| <b>REPORT CONTINUED ON FOLLOWING PAGE</b> |   |  |

|  |  |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |
|--|--|--|-----------|---------------------------------------|--|--|----------------|----------------------------------|--|--|--|------------------------------------|--|---|--|--|
| HB No. 74  | <p>This Delaware Health Security Act will provide a cost effective single payer health care system for the State of Delaware. The Act will provide comprehensive health care coverage to all Delawareans without any extra health insurance or out-of-pocket-expense. The system will save money currently wasted on administrative/overhead costs and will provide a stable funding structure.</p> <p>This Act creates the Delaware Health Security Authority. The authority will be governed by a 15-member Delaware Health Security Board comprised as follows: the Secretary of Health and Social Services, two members from both the State House of Representatives and State Senate Committees concerned with health care issues, five members from state health professional organizations, and five members from eligible consumer organizations in our state.</p> <p>Funding for the new health care system will be as follows:</p> <ol style="list-style-type: none"><li>1. All state and federal funds available for health and health care costs in Delaware.</li><li>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.</li><li>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</li><li>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</li></ol> | <p>This bill has been assigned to the House Health &amp; Human Development Committee</p> <p>This bill has not yet been scheduled for a Committee hearing.</p> <p>I will be certain to alert you of this date and time.</p> <p><b>Committee Members:</b></p> <table><tr><td>Chairman:</td><td>Michael a. Barbieri<br/>(302) 368-7257</td></tr><tr><td colspan="2"><a href="mailto:Michael.barbieri@state.de.us">Michael.barbieri@state.de.us</a></td></tr><tr><td>Vice-Chairman:</td><td>Rebecca Walker<br/>(302) 293-2356</td></tr><tr><td colspan="2"><a href="mailto:Rebecca.walker@state.de.us">Rebecca.walker@state.de.us</a></td></tr></table> <p><b>Members:</b></p> <table><tr><td>Donald A. Blakey<br/>(302) 697-6723<br/><a href="mailto:Donald.Blakey@state.de.us">Donald.Blakey@state.de.us</a><br/><a href="mailto:ruth.briggsking@state.de.us">ruth.briggsking@state.de.us</a></td><td>Ruth Briggs-King<br/>(302) 856-2772</td></tr><tr><td>Timothy D. Dukes<br/>(302) 280-6344<br/><a href="mailto:Timothy.Dukes@state.de.us">Timothy.Dukes@state.de.us</a></td><td>Earl G. Jaques, Jr.<br/>(302) 834-9231<br/><a href="mailto:earl.jaques@state.de.us">earl.jaques@state.de.us</a></td></tr><tr><td>S. Quinton Johnson<br/>(302) 378-2681<br/><a href="mailto:Quinton.johnson@state.de.us">Quinton.johnson@state.de.us</a></td><td>John A. Kowalko, Jr.<br/>(302) 737-2396<br/><a href="mailto:john.kowalko@state.de.us">john.kowalko@state.de.us</a></td></tr></table> | Chairman: | Michael a. Barbieri<br>(302) 368-7257 | <a href="mailto:Michael.barbieri@state.de.us">Michael.barbieri@state.de.us</a> |  | Vice-Chairman: | Rebecca Walker<br>(302) 293-2356 | <a href="mailto:Rebecca.walker@state.de.us">Rebecca.walker@state.de.us</a> |  | Donald A. Blakey<br>(302) 697-6723<br><a href="mailto:Donald.Blakey@state.de.us">Donald.Blakey@state.de.us</a><br><a href="mailto:ruth.briggsking@state.de.us">ruth.briggsking@state.de.us</a> | Ruth Briggs-King<br>(302) 856-2772 | Timothy D. Dukes<br>(302) 280-6344<br><a href="mailto:Timothy.Dukes@state.de.us">Timothy.Dukes@state.de.us</a> | Earl G. Jaques, Jr.<br>(302) 834-9231<br><a href="mailto:earl.jaques@state.de.us">earl.jaques@state.de.us</a> | S. Quinton Johnson<br>(302) 378-2681<br><a href="mailto:Quinton.johnson@state.de.us">Quinton.johnson@state.de.us</a> | John A. Kowalko, Jr.<br>(302) 737-2396<br><a href="mailto:john.kowalko@state.de.us">john.kowalko@state.de.us</a> |
| Chairman:  | Michael a. Barbieri<br>(302) 368-7257  |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |
| <a href="mailto:Michael.barbieri@state.de.us">Michael.barbieri@state.de.us</a>   |  |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |
| Vice-Chairman:   | Rebecca Walker<br>(302) 293-2356   |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |
| <a href="mailto:Rebecca.walker@state.de.us">Rebecca.walker@state.de.us</a>   |  |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |
| Donald A. Blakey<br>(302) 697-6723<br><a href="mailto:Donald.Blakey@state.de.us">Donald.Blakey@state.de.us</a><br><a href="mailto:ruth.briggsking@state.de.us">ruth.briggsking@state.de.us</a> | Ruth Briggs-King<br>(302) 856-2772   |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |
| Timothy D. Dukes<br>(302) 280-6344<br><a href="mailto:Timothy.Dukes@state.de.us">Timothy.Dukes@state.de.us</a>   | Earl G. Jaques, Jr.<br>(302) 834-9231<br><a href="mailto:earl.jaques@state.de.us">earl.jaques@state.de.us</a>  |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |
| S. Quinton Johnson<br>(302) 378-2681<br><a href="mailto:Quinton.johnson@state.de.us">Quinton.johnson@state.de.us</a>   | John A. Kowalko, Jr.<br>(302) 737-2396<br><a href="mailto:john.kowalko@state.de.us">john.kowalko@state.de.us</a>   |  |           |                                       |  |  |                |                                  |  |  |  |                                    |  |   |  |  |

|                          |   |   |
|--------------------------|---|---|
| HB No. 74<br>(continued) | surtax of 2.5 percent on net taxable income in excess of \$500,000.   | <div> <div>Joseph E. Miro<br/>(302) 454-1840<br/><a href="mailto:Joseph.miro@state.de.us">Joseph.miro@state.de.us</a><br/><a href="mailto:Edward.osiensi@state.de.us">Edward.osiensi@state.de.us</a></div> <div>Edward S. Osienski<br/>(302) 292-8903</div> </div> <div> <div>Charles Potter, Jr.<br/>(302) 762-8322<br/><a href="mailto:Charles.Potter@state.de.us">Charles.Potter@state.de.us</a></div> <div>Darryl M. Scott<br/>(302) 735-1781<br/><a href="mailto:Darryl.Scott@state.de.us">Darryl.Scott@state.de.us</a></div> </div> <div> <div>Kimberly Williams<br/>(302) 577-8476<br/><a href="mailto:kimberly.williams@state.de.us">kimberly.williams@state.de.us</a></div> </div> <div> <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> </div> |
| HB No. 95                | This Act provide the Department of Natural Resources and Environmental Control with the authority to impose environmental liens on real property in an effort to recover taxpayers' money expended by the State in order to investigate and clean up contaminated properties in circumstances where the property owners who caused the contamination have failed to do so. This Bill originates from a recommendation made by the <b>2003 Metachem Task Force</b> , chaired by the Honorable William T. Quillen. As the Task Force Report noted, currently at least thirty-four states (including all of our neighboring states) and the federal government have statutory authority to impose environmental liens. Besides bring Delaware law in line with the | <p>This Bill was introduced April 25<sup>th</sup> and it appears to be moving quickly. It was cleared by the Natural Resources Committee 5/1/13 – Amended 5/7/13</p> <p>On House Ready List</p>   |

|                          |  |   |
|--------------------------|--|---|
| HB No. 95<br>(continued) | vast majority of our sister states and the United States, this Act provides an important means of protecting the public treasury while holding responsible property owners accountable for the environmental harm they cause.  |   |
| HB 135                   | This Act seeks to create jobs and new sources of revenue for the State of Delaware by, among other means, authorizing the addition of two new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee. This Act creates a nine member, politically-balanced Committee with financial, accounting, or banking experience to select the sites and licensees. This Act also increases the number of required racing days to reflect the current amount of racing, and prevents the addition of video lottery agents from triggering a reduction in the minimum number of days that existing harness tracks must offer harness racing. Finally, this Act also expresses the intent of the General Assembly that the new video lottery casinos will be subject to a one-time license fee and ongoing license fees, as well as such fees as are necessary to create a level playing field for competition with video lottery agents who operate horse racing or harness racing, and directs the Department of Finance to prepare legislation implementing that intent. | Introduced 5/9/13 - This Bill intends to add a casino in Sussex County.<br><br>Assigned to House Gaming and Parimutuels Committee<br><br>6/12/13 Tabled in Committee<br><br>6/11/13 County Council voted to oppose this Bill. |
| HB 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.<br><br>6/6/13 Passed the House<br><br>Assigned to Senate Finance Committee  |



|                             |  |   |
|-----------------------------|--|---|
| <p>SB No. 78<br/>+ SA-1</p> | <p>This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no later than December 31, 2014.</p> <p>The bill also amends Title 7 Del C. Chapter 66, §6607 and §6617 and Title 7 Del C. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the Secretary to issue after-the-fact permits and assess administrative penalties as appropriate.</p>  | <p>6/6/13 passed the Senate with Amendment</p> <p>6/12/13 Released from House Natural Resources Committee</p> |
| <p>HB No. 160</p>           | <p>Delaware is the only state on the East Coast of the United States that does not have a shellfish aquaculture industry. Shellfish aquaculture can provide significant economic benefits to coastal communities while improving the water quality and enhancing the habitat value of Delaware's most imperiled estuaries, the Inland Bays. This bill is designed to minimize conflicts with existing uses of the Inland Bays. It authorizes the Department of Natural Resources and Environmental Control to direct and control the shellfish aquaculture activities within the Inland Bays and to set criteria for the approval of lease sites and applications for leasing. The legislation also gives the Department the authority to collect fees for lease applications and to administer a harvester license. The Bill sets lease fees and harvester license fees, establishes term limits on leases, sets penalties for non-compliance with the provisions of the bill, defines illegal gear, stipulates what is to be the disposition of abandoned lease sites, and defines what would constitute theft</p> | <p>6/11/13 Passed the House</p> <p>6/13/13 Assigned to Senate Agricultural Committee</p>                      |



|                           |  |  |
|---------------------------|--|--|
| HB No. 160<br>(continued) | <p>or tampering with gear legally set on leased sites. The legislation also authorizes the Department to promulgate regulations on issuing and administering leases, including the revocation of leases for cause. It further gives the Department regulatory authority over determining; what species may be cultured and where, adding acreage to approved lease sites, the required marking and inspection of lease sites, limits on the type and nature of gear that may be used on lease sites, what would constitute abandonment of lease sites and disposition of gear left on abandoned sites, seasonal restrictions on working on lease sites, prevention and control of shellfish-borne diseases, and criteria for importation of shellfish to be used for aquaculture purposes in order to protect wild shellfish. The legislation also clarifies the authority of the Department of Agriculture to coordinate activities in closed-system aquaculture only and deletes reference to the Department's Delaware Aquaculture Council, which is not active and is no longer needed given the clarification of authority.</p> |  |
| SR No. 8                  | <p>The Resolution urges the United States Congress to support efforts to reinstate the separation of commercial and investment banking functions in effect under the Glass-Steagall Act and supporting H.R. No. 129.</p>   | <p>This is a Resolution only; to demonstrate Delaware State support for Federal Legislation.</p> |



SPONSOR: Sen. McBride & Rep. Heffernan & Rep. Q. Johnson  
Sens. McDowell, Poore; Reps. J. Johnson

DELAWARE STATE SENATE  
147th GENERAL ASSEMBLY

SENATE BILL NO. 78

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO NON-TIDAL WETLANDS.

WHEREAS, Delaware's wetlands provide critical function and value, including reducing flood damage by capturing, slowing, and holding water; helping purify the state's waters; contributing to groundwater supplies; providing critical habitat for fish and wildlife species; and supporting economic development related to waterfowl hunting, bird watching, and other outdoor recreation; and

WHEREAS, conserving and restoring wetlands will reduce Delaware's vulnerability to inland flooding from intense precipitation and extreme storms, reduce future capital expenditures on water quality, and help grow Delaware's tourism economy; and

WHEREAS, twenty-five (25) states, including all of the Mid-Atlantic States except Delaware, have adopted state programs to conserve and restore non-tidal wetlands; and

WHEREAS, existing state and federal preservation and restoration programs have failed to prevent the loss of more than three thousand acres of non-tidal wetlands during the past twenty years, contributing to increased flood damage and adversely affecting landowners' safety, welfare and personal property.

WHEREAS, the Federal budget reductions and staffing constraints have reduced the capacity of the U.S. Army Corps of Engineers to deliver timely and accurate permit decisions on projects impacting non-tidal which upon which they have jurisdiction; and

NOW THEREFORE:

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

Section 1. Amend Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

CHAPTER 66A. Non-Tidal Wetland Standards

§6601A. Purpose.

It is the purpose of this Chapter to promote public health, safety, and general welfare through the conservation and restoration of non-tidal wetlands, which provide significant public value and critical ecological functions through the

mitigation and prevention of flood damage, provision of wildlife habitat, removal of pollutants from water resources, and reduction in costs for governments, residents, and businesses that result when wetlands are degraded.

§ 6602A. Definitions.

The following words, terms and phrases, when used in this Subchapter, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

“Department” shall mean the Department of Natural Resources and Environmental Control.

“Secretary” shall mean the Secretary of the Department of Natural Resources and Environmental Control.

§6603A Wetlands Advisory Committee.

The Secretary shall, within 18 months of the effective date of this legislation and through consultation with a Wetland Advisory Committee (Committee) established under this section, develop wetland protection priorities for the State of Delaware and recommend for consideration by the General Assembly a comprehensive approach for improving non-tidal wetland conservation, restoration, and education within the state.

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

The Committee shall consist of the following members:

1. One (1) member of the Delaware Farm Bureau appointed by the President of the Delaware Farm Bureau;
2. One (1) representative of the Delaware State Bar Association Real and Personal Property Section, appointed by the President of the Delaware State Bar Association;
3. One (1) representative of the Delaware Association of Realtors, appointed by the President of the Delaware Association of Realtors;
4. One (1) representative from the U.S. Army Corps of Engineers Philadelphia District Regulatory Branch;
5. One (1) representative of the Home Builders Association of Delaware appointed by the President of the Home Builders Association of Delaware.
6. One (1) representative of the Delaware League of Local Governments appointed by the President of the Delaware League of Local Governments.
7. One (1) representative of the Committee of 100 appointed by the President of the Committee of 100.

8. Two (2) representatives of Delaware environmental organizations selected by the Secretary.
9. Two (2) representatives from outdoor recreation and wildlife conservation organizations selected by the Secretary
10. One (1) representative of the Delaware Department of Transportation appointed by the Secretary of the  
Department of Transportation.
11. One (1) representative of the Delaware Department of Agriculture appointed by the Secretary of Agriculture.
12. One (1) representative of the Delaware Forestry Association.
13. One (1) representative of each of the three County government planning agencies, as an employee of these  
agencies.
14. One (1) representative of Delaware Chapter of the American Council of Engineering Companies (ACEC).
15. Two (2) representatives of the Department of Natural Resources and Environmental Control appointed by the  
Secretary.
16. One Member of the Delaware State Senate appointed by the President Pro Tempore and one member of the  
Delaware House of Representatives appointed by the Speaker of the House.
- The Chair of the Committee shall be selected by the Secretary. The Committee shall organize and hold its first  
meeting no more than 60 days following the effective date of this legislation and shall be staffed by DNREC.
- DNREC shall compile the results of the Committee recommendations, develop a draft report, and reconvene the  
Committee to review the draft report and solicit feedback before finalizing the report of recommendations. The Secretary  
shall deliver an interim report of the work of the Committee to the General Assembly no later than May 1, 2014 and deliver  
the final report of recommendations no later than December 31, 2014.

Section 2. Amend Chapter 66, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§6607 Procedures; regulations; application fees.

(g) The Secretary may issue an after-the-fact permit, letter of authorization or waiver in those cases where an  
activity has occurred without first obtaining the required permit, letter of authorization or waiver. The determination of  
whether or not to issue an after-the-fact permit, letter of authorization or waiver shall be consistent with the purposes and  
provisions this Chapter. The applicant receiving the after-the-fact permit, letter of authorization, or waiver will be  
responsible for paying any associated processing fee and the Secretary may assess a penalty in accordance with 7 Del. C.  
§6005.

Section 3. Amend Chapter 66, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 6617. Penalties.

(a) Whoever violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a permit issued pursuant to § 6604 of this title, or any order of the Secretary, shall be subject to enforcement under 7 Del. C. 6005. ~~Any person who intentionally or knowingly violates any rule, regulation, order, permit condition or provision of this chapter shall be fined not less than \$500 or more than \$10,000 for each offense. Continuance of any activity prohibited by this chapter during any part of a day shall constitute a separate offense. Any person found guilty of violating any cease and desist order of the Secretary shall be fined for each offense, starting from the date of receipt of the order. The Superior Court shall have jurisdiction of offenses under this subsection.~~

(b) ~~Any person who violates any rule, regulation, order, permit condition or provision of this chapter shall be fined not less than \$50 or more than \$500 for each violation. Each day of violation shall be considered as a separate violation. The Justices of the Peace Courts shall have jurisdiction of offenses under this subsection.~~

(c) ~~Any person who violates a provision of this chapter, any condition or limitation in a permit rule, regulation or order shall be liable for a civil penalty of not less than \$1,000 nor more than \$10,000 for each completed violation. The Superior Court shall have jurisdiction of offenses under this subsection.~~

(d) ~~In addition to any penalties imposed under this section or injunctive relief under § 6615 of this title, a person who effects or permits any activity in wetlands in violation of this chapter may be liable to the State for the cost of restoration of the affected wetland to its condition prior to such violation insofar as that is technically feasible. The Attorney General of the State, upon complaint of the Secretary, shall institute a civil action to recover such damages, or may request such cost of restoration to be imposed in the Chancery Court injunctive action or Superior Court civil action.~~

Section 3. Amend Chapter 72, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§7205 Permits required.

(d) The Secretary may issue an after-the-fact permit, lease, letter of approval or waiver in those cases where an activity has occurred without first obtaining the required permit, lease, letter of approval or waiver. The determination of whether or not to issue an after-the-fact permit, lease, letter of approval or waiver shall be consistent with the purposes and provisions this Chapter. The applicant receiving the after-the-fact permit, lease, letter of approval, or waiver will be responsible for paying any associated processing fee and lease fee and the Secretary may assess a penalty in accordance with 7 Del. C. 6005.

§ 7214. Violations; enforcement; civil and criminal penalties.

113 ~~(a) Whoever violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a~~  
114 ~~permit issued pursuant to §7205 of this title, or any order of the Secretary, shall be subject to enforcement under 7 Del. C.~~  
115 ~~§6005. The Secretary shall enforce this chapter.~~

116 ~~(b) Whoever violates this chapter, or any rule, regulation or condition of a lease or permit issued pursuant to~~  
117 ~~authority granted in this chapter, or an order of the Secretary, shall be punishable as follows:~~

118 ~~(1) If the violation has been completed, by a civil penalty of not less than \$1,000 nor more than \$10,000~~  
119 ~~for each completed violation. Each day of continued violation shall be considered as a separate violation. The~~  
120 ~~Superior Court shall have jurisdiction of a violation in which a civil penalty is sought.~~

121 ~~(2) If the violation is continuing or threatening to begin, the Secretary may, in addition to seeking a~~  
122 ~~monetary penalty as provided in paragraph (b)(1) of this section, seek a temporary restraining order, a temporary~~  
123 ~~injunction or permanent injunction in the Court of Chancery.~~

124 ~~(c) Whoever violates this chapter, or any rule or regulation promulgated thereunder, or any rule or regulation in~~  
125 ~~effect at the time of the enactment of this chapter or any lease or permit condition, or any order of the Secretary, shall be~~  
126 ~~punishable by a criminal penalty of not less than \$50 nor more than \$500 for each violation. Each day of violation shall be~~  
127 ~~considered as a separate violation. The Courts of the Justice of the Peace shall have jurisdiction of offenses under this~~  
128 ~~subsection.~~

129 ~~(d) Any person who knowingly makes any false statement, representation or certification in any application,~~  
130 ~~record, report, plan or other document filed or required to be maintained under this chapter, or under any lease or permit,~~  
131 ~~rule, regulation or order issued under this chapter, who falsifies, tampers with or knowingly renders inaccurate any~~  
132 ~~monitoring device or method required to be maintained under this chapter, shall, upon conviction, be punished by a fine of~~  
133 ~~not less than \$500 nor more than \$5,000, or by imprisonment for not more than 6 months, or both. The Superior Court shall~~  
134 ~~have jurisdiction of offenses under this subsection.~~

#### SYNOPSIS

This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no later than December 31, 2014.

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.

Author: Senator McBride



SPONSOR: Sen. McBride

DELAWARE STATE SENATE  
147th GENERAL ASSEMBLY

SENATE AMENDMENT NO. 1

TO

SENATE BILL NO. 78

1 AMEND Senate Bill No. 78 by striking line 14 and substituting in lieu thereof the following:

2 "Corps of Engineers to deliver timely and accurate permit decisions on projects impacting non-tidal wetlands upon  
3 which they "

4 FURTHER AMEND Senate Bill No. 78 by striking lines 50 and 51 and substituting in lieu thereof the following:

5 "6. One (1) representative of the Delaware League of Local Governments from each county, appointed by  
6 the President of the Delaware League of Local Governments from each county.

7 FURTHER AMEND Senate Bill No. 78 by striking lines 65 and 66 and substituting in lieu thereof the following:

8 "16. Two (2) members of the Delaware Senate appointed by the President Pro Tempore and two (2) members  
9 of the Delaware House of Representatives, appointed by the Speaker of the House, one (1) from each major political party  
10 of each governing body."

11 FURTHER AMEND Senate Bill No. 78 by inserting after line 66 and before line 67 the following:

12 "17. One (1) representative of the U.S. Department of Agriculture Farm Service Agency appointed by the State  
13 Executive Director.

14 "18. One (1) representative of the U.S. Department of Agriculture Natural Resources Conservation Service  
15 appointed by the State Conservationist."

SYNOPSIS

This amendment adds additional stakeholders to the Wetlands Advisory Committee.

Author: Senator McBride



SPONSOR: Sen. Ennis & Sen. Venables  
Sens. Cloutier, Hall-Long, Henry, Hocker, Lawson,  
McDowell, Pettyjohn, Sokola

DELAWARE STATE SENATE  
147th GENERAL ASSEMBLY

SENATE RESOLUTION NO. 8

URGING THE UNITED STATES CONGRESS TO SUPPORT H.R. NO.129.

1 WHEREAS, an effective money and banking system is essential to the functioning of the economy; and

2 WHEREAS, such a system must function in the public interest, without bias; and

3 WHEREAS, since 1933, the Federal Banking Act of 1933, known as the Glass-Steagall Act, protected the public  
4 interest in matters dealing with the regulation of commercial and investment banking, in addition to insurance companies  
5 and securities; and

6 WHEREAS, the Glass-Steagall Act was repealed in 1999, partially contributing to the greatest speculative bubble  
7 and worldwide recession since the Great Depression of 1933; and

8 WHEREAS, the worldwide recession has left millions of homes in foreclosure; and

9 WHEREAS, the worldwide recession has cost the loss of millions of jobs nationwide; and

10 WHEREAS, the worldwide recession has put severe financial strains on states, counties and cities, exacerbating  
11 unemployment and loss of civil services; and

12 WHEREAS, the United States Senate and House of Representatives have been making efforts to restore the  
13 protections of the Glass-Steagall Act; and

14 WHEREAS, Congresswoman Marcy Kaptur has introduced H. Res. 129, known as the Return to Prudent Banking  
15 Act of 2013, and reviving the separation between commercial banking and the securities business in the manner provided in  
16 the Glass-Steagall Act; and

17 WHEREAS, the Glass-Steagall Act has widespread national support from such organizations as the American  
18 Federation of Labor and Congress of Industrial Organizations (AFL-CIO), the American Federation of Teachers and the  
19 International Association of Machinists, and well as from prominent economic and business leaders, including Thomas  
20 Hoenig of the FDIC, Sanford Weill, former CEO of Citigroup, economist Luigi Zingales, the New York Times, the St.  
21 Louis Post Dispatch, the Los Angeles Times, and many others;

22 NOW, THEREFORE:



23           BE IT RESOLVED by the Senate of the 147<sup>th</sup> General Assembly of the State of Delaware urges Congress to enact  
24   legislation that would reinstate the separation of commercial and investment banking functions that were in effect under the  
25   Glass-Steagall Act, prohibiting commercial banks and bank holding companies from investing in stocks, underwriting  
26   securities or investing in or acting as guarantors to derivative transactions, in order to prevent American taxpayers from  
27   being called upon to fund hundreds of billions of dollars to bail out financial institutions; and  
28           BE IT FURTHER RESOLVED that a copy of this resolution be sent to the President of the United States, to the  
29   presiding officers of each house of Congress, to each member of Congress from Delaware and to Congresswoman Marcy  
30   Kaptur.

SYNOPSIS       •

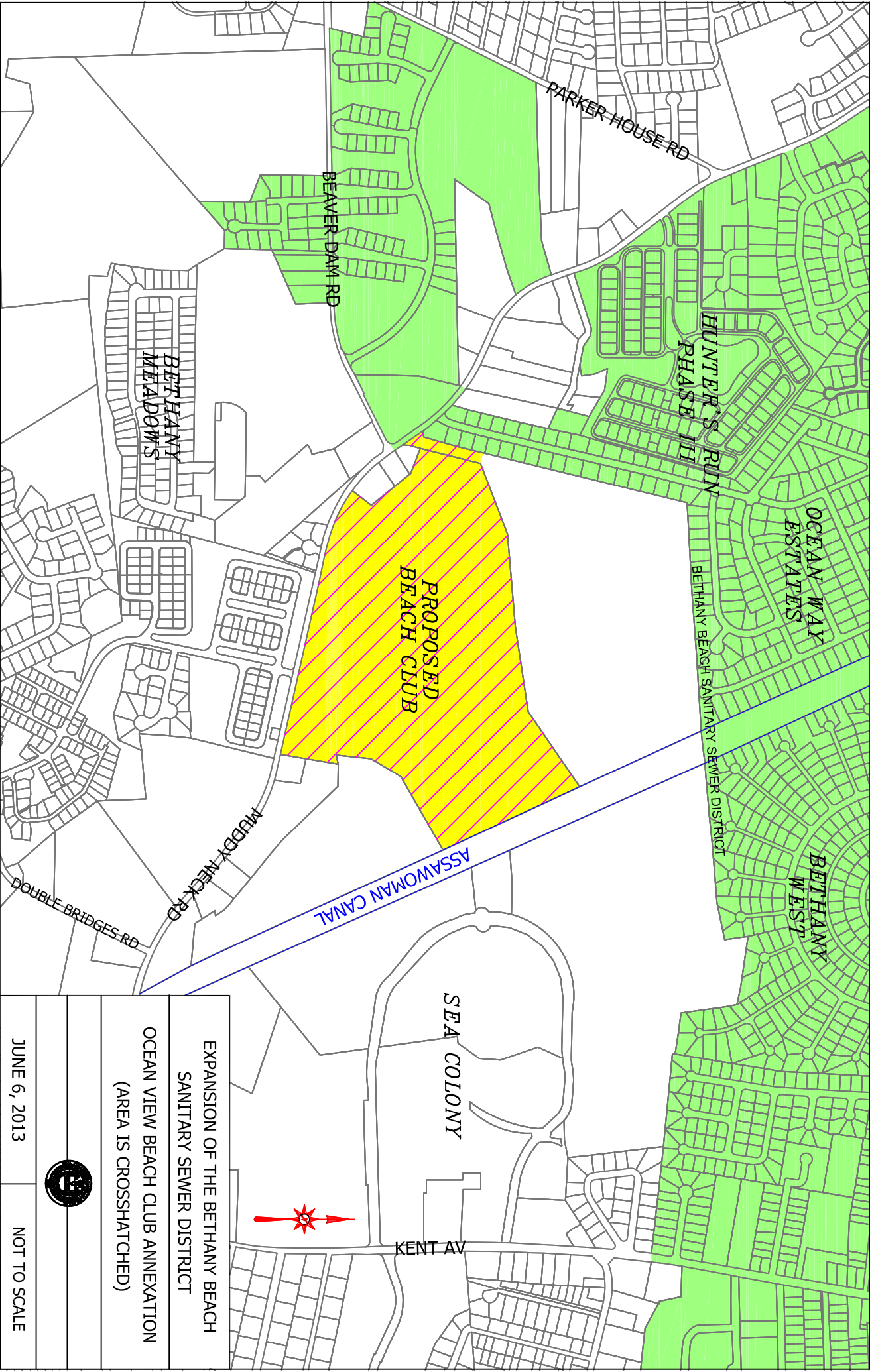
The Resolution urges the United States Congress to support efforts to reinstate the separation of commercial and investment banking functions in effect under the Glass-Steagall Act and supporting H.R. No. 129.

Author: Senator Ennis

## **Ocean View Beach Club**

### Expansion of the Bethany Beach Sanitary Sewer District

- I am here to request permission to prepare and post public hearing notices for the Ocean View Beach Club Expansion of the Bethany Beach Sanitary Sewer District.
- The parcel requesting annexation is located on the north side of Muddy Neck Road and north and east of Beaver Dam Road. The easterly boundary of the parcel adjoins the Assawoman Canal.
- A portion of an adjoining parcel will provide access to the development is included in the annexation request. The area proposed for annexation is contiguous to the Bethany Beach Sanitary Sewer District.
- The 71.61 acre parcel is proposed for a development of 150 single family lots, 94 town house units, 56 condominiums and 3000 square feet of retail space.
- The development is within the town of Ocean View and is in the town's R-3, multifamily residential district/residential planned community district.
- The property owners will be subject to system connection charges of **\$4,825.00** per EDU based on **July 1, 2012 – June 30, 2013** rates.



# CITY OF MILFORD

DELAWARE



COMMISSION OF LANDMARKS  
AND MUSEUMS

121 S. WALNUT STREET  
MILFORD, DELAWARE 19963

May 8, 2013

Honorable Samuel R. Wilson, Jr.  
Sussex County Councilman  
15376 Wilson Hill Road  
Georgetown, DE 19947

## **Museum Challenge Campaign-2013**

Dear Sam:

The Milford Museum is pleased to announce the success of our 2010 matching grant campaign that enabled the Museum to raise \$100,000 in donations and pledges to support a new position of *Executive Director* for three years. We are indebted to Richard M. Johnson for providing his personal leadership and a \$37,500 matching grant to ensure the success of our fundraising campaign in 2010-2013.

**Claudia Furnish Leister, Executive Director**, was hired in 2010 by Museum Commissioners to provide professional guidance to our preservation efforts. Funds raised during our matching-grant campaign have provided a salary for the Executive Director through the end of 2013. We are now looking toward the future.

Museum Commissioners are pleased with vast improvements in Museum exhibits, accessibility, membership gains, community outreach and collections. We cannot let these gains be lost and are appealing to all supporters of Milford historic preservation to support another three-year campaign drive to fund the executive director's position through 2016.

Please give our fundraising committee your support when we call on you to help us keep the Executive Director's position funded. Our goal is to raise \$100,000 over the three-year period. **We are asking for \$1,000/year pledges from our membership to ensure the Museum remains open daily with changing exhibits and a Milford history collection second to none.**

**Charles Hammond, Bob Voshell, Al Lauckner, Harry Humes, Joan Lofland, Yvonne Lynch, Russell French, Bill Brereton, Mike Wheedleton, Marvin Schelhouse, Dave Kenton and Don Abrutyn comprise our board of commissioners. We need your help!**

Please help us at any contribution level you can afford. Know that we appreciate your long-standing support and we look forward to serving you better in the coming three years.

Gratefully Yours,

A handwritten signature in dark ink, appearing to read "Dave Kenton", with a long, sweeping horizontal line extending to the right.

Dave Kenton - Fundraising Committee  
Milford Museum Commissioners

DWK/encl

William J. McCabe  
32932 Daisey Road  
Frankford, DE 19945

January , 2013

Sussex County Council  
2 the Circle P.O Box 589  
Georgetown, DE 19947

Dear George Cole,

My name is Will McCabe and I am a scout in Troop 281 from Ocean View, Delaware. I am currently progressing on my way to the Eagle Scout rank. I have started working on my service project.

My project, which has been approved, consists of building four of the eight stations of a fitness course. All of this will be built behind Indian River High School on the cross country course. This won't be just for students to use, it will be for everyone. The first station will be constructed of 60 tires, in four rows of 15 in a staggered pattern. The next station will have monkey bars and a balance beam. The third station will have three pull-up bars at different heights and four step-ups at different heights. The last station I will be working on will have a sit-up platform and push-up bars at different heights.

I'm currently working on raising funds to help buy the supplies. The estimated total cost is between \$1,100 and \$1,500. I would be grateful if your organization could help in any way with the costs.

Sincerely,



Will McCabe

(Contributions should be made to Troop 281-McCabe, P. O. Box 293, Ocean View, DE 19970)



P.O. Box 102 • Laurel, Delaware 19956

June 5, 2013

Mike Vincent  
President, Sussex County Council  
2 The Circle, PO Box 589  
Georgetown, DE 19956

Dear President Vincent:

The Laurel Historical Society extends our thanks and appreciation to the Council for its generous support of our organization over the years.

The Society is currently in the process of securing funding for the completion of the interior renovation of the mid 1800s Studley House on 6<sup>th</sup> Street. The goal is to convert the Studley House into a house museum used to depict life in Laurel in the mid nineteenth century. The exterior renovation has been beautifully restored for a few years now but due to insufficient funding we have not managed to complete the interior. We have recently been awarded a grant that will be administered through the State Division of Historical and Cultural Affairs that will require a 1:1 match. Complying with the 1:1 match which will largely diminish our resources that are used for day to day operation of the society.

On behalf of the Laurel Historical Society, I am writing to ask for your support in the completion of the restoration of the Studley House. Any level of support you could provide would be greatly appreciated.

Again, the LHS is sincerely appreciative of the support that you have provided over the years.

Thank you for your consideration. Please contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink that reads "Doug Marvil". The script is cursive and fluid.

Doug Marvil  
Laurel Historical Society, Acting President  
302-875-9427  
[demarvil@verizon.net](mailto:demarvil@verizon.net)

cc: Vance Phillips

PUBLIC HEARINGS  
June 18, 2013

This is to certify that on May 23, 2013 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Change of Zone and Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that these applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING  
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank  
Director of Planning and Zoning

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

Mr. Wheatley advised those present that the Commission would be holding a combined public hearing on both applications for consideration of the applications and that the Commission would be rendering their decision individually on each application.

**Change of Zone #1729** – application of **IDA C. FAUCETT, FAUCETT HEIRS, LLC AND MASSEY’S LANDING PARK, INC.** to amend the Comprehensive Zoning Map from MR Medium Density Residential District to an AR-1 Agricultural Residential District, to be located in a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 50.83 acres, more or less, lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) (Tax Map I.D. 2-34-25.00-31.00, 31.02, & 31.04)

**Conditional Use #1963** – application of **IDA C. FAUCETT, FAUCETT HEIRS, LLC AND MASSEY’S LANDING PARK, INC.** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a campground, to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 50.83 acres, more or less, lying on both sides of the eastern end of Long Neck Road (State Route 23, a.k.a. Route 22) (Tax Map I.D. 2-34-25.00-31.00, 31.02 & 31.04)

The Commission found that the applications were filed on March 19, 2013.

The Commission found that, on March 19, 2013, the Applicants had submitted an Exhibit Booklet titled “Castaways at Massey’s Landing” for consideration. The Booklet contains references to the Zoning and Conditional Use applications; Environmental Assessment and Public Facilities Evaluation Report; Preliminary Land Use Service (PLUS) comments and



responses; a boundary survey of the site; written legal descriptions, deeds and recorded surveys; preliminary site plan and Massey's Landing Subdivision Record Plan with a DelDOT Letter of No Objection; a cultural resources assessment; campground bathhouse floor plans and elevations; a U.S. Army Corps. of Engineers wetlands approval letter and survey; a vegetation community report and environmental consultant response; Dart bus schedules and rates; a draft emergency response plan; soils map; flood zone maps, and a FEMA Panel.

The Commission found that, on May 13, 2013, the Applicants had submitted a Supplement to the Exhibit Booklet, which included a Willing and Able to Serve letter from Long Neck Water Company; a Delaware Transit Corporation bus stop location approval; a 2005 Massey's Landing subdivision traffic impact study recommendation; and a rendered preliminary site plan.

Mr. Lank advised the Commission that the Office of State Planning Coordination provided comments in reference to the PLUS review on January 18, 2013.

Mr. Lank advised the Commission that the Delaware Department of Transportation (DelDOT) had provided comments: on January 28, 2013 in reference to the Traffic Impact Study; on April 10, 2013 on the Preliminary Site Plan; and on May 13, 2013 provided an Entrance Location Approval Only letter.

The Commission found that On May 21, 2013 the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum which reference that the site is located in the Long Neck Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction is required; that the current System Connection Charge Rate is \$3,711.00 per EDU; that there are potential gravity connection points in Long Neck Road; that conformity to the North Coastal Planning Study will be required; that connection to the sewer system is mandatory; that an upgrade to a downstream pump station may be required at the owner's expense; that when the pump station upgrade is completed, adequate capacity can be assumed if the total project is approximately 147 EDU as noted on the conditional use application; that this project is located in an area that is prone to flooding, however, limited information regarding flood zones has been provided with the application; that the County reserves the right to alter its comments or provide additional comments pending the submittal of said information; that the County requires design and construction of an on-site collection system to meet County Engineering Department Standards and Procedures; that the County assumes operations and maintenance of the sewer system when beneficial acceptance is approved by the County; that drains from pools, and pool decks and filter backwashes shall not be connected to the sewer system and alternative disposal methods must be provided; that the County owns existing sewer components on the proposed site, and coordination of existing public sewer with the project's design is required; that the County Engineer must approve connection points, and requires that a Sewer Concept Plan be submitted for review and approval; and that System Connection Charges will apply.

The Commission found that on May 22, 2013 Dan Parson, the County Historic Preservation Planner, provided comments advising that he has reviewed the preliminary site plan, toured the site and reviewed the Delaware Division of Historic and Cultural Affairs PLUS comments, as

well as a report compiled by local archaeologist, Dr. Edward Otter, and offers the following: there is a known cultural resource on the site, a prehistoric archaeological site; that land use has been varied in this area over the years, but it cannot be overstated the high potential for encountering evidence of Native American occupation in this area; that it should be noted that abandoned and unmarked human remains are very common throughout the region; that an archaeological consultant shall examine the site to locate any remains, and the plans shall be revised to avoid disturbing said remains; and that a Phase I Archaeological Survey shall be performed to locate any archaeological sites on the property to be submitted for his review and comments.

Mr. Lank advised the Commission that 55 letters and emails have been received in opposition to this application since March 27, 2013, and that on May 20, 2013 a binder was submitted in opposition to the application containing 967 signatures.

Mr. Lank advised the Commission that all correspondence, whether in support, in opposition, or agency comments are available for review.

The Commission found that Lynn Faucett and other Faucett family members were present in support of the applications with James Fuqua, Attorney with Fuqua, Yori and Willard, P.A., Mike Riemann, Professional Engineer with Becker-Morgan Group, Jeff Clark with Land Tech Land Planning, and Kathleen Walsh with Castaways Ocean City, and stated in their presentation and in response to questions raised by the Commission that they are requesting approval to change the zoning from MR Medium Density Residential to AR-1 Agricultural Residential so that the site can be developed with an campground/RV park; referenced the Exhibit Booklet and stated that campgrounds have been a hot topic in Sussex County this year, with three applications in the last eight months; that after reviewing the opposition documents it appears that most of the people that have provided comments or signed petitions have not seen or reviewed the applications; that the project is planned on both sides of Long Neck Road and is adjacent to State land, the boat ramp site, the existing Massey's Landing Manufactured Home Park and the existing Pot-Nets Seaside Manufactured Home Park; that the site contains 50.83 acres of land and does not include Mrs. Faucett's home site or the existing Massey's Landing Manufactured Home Park; that the site is currently zoned MR-RPC Medium Density Residential – Residential Planned Community; that the RPC was approved in May 2007 for 120 units (48 single-family units and 48 duplex units on the north side of Long Neck Road and 24 single-family units on the south side); that the RPC has not been developed due to the impacts of the recent economy downturn; that all of the lands around the site have AR-1 Agricultural Residential zoning and are improved with manufactured home communities or water bodies; that they are proposing 322 campsites with sewer, water, and electric hookups, bathhouses, laundry, general store, café, snack bar, and recreational and maintenance facilities; that the recreational amenities support the use of the campground; that the purpose of a Conditional Use references that uses are generally of a public or semi-public character and are essential and desirable for the general convenience and welfare but, because of the nature of the use, the importance of the relationship to the Comprehensive Plan and possible impact not only on neighboring properties but on a large section of the County, require the exercise of planning judgment on location and site plan; that County sewer is available for up to 147 EDU; that central water will be provided by Long Neck

Water Company, a public utility; that Delaware Electric Cooperative will provide electricity; that the site is located in the Indian River Fire Company service area; that shopping and service uses are available in the area; that a traffic impact study was completed in 2005 and has again been reviewed by DelDOT, with comments in the Exhibit Booklet under Tab 4; that DelDOT has issued a Letter of No Objection for the entrance location; that a bus stop has been suggested by DelDOT; that a DART bus stop for DART Route 207 will be provided; that DART comments in the Supplemental Exhibit Booklet reference that “Given the location and proposed land use the project would offer an ideal turnaround in conjunction with a premier bus stop. We will require that the developer sign a Memorandum of Agreement holding the Delaware Transit Authority harmless. The turnaround will need to be located in an area with easy entrance and exit and separated from other vehicular traffic to prevent schedule delays. The covered waiting area must be ADA accessible and should include bike racks, bench seating, a kiosk for information and trash receptacle. We also encourage you to connect the bus stop with your internal pedestrian and bicycle network”; that Long Neck Road is a two lane roadway with paved shoulders; that the roadway will accommodate RVs without impacting pedestrians and cyclists; that the campground will be seasonal; that the developers will be working with State and County officials to establish an Emergency Evacuation Plan and will comply with voluntary and mandatory evacuations (see Tab 11 in the Exhibit Booklet); that according to the State Strategies the site is located in an Investment Level 3, a Growth Area; that the site should be located in an Investment Level 1 since the area is almost fully developed and since this project could be considered infill; that according to the Comprehensive Plan Update the site is located in the Environmentally Sensitive Developing Area, a growth area; that according to the Plan, new development should be located in growth areas; that the Plan includes references that development should be directed to areas that have community services; that the County agricultural economy should be conserved by promoting farming and preserving agricultural land values; that tourism should be encouraged; that new developments should incorporate preserved usable open space and other best practices; that Long Neck Road is adequate to maintain the traffic; that according to traffic counts and calculations traffic should be decreased from the recently approved RPC plans for the site; that the use complies with the Mobility Element of the Plan; that the project provides economic growth; that the Faucett family has owned the property since 1938 and believes in property rights; that the Faucett family sold the property to the State that is used for the boat ramp; that Long Neck Road is classified by DelDOT as a Major Collector Road, the same as Route 24; that the Road contains 12 foot lanes with 8-foot shoulders; that two access points are proposed; that the Long Neck Road/Banks Road intersection was recently upgraded by DelDOT; that the Long Neck Road/Pot Nets Road improvements will be required; that they are proposing to install pervious pavement with filter strips, rather than impervious pavement; that none of the adjacent developments went through the DNREC or Sussex Conservation District process for stormwater management, and probably could not have been developed, as developed, under current regulations; that they will agree to meet all of DelDOT’s requirements; that they will meet all of DNREC and Sussex Conservation District stormwater management requirements; that they plan on utilizing green technologies and best management practices; that wetlands have been delineated and the boundaries approved; that there are no threatened/endangered species on site; that they have met with the Office of the State Fire Marshal, the Indian River Volunteer Fire Company, DNREC, the U.S. Army Corps. of Engineers, the association of park owners, and residents of the area; that the project will have controlled and gated access; that the streets within

the project will be sized to accommodate the largest emergency vehicle of the Indian River Volunteer Fire Company; that no campsites are proposed within 400-feet of a dwelling of other ownership; that there will not be any lot sales; that they are proposing to provide space for RVs, travel trailers, and some tent camping, no cabins; that no phasing is proposed; that they intend to develop the entire site in one phase and hope to be able to open for the 2014 camping season; that a 50-foot buffer setback is being provided from wetlands; that the project will include pavilions, an aquatic rental center (no motorized watercraft), concierge, golf cart rental center, general store, welcome center/administrative offices, swimming pool, café/snack bar, bath houses, nature center/activity lodge, lodge meeting center/conference center, beach lounge BBQ and café bar, remote tenting area and bath house, maintenance center, DART bus stop, interior crabbing and fishing piers, and a dog park; that employee parking will be provided; that a Bald Eagle nest exists off site (Lynch Thicket), not on this site; that there will be a 330-foot buffer from the Bald Eagle nest; that no improvements are proposed in buffer areas; that they will be required to obtain seven permits from either the U.S. Army Corps. of Engineers or DNREC for piers, erosion sediment control, crossings, etc.; that landscaping plans will be submitted; that it will not be necessary that fill be brought in from off-site, due to the existence of the sandy area on-site; that the Castaways Ocean City site has not had any traffic issues, and they do not anticipate any traffic issues at this site; that buses from the Ocean City site are crowded, showing that the bus service will work; that they have established a speedy check-in service; that the Faucett family are all members of the partnership with the Burbage family in the development of this project; that someone from the Faucett family has lived and worked this property since the 1960s; that the Faucett family has partnered with the Burbage family due to the experience of the Burbage family in developing campgrounds; that the Faucett family has watched the Long Neck area develop and voiced no objection to other projects; and that the project is a benefit to tourism.

The Commission found that Mr. Fuqua offered the following suggested Findings of Fact for consideration for Change of Zone No. 1729: 1) This is an application to amend the Comprehensive Zoning Map from MR (Medium Density Residential) to AR-1 (Agricultural Residential) for 50.83 acres of land located at the eastern end of Long Neck Road; 2) The proposed use of the property is as a Campground/RV Park with amenities which require conditional use approval in the AR-1 zoning district; 3) The property is located in the Environmentally Sensitive Developing Area which is a designated growth area under the 2008 Sussex County Comprehensive Plan; 4) The property is located in an Investment Level 3 under the Strategies for State Policies and Spending as is much of the Environmentally Sensitive Developing Area; 5) The property was rezoned MR-RPC as Change of Zone No. 1608 in May of 2007, for a 120 unit residential development; 6) All lands bordering the property are zoned AR-1, as are the majority of lands in the Long Neck area; and for the stated reasons the rezoning of the property to AR-1 would be in accordance with the Comprehensive Plan, consistent with the existing zoning in the area and appropriate for the property.

The Commission found that Mr. Fuqua offered the following suggested Findings of Fact for consideration for Conditional Use No. 1963: 1) This is an application for a Conditional Use in an AR-1 Zoning District (rezoning application from MR to AR-1 being considered with this Conditional Use application) for a 322 site campground/RV park with amenities on a parcel of

land containing 50.83 acres located at the eastern end of Long Neck Road; 2) Under the Sussex County Comprehensive Plan Update, the site is located in the Environmentally Sensitive Developing Area (ESDA) which is a designated Growth Area on the Comprehensive Plan's Future Land Use Map; 3) The Comprehensive Plan strongly encourages that development in the ESDA be served by central sewer and water facilities and the proposed Conditional Use will be served by Sussex County sewer, as part of the Long Neck Sanitary Sewer District and will utilize central water provided by the Long Neck Water Company; 4) The Conditional Use is in accordance with the Plan's vision that Sussex County will maintain its role as Delaware's agricultural leader, that new full time residences, second home growth, and seasonal tourism will continue to drive the local economy; 5) The Conditional Use is consistent with the purposes and goals of the Sussex County Comprehensive Plan Update since it (1) promotes economic development; (2) promotes tourism; and (3) is consistent with the character of the zoning and development in the area; 6) The site is located in an Investment Level 3 under the State Strategies for State Policies and Spending and development is appropriate. Much of the ESDA is designated as Investment Level 3 which recognizes that it is a future growth area; 7) The Applicant participated in the PLUS process, and has responded appropriately to the PLUS comments and has submitted for the record – an Environmental Assessment and Public Facility Evaluation Report properly addressing the stated criteria; 8) The Conditional Use will have no negative environmental impact. All required buffers will be provided, Green Technology, Best Management Practices as recommended by DNREC, including a combination of bio-retention, infiltration, bio-swales and filter strips will be utilized to achieve storm water quality management together with pervious pavements to meet or exceed DNREC requirements. The site will be served by County sewer and public water. Wetlands will not be disturbed except where authorized by appropriate permits and the wetland delineation has been approved by the U.S. Army Corps. of Engineers; 9) The Conditional Use will have no negative impact on traffic. The site is currently approved for a 120 residential unit development and the Conditional Use will have similar or less traffic impact than the use already approved. DelDOT has reviewed and accepted the Applicant's Traffic Impact Study and has requested the Applicant's participation in future improvements; 10) Long Neck Road is a well maintained two lane road with adequate shoulders to accommodate vehicles coming and leaving the site in a safe manner. In addition DART operates a bus route providing round-trip bus service from the Rehoboth Park and Ride to Massey's Landing during the summer season. A DART bus stop and turnaround will be provided on the site; 11) There will be no negative impact on schools or other public facilities since the Conditional Use will operate seasonally from April 1 to October 31<sup>st</sup>; 12) The site is an appropriate location for the Conditional Use since shopping and services are located on Long Neck Road in addition to services located on site. The property is an "in-fill" piece, adjacent to manufactured home parks on the west and south and the bay and the State of Delaware boat launch on the north and east; 13) The Conditional Use is essential and desirable for the general convenience and welfare since it will provide tourism related services, full and part time employment and significant secondary economic benefit to area business; 14) The Conditional Use with the following conditions will not have any adverse impact on the uses or values of area properties, will contribute to the convenience and welfare of Sussex County and its residents and is consistent with the purposes, goals, and provisions of the Sussex County Zoning Ordinance and Comprehensive Plan: 1. The maximum number of RV sites shall be 322; 2. All entrance and other DelDOT requirements shall be completed as required by DelDOT including the

requirement requested by DelDOT that “the Developer should enter into an agreement with DelDOT to fund an equitable portion of the installation of single land roundabout at the intersection of Delaware Route 23 and Pot Nets Road (Sussex Road 22C). The agreement should be worded such that DelDOT may utilize the funding contribution from the installation of a traffic signal at this intersection, should a roundabout be determined to be infeasible at DelDOT’s discretion. The agreement should include pedestrian signals, crosswalks and interconnection at DelDOT’s discretion”; 3 The Conditional Use shall be served by the Long Neck Sanitary Sewer District; 4. The Conditional Use shall utilize public water from the Long Neck Water Company; 5. Stormwater management and erosion control facilities shall be constructed in accordance with applicable State and County requirements and maintained using best management practices; 6. The Applicant shall cooperate and coordinate with the State and County emergency preparedness offices to develop and implement an emergency evacuation plan; 7. The campground/RV park may open no earlier than April 1<sup>st</sup> each year and shall close no later than October 31<sup>st</sup> of each year; 8. The campground/RV park shall remain vacant and no campers or RVs shall be stored on the sites during the period that the park is closed, except Applicant owned “park model” units; 9. There shall be no accessory buildings located on individual campsites; 10. All units to be used for the purpose of human habitation on campsites shall be tents, travel trailers, recreation vehicles and equipment manufactured specifically for camping purposes; 11. One sign not exceeding thirty-two (32) square feet per side with lighting shall be permitted; 12. The Applicant shall plan the entrance design to accommodate a bus stop and turnabout in accordance with DART; 13. Final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

The Commission found that the Applicants representatives responded to questions raised by the Commission by adding that no stormwater management ponds are proposed; that water quality will be maintained; that pervious pavement is proposed to be used for pad sites and parking areas; that filter strips will be utilized throughout the project; that 50-foot buffers will be provided; that there will not be any wetlands on any camp sites; that wetlands will not be disturbed; that DNREC will mandate the protection of wetland features; that wetlands will be improved to stop shoreline erosion; that turf will be utilized per Sussex Conservation District guidelines; that they intend to protect as many trees as possible; that phragmites will have to be eradicated; that the District wants all drainage to be directed towards streets; that 10% of the units are anticipated to be park models; that the park models are intended as rental units; that no seasonal sites are intended; that sites are intended to be for transient use; that based on DelDOT criteria, single-family units generate approximately 10 trips per day and RV sites have a 20% reduction compared to a single-family unit; that an RV can remain on site for 180 days or be removal ready in case of evacuation; that park models will be there for the entire season and then moved out of Flood Zone areas for winterization; that the DART bus stop site is a public bus stop; that the closest bus stop to this site is in Pot Nets; that the café is planned for use by the campground residents; that campsites are intended to be weekly rental spaces; that campsite rental for an entire season is not an option; that the County Code requires 30-foot wide right-of-ways with a 20-foot wide road maintained; that sidewalks are not proposed; that walking trails and paths are proposed; that they intend to contribute to the multi-modal path fund, not to build the path since there is no connection to an existing path; that guest parking spaces will be provided near the frontage along Long Neck Road; that they would prefer to mark the wetlands

boundaries with split rail fencing, rather than boundary markers; that campsites will be a minimum of 400-feet from any dwelling off-site; that, by definitions in the Code, manufactured homes are not defined as dwellings; that land use decisions are not based on popularity, and must be based on facts; that DelDOT utilizes ITE guidelines; and that emergency evacuation plans will comply with evacuation procedures created by County and State emergency officials and local officials.

Mr. Robertson advised the Commission that campsites are required to be at least 400-feet from a dwelling of other ownership; that the definition of a dwelling in the Zoning Code states: “A building or portion thereof containing cooking and housekeeping facilities, designed or used exclusively for residential occupancy, but not including manufactured homes, hotels, motels, motor lodges, boarding and lodging houses, tourist courts or tourist homes”.

The Commission found that there were no parties present in support of these applications.

The Commission recessed for five (5) minutes.

The Commission found that Mary Schrider-Fox, Attorney with Steen Waehler & Schrider-Fox, LLC was present on behalf of the Massey’s Landing Tenants Association and others in the area, and stated that she opposes the applications; that the Applicants are requesting a down-zoning for the purpose of a campground; that down-zonings are normally for less intense uses; that they have applied because a campground is not a listed permitted use in a MR Medium Density Residential District; that a campground is a more intense use than a single-family community; that the use will not comply with the Comprehensive Land Use Plan since the site is located in a Low Density Area and the Environmentally Sensitive Developing Area; that the use does not support Agriculture; that the use is not a residential project, it is a commercial enterprise in the middle of a residential area; that park amenities are only planned for park guests, not the general public; that the use does not promote safety, health, or the general welfare of the community; that letters in opposition to the applications reference safety concerns, traffic backups, evacuation issues, parking of vehicles from the State boat ramp parking along Long Neck Road, among other issues; that residents have a concerns that they will be evicted from the homes, which they own; that emergency response limitations is a major concern; that the use is not beneficial to area residents; that lessening of congestion needs to be addressed; that the traffic impact study is eight years old and DelDOT has not considered that things have changed since 2005; that the traffic impact study referenced a residential Planned Community, not a campground; that roads are an issue since RVs are larger than standard vehicles; questioning the number of employees; that the use is not for the convenience of the community residents; that the site plan does not comply with the requirements of the Code; that the tent sites do not comply with the dimensional requirements; that the site locations do not comply with the 400-foot separation from a dwelling requirement, since there is a dwelling within Pot Nets and within Massey’s Landing Park; that the Code does not provide any language for recreational amenities, and many are proposed within this project; that normally if a use is silent and not specifically referenced, it is prohibited; that the use does not fit in this residential area of Long Neck Road; and that she requests that the applications be denied.

The Commission found that Jeff Marks, a resident of Massey's Landing and Newark, was present in opposition, presented a Power Point, and stated that the residents are present, not to oppose the development of the property, and are supportive of the development of the property in accordance with the current zoning and as recommended by the Comprehensive Plan on behalf of the communities of Long Neck Road, and to protect the safety, the tax base and the quality of life of those residents; that he shared the site plan with the majority of the signers of petitions in opposition to this use; that one of the fastest growing areas of the County is Long Neck with a growth rate of 55%, and with an average age of 62 years; that the proposed project is located in a Investment Level #3 where environmental constraints exist and where infrastructure is not a priority according to the State Strategies for Policies and Spending; that the proposed RV park will not generate Realty Transfer Tax and will drain the County for infrastructure and resources; that portions of the project on the north side and on the south side of Long Neck Road are within 400-feet of a dwelling in Pot Nets Dockside; that it does not make any sense to establish a campground in a flood zone in an area that is prone to flooding and is often cut off by coastal storms; that photographs in the Power Point depict flooding over Long Neck Road; that the shoulders along Long Neck Road are less than eight (8) feet in width and too narrow for parking, but vehicles from the State boat ramp park on the shoulders; that the residents are concerned about evacuation in emergencies; that the use of Park Models is a concern since they are not easily moved, except by experts; that the Power Point depicts damages to Park Models during Hurricane Sandy; that Long Neck Road and some of the communities are impacted by flood waters during hurricane and northeaster storms; that a 2005 Traffic Impact Study does not provide current data on counts, etc. and a new Traffic Impact Study should be required; and that this proposal should be denied since: the proposal is to place an RV Park on a road that is a flood plain when there is only one way in and one way out; that there are currently over 4,500 RV sites available for RVs within the area; that downzoning this property from MR to AR-1 is a direct conflict with the Future Land Use Plan Map of the Comprehensive Plan; that revenue will be impacted due to the loss of Realty Transfer and Property Taxes; that the Applicants have submitted an eight (8) year old Traffic Impact Study; that they are proposing a plan without the appropriate buffers required; that the project will impact the State boat ramp and facilities; and that the project may put the current residents and emergency response teams of Long Neck Road at risk in the event of an evacuation. A paper copy of the Power Point presented is a part of the record.

The Commission found that William Higgins, President of the Homeowners Association of Pot Nets Dockside and Seaside, was present in opposition and speaking on behalf of 500 residents within the two referenced parks, and stated that he is not opposed to RV parks, but is opposed to this location on a dead end road in an area that floods; that he has visited the Castaways Ocean City park and noted that it has two outlets; that he has requested that DelDOT do a summer count of traffic for Long Neck Road; that he is concerned about safety issues; that the lagoons are unprotected; that canoe rentals are proposed in a tidal area; that a pond on the site has been reported to be contaminated; that golf carts are proposed to be rented; that evacuation notice and compliance is a major issue; that a lot of residents wait until the last moment to evacuate; that Long Neck Road only has two lanes; that in 2012 there were 102 accidents along Long Neck Road with one of the accidents being a fatal accident; that there are five campgrounds in the Long Neck area, many of which have vacancies; and noted that the Commission should visit the



Long Neck area this weekend, Memorial Day weekend, and see the traffic and the parking along the shoulders near the State boat ramp. Mr. Higgins submitted three pictures that: depict flooding of the Pot Nets Dockside entrance during Hurricane Sandy, flooding of the State boat ramp parking lot; and flooding over Long Neck Road between Pot Nets Dockside and Pot Nets Coveside.

The Commission found that Charles Bartels, a resident of Massey's Landing Park, presented a letter and Power Point, referencing that the approval of this project would pose many problems for the entire Long Neck area, including but not limited to tremendous traffic issues during the summer tourist season; that traffic is already a concern on Long Neck Road, especially on summer weekends; that evacuation during national disasters and for medical reasons would become a huge problem; that many residents of the Long Neck area are senior citizens with increasing medical issues; that first responders, i.e. police and firefighters, response time would be increased with possible disastrous consequences; that increased usage of the area, resulting from 322 RV lots would stress an already fully utilized area, ecologically; that the undeveloped area is the home of many species, including deer, fox, wild turkey, and numerous oak-pine forest, maritime forest, and wetland plants and animals; that this area includes frontage on Massey's Ditch and the shallow Roman T. Pond, which are environmentally fragile areas; that run-off and pollution from increased boat usage may impair the water quality; that increased trash, especially plastics, would likely find its way into the surrounding waters; that development of the forested and wetland areas reduces the natural filtration of runoff, and could lead to increased turbidity, siltation and eutrophication; that the increase in impervious surfaces, such as trailers and roads, will decrease the freshwater recharge of local groundwater supplies; that development of these undeveloped areas would significantly reduce the biodiversity of the area; that many terrestrial and aquatic species live and reproduce in the area; that removal of these essential habitats would cause greatly reduced populations of many of these native species; that the natural beauty of this area is what makes the remaining undeveloped areas of Long Neck special; that the Inland Bays of Delaware have been under development pressure for a long time; that recent legislation and wise land use regulations have greatly reduced new development in the last decade; that not coincidentally, improved water quality, increases in invertebrate and fish populations and reestablishment of terrestrial species, such as turkeys and bald eagles, has occurred during this time period; that development of the 322 RV lots will undoubtedly lead to the subsequent second phase of development for a total of 575 RV sites; that this would destroy the many resources that attract visitors to the Long Neck and Inland Bays area; that the Castaways group has been moving from location to location around the Inland Bays trying to develop RV parks; that development of the RV park could eventually displace close to 100 families in the existing Massey's Landing Park; that the Massey's Landing Park has existed for over 40 years; that many of these families live here full-time; that many of the families are on fixed incomes; that having to move would be a major financial problem since these homes cannot be moved, and selling them is now impossible and unethical with the impending sale of the land; that increased transient visitors have no sense of ownership and would be less likely to care for the environment or their neighbors, and would impact Massey's Landing Park and the neighboring Pot Nets Communities; and that if allowed to start this project there may be no stopping continued development of Long Neck. The Power Point, which includes text, maps, aerials, photographs, renderings, and charts, is a part of the record.

Ms. Fox, in response to a question by the Commission, stated that the conditions and traffic along Long Neck Road have changed since 2007.

The Commission found that James Chillik of Massey's Landing spoke in opposition and stated that he purchased his house, which is not a manufactured home, eight years ago, and due to the flooding issues has raised his house, which is now a two story house; that the house is listed as a dwelling, not a manufactured home, per the County Assessment records, and that he is here trying to protect his investment; and feels that he may have been misrepresented by his Realtor.

The Commission found that David Gray of Mariner's Cove spoke in opposition and stated that he questions how Park Model homes can readily be removed in a storm event, and expressed public safety concerns relating to fire and police protection.

The Commission found that Mr. Riemann responded that they have met with the Office of the State Fire Marshal and representatives of the Indian River Volunteer Fire Department and will comply with their requests for fire hydrants and dry hydrants.

The Commission found that Ms. Walsh responded that a Park Model home can be unhooked and removed from a site within 20 minutes.

The Commission found that Betty Greenwalt, a resident of Pot Nets Lakeside; Shawn Kilpatrick, a resident of Pot Nets; Paula Rappa; Bob Teechert, a resident of Creeks End; Denny Coffman; Joan Race, a resident of Pot Nets Coveside; Bill Holston, a resident of Massey's Landing; and Jim Gervan, a resident of Creeks End; also spoke in opposition and expressed concerns that a lot of the residents in the Long Neck area are full-time residents and mostly senior citizens; that emergency vehicles travel Long Neck Road daily; that school buses travel Long Neck Road during school sessions; that there are no benefits for the youth in the Long Neck area; that there are no malls, movie theaters, or recreational centers; that golf carts travel up and down Long Neck Road; that Long Neck Road cannot support an RV park; that police and fire response time is a major concern; that DelDOT needs to include standards for RV parks in their regulations; that the Long Neck Elementary School will be negatively impacted; that by creating more traffic you create more delays; that the State boat ramp is already at capacity and people are parking their vehicles and trailers on the shoulder; that most of the campers will probably be towing a boat and trailer; that the Massey's Landing boat ramp has the only handicap accessible pier; that additional boats will negatively impact people that already fish; that the rental of boats and canoes should not be permitted since they do not mix well with motorized watercraft, especially near a boat ramp; that approval of this project will increase the number of transients in the area; that trespassing is a concern; that Massey's Landing Association has 67 home owners, of the 96 homes on the site, that they are opposed to this application; that the residents have a fear that they will lose their leased lots; that there could be major impacts on the archaeological nature of the area; and that no one has appeared in support of the application.

Mr. Clark responded that each campsite will have space on the sites for parking of the tenant's vehicle and boat trailer.

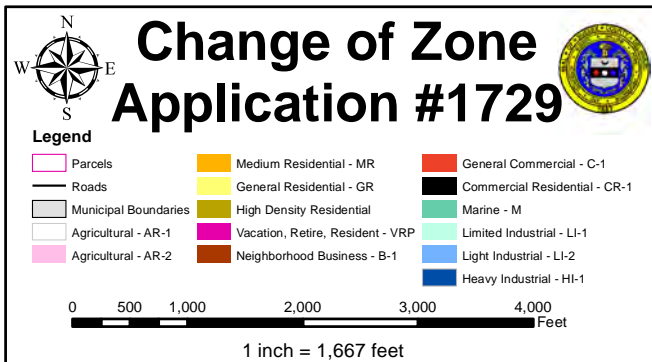
At the conclusion of the public hearings, the Commission discussed these applications.

In reference to C/Z #1729:

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for time for further consideration given the amount of materials and statements received. Motion carried 5 – 0.

In reference to C/U #1963:

Motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for time for further consideration given the amount of materials and statements received. Motion carried 5 – 0.



DELAWARE

ROBINSON

32

78.13 Ac.S

FAUCETT HEIRS

PB 102-68

FAUCETT 5.90 AC.

31.02  
53.97 AC.S

POTNETS  
E MALLARD RD

MALLARD RD

LONGNECK RD

BEACH PLUM RD

SANDPIT LN

BARN LN

WAGON

MOUND LILY LN

SHASTA WAY

YUCCA DR

LUCKY LN

CAPTAINS WALK

HURLEY

PLOVERS REACH

INDIAN VILLAGE RD

CURLEW WAY

OTTER WAY

HAWK EYE LN

LANDING RD

OYSTER CRACKER RD

# Change of Zone Application #1729



## Legend

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

0 145 290 580 870 1,160 Feet

1 inch = 451 feet

31 A

39.38 AC.

31.01

2.90 AC.

34.03

1.44 AC.

TOPAZ RD

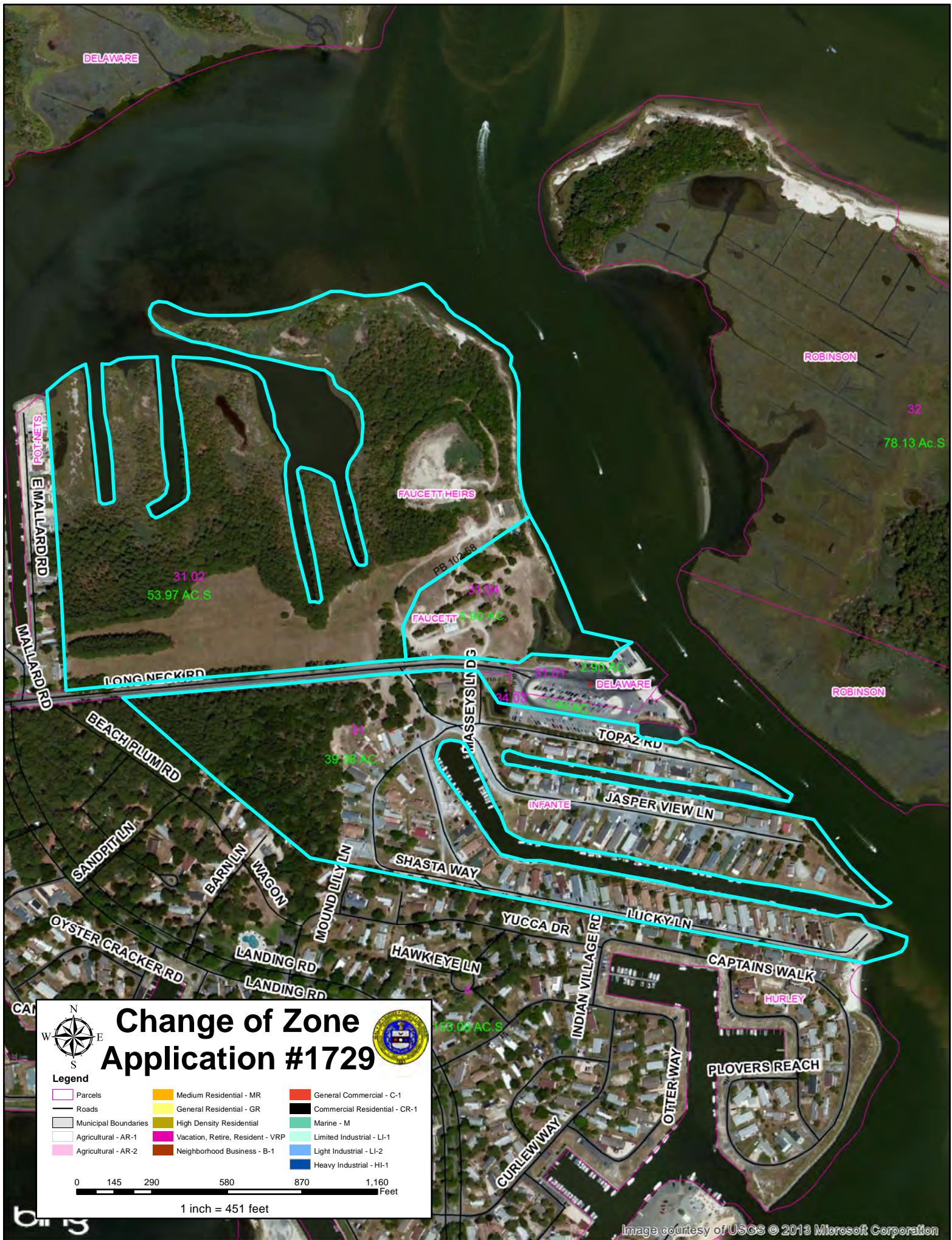
JASPER VIEW LN

MASSEYS LN D3

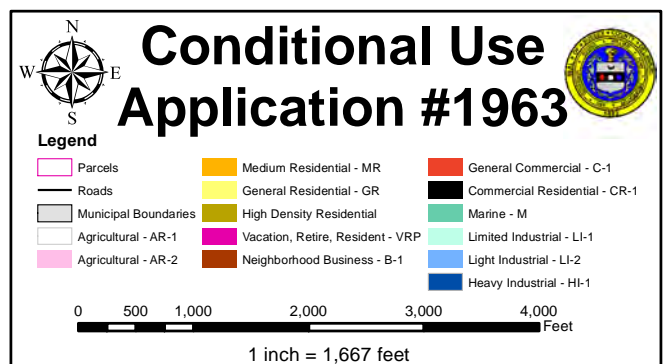
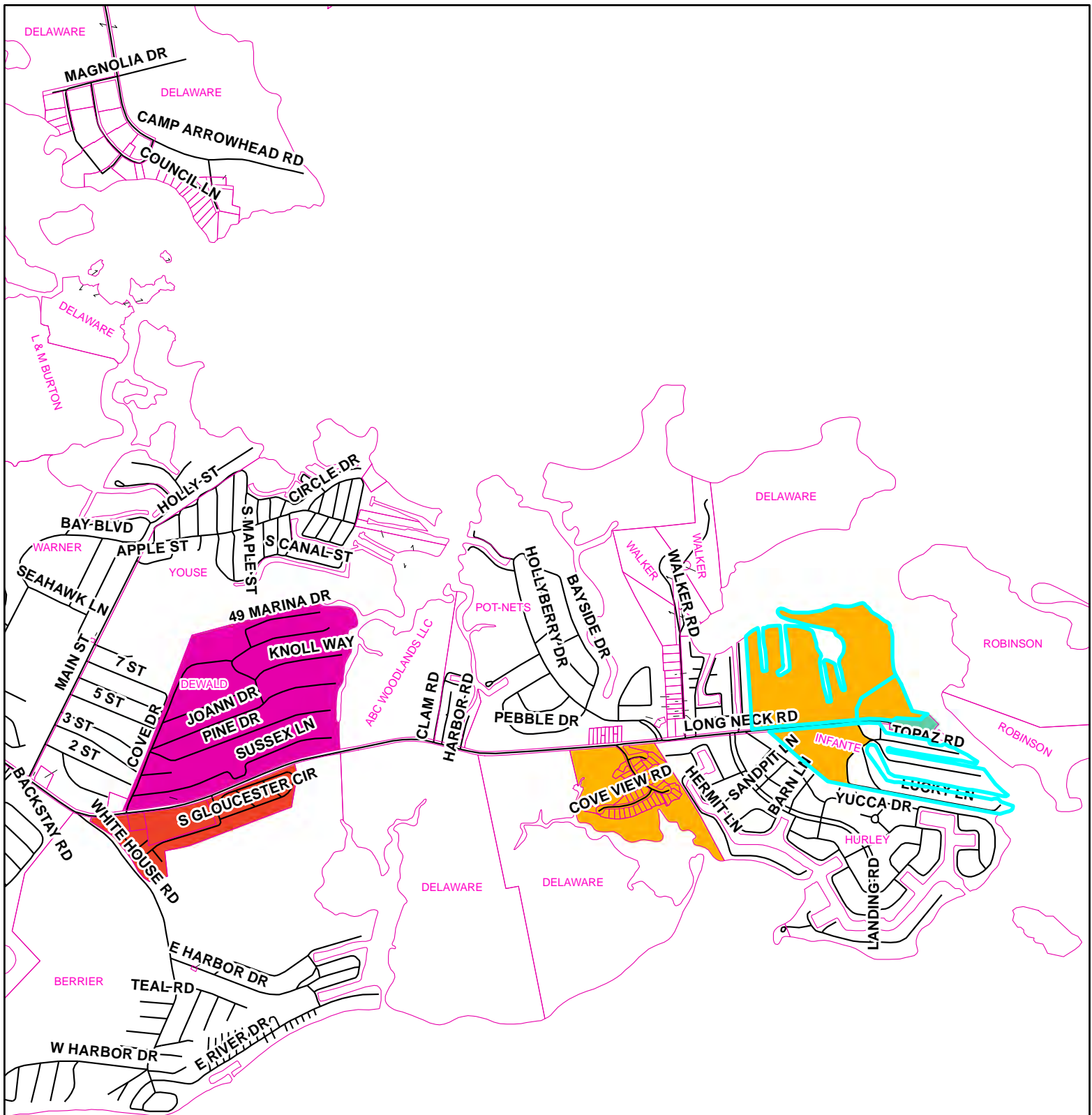
153.08 AC.S

PB 87-348









DELAWARE

ROBINSON

32

78.13 Ac.S

FAUCETT HEIRS

PB 102-68

FAUCETT 5.90 AC.

31.01 2.90 AC.  
34.03 1.44 AC.  
B DELAWARE

ROBINSON

PB 87-348

LONGNECK RD

BEACH PLUM RD

SANDPIT LN

BARN LN

WAGON

MOUND LILY LN

SHASTA WAY

YUCCA DR

LUCKY LN

CAPTAINS WALK

VILLAGE RD

HAWK EYE LN

LANDING RD

LANDING RD

TERRAPIN RD

SHARKTOOTH DR

CURLEY

OYSTER CRACKER RD

CANVASBACK DR

SUNSET STRIP

POTNETS  
E MALLARD RD  
MALLARD RD

12475

1371.66


216.45

118.7


31 A

39.38 AC.

153.08 AC.S

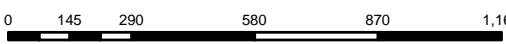


## Conditional Use Application #1963



### Legend

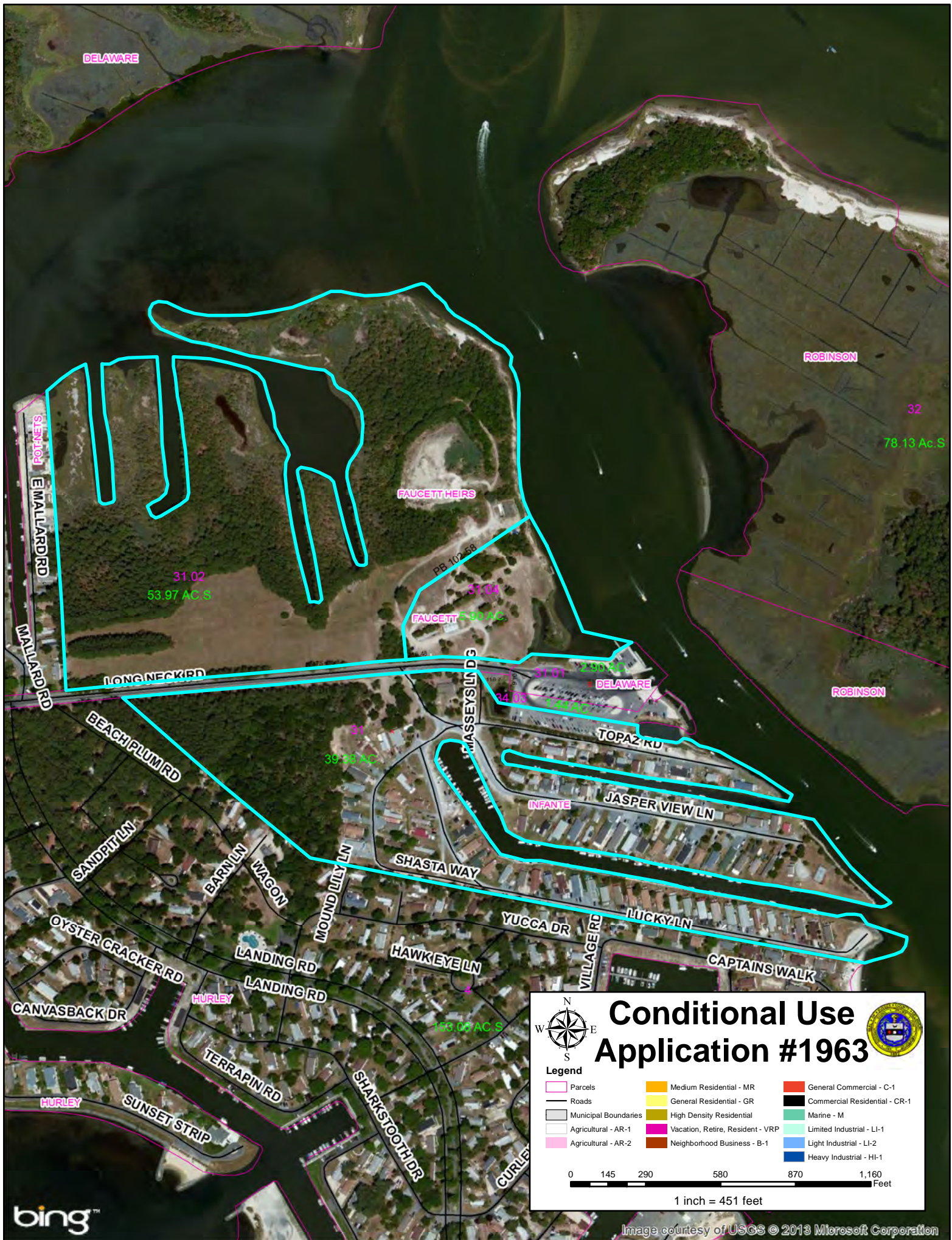
|                      |                                  |                               |
|----------------------|----------------------------------|-------------------------------|
| Parcels              | Medium Residential - MR          | General Commercial - C-1      |
| Roads                |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




0 145 290 580 870 1,160 Feet

1 inch = 451 feet
























N  
W E  
S

## Conditional Use Application #1963



**Legend**

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

0 145 290 580 870 1,160 Feet

1 inch = 451 feet