



Sussex County Council Public/Media Packet

**MEETING:
June 30, 2015**

****DISCLAIMER****

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

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

MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
ROBERT B. ARLETT
GEORGE B. COLE
JOAN R. DEAVER



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

Sussex County Council

AGENDA

JUNE 30, 2015

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentations by the League of Women Voters of Sussex County

1. Annual Report
2. Land Use Forum Report

Todd Lawson, County Administrator

1. Tribute – Leona Smith
2. Library Board Appointment
3. Wastewater Agreement No. 446-6
Sussex County Project No. 81-04
Hopkins – Pettyjohn Subdivision (AKA Red Mill Pond North) – Phase 4
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
4. Discussion relating to Contracting for Planning Services
5. Discussion relating to the County Sign Ordinance
6. Administrator's Report

Gina Jennings, Finance Director

1. Sewer Finance Initiatives

Hal Godwin, Deputy County Administrator

1. Legislative Update

Anthony Digiuseppe, Jr., Project Engineer

1. EMS Station #105 Project
 - A. Balancing Change Order and Substantial Completion

Helen Naylor, Project Engineer

1. Taxiway A (S), Project 14-14
 - A. Change Order 1 and Substantial Completion

Steve Hudson, Director of Technical Engineering

1. Install Taxiway Lights (including electrical vault improvement), Project 15-11
 - A. Bid Award and Delmarva Power Agreement

Grant Requests

1. Girl Scouts Troop 1482, for Odyssey of the Mind Team.
2. Cats Around Town Society for spay/neuter/vaccination services.

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Personnel and Pending/Potential Litigation pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1772 filed on behalf of Sussex Ventures, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.33 ACRES, MORE OR LESS” [located east of U.S. Route 13 (Sussex Highway) 995 feet south of Road 482 (Boyce Road)] (Tax Map I.D. No. 132-12.00-112.00 and 112.05) (911 Address: None Available)

Change of Zone No. 1773 filed on behalf of Ernest and Donna DeAngelis

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.541 ACRES, MORE OR LESS” [located south of Route 9 (Seashore Highway) 800 feet west of Road 262) (Fisher Road)] (Tax Map I.D. No. 235-30.00-53.00) (911 Address: None Available)

Change of Zone No. 1774 filed on behalf of John R. and Susan K. Eisenbrey

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 31,200 SQUARE FEET, MORE OR LESS” [located south of Lewes Georgetown Highway (Route 9) 0.7 mile east of Route 5 at Harbeson] (Tax Map I.D. No. 235-30.00-58.02 (Part of) (911 Address: 26822 Lewes Georgetown Highway, Harbeson)

Change of Zone No. 1776 filed on behalf of Larry Yoder

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS” [located northwest of Shawnee Road (Road #36) 3,439 feet northeast of Road 628 (Coon Den Road) (Tax Map I.D. No. 430-3.00-11.01) (911 Address: 10862 Shawnee Road, Harrington)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 23, 2015 at 5:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 9, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 9, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 218 15
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of May 19, 2015 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**WEST SIDE NEW BEGINNINGS, WEST REHOBOTH CHILDREN AND
YOUTH PROGRAM, REHOBOTH, DELAWARE.**

RE: Letter in appreciation of grant.

**RONALD MCDONALD HOUSE OF DELAWARE, WILMINGTON,
DELAWARE.**

RE: Letter in appreciation of grant.

DELAWARE LIONS FOUNDATION, CAMDEN, DELAWARE.

RE: Letter in appreciation of grant.

READING ASSIST INSTITUTE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of grant.

**Corre-
spondence
(continued)**

**JOSEPH PATRICK FABBER MEMORIAL FOUNDATION, PROMOTING
READING ENTHUSIASM IN PRE-SCHOOL (PREP), REHOBOTH
BEACH, DELAWARE.**

RE: Letter in appreciation of grant.

MILTON HISTORICAL SOCIETY, MILTON, DELAWARE.

RE: Letter in appreciation of grant.

**Public
Comments**

Public Comments

Dan Kramer commented on the County Council following State law and County Code and he commented on filing FOIA complaints.

Representatives of Delaware Technical & Community College were in attendance to present to the Sussex County Council a gift of appreciation for its support of the Starry Starry Night Gala event, a scholarship fundraiser. The Council was presented with a canvassed photograph of a DeHavilland Canada DH-82C Tiger Moth housed at the Delaware Aviation Museum at the Sussex County Airport near Georgetown. The photograph, taken by communications student Paulina Szczepanska, captures an image that is reminiscent of the 1940s World War II era, which coincided with the college's Starry, Starry Night 'Hollywood's Golden Age' theme.

**Tribute/
Habitat
for
Humanity**

The Council presented to Sussex County Habitat for Humanity a Proclamation commending the organization for the completion of 100 homes and proclaiming June 9, 2015 as a time for all Sussex Countians to celebrate Habitat's contribution to Sussex County and to affordable housing.

**Update on
EPA's Rule
to the
"Waters
of the
U.S."**

Mr. Lawson provided an update on the federal rule relating to the "Waters of the U.S.". The rule is officially known as the Definition of "Waters of the United States" (WOTUS) and comes under the authority of the Clean Water Act. The rule was written in conjunction with the Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps), and the first draft proposal was released in April 2014. Since then, the draft rule gained significant attention from both proponents and opponents alike. The National Association of Counties (NACo) was very much involved in the opposition of the proposal. In addition, in October 2014, the Delaware Association of Counties passed a resolution opposing the expansion of the Clean Water Act. Mr. Lawson advised that WOTUS is now a rule of law in the federal rulemaking process. With the final rule now released, the only recourse, if the Council opposes the rule, is to seek to have the rule repealed through an act of Congress. There is currently a bill, H.R. 1732 that would repeal the new rule. The bill has passed the House of Representatives and awaits Senate consideration. The Council directed Mr. Lawson to draft a Resolution in support of H.R. 1732 for consideration at the June 16th Council meeting.

**Administrator's
Report**

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

1. Sussex County Emergency Operations Center – Re-accreditation

I am pleased to announce that the non-profit International Academies of Emergency Dispatch in May awarded the Sussex County 911 Center re-accreditation as an emergency medical dispatch "center of excellence." The award, as the 65th Emergency Medical Dispatch Accredited Center in the world, is the fifth such award for the County since its initial accreditation in 2001.

Winning the award requires voluntary self-analysis and compliance with industry standards, including the Medical Priority Dispatch System, a protocol for assessing medical emergencies and dispatching the appropriate response. As part of the re-accreditation process, the center had to meet the IAED's "20 Points of Excellence," which examines everything from questions dispatchers ask, and in what order, to continuing training and the center's design.

The center will be formally recognized for its accomplishments at the Navigator 2016 conference in Washington, D.C., and on the International Academies of Emergency Dispatch's website. Congratulations to Director Joe Thomas and the EOC staff and dispatchers for this significant accomplishment.

**Quarterly
Pension
Review**

Mrs. Jennings presented information on the County's pension performance and the Pension Committee's recommendation to invest the remaining Fiscal Year 2015 contribution. The draft minutes of the May 21, 2015 Pension Committee meeting and the Investment Performance Report as of March 31, 2015 were previously distributed to the Council.

Summary of the Pension Investment Analysis –

- Market value was \$73,290,810 as of March 31, 2015
- Year-to-date gain of \$5.7 million, or 8.4 percent
- Continued very strong performance when compared to approximately 230 public pension plans monitored by Peirce Park Group

Summary of the OPEB Investment Analysis

- Market value was \$30,798,704 as of March 31, 2015
- Year-to-date return of \$2.2 million, or 7.6 percent
- The fund's performance ranked in the top quarter for the last year

Mrs. Jennings reported that the remaining contribution for the pension fund is \$850,000. Due to the strong performance of the Pension Fund and to keep the asset allocation in line with the investment policy statement, (which is 60 percent equities, 39 percent bonds, and 1 percent

(continued) cash), the Committee's recommendation is to use the \$850,000 to purchase additional bonds in the fixed income portfolio.

M 219 15 A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the
Deposit Sussex County Council deposit \$850,000 in the Sussex County fixed
to Fixed income portfolio.
Income

Portfolio/ Motion Adopted: 5 Yeas.

Pension

Plan

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

Quarterly Mrs. Jennings reported that the remaining contribution for the OPEB fund
Pension is \$675,000. Due to the performance and fees of the Target Small
Review Capitalization Fund, the Committee reviewed another small cap value
(continued) portfolio, the Vanguard Small Cap Value Index. Due to the lower fees of
.09 percent compared to .68 percent, the Committee recommended a switch
of small cap managers during this quarter. The Committee's
recommendation is as follows:

1. Liquidate the Target Small Capitalization Value fund with an approximate value of \$937,927
2. Invest the remaining contribution of \$675,000, plus the redeemed \$937,937, as follows, to keep consistent with the County's investment policy statement (which is 65 percent equities, 34 percent fixed income, and 1 percent cash):
 - a. \$170,000 in Vanguard Institutional Index
 - b. \$960,000 in Vanguard Small Cap Value Index
 - c. \$455,000 in the County's OPEB Fixed Income Portfolio
 - d. \$27,927 in cash

M 220 15 A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex
Pension County Council liquidate the Target Small Capitalization Value Fund and
Fund invest \$170,000 in the Vanguard Institutional Index, \$960,000 in the
Investment Vanguard Small Cap Value Index, and \$455,000 in the County's OPEB
Change Fixed Income Portfolio.

Motion Adopted: 5 Yeas.

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

Audit Mrs. Jennings reported that a Request for Proposal (RFP) was recently
RFP completed for audit services. The County's three year contract expired
with BDO. Proposals were received from the following five firms: Baker
Tilly; Barbacane, Thorton, and Company, LLP; PKS and Company, PA;
and Zelenkofske Axelrod, LLC. A summary of the bid evaluations and a

Audit RFP (continued)	<p>pricing analysis of each bidder was previously distributed. The bids were graded on experience and reputation, quality of audit firm, capacity to perform, credentials and experience, and price. Based upon an evaluation, it is recommended to select BDO, LLP to perform audit services for the next three fiscal years, with the option to extend the contract for a period of two additional years, one year at a time by mutual agreement.</p>
M 221 15 Award Audit RFP	<p>A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council contract with BDO, LLP to provide audit services for the next three years with the option to extend two additional years; the cost of the Fiscal Year 2015 Audit shall not exceed \$108,000.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea; Mr. Arlett, Yea; Mr. Wilson, Yea; Mr. Vincent, Yea</p>
Draft Ordinance/ GOB for Concord Road Wastewater Expansion	<p>Mrs. Jennings presented a draft ordinance for introduction to authorize the issuance of \$850,000 of General Obligation Bonds of Sussex County for the cost of the design, construction, and equipping of the Concord Road Wastewater Expansion. A grant in the amount of \$449,000 is expected to be received for this project. The bonds are backed by the County's full faith and credit and are expected to be paid back over 40 years through revenues from the Concord Road Wastewater Expansion. This bond issuance is within the legal debt limit of the County. It is anticipated that the Bonds will be sold to Rural Utilities Services. The bonds will provide the funding for the boundaries of the area known as Concord Road Expansion, which was adopted by Sussex County Council on September 24, 2013. This funding is in line with what was presented when the boundaries were established for this expansion.</p>
Introduction of Proposed Ordinance	<p>Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$850,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH". The Proposed Ordinance will be advertised for Public Hearing.</p>
Federal Payment in Lieu of Taxes	<p>Andrea Wall, Accounting Manager, reported that a check in the amount of \$38,898 has been received from the United States Department of the Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2014. The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. The check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a</p>

Federal Payment (continued) supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose. The amount allocated to the County has been consistent the past four years. The recommendation is to allocate the funds in the same percentage as other County tax collections, as the County has done in the past.

M 222 15 Approve Distribution of the Refuge Revenue Sharing Fund/ Federal Payment in Lieu of Taxes A Motion was made by Mr. Arlett, seconded by Mr. Cole, that the Sussex County Council approves the recommended distribution of the Refuge Revenue Sharing Fund as follows: Milford School District - \$7,445.13; Cape School District - \$24,248.68; Sussex Technical School District - \$2,737.96; Sussex County - \$3,997.53; and Sussex County libraries - \$468.70.

Motion Adopted: 5 Yeas.

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

Fair Housing Update Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, presented a six-month update on the progress of the County's fair housing settlement requirements for HUD and the Department of Justice:

U.S. Department of Justice Consent Decree

- Regarding an Affordable and Fair Housing Marketing Plan, the County has not yet received official approval from the Department of Justice; however, the County has continued to proceed as if it were approved: (1) participating in the PLUS Process through the Office of State Planning Coordination for housing projects in the County's jurisdiction; the County recommends the creation of diverse and mixed income communities and encourages developers to affirmatively market their housing units to diverse populations, and (2) Sussex County hosted the inaugural Sussex County Homebuyer Fair in September; the 2nd Annual Sussex County Homebuyer Fair is scheduled on September 26, 2015
- Regarding housing discrimination complaints, Brandy Nauman, Fair Housing Compliance Officer, receives and reviews complaints of housing discrimination against the County. In the last six months, the County has not received any complaints.
- The Fifth Semi-Annual Compliance Report on all fair housing activities and efforts will be submitted on June 19th to both HUD and the Department of Justice.
- Regarding Fair Housing Training, the Community Development and Housing Department works closely with the Human Resources Department to ensure that any new employees hired in a department that is affiliated with administration, housing, land use or zoning receives fair housing training within 30 days of their effective date of hire. Some delays have been encountered regarding the mandatory

**Fair
Housing
Update
(continued)**

fair housing training for staff, elected officials, board members and commission members. The third training should have taken place in late February or early March; however, the Department of Justice did not approve the trainer that was used for the last two years. Delays have been encountered while working with HUD to determine an appropriate training organization and the County is still attempting to coordinate with that organization to schedule a date. The training will most likely take place in late June or early July.

- The County created an affordable and fair housing webpage in June 2013. Compliance reports and notice of public hearings and meetings and other events are posted on the website. The webpage will continue to be updated regularly.

U.S. Department of Housing & Urban Development Voluntary Compliance Agreement

Mrs. Nauman reported that, regarding the U.S. Department of Housing & Urban Development Voluntary Compliance Agreement which was established in November 2012, HUD has issued two responses to the County's submitted activities and progress on the requirements. The County has been trying, since December 2014, to meet with HUD; after months of failed scheduling attempts, a scheduled meeting (the week of June 1, 2015) was abruptly cancelled. The County continues to work through the requirements.

- The County is required to review and evaluate the 1998, 2003 and 2011 Analysis of Impediments to fair housing and develop a plan to address those impediments. HUD included comments to the County's plan in their most recent letter in November 2014. The County requested additional information from HUD to address some of their comments; no additional clarity or guidance has been received. The County continues to implement several proposed activities including to expand access to County programs and services for individuals with limited English proficiency. The County has contracted with a language interpretation service in February. County staff with public interaction have quick reference guides to allow for a quick call to an interpreter in the event a LEP individual walks in or calls for service. The service is available 24/7, 365 days a year and gives the County access to over 140 languages.
- The County was asked to review a recent statewide study assessing housing needs for people with disabilities in Delaware to determine what, if any, actions Sussex County could take to further promote housing opportunities for individuals with disabilities. Sussex County provides funds for emergency housing repairs and a significant amount of that funding goes to helping individuals install ramps, walk-in showers, grab bars and lifts. The County hopes to start tracking the work already being done and reporting that to the State to indicate how much the County is doing for individuals with disabilities in Sussex County. The County plans to engage with partners like the

**Fair
Housing
Update
(continued)**

Delaware Financial Literacy Institute, NCALL and First State to determine how the County can expand existing financial literacy curriculum in Sussex County to focus on individuals with disabilities. Another option to consider would be to offer financial support to existing resources in Sussex County, i.e. the Money Follows the Person Program and the Delaware Aging and Disability Resource Center.

- Regarding the Strong Communities Initiative and the RFP status, the County is required to perform an internal evaluation of ten rural communities in the County. The evaluation would determine the prioritized secondary infrastructure and community service needs of each individual community. Mrs. Nauman stated that there are four additional communities that they work with that should be included, so there are a total of 14 that they plan to evaluate. Once the data is evaluated, the County will have a basis from which to prioritize investments and requests for federal funding. Through the CDBG program, the County applied for a grant to assist with the data collection part of the study and \$50,000 was awarded in Fiscal Year 2013 funding. Sussex County was awarded \$50,000 for the study. A Request for Proposals was issued for the data collection in February 2014; five proposals were received. The Review Panel determined that all of the proposals exceeded Sussex County's predetermined budget for the study. Recently, the County updated the document and requested bids from 7 qualified consultant organizations; bids were due June 5th and two very qualified proposals were received and the bids are within budget. The Review Panel will meet to select the organization and be under contract by June 30th. A significant amount of the data collection has been collected internally by staff and interns; data collection is to be completed this summer (2015). The data will be handed over to the consultant.

**Henlopen
Pumping
Station
Electrical
Cable
Replace-
ment
Project**

Julie Cooper, Project Engineer, and Rodney Marvel, Assistant Director of Environmental Services (SCRWF), presented the bid results for the Henlopen Pumping Stations Electrical Cable Replacement. One bid was received and was priced higher than the Engineer's estimate. The Engineering Department recommends rejecting this bid and rebidding the project after taking steps to enlarge the bidding pool. Also, the project scope includes some complicated subsurface electrical work and the Department believes the project can be made more attractive by taking steps to reduce the risk to the bidders.

**M 223 15
Reject Bid
and Rebid/
Henlopen
Pumping
Station
Project**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that the bid for Contract 14-12, Henlopen Pumping Stations Electrical Cable Replacement, be rejected and that the contract be re-bid with efforts being taken to increase the bidding pool.

Motion Adopted: 5 Yeas.

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

**M 228 15
Council-
manic
Grant**

A Motion was made Mr. Wilson, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for the Police Department's National Night Out event.

Motion Adopted: 5 Yeas.

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

**M 229 15
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$750.00 from Mrs. Deaver's Councilmanic Grant Account to the Lewes Historical Society for operating expenses.

Motion Adopted: 5 Yeas.

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

**M 230 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$250.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to Coastal Concerts for program costs.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.74 ACRE, MORE OR LESS" (Change of Zone No. 1778) filed on behalf of John Floyd Lingo (Tax Map I.D. No. 235-30.00-68.00) (911 Address: None Available).

Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS" (Change of Zone No. 1779) filed on behalf of Thomas K. Munce and Judy L. Munce.

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members'
Comments**

Council Members' Comments

Mrs. Deaver questioned the Council's Vision for Eastern Sussex County and the County as a whole.

Mr. Arlett commented on DelDOT, infrastructure in Sussex County, and the Transportation Trust Fund.

**M 231 15
Recess**

At 11:14 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to recess until 12:00 Noon.

Motion Adopted: 5 Yeas.

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

**M 232 15
Reconvene**

At 12:07 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to reconvene.

Motion Adopted: 5 Yeas.

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

**Workshop/
Drainage**

At 12:07 p.m., a Workshop was held to discuss drainage guidelines. The Workshop was held in the Conference Room at the County's West Complex on Route 113 in Georgetown. Persons in attendance included Sussex County Council members, County staff, Sussex Conservation District (District) Board Members and District staff, and members of the Drainage Workgroup Committee members appointed by the District. Discussion matters included technical drainage and grading guidelines; submittal standards; design standards; bulk grading plans; and lot grading certification requirements. A PowerPoint presentation was given and included references to swales, swale maintenance, irrigation issues, and impervious surface issues. No action was taken during the Workshop and the Workshop concluded at 1:15 p.m.

**M 233 15
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 1:15 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

{An audio recording of this meeting is available on the County's website.}

DRAFT

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 16, 2015

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 16, 2015, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 234 15
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by striking “Executive Session – Pending/Potential Litigation pursuant to 29 Del. C. §10004(b)” and “Possible Action on Executive Session Items” and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 2, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**CANCER SUPPORT COMMUNITY, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of grant.**

**DELAWARE DEVIL DOGS, DETACHMENT 780, SEAFORD,
DELAWARE.
RE: Letter in appreciation of grant.**

**DELAWARE TECHNICAL & COMMUNITY COLLEGE,
GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**Corre-
spondence
(continued)**

HEARTS UNLIMITED, INC. MILFORD, DELAWARE.

RE: Letter in appreciation of grant.

DELAWARE HOSPICE, MILFORD, DELAWARE.

RE: Letter in appreciation of grant.

LA RED HEALTH CENTER, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

Mr. Cole read the following correspondence:

**AMERICAN LEGION AUXILIARY UNIT 28, MILLSBORO,
DELAWARE.**

RE: Letter in appreciation of grant.

**Public
Comment**

Public Comment

Kathy Vengazo, resident of Ocean View and representative of a consortium of homeowners associations (Allied Communities To Improve Our Neighborhood), commented on the recent decision by Judge Brady on the special use exception for a 100 foot cell tower application by AT&T and the Council's recent decision to not appeal the decision.

**Airport
Marketing
and
Branding
Update**

Mr. Lawson gave a presentation on the airport marketing and branding initiative and a recommendation to rename the Sussex County Airport. The recommendation is based on significant work conducted by both staff and consultants tasked with analyzing every possibility to strategically grow the airport's operations and its economic impact to both the local and regional economy. Mr. Lawson commented on the significant investment made at the airport over the years, with the help of federal and state partners, to position the facility for future growth through marketing efforts.

Mr. Lawson stated that it has become clear that the airport suffers from an identity crisis as it has become known by many names and it is clear that the airport should be given a name that provides an identity and a location on the map. Mr. Lawson referenced the 2013 business plan developed by R. A. Wiedemann & Associates, Inc. which stated that while there was justifiable local pride in keeping the general municipal term in the airport's name, ultimately the County should consider a new name for the airport which better reflects the airport's location and service capabilities for its desired clientele. Mr. Lawson stated that this recommendation, along with a similar recommendation from the 2015 airport marketing report, is the basis for the decision to recommend a name change on this date. Mr. Lawson noted that County staff and the airport community helped with the development of the recommendation.

Jim Hickin, Director of Airport and Industrial Park, discussed the improvements made at the airport and future plans. Melody Booker-Wilkins, Director of Economic Development, commented on the airport's mission to

**Airport
Marketing
and
Branding
Update
(continued)**

ignite business development. She reported that County Administration interviewed marketing companies and Ben Muldrow of Arnett, Muldrow and Associates was hired; once stakeholder discussions were completed, Mr. Muldrow presented his recommendations to the Airport Advisory Committee.

Garrett Dernoga, owner of Georgetown Air Services; Gus Croll of A.P. Croll and Associates and Chairman of the Airport Advisory Committee, spoke in support of the proposed name change. Mr. Croll advised that the Committee members voted unanimously to support the proposed name change.

Mr. Muldrow discussed the benefits of renaming the airport and he noted that they (a committee consisting of County staff) wanted the new name to be relevant and prevalent on a statewide level. Mr. Muldrow announced that the name they landed on is Delaware Coastal Airport and that they present it to the Council on this date for consideration.

**M 235 15
Approve
Changing
the Name
of the
Airport**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, that the Sussex County Council approves the changing of the name of Sussex County Airport to Delaware Coastal Airport, effective immediately, and requests the Federal Aviation Administration to take all necessary steps to reflect the name change.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Public
Hearing/
Proposed
Ordinance/
Fiscal
Year
2016
Annual
Operating
Budget**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2016”.

Mr. Lawson referenced the May 12th budget presentation and commented that the Fiscal 2016 forecast is consistent with Fiscal 2015, that the County continues to take a very conservative approach and that the budget revenues are forecasted to increase at a modest 3 percent. Mr. Lawson noted that this Budget was prepared with some assumptions; it is assumed the County will continue to receive 1.5 percent of Realty Transfer Tax on eligible properties in unincorporated areas and it is also assumed that the County will continue to receive 30 percent from the State of Delaware to fund paramedic expenses. Mr. Lawson also noted that if the State changes these revenue sources or passes any legislation that would further cut the County’s revenues or raise expenses, the County will have to reevaluate the entire budget. In summary, the proposed Budget recommends \$53 million in General Fund, \$8 million in Capital Projects, \$55 million in Enterprise Fund, and \$11 million in the Fiduciary Fund, bringing the total to \$128,617,519.

Public comments were heard.

**Public
Hearing/
Proposed
Ordinance/
Fiscal
Year
2016
Annual
Operating
Budget
(continued)**

Ira Hitchens commented on pay raises for retirees.

Mrs. Jennings responded that there is no increase proposed for County employees, and therefore, no increase is proposed for pensioners. Mrs. Jennings noted that this recommendation is based on the federal level of inflation, which is negative.

Bob Chin thanked the Council for including in the budget a Carrying Capacity Study.

Chuck Schonder of the Inland Bays Foundation spoke in support of the full funding of the Carrying Capacity Study. Mr. Schonder commented on the coastal economy and he distributed copies of a report entitled “The Construction of the Coastal Economy to the State of Delaware”.

Debra Schultz commented on impacted communities and specifically, problems that Pinetown faces. Ms. Schultz presented suggestions to increase or leverage funding for impacted communities. Ms. Schultz submitted written comments and information on the distribution of CDBG and HOME funds by community, year, amount, and purpose.

Mary Sue Sharp commented on the proposed pay scale proposal.

Dan Kramer commented on (1) monies that he believes do not show up in the budget, (2) wages (no COLA) for County employees, and (3) the proposed pay scale proposal.

Jill Wilson, Sussex County Paramedic Association, raised questions regarding COLA.

The Public Hearing was closed.

Mr. Cole raised concerns about the new pay scale and its impact on long-term employees. Council members and staff discussed the proposal. Mr. Lawson noted that, if Council chooses to make a change to the salary program proposal, it can be addressed through a policy change, without holding up the Budget process.

**M 236 15
Adopt
Ordinance
No. 2399**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2399 entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2016”.

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Assessment
Rolls for
Sewer and
Water
Districts**

A Public Hearing was held on the Assessment Rolls for Sewer and Water Districts. Mrs. Jennings reported that the Assessment Rolls reflect the County's equivalent dwelling units (EDUs) and billable front footage for each sewer and water district. These records have been made available in the billing office for public inspection and review. These records are subject to individual appeal via the Board of Assessment Review. Mrs. Jennings noted that this Public Hearing is on the list of properties and other applicable front footage and EDUs that will be billable by the rates established in the rate ordinance.

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

**M 237 15
Adopt
Assessment
Rolls**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that the Sussex County Council hereby adopts the assessment rolls for all Sussex County sanitary sewer and water districts for the period of July 1, 2015 through June 30, 2016.

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Proposed
Ordinance/
Sewer
and Water
Budget**

A Public Hearing was held on the Proposed Ordinance entitled "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".

Mrs. Jennings reviewed highlights in the sewer and water budget:

- Continue to work toward a uniform sewer rate
- Service charge rates will increase \$8.00 per year for most districts; the Long Neck district will see a \$12.57 annual increase to bring it to the unified rate
- Assessment rates are the same amount as in Fiscal 2015
- This is the second year in unifying connection fees
- The County added 1,542 EDUs in 2015 and expects to see another 1.7 % increase in this budget
- The water budget is relatively flat
- 7.6% increase in the sewer operating budget due to utility costs and repair and maintenance costs
- Capital expenses increased \$1.5 million
- Assessment charges - continue 100 foot cap for non-delinquent residential users

Mr. Cole commented on unified front footage charges, stating that it needs to be addressed.

**Public
Hearing/
Proposed
Ordinance/
Sewer
and Water
Budget
(continued)**

There were no public comments.

Mr. Moore reported that a letter was received from H. Clark Carbaugh. Mr. Moore noted that one issue referenced in his letter was resolved through the court system. In regards to the other issues referenced in his letter, Mrs. Jennings read his questions into the record and addressed them.

Mrs. Jennings reported that two emails were received via the County's website and that she addressed both issues in her presentation.

The Public Hearing was closed.

**M 238 15
Adopt
Ordinance
No. 2400**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2400 entitled "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".

Motion Adopted: 5 Yeas.

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

**Proposed
Resolution/
Federal
Rule
Relating
to the
*Waters of
the U.S.***

Mr. Lawson presented for the Council's consideration a Proposed Resolution relating to support for the repeal of the federal rule defining the "Waters of the U.S.". Mr. Lawson explained that the Proposed Resolution offers the County's support of House Resolution 1732 which was discussed at the June 9th Council meeting. House Resolution 1732 is making its way through the U.S. Congress; it has passed the House of Representatives and is awaiting consideration in the U.S. Senate. House Resolution 1732 urges Congress to repeal the final "Waters of the U.S." Rule.

**M 239 15
Adopt
R 008 15**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to Adopt Resolution No. R 008 15 entitled "A RESOLUTION EXPRESSING SUSSEX COUNTY COUNCIL'S SUPPORT FOR THE REPEAL OF THE FEDERAL RULE DEFINING THE 'WATERS OF THE U.S.'".

Motion Adopted: 4 Yeas, 1 Abstention.

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

**Wastewater
Agreement**

Mr. Lawson presented a wastewater agreement for the Council's consideration.

**M 240 15
Execute
Wastewater
Agreement/
Lewes
Crossing
AKA Deep
Valley Farm
Phase 4**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 866-6, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Lewes Crossing Capital Partners, LLC for wastewater facilities to be constructed in Lewes Crossing (AKA Deep Valley Farm) – Phase 4, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Sussex County to Join "Motivate the First State" Campaign and the Plus3 Network

I am very excited to announce that Sussex County is joining a campaign called "Motivate the First State," where all Delawareans have been challenged by Governor Markell to log one million miles by the end of 2015. The campaign encourages physical activity and healthy choices by rewarding participants with a direct charitable contribution to the Special Olympics of Delaware, Boys & Girls Clubs of Delaware, or the YWCA of Delaware.

The initiative is supported by the Plus3 network, an online community designed to track and reward participants' physical activity. County employees, along with their friends and family, will join the Plus3 network and become part of the "County Team" where we can see each participant's activities. As a participant engages in an eligible activity, he or she earns credits, known as "kudos," for the activities which are converted directly into charitable contributions to the three selected charities. And the options are limitless – from running, walking, and biking, to drinking water or gardening – any healthy choice can earn you points. The campaign is free and costs the employees and the County nothing.

Later today every County employee will receive an email announcing the campaign and providing instructions to register. I have already registered and would encourage others to join me.

2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Subcommittee Meeting

**Adminis-
trator's
Report
(continued)**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Conference Planning Subcommittee will meet on Wednesday, June 24th, at 1:00 p.m. at the West Complex, 22215 North DuPont Boulevard, in Georgetown. During the meeting, the Committee will discuss planning for their annual conference scheduled for October 21, 2015.

3. Council Meeting Schedule

A reminder that Council will not meet on Tuesday, June 23rd. The next regularly scheduled Council meeting will be held on June 30th at 10:00 a.m.

4. Gregory Jefferson

It is with sadness that we note the passing of County pensioner Gregory Jefferson on Wednesday, June 3rd. Mr. Jefferson began his career with Sussex County in April 1984 and retired from the Buildings and Grounds Department as a Custodial Supervisor in May 2009 with 25 years of service. We would like to express our condolences to the Jefferson family.

**Workers
Compensation
RFP
Award**

Mrs. Jennings reported that, last year, the County went out to bid for insurance coverage and was dissatisfied with the \$1,019,000 bid received for worker's compensation coverage. The County normally does a three-year contract after the bid is awarded. However, it was decided it would be best to go out to bid again this year using a broker RFP rather than a traditional insurance RFP in hopes to obtain more responses and options. Two complete proposals were received containing multiple options of coverage. The incumbent insurance company, The Travelers Indemnity Company, submitted a guarantee cost proposal and a small deductible proposal. AmeriHealth Casualty Services submitted a guarantee cost proposal, large deductible proposal, and a retrospectively rated proposal (details of the proposals were included in the Council packet). Mrs. Jennings reported that the recommendation is that the County switch to AmeriHealth Casualty Services for guaranteed cost coverage in the amount of \$713,000. This proposal is a decrease of \$306,000 from this year. AmeriHealth was \$147,500 less than the incumbent Travelers. Additionally, AmeriHealth will provide coverage for volunteers who were not covered under Travelers.

**M 241 15
Authorize
Contract/
Worker's
Compensation**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, that Sussex County Council contract with AmeriHealth Casualty Services in the amount of \$712,843 for worker's compensation for the period of July 1, 2015 through June 30, 2017, with an option to renew for an additional two one-year periods.

**M 241 15
(continued)**

Motion Adopted: 5 Yeas.

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

**Legislative
Update**

Mr. Godwin provided the following legislative update:

House Bill 140 – “AN ACT TO AMEND TITLES 21 AND 30 OF THE DELAWARE CODE RELATING TO TAXES AND FEES SUPPORTING THE TRANSPORTATION TRUST FUND”

Synopsis: This bill increases several revenue sources for the Transportation Trust Fund. The motor vehicle document fee is increased from 3.75% to 4.25%. The fee for late renewal of a driver’s license is increased from \$1.15 to \$10, and the fee for late renewal of vehicle registration is increased from \$10 to \$20. The fees for reinstatement of a suspended or revoked driver’s license are increased from \$25 to \$40 and \$143.75 to \$200, respectively. The fees for issuance of duplicate documents is raised, with the fee for duplicate driver’s license increased from \$10 to \$20, for duplicate titles from \$25 to \$50, for duplicate vehicle validation stickers from \$1 to \$5, and for duplicate registration cards from \$2 to \$10. The fee for a vehicle temporary tag is increased from \$10 to \$20. The fee for sale of driver’s licenses records is increased from \$15 to \$25. The fee to transfer a specific tag number from vehicle to vehicle is increased from \$10 to \$20. The fee to issue a title for a vehicle is increased from \$25 to \$35. The fee for issuance of a lien on an existing title is increased from \$10 to \$20. The effective date for these increases is generally October 1, 2015 to allow time for computer reprogramming and effective implementation.

Mr. Godwin noted that the Council has previously stated its opposition to this legislation.

This bill has passed the House and has been released from Senate Committee.

House Bill 151 - “AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO SANITARY AND WATER DISTRICTS IN SUSSEX COUNTY”

Synopsis: The purpose of this bill is to amend the timeframe in which Sussex County Council must pass a formal resolution after posting the notices of the establishment or revision of a sanitary sewer or water district. This bill proposes to substitute ninety (90) days for the thirty (30) day timeframe currently permitted under the Code.

This County bill has passed the House and has a lot of support in the Senate.

**Legislative
Update
(continued)**

House Bill 171 – “AN ACT AMENDING TITLES 9 AND 22 OF THE DELAWARE CODE RELATING TO TAXES ON SPECIAL BETTERMENTS”

Synopsis: This bill establishes a Telecommunications Tax Modernization Review Group to study and make recommendations for establishing a future funding mechanism to replace the property tax on telecommunications equipment and addressing the projected decrease in revenue to the counties, municipalities and school districts from the transition to new technologies throughout the State. The resulting mechanism should be revenue-neutral to the localities and competitively neutral to providers of like services. To encourage investment in broadband infrastructure, this bill also caps the amount of tax on telecommunications equipment at FY15 rates and eliminates the tax as of June 30, 2018.

This bill was introduced and assigned to the House Telecommunications, Internet & Technology Committee.

Mr. Godwin reported that, if this legislation passes, in 2018 the County's income will go down by \$1,714,000 and school taxes will go down by \$5,420,000.

Mr. Godwin asked for Council's direction on this legislation.

It was the consensus of the Council to oppose this legislation.

Senate Bill 112 – “AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE DELAWARE ECONOMIC DEVELOPMENT OFFICE”

Synopsis: This Act fulfills the recommendation of the Joint Sunset Committee that the Delaware Economic Development Office be required to develop a comprehensive state plan for economic development every 5 years and submit annual reports detailing the Office's status in meeting its vision, goals, objectives, and strategies.

This bill has passed the Senate.

Senate Bill 130 – “AN ACT TO AMEND TITLE 2, TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO TRANSPORTATION AND LAND USE”

Synopsis: This bill defines criteria for any local government to promote economic development by entering into an agreement with the Department of Transportation to create transit-oriented development districts, called "Complete Community Enterprise Districts". Complete Community Enterprise Districts may be designated in downtown or urban core areas, traditional towns or villages, or regional activity

**Legislative
Update
(continued)**

centers. They are characterized by their mix of land uses, efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.

Mr. Godwin advised that this is empowering/enabling legislation.

This Bill was introduced on June 11, 2015.

Senate Bill 113 – “AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE REGULATORY TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015”

Synopsis: The Regulatory Transparency and Accountability Act of 2015 improves Delaware’s regulatory environment for individuals and small businesses in several significant ways. First, the Act improves transparency by requiring each agency to submit a “regulatory impact statement” to the Registrar of Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. Among other things, each regulatory impact statement must (1) describe the purpose of the regulation; (2) identify the individuals and/or small businesses subject to it; (3) provide an estimate of the potential costs of compliance; and (4) describe any less intrusive or less costly alternative methods of achieving the purpose of the regulation. In addition, the Act further enhances transparency by requiring the Registrar of Regulations to transmit regulatory impact statements to the appropriate standing committee of the General Assembly. Further, the Act expands the definition of “small business” for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104). The practical effect of this change is that many more small businesses will enjoy the benefits of this chapter because the “universe” of small businesses will be larger. Finally, the Act requires the adoption of Guidelines to assist agencies in fulfilling their obligations under the Act. The Guidelines must be submitted for final publication by November 15, 2015. When enacted, the Regulatory Accountability and Transparency Act is effective for all new or amended regulations submitted to the Registrar of Regulations on or after January 1, 2016.

This bill passed the Senate.

Senate Bill 120 – “AN ACT TO AMEND TITLE 29, CHAPTERS 101 AND 104 OF THE DELAWARE CODE RELATING TO THE REGULATORY TRANSPARENCY AND ACCOUNTABILITY ACT OF 2015”

Synopsis: The Regulatory Transparency and Accountability Act of 2015 improves Delaware’s regulatory environment for individuals and small businesses in several significant ways. First, it requires each agency to submit a “regulatory flexibility analysis” (or “RFA”) to the Registrar of

**Legislative
Update
(continued)**

Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. In each RFA, an agency must consider, where applicable, lawful, feasible and desirable, specific methods of reducing the burdens of the regulation on individuals and/or small businesses, including: (1) establishing less stringent requirements and deadlines; (2) establishing performance standards to replace design standards; (3) exempting individuals and small businesses from all or part of the regulation; and (4) examining other ways to accomplish the regulation's purpose, while minimizing the impact upon individuals and/or small businesses. In addition, the Act provides that no proposed regulatory change may be published in the Register of Regulations unless the proposing agency submits an RFA (if applicable) and any other required information to the Registrar. The Act also amends the Administrative Procedures Act ("APA") to specifically require agencies to submit RFAs to the Registrar for publication. Both of these provisions are important steps to enhance accountability in Delaware's regulatory process. The Act also requires the adoption of Guidelines, which must be submitted for final publication by November 15, 2015, to assist agencies in fulfilling their obligations under the Act. Finally, the Act expands the definition of "small business" for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104). If enacted, the Regulatory Accountability and Transparency Act would become effective for all new or amended regulations submitted to the Registrar on or after January 1, 2016.

This bill passed the Senate.

Senate Bill 124 – "AN ACT TO AMEND TITLE 3, CHAPTER 9 OF THE DELAWARE CODE RELATING TO THE DELAWARE AGRICULTURAL LANDS PRESERVATION FOUNDATION"

Synopsis: This bill expands the number of Trustees of the Delaware Agricultural Lands Preservation Foundation from 12 to 13. The additional Trustee must be an individual actively engaged in farming or some other form of agribusiness who may reside in any county of the State. In connection with the above, this bill also increases from 6 to 7 the number of Trustees required for a quorum.

This bill was introduced on June 9, 2015.

House Concurrent Resolution 40 – "CREATING THE DELAWARE ANTI-DUMPING AND ANTI-LITTERING TASK FORCE"

Synopsis: Seeking to address the pervasive problems of littering and illegal dumping in Delaware, this concurrent resolution would create the Delaware Anti-Dumping and Anti-Littering Task Force. The task force would be charged with defining the scope of the problem; developing actionable strategies for curtailing it; and delivering a report to the General Assembly as to how these new policies could be implemented

**Legislative
Update
(continued)**

and financed. The task force would be required to issue its report no later than March 15, 2016.

This HCR was introduced on June 10, 2015.

Un-numbered Bill – “AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF FIREARMS, AMMUNITION, AND EXPLOSIVES IN MUNICIPAL BUILDINGS AND POLICE STATIONS BY NON-LICENSED PERSONS”

Synopsis: This Act establishes that municipal governments may pass ordinances regulating the possession of firearms, ammunition, components of firearms, and explosives in municipal buildings and police stations subject to specific requirements. The act further allows municipalities to establish penalties for violation by ordinance.

Mr. Godwin noted that this bill addresses municipalities only and if the counties are interested in this type of legislation, the counties will have to have a bill drafted. Mr. Lawson stated that the Kent County Levy Court passed a resolution to support this initiative.

Mr. Vincent questioned the status of the tax intercept bill. Mr. Godwin responded that the bill has not yet gone on the House floor.

Mr. Arlett questioned the status of the right-to-work legislation. Mr. Godwin responded that he does not believe it is going anywhere.

Mr. Godwin noted that information on additional legislation is included in his report to Council (included in the Council packets).

**USDA
Housing
Preservation
Grant
(HPG)**

Brad Whaley, Director of Community Development and Housing, was in attendance to review the Housing Preservation Grant (HPG) and to request the Council’s authorization to apply for the grant. The County has applied for and used this funding for over 20 years. Mr. Whaley reported that the grant recipients will be very low income homeowners. Mr. Whaley reported that, last year, the Department was able to help 7 households. Grants in this program are focused on crucial needs such as handicap accessibility projects. Mr. Whaley also reported that the amount of the grant request will be \$25,000 and the Department hopes to assist six (6) households in rural Sussex County.

**M 242 15
Adopt
R 009 15**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 009 15 entitled “RESOLUTION RESOLVING TO APPLY FOR A HOUSING PRESERVATION GRANT (HPG) FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE, RURAL HOUSING SERVICES, AND AUTHORIZING TODD LAWSON, COUNTY ADMINISTRATOR, TO SUBMIT PRE-APPLICATION”.

M 242 15
(continued) **Motion Adopted: 5 Yeas.**

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

Request to
Prepare
and Post
Notices/
Marsh
Farm
Estates
Annexation/
Angola
Neck SSD **Rob Davis, Senior Planner, presented a request to prepare and post public hearing notices for the annexation of two parcels of land to the Angola Neck Sanitary Sewer District (Marsh Farm Estates Annexation). A written request for annexation was received from the developer's engineer on their behalf. The parcels adjoin the existing sewer district and total approximately 33.75 acres. The area is within the future service area of the Angola Neck Sanitary Sewer District. The Marsh Farm Estates property is proposed for development into a 134 lot subdivision and a portion of the project was previously annexed into the sewer district. In order to receive sewer service, the Marsh Farm Estates developer will provide a fee simple pump station site and construct a regional pump station that will serve a larger area. The project will be responsible for System Connection Charges of \$4,100 per equivalent dwelling unit based on rates valid through June 30, 2015. A public hearing will be scheduled for July 28, 2015.**

M 243 15
Authorize
Notices/
Marsh
Farm
Estates
Annexation/
Angola
Neck SSD **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Engineering Department to prepare and post notices for the extension of the Angola Neck Sanitary Sewer District (Marsh Farm Annexation) to include an area of land, as presented on June 16, 2015.**

Motion Adopted: 5 Yeas.

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

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

M 244 15
Council-
manic
Grant **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,500.00 (\$2,400.00 from Mr. Cole's Councilmanic Grant Account and \$100.00 from Mrs. Deaver's Councilmanic Grant Account) to the Coalition of West Rehoboth for street lighting and building maintenance.**

Motion Adopted: 5 Yeas.

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

M 245 15
Council-
manic Grant **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$2,500.00 from Mr. Vincent's Councilmanic Grant Account to the Seaford Historical Society for building improvements to the Governor Ross**

**M 245 15
(continued)**

Plantation.

Motion Adopted: 5 Yeas.

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

**M 246 15
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$750.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account and \$250.00 from Mr. Wilson's Councilmanic Grant Account) to the Town of Bridgeville for the Bridgeville Police Department's "Night Out".

Motion Adopted: 5 Yeas.

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

**M 247 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the March of Dimes Foundation for The Farmer and the Chef South event.

Motion Adopted: 5 Yeas.

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

**M 248 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,500.00 (\$900.00 from Mr. Vincent's Councilmanic Grant Account, \$300.00 from Mr. Wilson's Councilmanic Grant Account, and \$300.00 from Mr. Arlett's Councilmanic Grant Account) to the Bridgeville Apple-Scapple Festival for event expenses.

Motion Adopted: 5 Yeas.

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

**M 249 15
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,500.00 from Mr. Cole's Councilmanic Grant Account to the Village Improvement Association for fencing and plantings at the Micro Dune Nature Park.

Motion Adopted: 5 Yeas.

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

M 250 15	A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$300.00 (\$150.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to the New Zion United Methodist Church for the Youth Outreach Team's basketball tournament fundraiser.
-----------------	--

Motion Adopted: 5 Yeas.

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

Council Members' Comments

Council Members' Comments

Mr. Cole asked that the new salary structure proposal be placed on a future agenda for discussion and possible policy amendment.

Mrs. Deaver commented on homeowners associations.

Mr. Arlett commended the Town of Laurel on their new high school.

Mrs. Deaver commended Todd Lawson, County Administrator, on the many improvements he has initiated since joining the County.

M 251 15 At 12:33 p.m., a Motion was made by Mrs. Deaver, seconded by Mr.
Recess Wilson, to recess until 1:30 p.m.

Motion Adopted: 5 Yeas.

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

M 252 15 **A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to reconvene**
Reconvene **at 1:33 p.m.**

Motion Adopted: 5 Yeas.

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

Rules of Procedure

Mr. Moore read the rules of procedure for public hearings.

**Public
Hearing/
CU 2015**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SERVICE FACILITY (STATE POLICE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.3 ACRES, MORE OR LESS” (Conditional Use No. 2015) filed on behalf of Delaware Division of Facilities Management (Tax Map I.D. 334-12.00-16.06) (911 Address – None Found).

The Planning and Zoning Commission held a Public Hearing on this application on May 7, 2015 at which time the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated May 7, 2015.)

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

Dean Holden with the Becker Morgan Group stated that the application is for a new Troop (25,000 square foot building) and maintenance building (7,000 square foot) with onsite parking; that the barracks include a 100 person community room; that Tidewater Utilities will provide central water service; that they are working with the Sussex County Engineering Department and the Cape Henlopen School District to create a satellite Sussex County pump station that will serve the two current projects and the surrounding parcels; that it will tie into the recently approved Goslee Creek pump station which was annexed into the West Rehoboth Sanitary Sewer District; that a Traffic Impact Study was not required by DelDOT; that the traffic count as a result of this use will be low; and that they have been working with the Cape Henlopen School District to provide a cross access connection with a gated and limited access.

Larry Schrock, Delaware Division of Facilities Management, was in attendance.

There were no public comments.

The Public Hearing was closed.

**M 253 15
Adopt
Ordinance
No. 2401/
CU 2015**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2401 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SERVICE FACILITY (STATE POLICE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 9.3 ACRES, MORE OR LESS” (Conditional Use No. 2015) filed on behalf of Delaware Division of Facilities

**M 253 15
(continued)**

Management, with the following conditions:

- A. The site shall comply with all DelDOT entrance and roadway improvement requirements.**
- B. The site shall comply with all requirements of the Sussex Conservation District.**
- C. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Years.

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

**Public
Hearing/
CU 2016**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEMENTARY SCHOOL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.4 ACRES, MORE OR LESS” (Conditional Use No. 2016) filed on behalf of Cape Henlopen School District (Tax Map I.D. 334-12.00-45.01) (911 Address – None Found).

The Planning and Zoning Commission held a Public Hearing on this application on May 7, 2015 at which time the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated May 7, 2015.)

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

Mr. Lank distributed copies of an updated Exhibit Book which were provided by the Applicant. Copies of an Exhibit Packet and site plan were also distributed.

Mr. Lank reported that, on June 11, 2015, a Letter of No Objection was received from DelDOT in regard to the entrance location.

James Fuqua, Esquire with Fuqua, Yori and Willard, P.A., was present on behalf of the Cape Henlopen School District with Zac Crouch, Professional Engineer with Davis Bowen & Friedel, Inc. and Brian Bassett, Director of Administrative Services for the Cape Henlopen School District. They stated in their presentations that the application is for a new elementary school; that the proposed Love Creek Elementary School is intended to serve students from Kindergarten through 5th grade; that the school will have a

**Public
Hearing/
CU 2016
(continued)**

total square footage of 94,905; that the site is located next to the proposed new State Police facility; that the site borders some residential homes; that the site fronts on Route 24; that the new school location required approval from the State; that 11 possible school locations were reviewed and considered by PLUS; that after consideration, this site was chosen as the most appropriate; that this site is located in an area of the District with the largest population concentration of students; that the site is directly across from the Beacon Middle School; that the State will pay 60% of the cost for the School; that the District will have to pay the remainder; that a Referendum was held on April 2, 2014 and was approved; that central sewer will be provided by the County; that central water will be provided by Tidewater Utilities; that buses already travel Route 24; that this location will reduce bus traffic and longer student trips by centrally locating the school where the students reside; that the Traffic Impact Study was been completed and is in final review by DelDOT; that as a condition of approval, it will be a requirement that all entrance and roadway improvements as determined by DelDOT shall be designed and constructed in accordance with their specifications; that the site is currently cleared farmland; that there are no Federal or State Wetlands located on the site; that there are no known archaeological sites or environmental concerns relating to the site; that the site is in close proximity to the shared Lewes/Rehoboth Beach Fire Department facility to the west; that stormwater management will be designed and constructed to current DNREC regulations; that the entrance is directly across from the Beacon Middle School entrance at the traffic light; that a limited joint access with the State Police facility is proposed; that 167 parking spaces are required; that 177 parking spaces are proposed with 14 bus parking spaces; that the building has been designed for future expansion; that two outdoor recreational fields and playground areas are proposed; that the site is located in an Investment Level 2 Area according to the Strategies for State Policies and Spending; that the site is located in an Environmental Sensitive Developing Area according to the Comprehensive Plan 2008, which supports public service uses; that the use complies with the purpose of a Conditional Use since it supports public and semi-public uses; that they propose to have 550 to 600 students, with 720 being the maximum; that this school is needed to get students out of modular buildings and converted locker/shower rooms; and that they agree with the Commission's findings and recommended five (5) conditions.

There were no public comments.

The Public Hearing was closed.

**M 254 15
Adopt
Ordinance
No. 2402**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Ordinance No. 2402 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEMENTARY SCHOOL TO BE

M 254 15
Adopt
Ordinance
No. 2402/
CU 2016
(continued)

LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.4 ACRES, MORE OR LESS” (Conditional Use No. 2016) filed on behalf of Cape Henlopen School District, with the following conditions:

- A. The site shall comply with all DelDOT entrance and roadway improvement requirements.**
- B. The site shall comply with all requirements of the Sussex Conservation District.**
- C. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- D. There shall be a 20 foot wide forested buffer installed and maintained along all residential lots along the northeast boundary of the site.**
- E. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

Public
Hearing/
CZ 1771

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.062 ACRES, MORE OR LESS” (Change of Zone No. 1771) filed on behalf of B. Ray Investments, LLC (Tax Map I.D. No. 530-14.00-15.00) (911 Address: None Available).

Everett Moore, County Attorney, stated for the record that he represents the principal of B. Ray Investments, LLC and legal questions may need to be directed to Assistant County Attorney Vince Robertson.

The Planning and Zoning Commission held a Public Hearing on this application on May 7, 2015 at which time action was deferred. On May 21, 2015, the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated May 7 and 21, 2015.)

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

**Public
Hearing/
CZ 1771
(continued)**

Eddy Parker was present on behalf of B. Ray Investments, LLC. He stated that the company (Bay to Beach Builders, a custom home contractor) is owned by his son; that the purpose of this application is to provide a storage facility for the company; that the company has a display home/design center and corporate offices in Greenwood at the intersection of U.S. Route 13 and Route 16; that their existing building has been expanded for office use to the point that they have no storage space; that the site has been improved by the removal of a dilapidated home; that they built a pole building on the site for personal use and storage and are currently storing farm equipment in the building on the property; that their intent is to be able use it is a warehouse for Bay to Beach Builders; that the area is predominantly zoned C-1 General Commercial with some additional Conditional Uses; that no water or sewer is proposed; that they only intend to use the building for storage of materials; that the site is not suitable for residential use; and that there will be no expansion of the existing building as the building on the site is as large as it can be due to required setbacks.

There were no public comments.

The Public Hearing was closed.

**M 255 15
Adopt
Ordinance
No. 2403/
CZ 1771**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Ordinance No. 2403 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 2.062 ACRES, MORE OR LESS” (Change of Zone No. 1771) filed on behalf of B. Ray Investments, LLC.

Motion Adopted: 5 Yeas.

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

**M 256 16
Adjourn**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at 2:27 p.m.

Respectfully submitted,

Robin A. Griffith
Clerk of the Council



TRIBUTE

*Be it hereby known to all that
the Sussex County Council commends*

LEONA L. SMITH

*for devotion, loyalty, and excellence
in serving Sussex County from
August 20, 1973 to June 30, 2015*

41 YEARS, 10 MONTHS

*The Sussex County Council extends its thanks
and congratulations and directs this Tribute
to be presented to Leona L. Smith with wishes
of happiness and good health today and
always!*



Michael H. Vincent
President

ENGINEERING DEPARTMENT

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

June 19, 2015



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
HOPKINS - PETTYJOHN SUBDIVISION (AKA RED MILL POND NORTH) - PHASE 4
AGREEMENT NO. 446 - 6

DEVELOPER:

Mr. Shawn Smith
Sweetbriar, LLC
172 Center St., Suite 204
P.O. Box 7003
Jackson, WY 83001

LOCATION:

North East of Intersection Route 9 and Route
261
5,380 FT N. Lewes / Georgetown HWY.

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Redesigning Red Mill Pond Submission,
61 single family lots in this phase.

SYSTEM CONNECTION CHARGES:

\$335,500.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
01/08/15

Department Of Natural Resources Plan Approval
06/03/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 45
Construction Admin And Construction Inspection Cost – \$42,760.50
Proposed Construction Cost – \$285,070.00

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 30, 2015

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 446-6 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SWEETBRIAR, LLC", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "HOPKINS – PETTYJOHN SUBDIVISION (AKA RED MILL POND NORTH) – PHASE 4", LOCATED IN THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 446-6

TODD LAWSON
COUNTY ADMINISTRATOR

TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: **CONTRACTING FOR PLANNING SERVICES - COUNTY SIGN ORDINANCE**

DATE: June 26, 2015

During Tuesday's meeting, we are scheduled to discuss both "Contracting for Planning Services" and the "County Sign Ordinance."

These items are related and I intend to discuss both matters together on Tuesday, and will seek your input on each.

As you know, the FY2016 budget has funds secured for hiring a consulting firm to assist the County with initiatives generally associated with Planning and Zoning and our land use authority. Such initiatives we have recently discussed include the carrying capacity, the County's sign ordinance, sidewalks, and the reclassification of the County's commercial zoning categories. Further out, we will need to start our work on the update to the Comprehensive Plan.

Based on Tuesday's discussion, it is my intent to solicit bids from qualified planning consultants immediately through a formal Request for Proposal (RFP) process. The RFP will be very similar to the Engineering Department's process for selecting engineering consultants and will require the submission of a significant packet of information and a formal interview prior to a selection. More than one firm may be selected based on the quality of applications.

I believe these consultant services are needed to provide insight on some of these complex issues the County is facing. Further, these services will greatly assist our P&Z staff who currently have a significant workload in their office.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

Memo to Council – Planning Services - Sign Ordinance

June 26, 2015

Page 2 of 2.

One of the first items the selected consultant will address is the County's sign ordinance.

Recently, this topic has surfaced in a number of areas. There has been an increase in the frequency of "bandit signs" throughout the County. DelDOT has asked the County to cease removing bandit signs from the State's right-of-way. And finally, the Board of Adjustment has requested the Council's guidance and perhaps an amendment to the County Code to better address several issues related to signs that the Board has recently experienced.

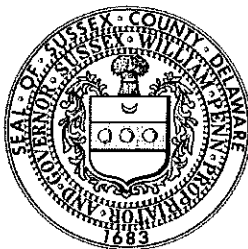
These are just some of the issues relating to the sign ordinance that need attention. In the near future, I would recommend hosting a joint workshop with several stakeholders to gain insight on how the County should address the issue of sign regulation.

Should you have any questions, please don't hesitate to ask.

TFL/sww

pc: J. Everett Moore, Jr., Esquire
Vincent G. Robertson, Esquire
James P. Sharp, Esquire
Mr. Lawrence B. Lank
Ms. Janelle M. Cornwell
Mr. Jeffrey C. Shockley
Ms. Gina A. Jennings
Ms. Andrea M. Wall
Sussex County Planning and Zoning Commission
Sussex County Board of Adjustment


GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Gina A. Jennings
Finance Director 

RE: **SEWER FINANCE INITIATIVES**

DATE: June 26, 2015

On Tuesday, I will be introducing two sewer finance ideas for Council's consideration. Both ideas have the same purpose – to provide affordable sewer to the residents of Sussex County.

The first idea is to create a septic system relief policy for residents who placed a new septic system on their property, but were required to connect to County sewer within five years of installing the new system. It is the County's hope that anyone in our five-year planning area only install temporary systems until public sewer is available. DNREC should notify all residents who are obtaining a septic permit that County sewer will be available in the near future; attached is the proposed policy.

The next idea is to officially create a unified sewer district. We began this process in 2010. In order for our sewer customers to benefit from the economies of scale of a unified district, I am recommending the adoption of the attached resolution. The resolution is being introduced for your consideration only. If you approve to proceed, the County's next step will be to post public notice of consolidating all Sussex County sewer districts into one district.

Attached is the presentation that I will be giving on Tuesday. The presentation provides additional details of these two initiatives.

Please let me know if you have any questions.

Attachments

pc: Mr. Todd F. Lawson





-POLICY DOCUMENT- SUSSEX COUNTY ENGINEERING DEPARTMENT

APPROVED / REVISED

DATE: _____

BY: _____

POLICY FOR NEW SEPTIC SYSTEM RELIEF

Purpose

The purpose of this policy is to provide monetary relief to the property owner who has paid more than \$10,000 to install or upgrade their on-site septic system in the past five years from the date of connection to a Sussex County sewer district.

Guidelines and procedures which will be used to provide relief to residents are included in this policy. The intent of the policy is to provide monetary relief to a resident that has recently installed a septic system and is now required to connect to Sussex County sewer district; but at the same time, not pass the burden on to the other users of the Sussex County sewer district.

Scope

This policy shall apply to property owners that are required to connect to a Sussex County sewer district. Property owners must have proof that they paid more than \$10,000 to install or upgrade their on-site septic system in the past five years from the last required date to connect.

While this policy does not cover every possible situation, it establishes adequate guidelines for employees and officials to make appropriate and consistent judgments regarding connection fee relief.

Policy

It is the intent of the County to provide affordable sewer to the residents of Sussex County.

Procedures

The following steps shall be taken in order to provide monetary relief to the property owner:

1. The property owner shall complete a provided application form and provide a proof of purchase of the recently installed or upgraded septic system. The proof of purchase must include date, amount and description.
2. The septic system must be in proper working order with no reported failures.
3. The property owner must stay current of all debts owed to the County.
4. The property is not in any County Code violations.

5. The property owner must provide a copy of the DNREC permit that allowed the installation or upgrade of the septic system.
6. The property owner shall connect to the County sewer system by the date specified in the notice received from the Sussex County Engineering Department.
7. The property owner will be responsible for the abandonment of the existing on-site septic system per Department of Natural Resources and Environment Control (DNREC) guidelines.
8. The County will delay the property owner's System Connection Charge payment for up to 5 years or until the parcel property is sold or transferred, whichever occurs first. The County will place a lien on the property that will be paid during the transfer of the property. The amount of System Connection Charge to be paid shall reflect the rate in effect when the property connected.
9. The County will grant the annual Front Foot Assessment Charge up to five years based on the following schedule:

Installed or upgraded the system within five years from the required date of connection – grant one year of front footage assessment

Installed or upgraded the system within four years from the required date of connection – grant two years of front footage assessment

Installed or upgraded the system within three years from the required date of connection – grant three years of front footage assessment

Installed or upgraded the system within two years from the required date of connection – grant four years of front footage assessment

Installed or upgraded the system within one year or less from the required date of connection – grant five years of front footage assessment

10. Standard service charges will be paid by the property owner beginning at the time of connection.

RESOLUTION No. R _____

CONSOLIDATION OF THE ANGOLA NECK, BETHANY BEACH, SOUTH BETHANY, FENWICK ISLAND, JOHNSON’S CORNER, GOLF VILLAGE, HENLOPEN ACRES, BLADES, ELLENDALE, WOODLANDS OF MILLSBORO, LONG NECK, HOLT’S LANDING, DAGSBORO-FRANKFORD, MILLER CREEK, BAYVIEW ESTATES, SEA COUNTY ESTATES, SOUTH OCEAN VIEW, OAK ORCHARD AND THE DEWEY BEACH SANITARY SEWER DISTRICTS INTO A SINGLE “SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT” UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE.

WHEREAS, there are currently existing in Sussex County 19 Sanitary Sewer Districts identified as the Angola Neck Sanitary Sewer District, the Bethany Beach Sanitary Sewer District, the Ellendale Sanitary Sewer District, the Fenwick Island Sanitary Sewer District, the Johnson’s Corner Sanitary Sewer District, the Golf Village Sanitary Sewer District, the Woodlands of Millsboro Sanitary Sewer District, the Blades Sanitary Sewer District, the Henlopen Acres Sanitary Sewer District, the Dewey Beach Sanitary Sewer District, the South Bethany Sanitary Sewer District, the Long Neck Sanitary Sewer District, the Holt’s Landing Sanitary Sewer District, the Dagsboro-Frankford Sanitary Sewer District, the Miller Creek Sanitary Sewer District, the Bayview Estates Sanitary Sewer District, the Sea Country Estates Sanitary Sewer District, the South Ocean View Sanitary Sewer District and the Oak Orchard Sanitary Sewer District (the “Existing Districts”); and

WHEREAS, the Existing Districts all have sewer mains that have been constructed to which fifty (50) or more houses have been connected; and

WHEREAS, Title 9, Section 6502 of the Delaware Code authorizes Sussex County to establish or revise a sanitary sewer district without election when it has already constructed sewer mains to which fifty (50) or more houses have been connected; and

WHEREAS, the Existing Districts have expanded to the point where, in many cases, their boundaries are adjacent to one another making the continued division into separate Sewer Districts unnecessary; and

WHEREAS, all of the Existing Districts are currently served by wastewater treatment and disposal facilities and in many cases share these facilities making the division into separate Sewer Districts unnecessary; and

WHEREAS, in some instances it is necessary for one or more of the Existing Districts to utilize the same sewer mains and/or pump stations to direct the flow of wastewater to the existing treatment and disposal facilities making the continued division into separate Sewer Districts unnecessary; and

WHEREAS, by consolidating the Existing Districts into a single Sussex County Unified Sanitary Sewer District, Sussex County would be able to utilize greater efficiency and streamlined organization by maintaining a single district versus 19 separate sanitary sewer districts.

NOW, THEREFORE,

BE IT RESOLVED that the County Council of Sussex County, Delaware hereby establishes the Sussex County Unified Sanitary Sewer District; and that the said District shall encompass the boundaries and include the area of all of the Existing Districts as they exist as of the date of this Resolution, as further described in Exhibit A, attached hereto and incorporated herein.

BE IT FURTHER RESOLVED, that as of the effective date of this Resolution, all of the Existing Districts shall be absorbed into, and replaced by, the Sussex County Unified Sanitary Sewer District.

BE IT FURTHER RESOLVED, that the County Engineer is hereby directed to prepare maps, plans, specifications and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any structures required to provide for the safe disposal of sewage in the Sussex County Unified Sanitary Sewer District.

BE IT FURTHER RESOLVED, that the Sussex County Council directs the Sussex County Finance Director and County Engineer to apply for, accept, and receive grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the Sussex County Unified Sanitary Sewer District.

BE IT FURTHER RESOLVED, that the Sussex County Council directs the Sussex County Finance Director to undertake any and all acts necessary to transfer any accounts, accounts receivable, accounts payable, accounting measures, books, records, contracts, funds, tangible and intangible assets, financing, income, debts, liabilities, or any other items from the Existing Districts to the Sussex County Unified Sanitary Sewer District as he or she deems necessary, advisable and appropriate under the circumstances and in accordance with State Law, County Ordinance, Generally Accepted Accounting Principles, specific requirements affecting the Existing Districts or other applicable guidelines.

BE IT FURTHER RESOLVED that the Sussex County Unified Sanitary Sewer District is hereby declared to be validly constituted under the provisions of Title 9, Chapter 65 of the Delaware Code.

Sewer Finance Initiatives

June 30, 2015

Initiatives

- Septic System Relief Policy
- Making the Sussex County Unified District Official

Septic System Relief Policy

- Purpose

- To assist residents who were required to install a septic system by DNREC, but are now required to connect to Sussex County sewer
- To provide affordable sewer to the residents of Sussex County
- To provide monetary relief to a property owner
 - Required to connect to Sussex County sewer
 - Paid more than \$10,000 to install or upgrade their septic system
 - Installed or upgraded their septic system in the last 5 years
- To not pass the burden on to the other users of the Sussex County sewer district

Septic System Relief Policy

Qualifications

- Property owner must provide proof of purchase with description, date, and amount
- The septic system must have been installed or upgraded within 5 years of the final required Sussex County sewer connection date
- Property owner must stay current on all debts to the County and have no County Code violations
- Provide proof of DNREC permit

Septic System Relief Policy

- Relief
 - County will waive the System Connection Charge up to 5 years, or until the property is sold or transferred
 - Lien will be placed on the property
 - Only for properties where a grant was not provided to pay the connection fee
 - The Front Footage Assessment Charge will be waived up to five years based on the following schedule

Scenario	Grant
Installed/upgraded septic 4 to 5 years prior to the connection date	1 year of no front footage charge
Installed/upgraded septic 3 to 4 years prior to the connection date	2 years of no front footage charge
Installed/upgraded septic 2 to 3 years prior to the connection date	3 years of no front footage charge
Installed/upgraded septic 1 to 2 years prior to the connection date	4 years of no front footage charge
Installed/upgraded septic less than 1 year from the connection date	5 years of no front footage charge

Septic System Relief Policy

Example

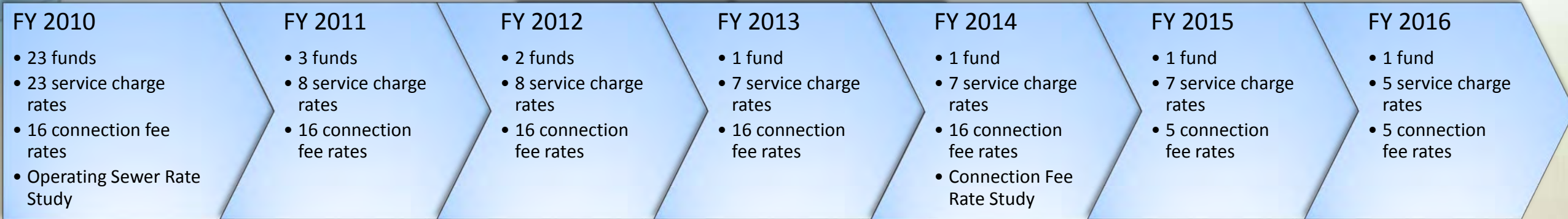
A property owner paid \$25,000 to install a new septic system on June 1, 2015. The resident connects to County sewer in the RT 54 Expansion of the Fenwick Island Sewer District on October 31, 2018.

- The owner must abandon the existing on-site sewer
- The County will waive the connection fee of \$5,775 up to 5 years
- The property owner will not pay front footage of \$706 for 2 years, or \$1,412
- The property owner must pay the service charge of \$286 a year

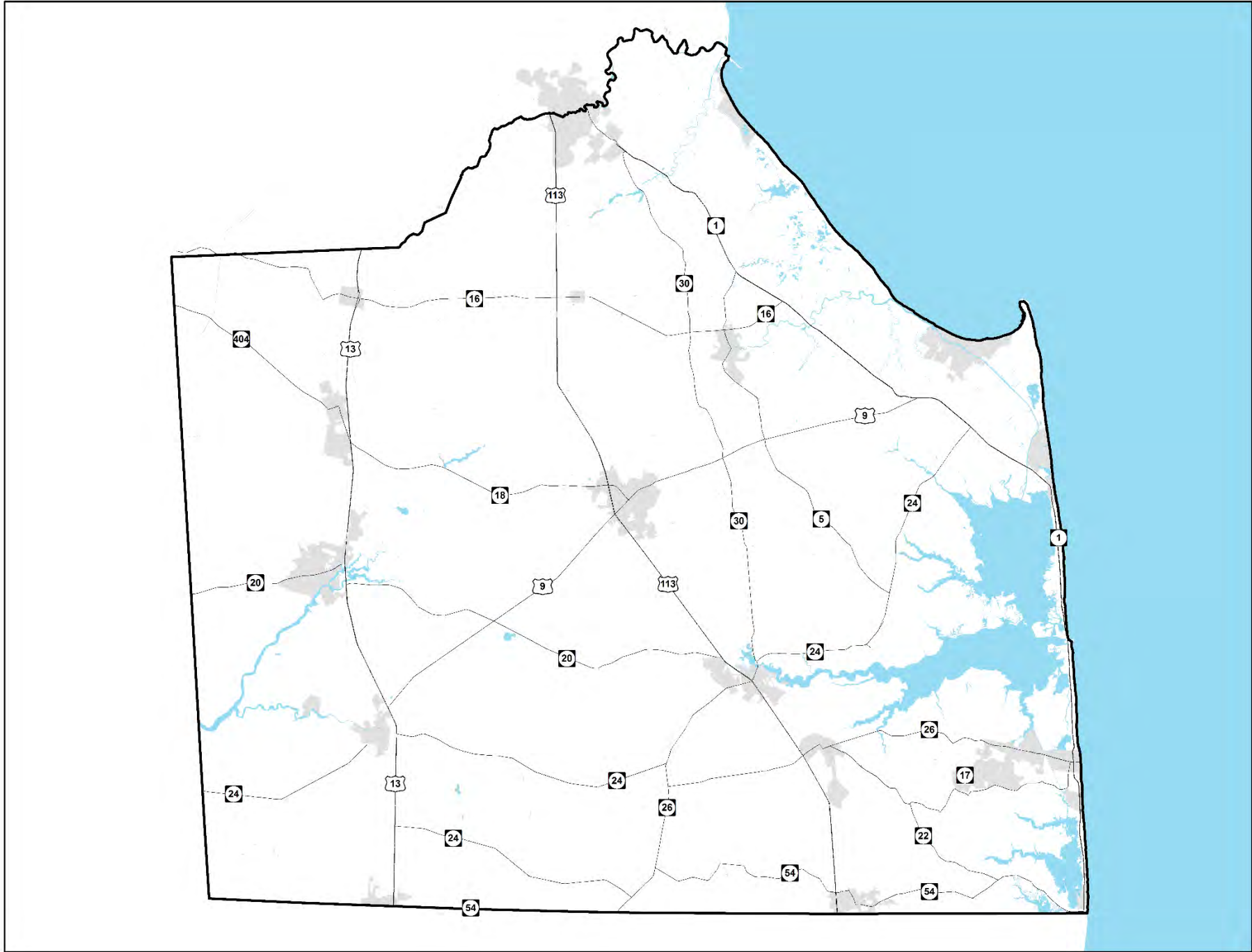
Unified Sewer District

- Equality and Standardization between Customers
 - Customers receive the same level of wastewater treatment
 - Customers receive the same level of customer service
- Standard Practice in Industry
- Economies of Scale - Budget
- Less Complex
- Rate Stabilization
- Recommended and Endorsed by Consultant

Unified Sewer District

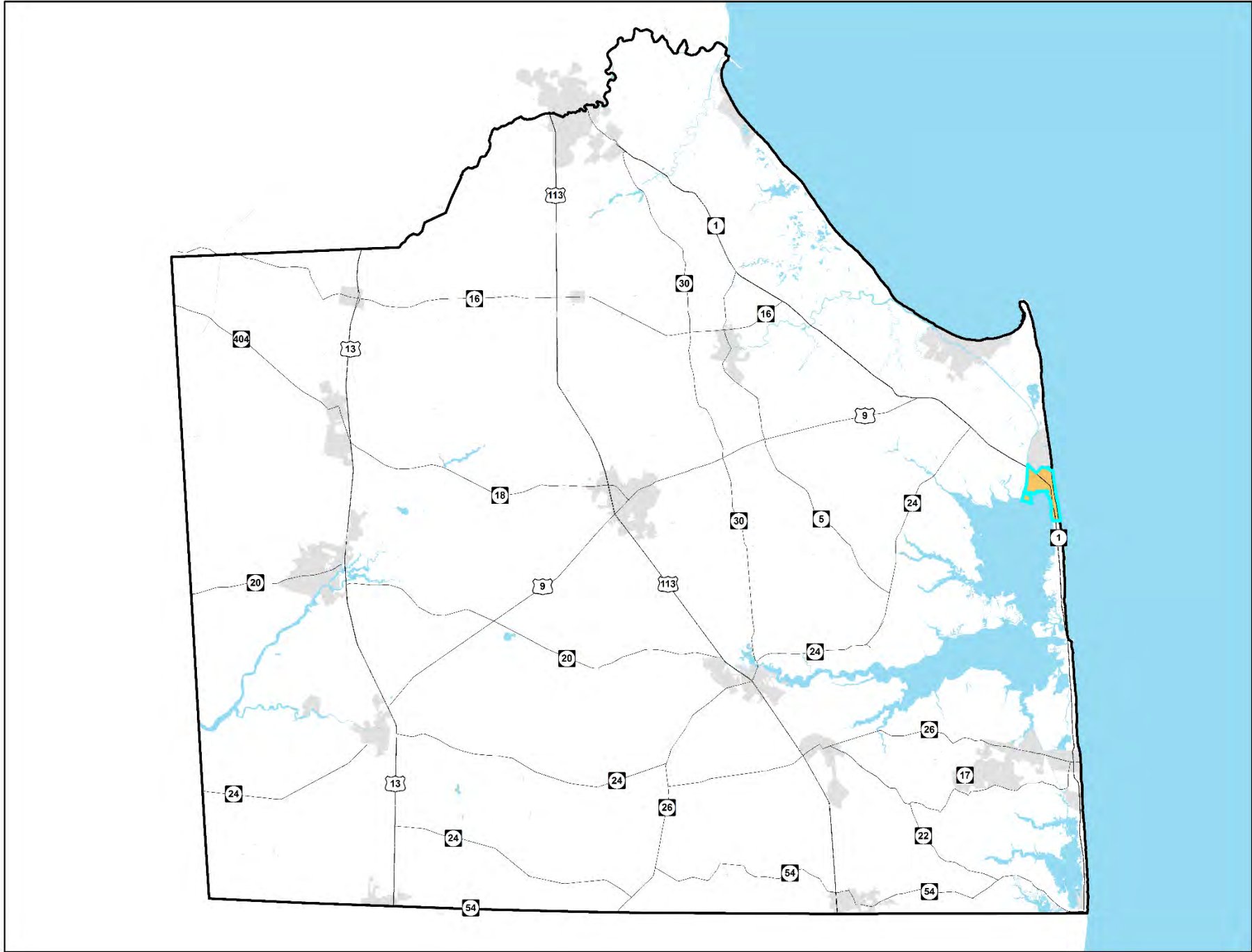


Sussex County



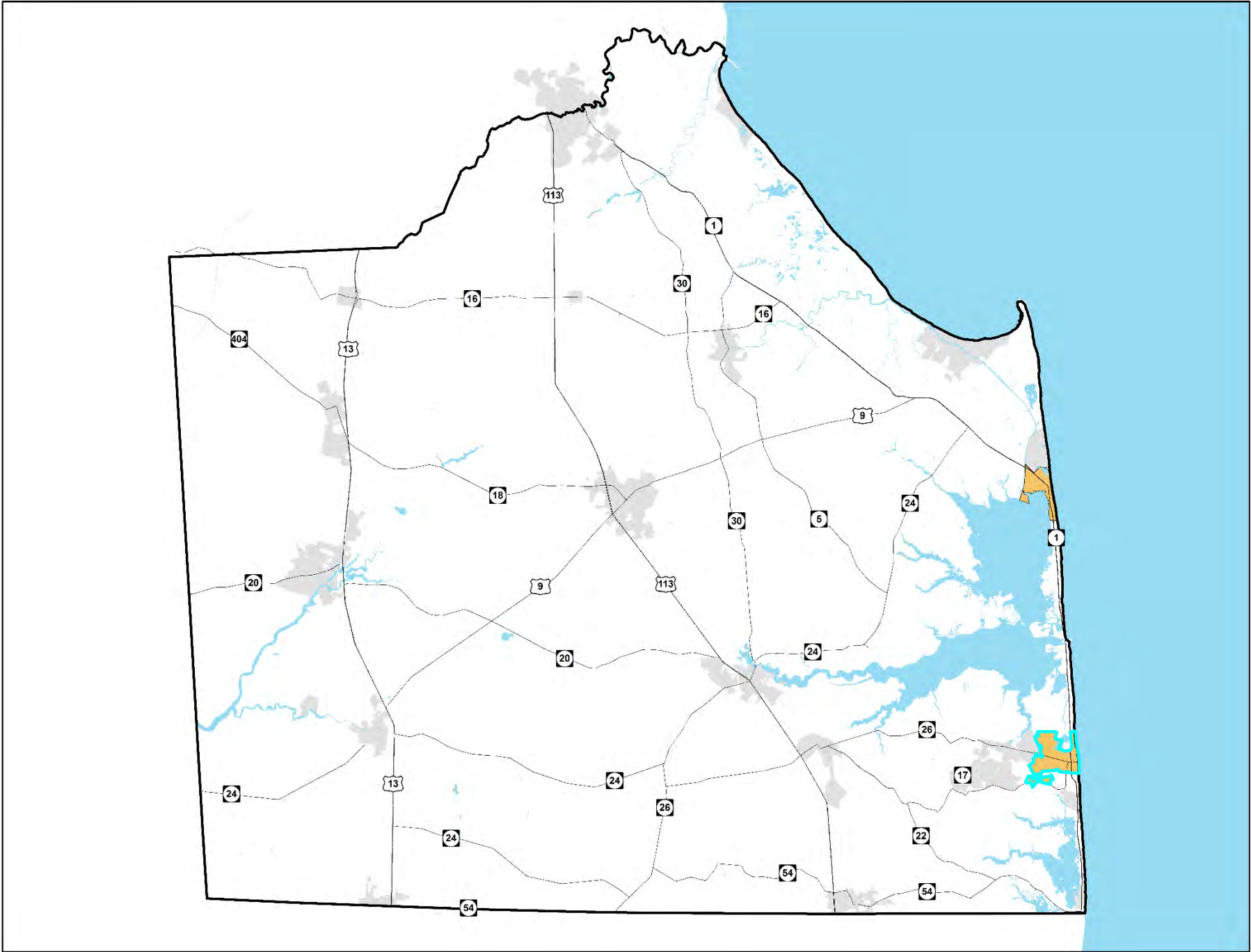
Sussex County

- Dewey Beach



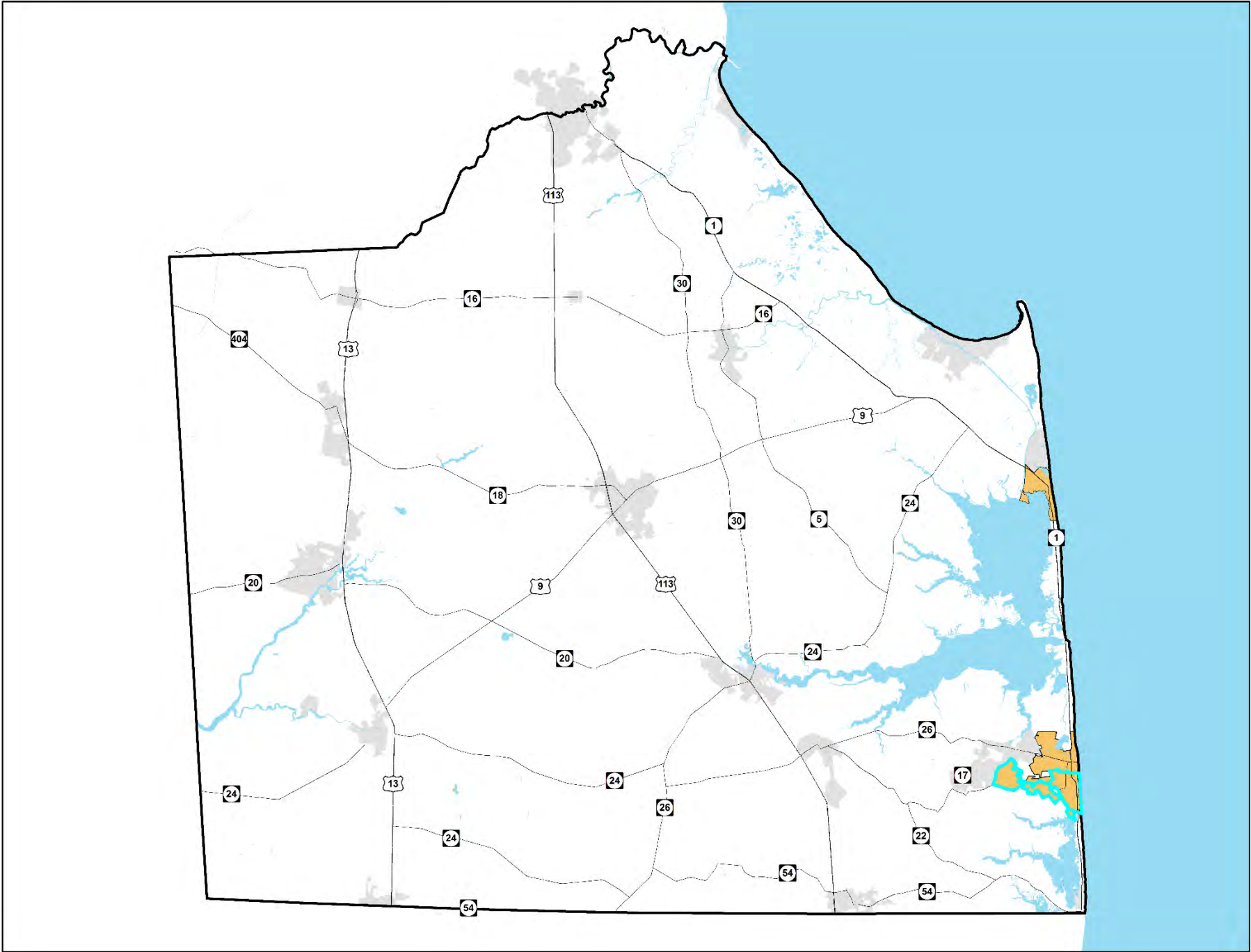
Sussex County

- Dewey Beach
- Bethany Beach



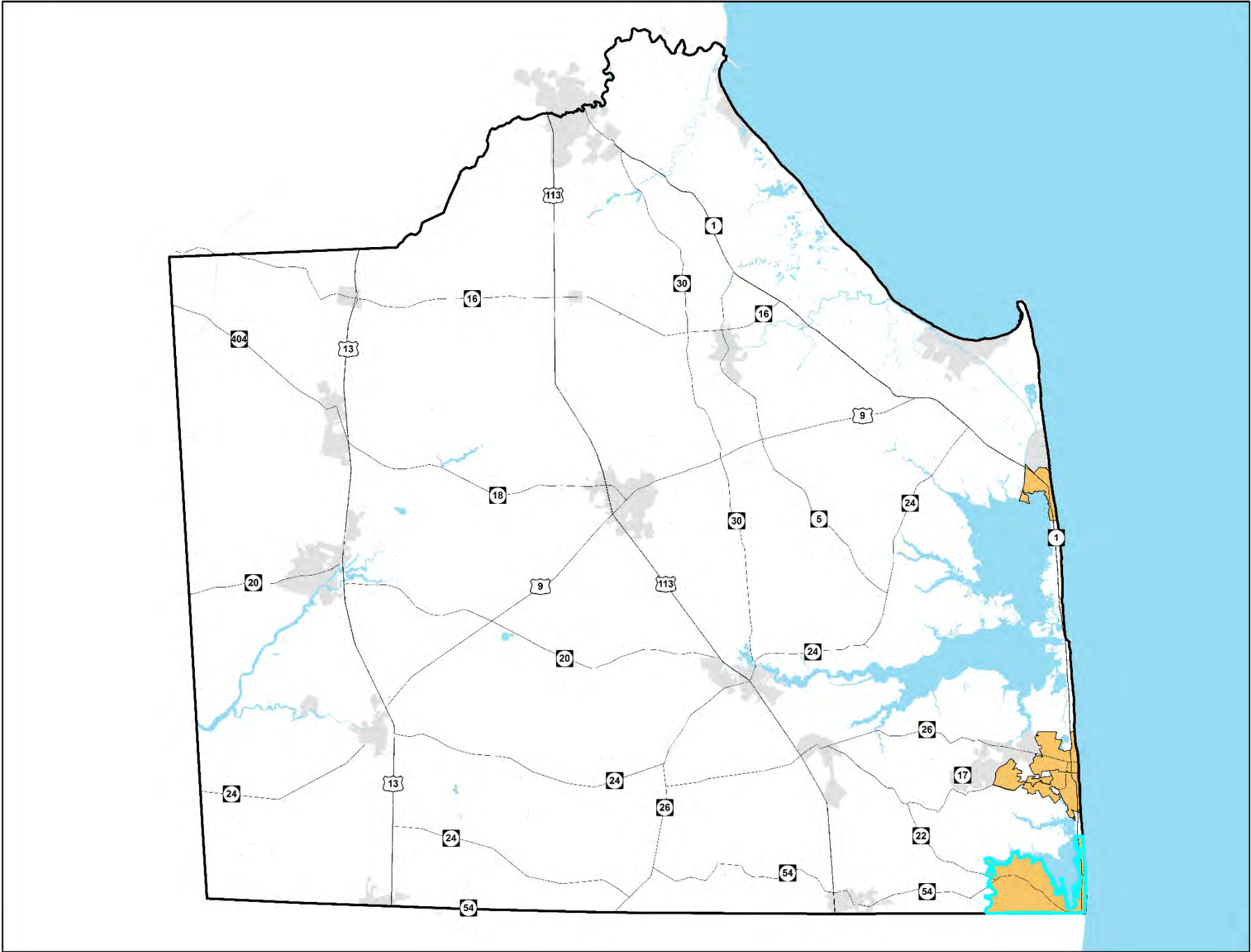
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany



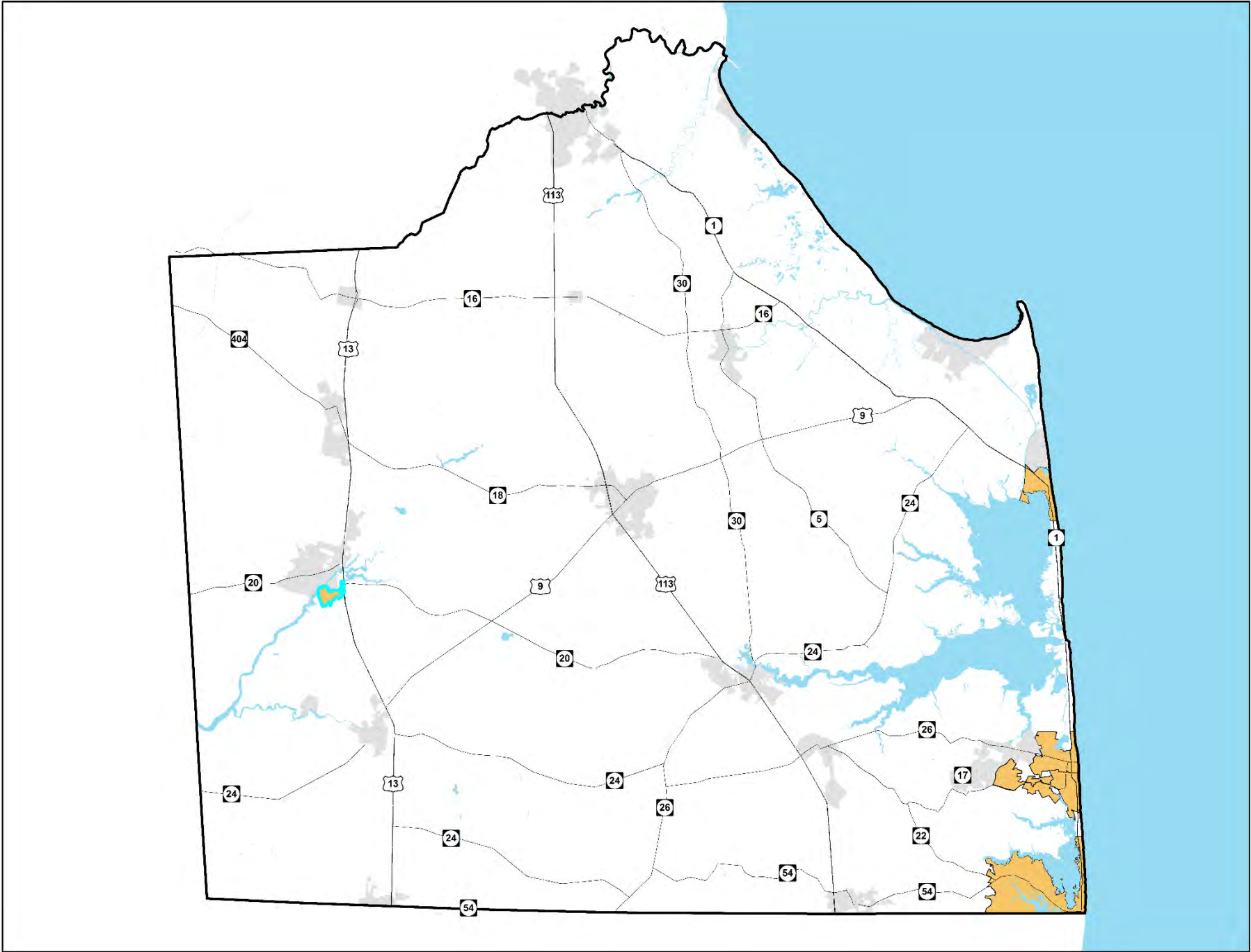
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island



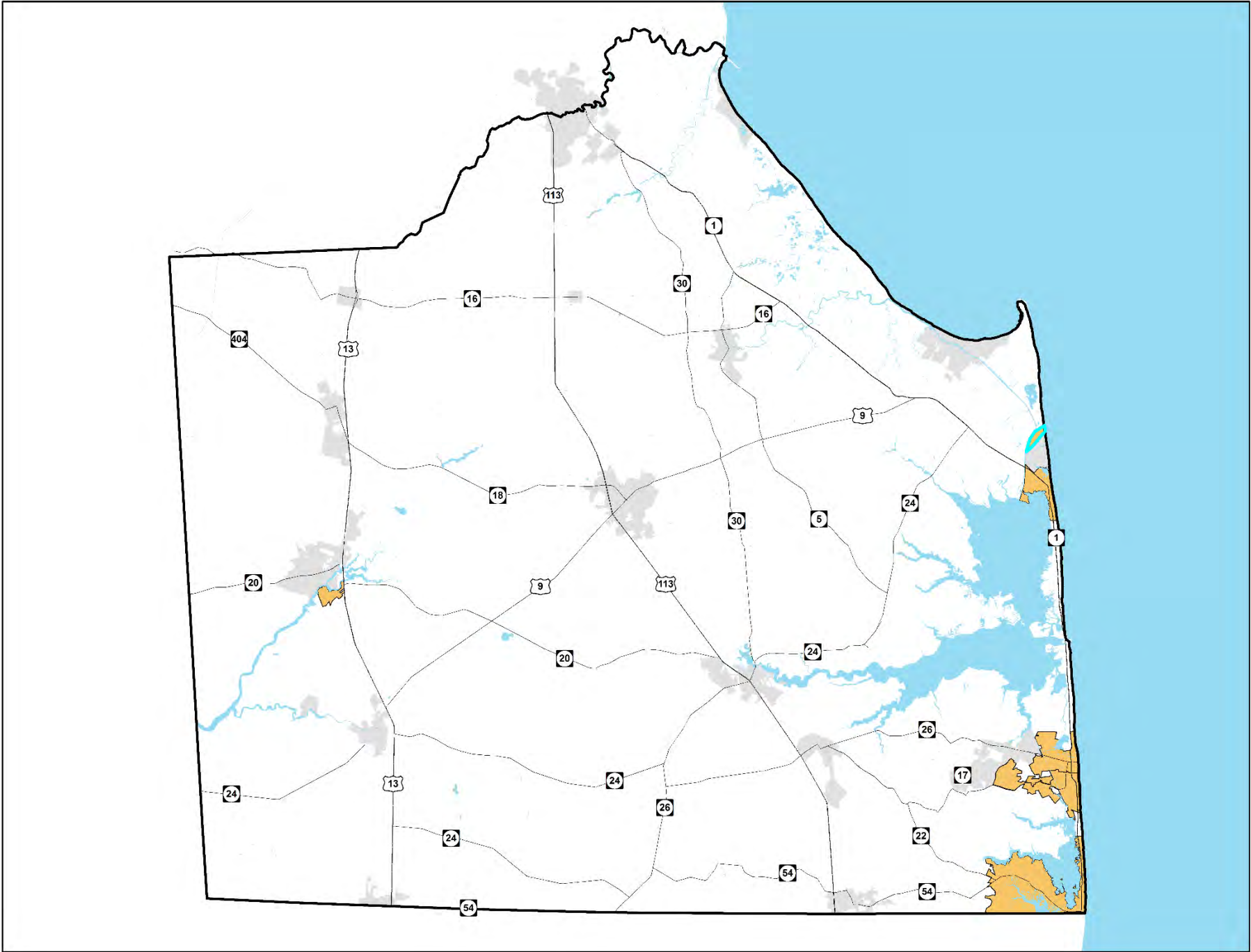
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades



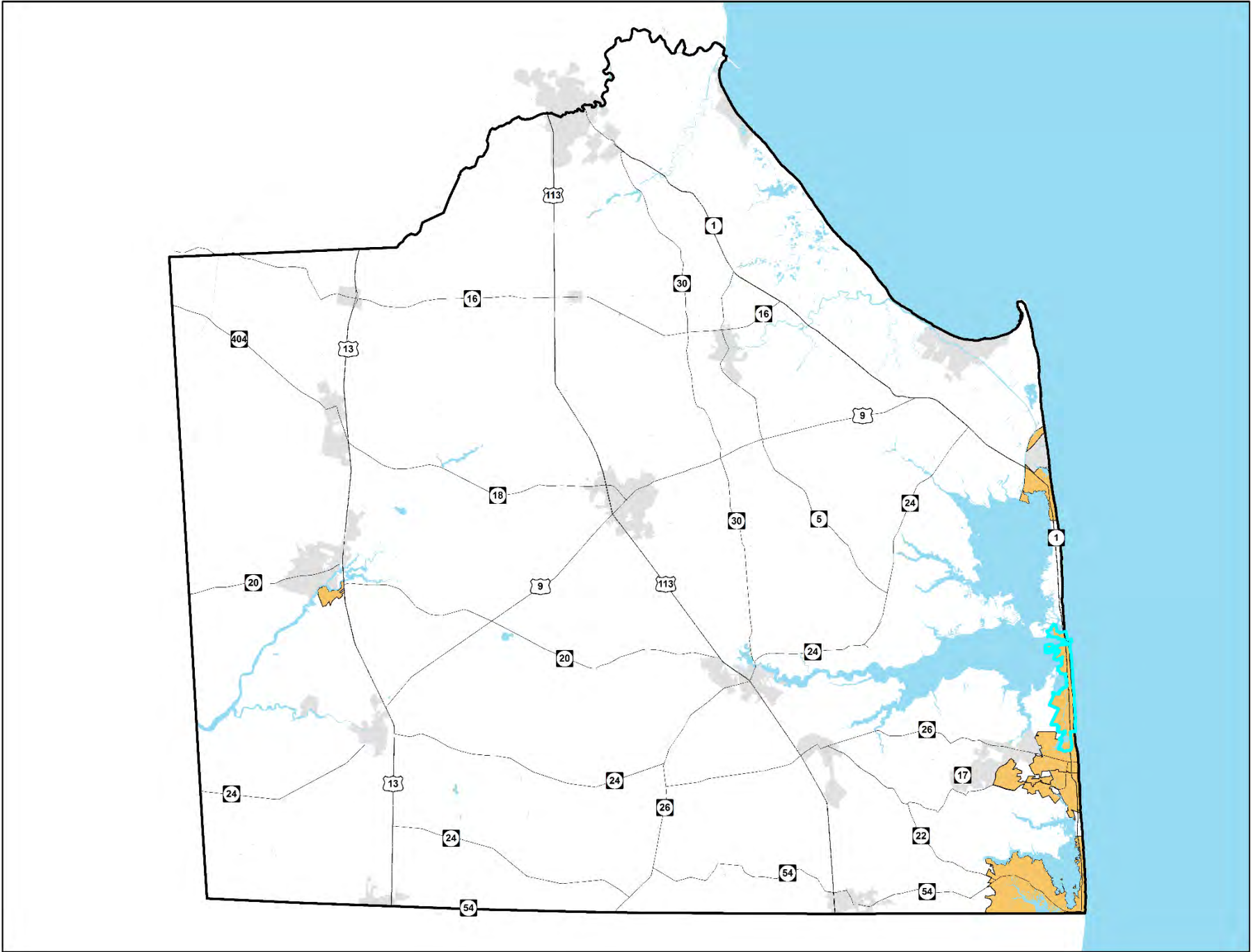
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres



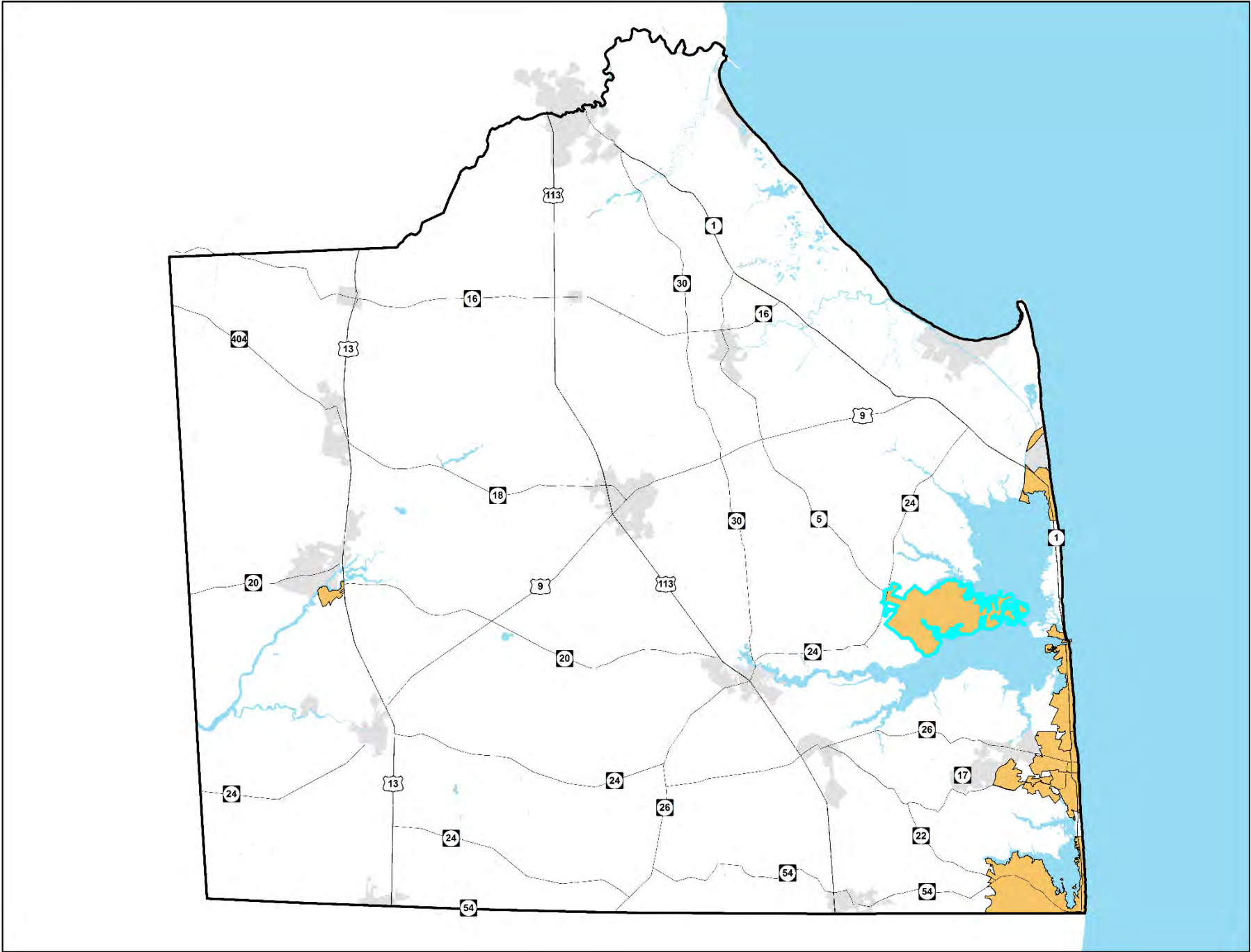
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany



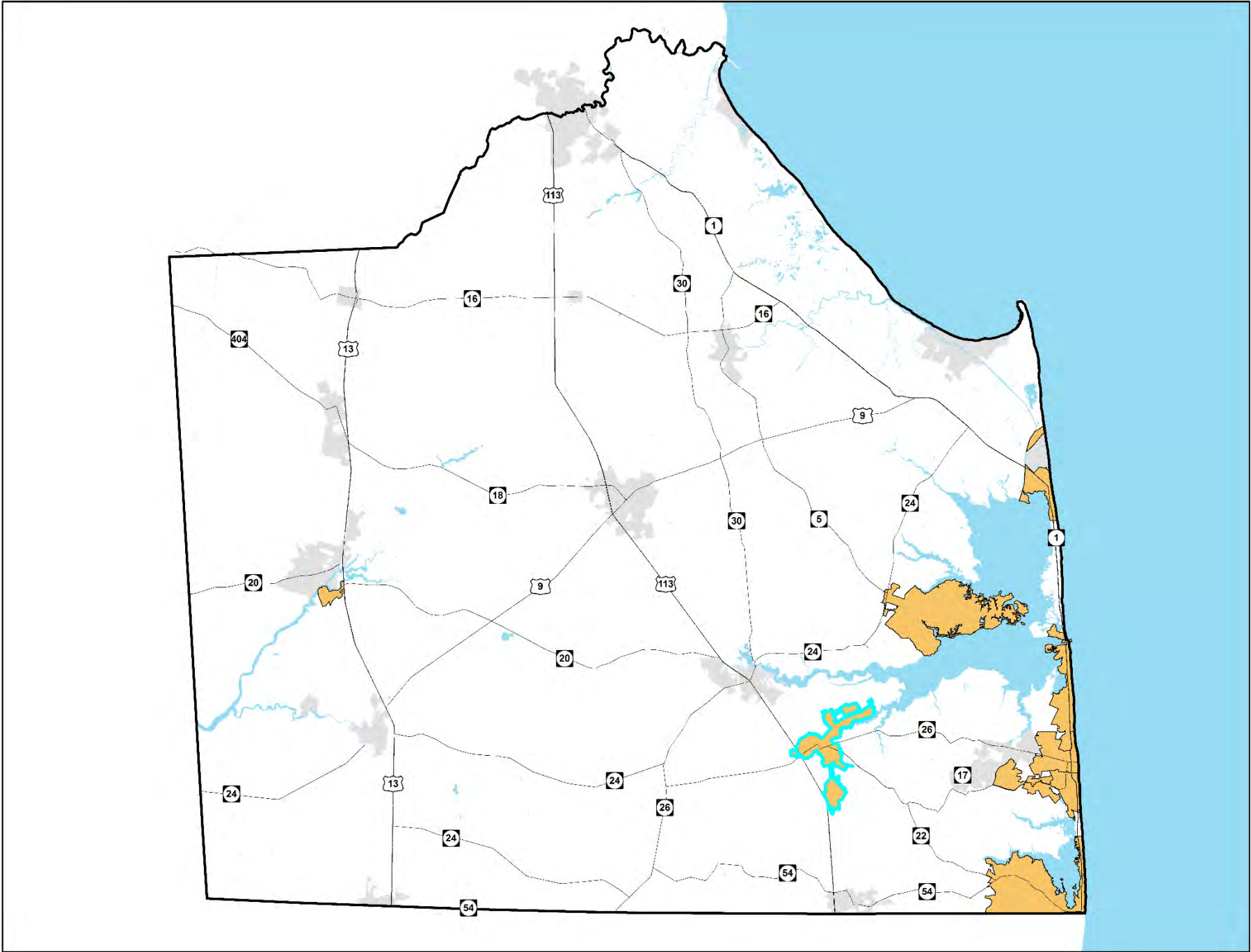
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck



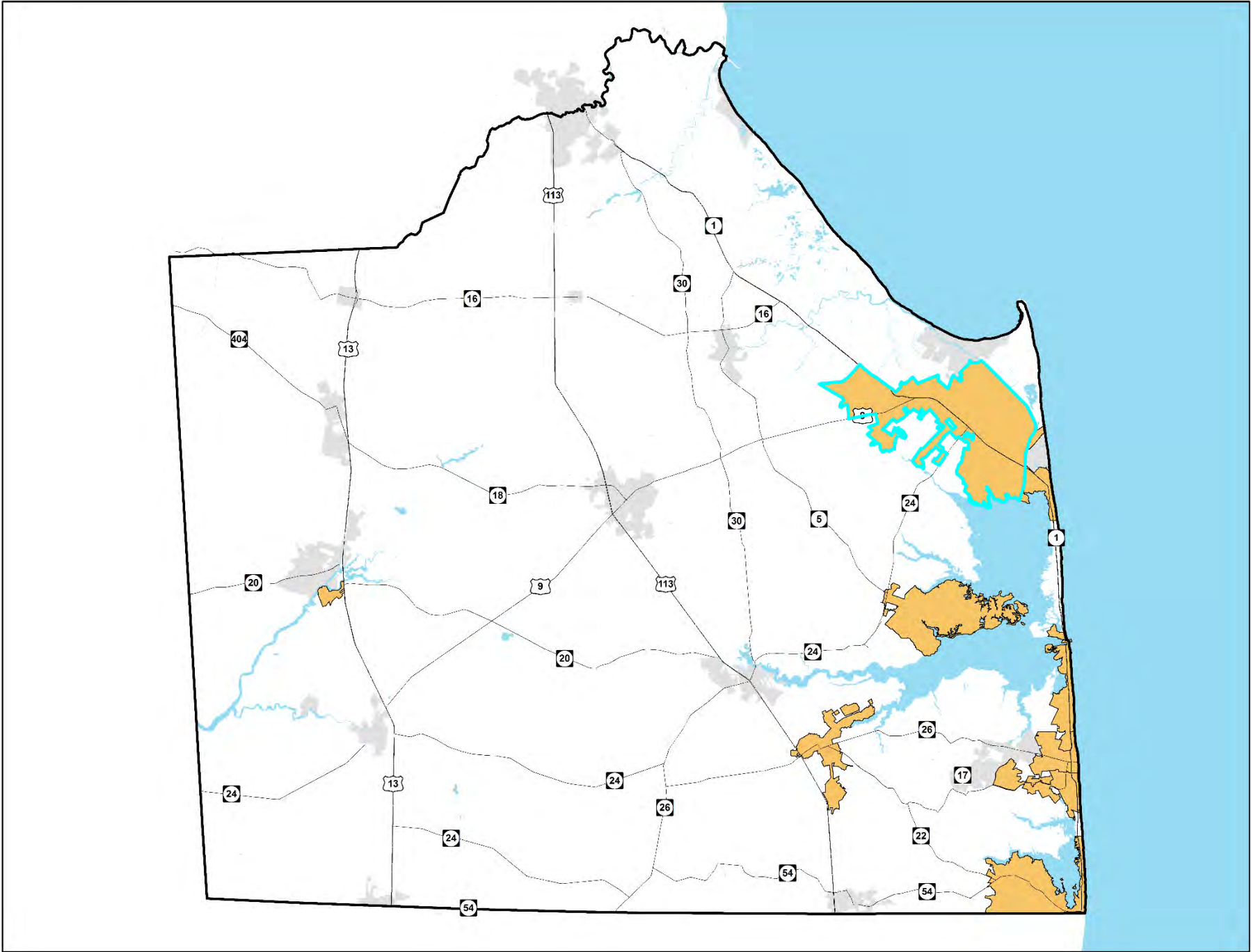
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford



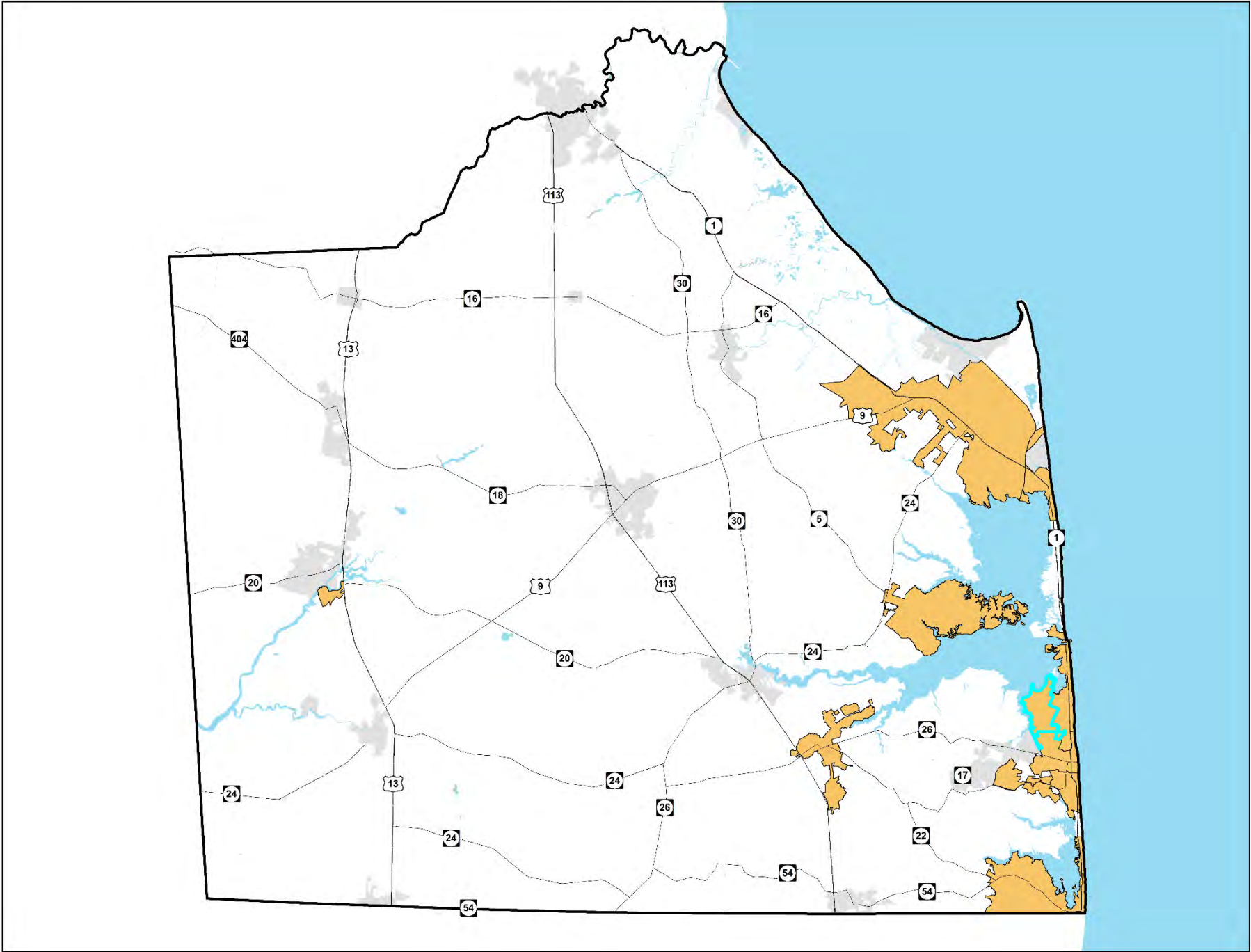
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth



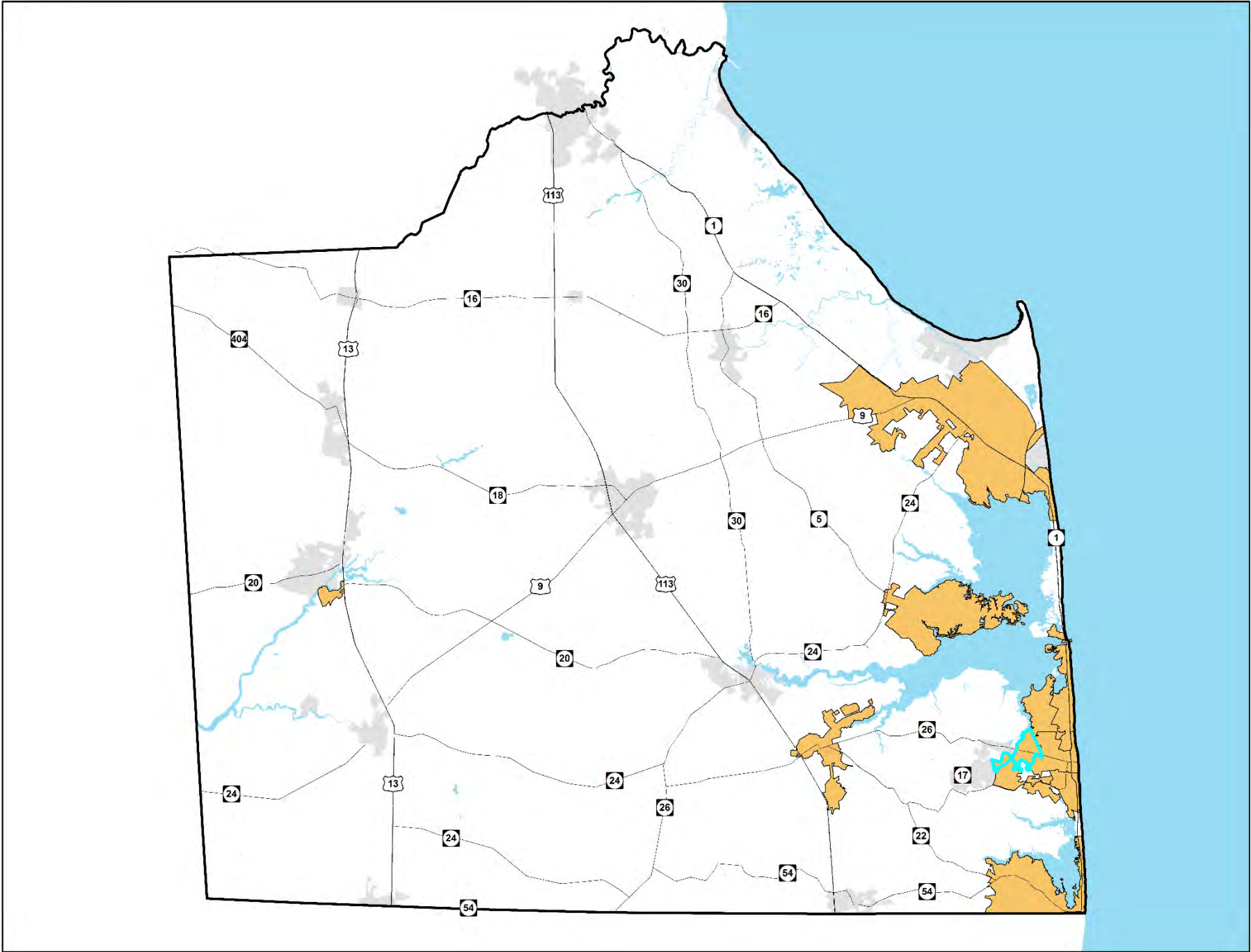
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck



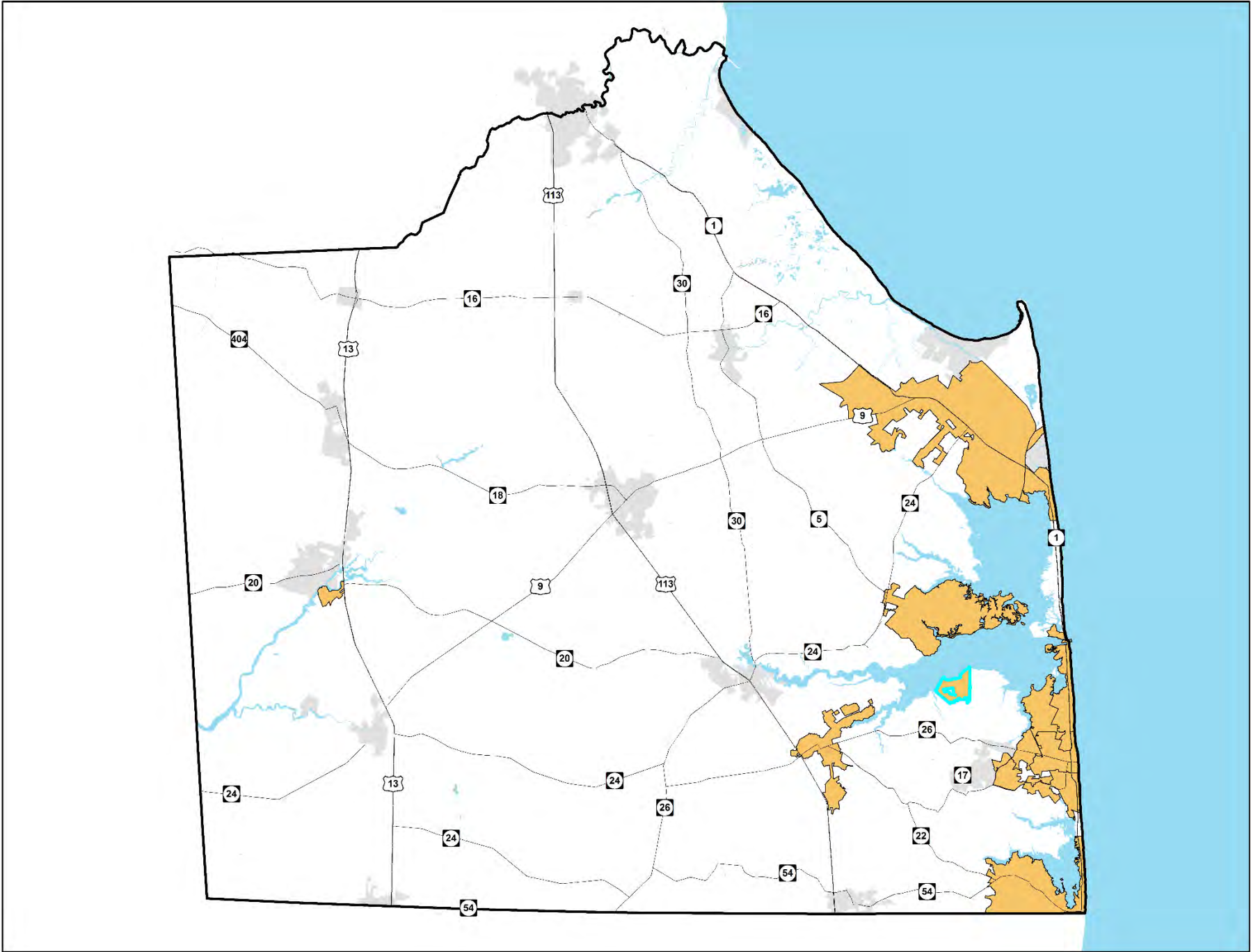
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View



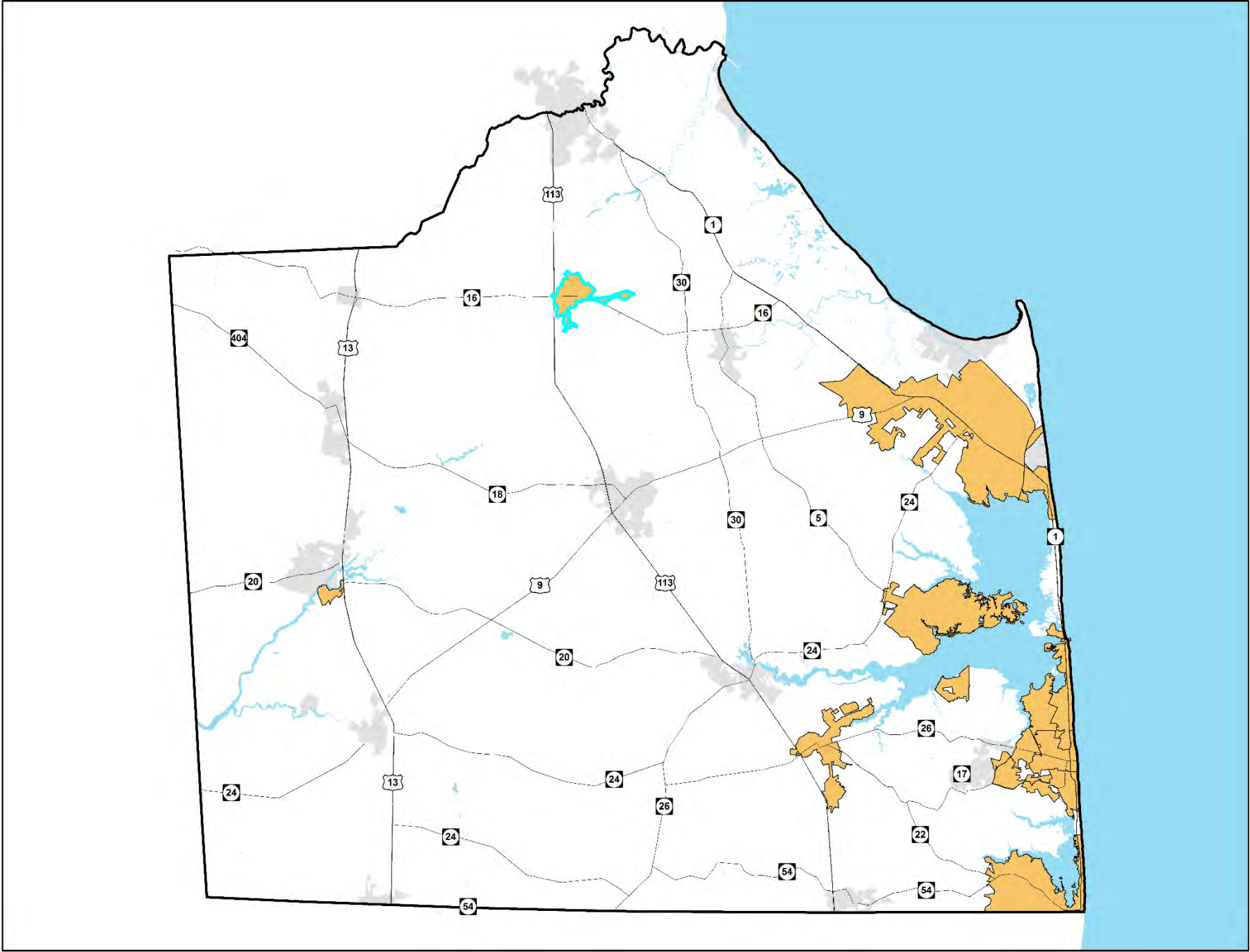
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing



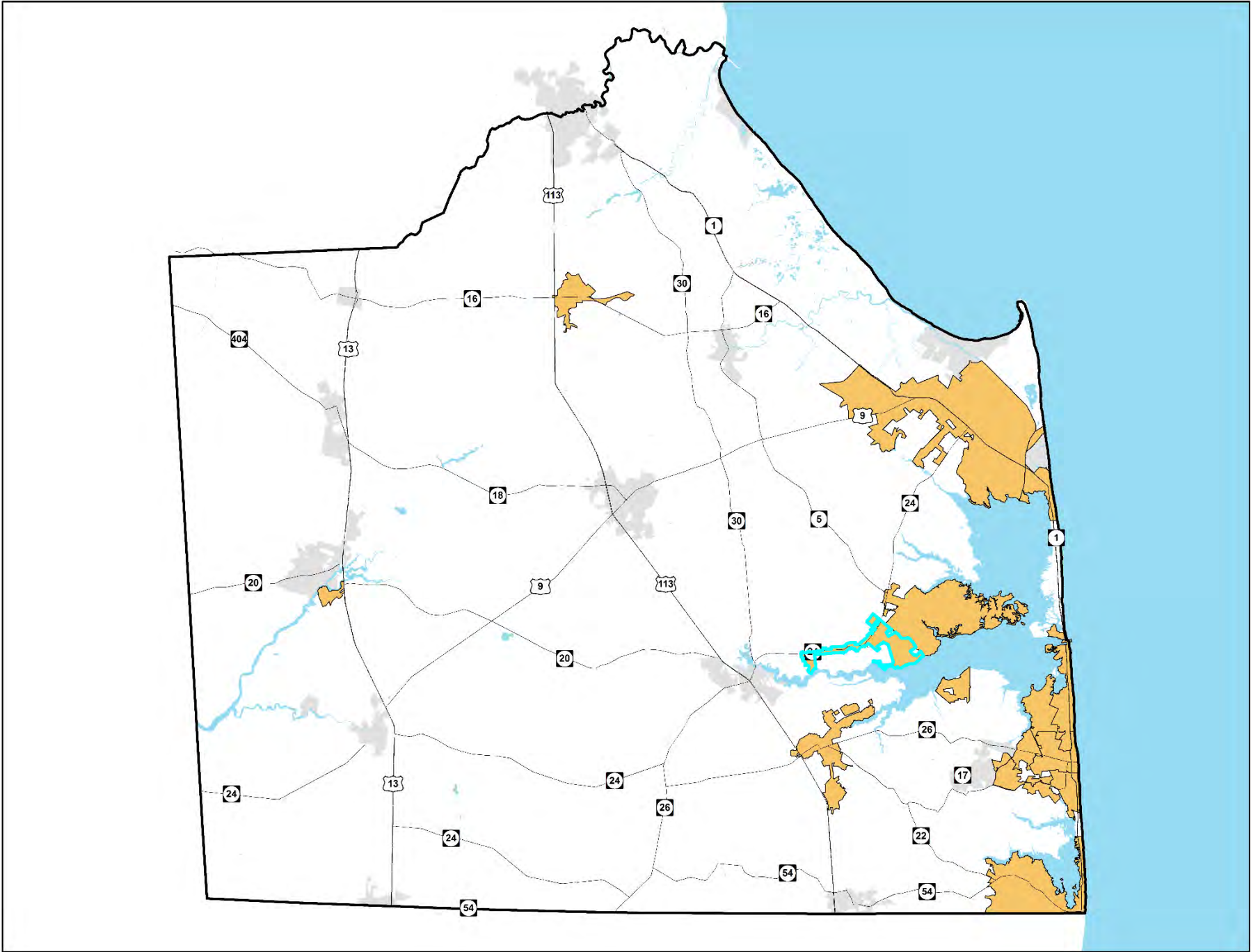
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale



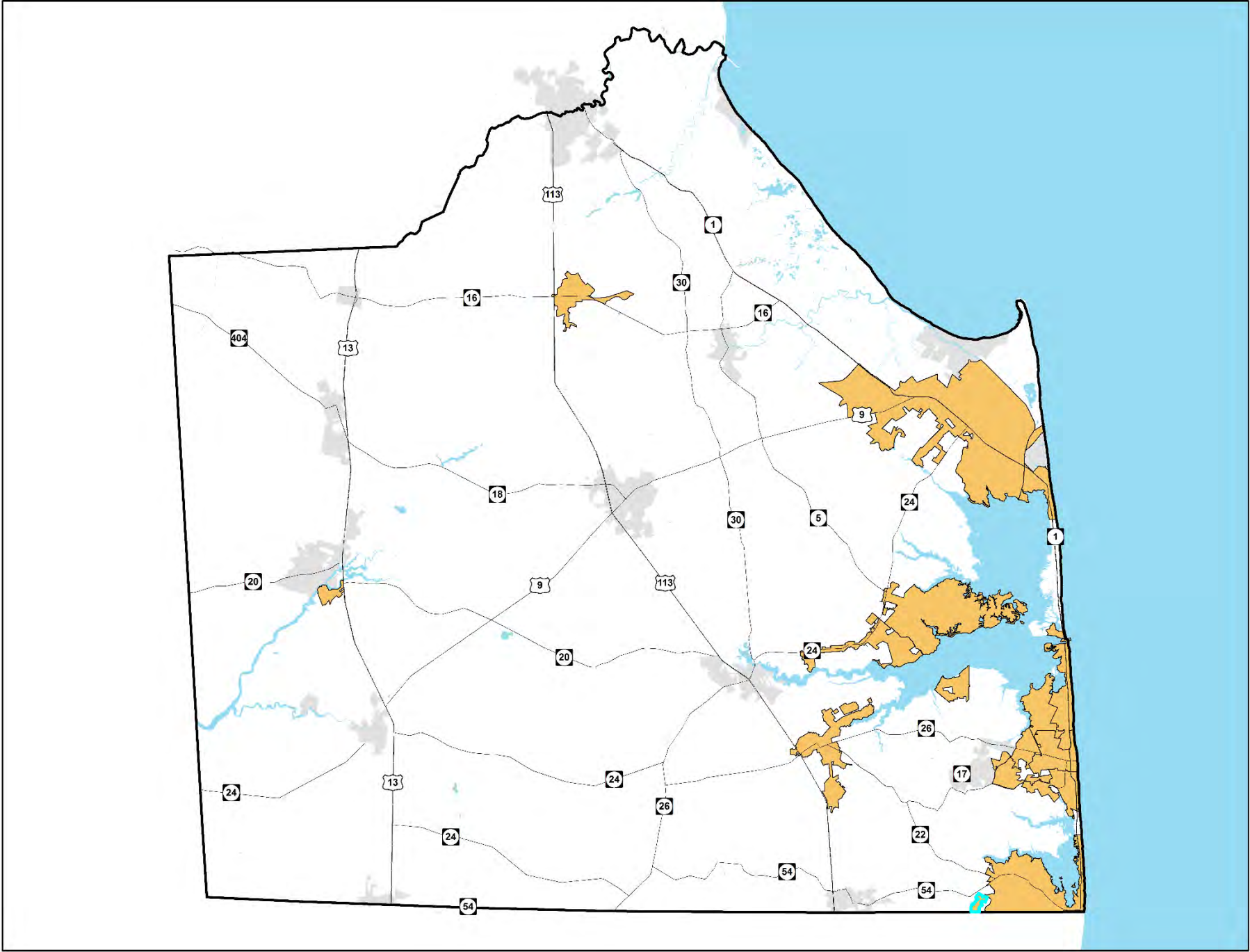
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard



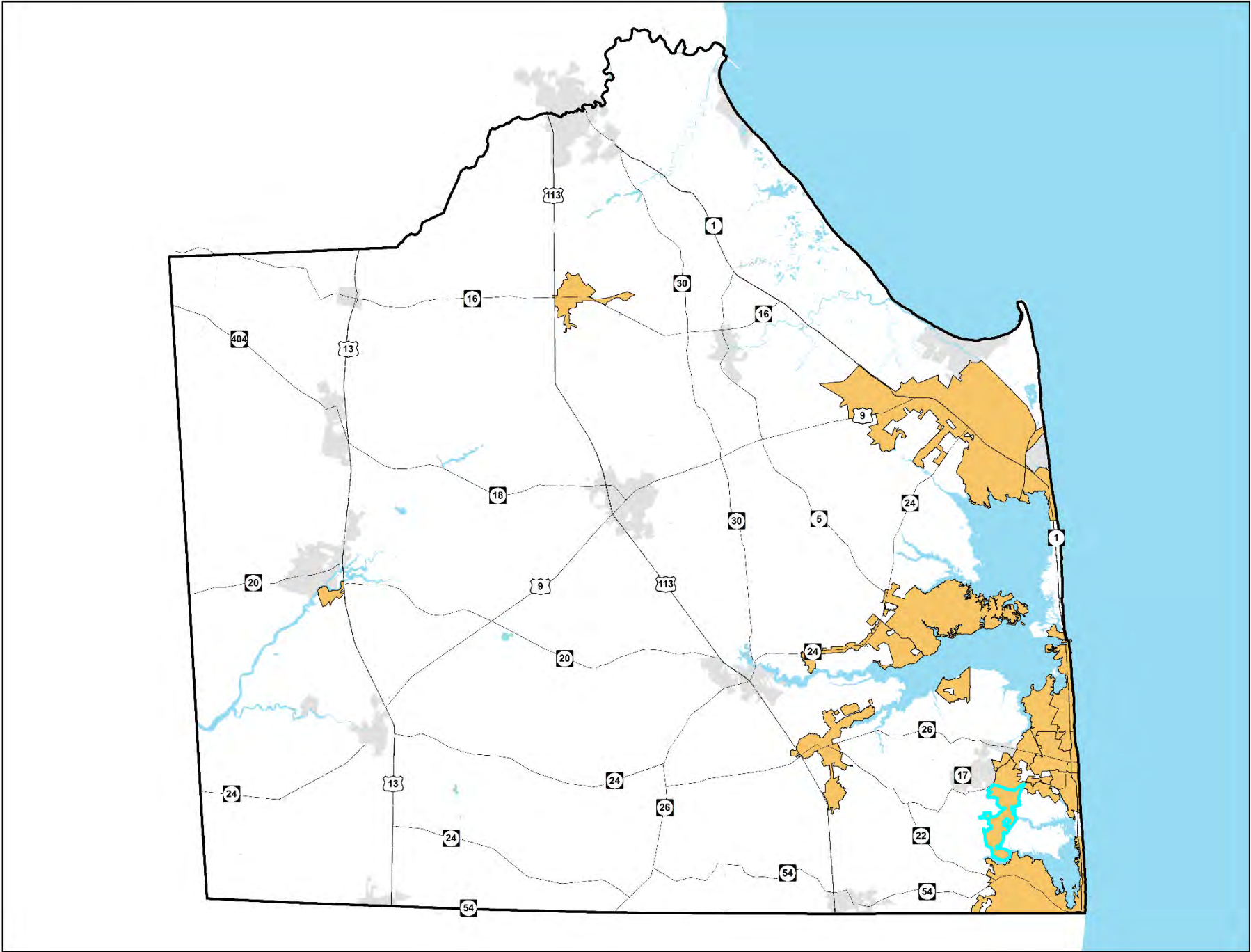
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates



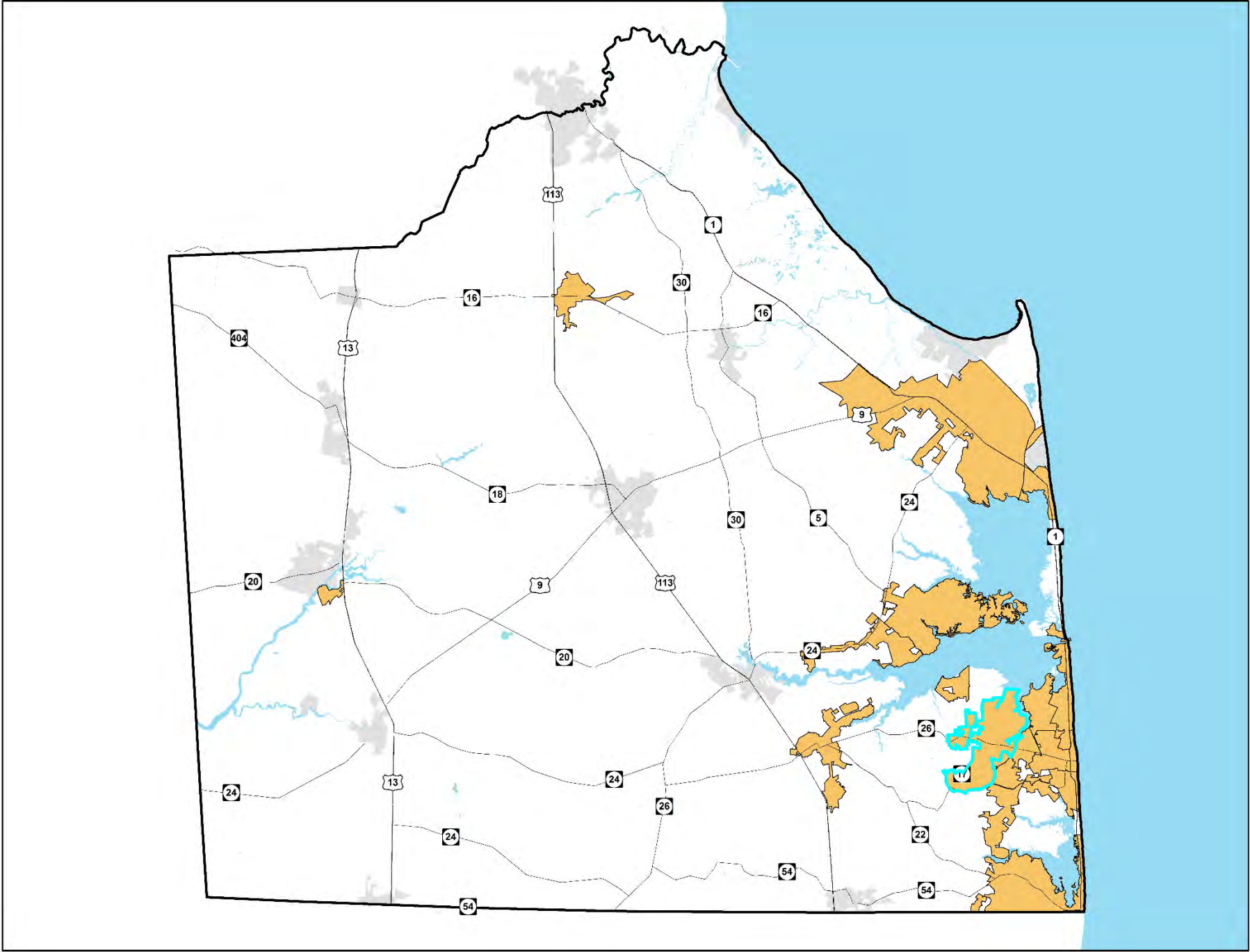
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek



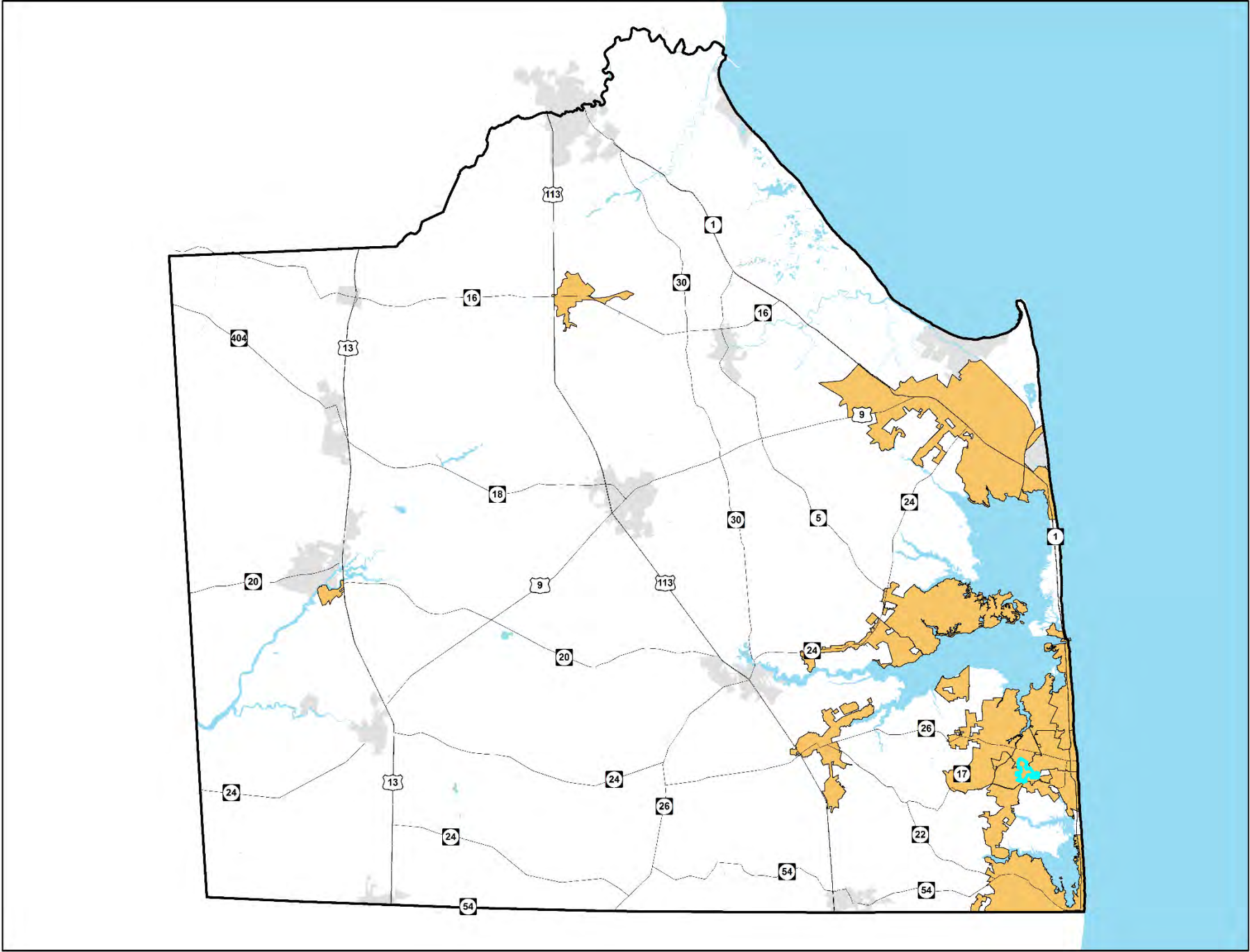
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville



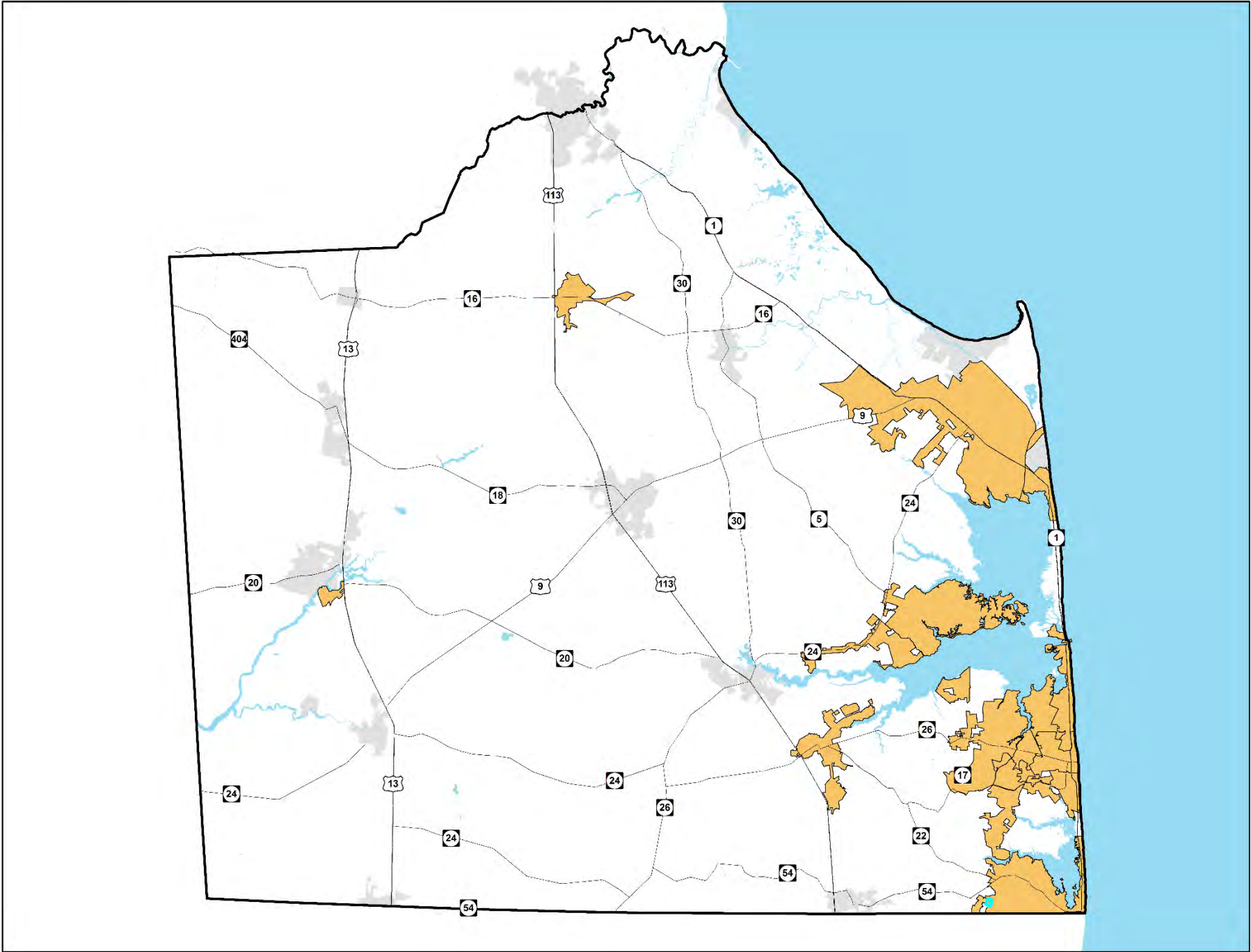
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View



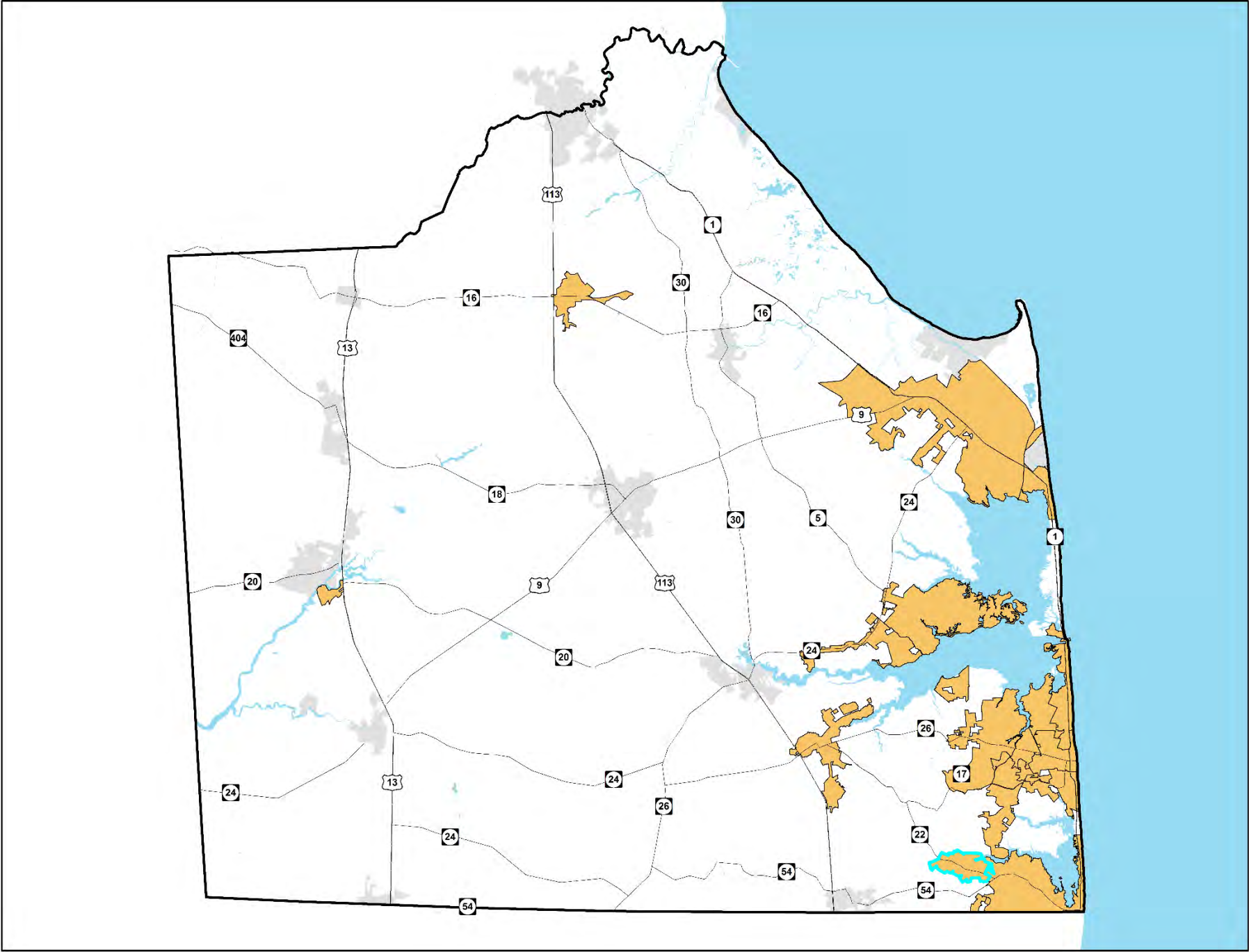
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt’s Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View
- Sea Country
Estates



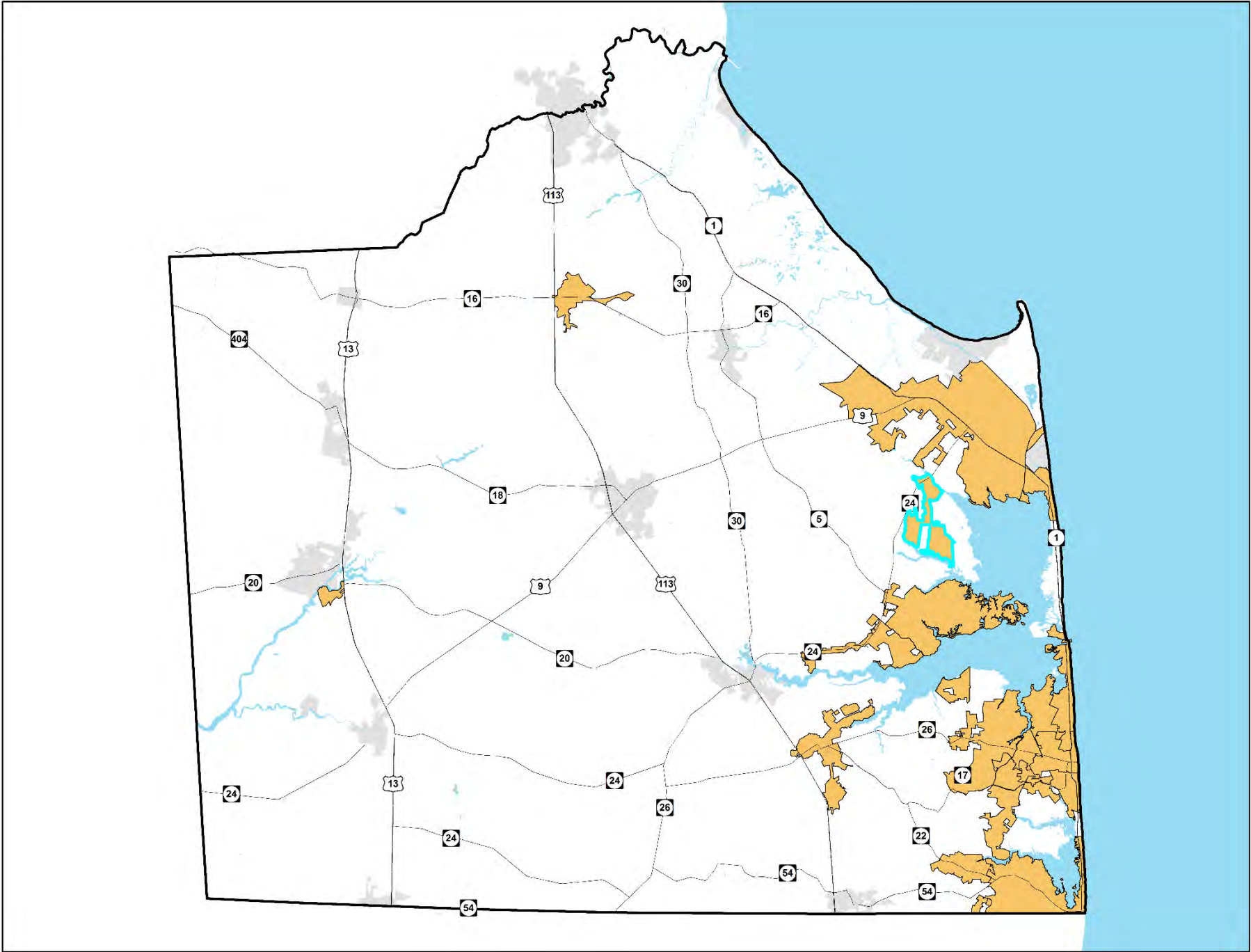
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View
- Sea Country
Estates
- Johnson's
Corner



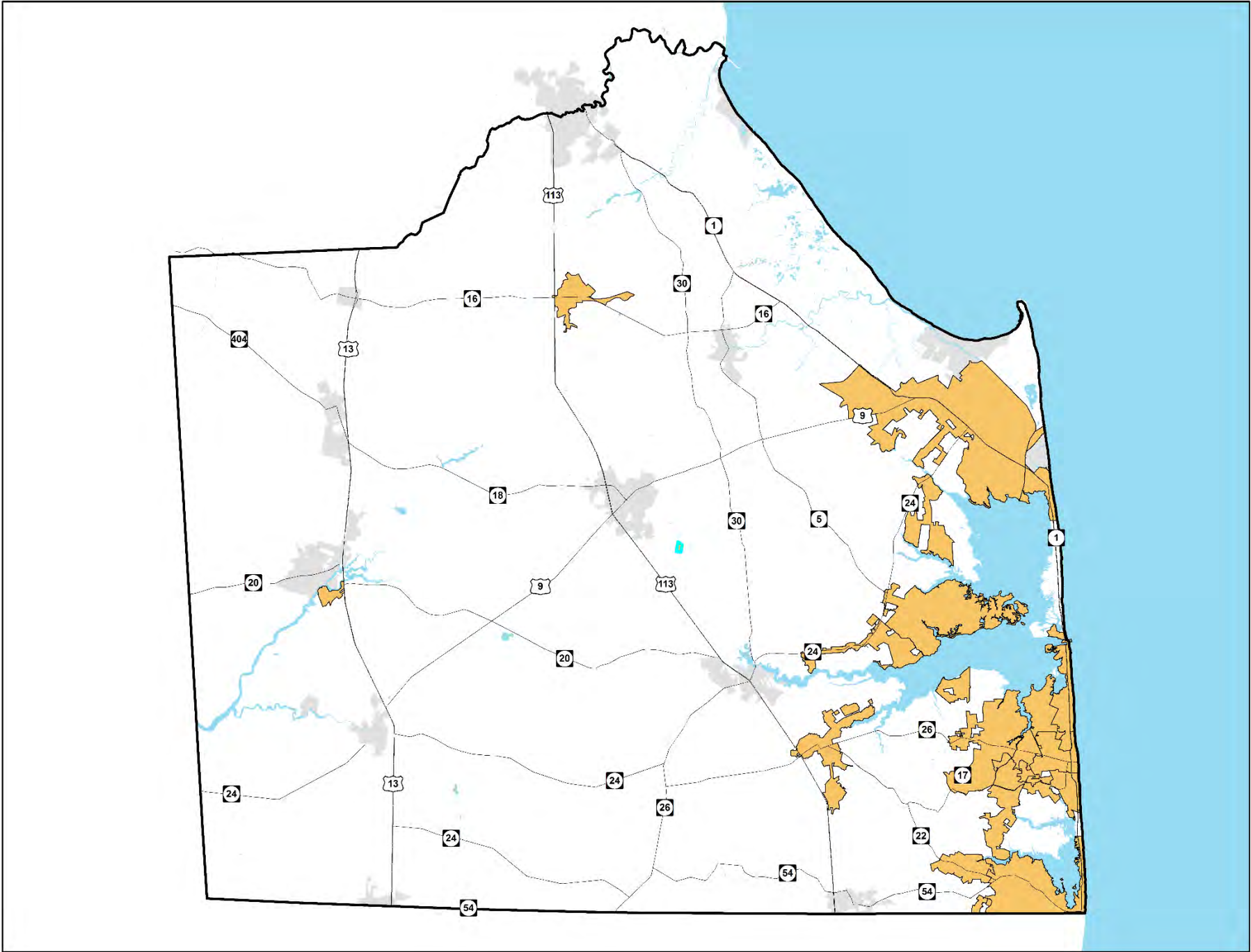
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt’s Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View
- Sea Country
Estates
- Johnson’s
Corner
- Angola



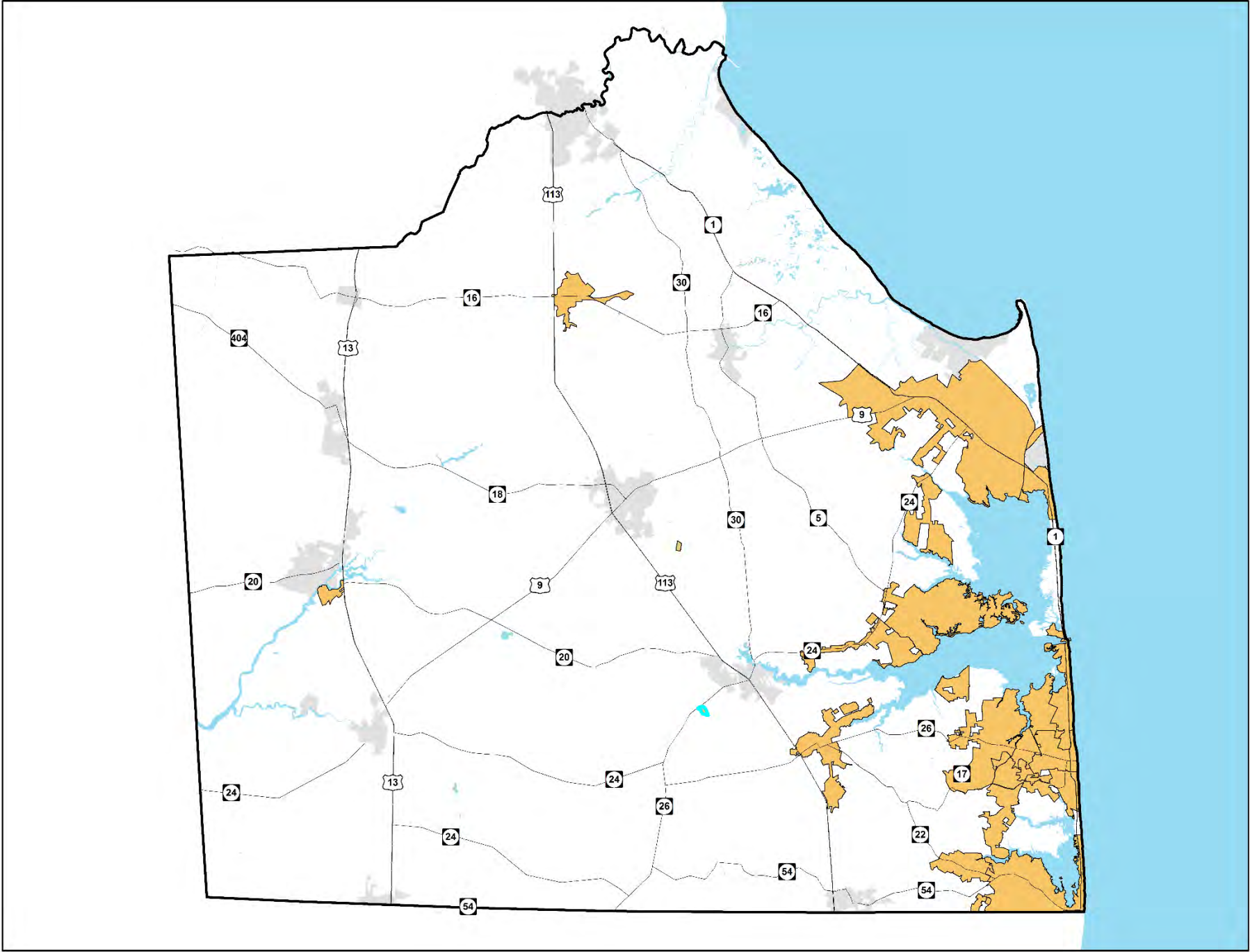
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt’s Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View
- Sea Country
Estates
- Johnson’s
Corner
- Angola
- Golf Village



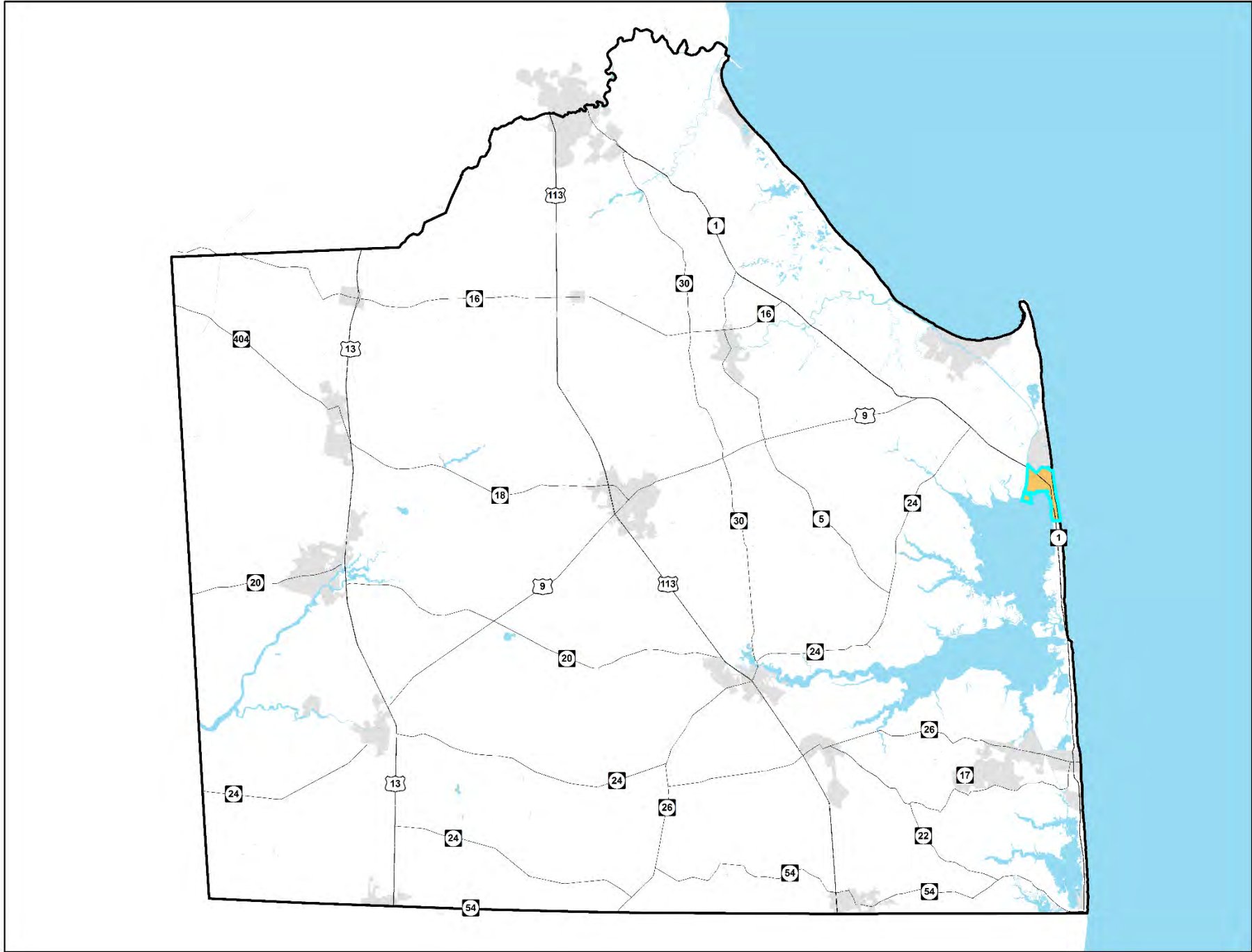
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View
- Sea Country
Estates
- Johnson's
Corner
- Angola
- Golf Village
- Woodlands



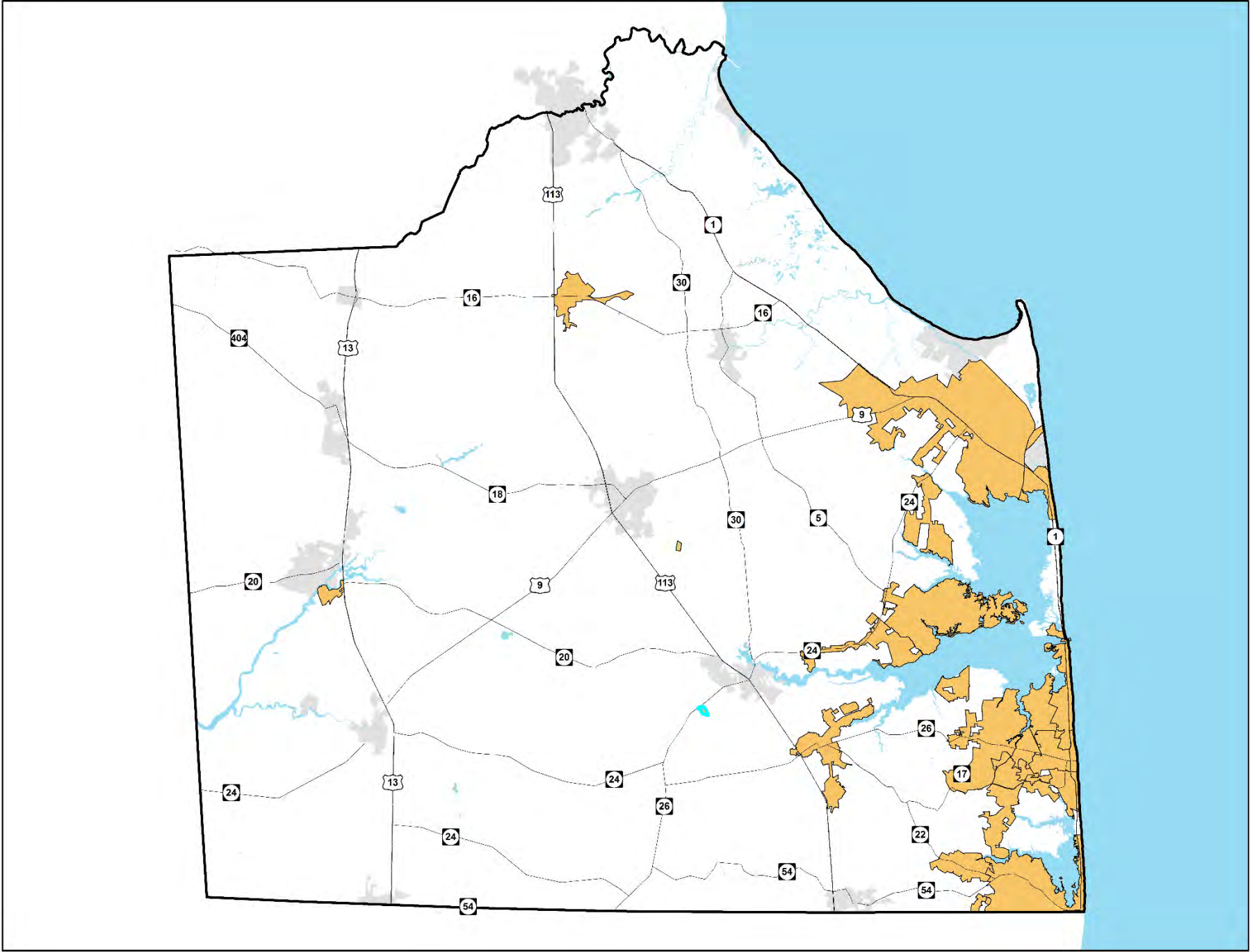
Sussex County

- Dewey Beach



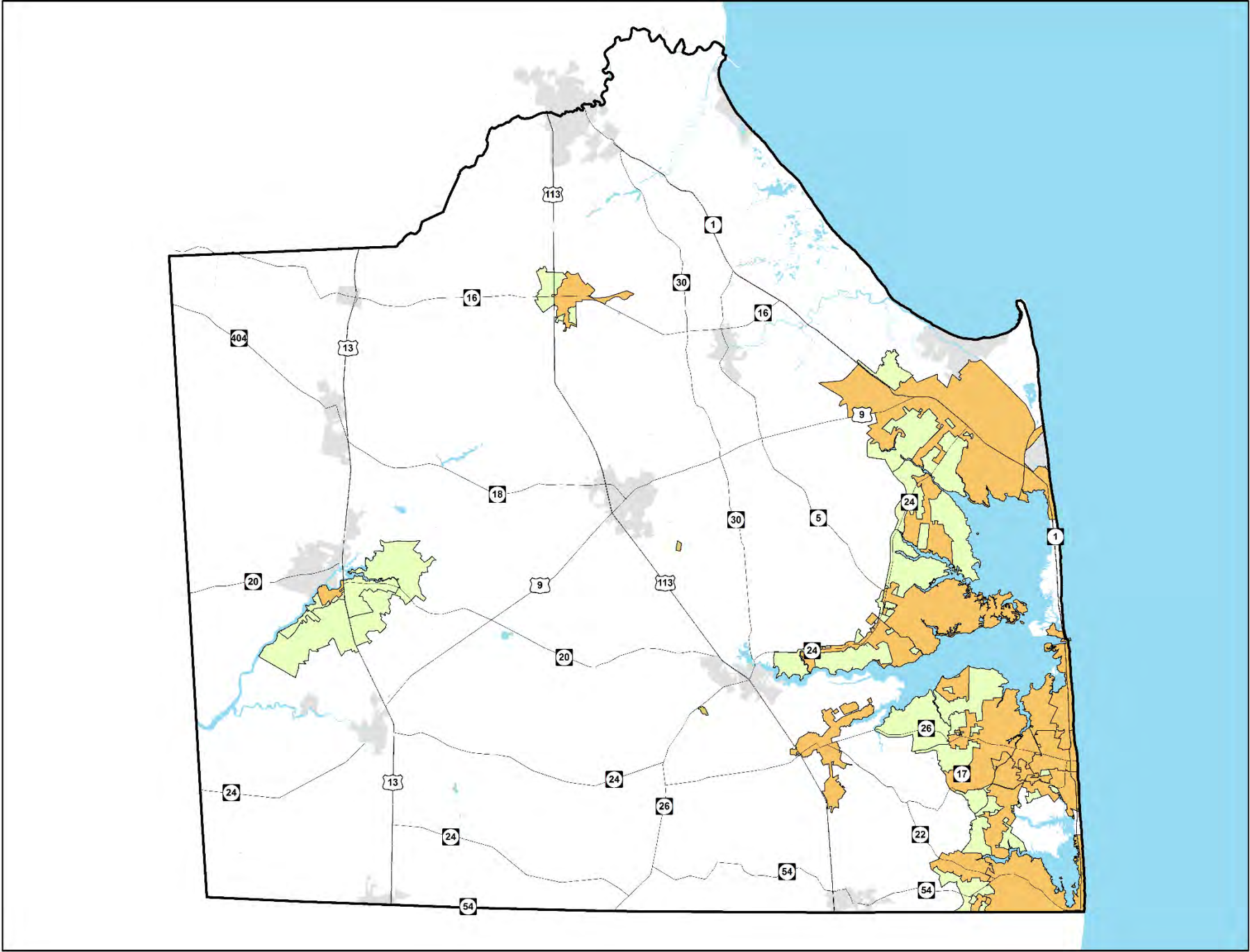
Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View
- Sea Country
Estates
- Johnson's
Corner
- Angola
- Golf Village
- Woodlands



Sussex County

- Dewey Beach
- Bethany Beach
- South Bethany
- Fenwick Island
- Blades
- Henlopen Acres
- North Bethany
- Long Neck
- Dagsboro/
Frankford
- West Rehoboth
- Cedar Neck
- Ocean View
- Holt's Landing
- Ellendale
- Oak Orchard
- Bay View
Estates
- Miller Creek
- Millville
- South Ocean
View
- Sea Country
Estates
- Johnson's
Corner
- Angola
- Golf Village
- Woodlands



Near-term
Planning
Districts

Unified Sewer District

- Next step

Officially create one Unified Sewer District

- a) Post public notice
- b) Adopt a resolution to consolidate the 19 sewer districts to a single Sussex County Unified Sanitary Sewer District

- Results

- Connection fees can be used in different areas
- Large improvements can be divided equally among all users



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator
June 30, 2015

Bill No.	Description and Purpose	Action
2015-2016 BILLS		
HB 25	This bill authorizes the Department of Natural Resources and Environmental Control to allow the harvesting of gray foxes and permitting of same.	3/17/15 – Passed the House 6/18/15 – Senate Amendment No. 3 added; passed the Senate 6/23/15 – Passed the House as amended
SB 29	This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provisions.	3/18/15 – Passed the Senate; assigned to House Health & Human Development Committee 4/22/15 – Released from Committee
HB 68	As the law stands now, following a writ of possession, a Landlord must store a manufactured home of the tenant that was left unclaimed for 30 days. Following that 30-day period, the home is deemed abandoned by operation of law, and the Landlord may dispose of the home as the Landlord wishes. However, in order to acquire title to the home, the Landlord must wait 1 year under Chapter 40. This bill will permit the Landlord to acquire title following the 30-day waiting period.	3/26/15 – Introduced in the House with four Sussex County sponsors 4/01/15 – Reported out of Committee

Bill No.	Description and Purpose	Action
HB 85	This bill allows school taxes and property taxes to be collected by tax intercept.	Representative Short introduced this bill again on 4/01/15. This bill is assigned to the House Education Committee. They met on 5/13/15 but did not discuss this bill. I have sent an email to Danny Short, the sponsor, and to Earl Jaques, the Committee Chair, requesting that this bill be discussed in Committee. 6/10/15 – Released from Committee
SB 5	This Act affirmatively authorizes preexisting common interest communities and approved common interest communities to comply with any or all of the provisions of the Delaware Uniform Common Interest Ownership Act that they are not already required to comply with. This Act may be cited as the Benjamin Kuntz Act, a dedicated Delawarean who spent countless hours chairing the Kent County Levy Court's Homeowners Associations Resolving Problems (HARP) Committee. He advocated tirelessly for homeowner associations.	3/26/15 – Introduced and assigned to Community/County Affairs Committee 4/29/15 – Released from Committee 5/06/15 – Senate Amendment No. 1 added to the bill; this amendment deletes repetitive language. 5/07/15 – Amended bill passed the Senate 5/12/15 – Assigned to House Housing & Community Affairs Committee 6/10/15 – Released from Committee
HB 74	This bill requires a utility provider to alert the homeowner's association for any condominium or cooperative at least 72 hours before shutting off the service, in addition to notifying the occupants of the dwelling unit.	3/31/15 – Introduced and assigned to Housing & Community Affairs Committee
SB 54	This Act allows the Director of the Delaware Economic Development Office to create right-to-work zones as part of its inducements to bring new businesses to Delaware and requires these zones to be offered for manufacturing businesses hiring at least 20 employees. It also exempts those manufacturing businesses from their gross receipts taxes for their first 5 years.	4/02/15 – Introduced and assigned to Labor & Industrial Relations Committee 4/29/15 – Stalled in Committee
HB 79	This bill provides that a striped bass must be tagged by a commercial fisherman before it is landed or put on shore.	4/02/15 – Introduced and assigned to Natural Resources Committee 6/11/15 – Passed the House 6/18/15 – Passed the Senate

Bill No.	Description and Purpose	Action
HB 86	This bill allows counties and municipalities to elect not to be subject to the State's Public Employment Relations Act.	4/16/15 – Introduced and assigned to House Labor Committee No Movement
HB 87	This Act allows each municipality and each county to create right-to-work zones.	4/16/15 – Introduced and assigned to House Labor Committee 4/22/15 – Amended per typo 5/07/15 – Tabled in Labor Committee
HA 1 to HB 87	This amendment makes a technical correction.	4/22/15 – Amended
HA 2 to HB 87	This amendment allows Sussex County and Sussex County municipalities to designate and create right-to-work zones. This amendment was requested by the Sussex County Council and other Sussex municipalities.	Representative Dukes has successfully amended this bill to be effective only in Sussex County.
SB 64	At the recommendation of the Joint Sunset Committee and in an effort to make it less difficult to find qualified members to fill the Open Space Council, this Act simplifies the appointment terms and expirations and requires that all three counties be represented generally, rather than require specific numbers of members from each county. In addition, this Act adds language for the removal of Council members for gross inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance. This Act also makes technical corrections to conform to the style and formatting guidelines of the <i>Delaware Legislative Drafting Manual</i> .	4/21/15 – Introduced 4/30/15 – Passed the Senate 5/05/15 – Introduced and assigned to Sunset Committee in the House 5/07/15 – Reported out of Committee
SA 2 to SB 64	This amendment clarifies that the Governor's appointments to the Delaware Open Space Council serve at the pleasure of the Governor and establishes that the 3 appointing authorities have equal authority to remove Council members, without notice and hearing. This amendment also makes a technical correction regarding the number of appointments which may expire at the same time.	4/30/15 – Introduced, added to the bill, and passed the Senate

Bill No.	Description and Purpose	Action
SB 26	This bill provides for recording and maintaining a record of all deliberations made by public bodies during public hearings, including any discussion made "off the record."	1/29/15 – Introduced 4/21/15 – Passed the Senate 4/22/15 – Assigned to House Administration Committee
SB 66	<p>This Act will allow any Delaware jurisdiction with a long-term residential vacancy rate above 3%, including a county, to form a land bank, where such jurisdiction determines that a land bank would help it address the problem of vacant and abandoned real property within its jurisdiction.</p> <p>A land bank is a non-profit organization created by a political subdivision of the State, or through an intergovernmental agreement between two or more political subdivisions of the State, and would serve as the repository for vacant, abandoned and tax-delinquent properties that, left unaddressed, can contribute to crime, depress the local real estate market, and deplete the tax base of Delaware's communities.</p> <p>A land bank would have the authority to obtain such properties at sheriff's sales instituted by the jurisdiction that established the land bank, where such properties have been abandoned by their owners because of unpaid property taxes or substantial liens arising from property code violations. The land bank would have the ability to do one or more of the following: (1) purchase liens from the local jurisdiction; (2) acquire properties at a sheriff's sale on credit from the local jurisdiction; (3) assert a trump bid at a sheriff's sale that would allow the land bank to acquire abandoned properties for the price of the outstanding liens.</p> <p>The land bank would retain the acquired properties until such time as a suitable and vetted buyer could be found who would be able to return the property to productive use. Funding for land banks created under this Act would come from governmental and private grants, private investments and property sale proceeds. Additionally, any land bank created under this Act could, at the election of the local jurisdiction, be</p>	<p>4/22/15 – Introduced and assigned to Senate Banking & Business Committee 4/30/15 – Reported out of Committee 5/06/15 – Amendment No. 1 added to the bill 5/07/15 – Amendment No. 2 added to the bill 5/13/15 – Amendment No. 3 added to the bill 5/14/15 – Amendment No. 4 added to the bill; removes Amendment Nos. 1, 2, and 3 5/14/15 – Passed the Senate 6/10/15 – Released from House Economic Development Committee</p>

Bill No.	Description and Purpose	Action
SB 66 (continued)	<p>funded through the allocation to the land bank of 50% of the real property taxes on the property for a 5-year period once the property returns to productive use or such other funding sources established by the local jurisdiction.</p> <p>Through this Act, jurisdictions throughout Delaware would have the ability to alleviate the blight caused by vacant, abandoned and tax delinquent properties in the area, and revitalize communities by turning vacant spaces into vibrant places.</p>	
HB 124	<p>The Delaware Farmland Preservation Fund was created under the Delaware Agricultural Lands Preservation Act in order to conserve, protect, and encourage improvement of agricultural lands within the State. The Legislature has previously expressed its desire that \$10 million in receipts from the State Realty Transfer Tax be allocated annually to this fund in order to accomplish its goals. This Act is the first leg of a constitutional amendment that will make this allocation binding on all future administrations and General Assemblies, thus allowing this essential program to continue protecting one of our State's most important resources.</p>	<p>5/05/15 – Introduced and assigned to Ag Committee 5/13/15 – Released from Committee</p>
HB 103	<p>This bill removes a conflict in the Delaware Code relating to the duration of tax liens.</p>	<p>4/23/15 – Introduced 5/12/15 - Amendment No. 1 added to the bill 5/14/15 – Released from Committee</p>
HB 140	<p>This bill increases several revenue sources for the Transportation Trust Fund.</p>	<p>5/08/15 – Introduced 5/13/15 – Released from Revenue & Finance Committee 5/14/15 – Amendment No. 1 added to the bill 5/14/15 – Passed the House with Amendment No. 1 5/30/15 – Assigned to Senate Bond Committee 6/03/15 – Released from Committee 6/25/15 – On Senate Agenda 6/25/15 – Defeated in the Senate</p>

Bill No.	Description and Purpose	Action
HB 149	This Act repeals the Delaware Estate Tax as of July 1, 2015.	5/28/15 – Introduced 6/17/15 – Released from Committee
HB 151	The purpose of this bill is to amend the timeframe in which Sussex County Council must pass a formal resolution after posting the notices of the establishment or revision of a sanitary sewer or water district. This bill proposes to substitute ninety (90) days for the thirty (30) day timeframe currently permitted under the Code.	5/28/15 – Introduced 6/11/15 – Passed the House 6/24/15 – Released from Senate Committee
HB 162	This bill adds up to 5 citizen members to the Board of Directors of the Center for the Inland Bays in order to include more citizen representation on the Board and to improve the Center's capacity to procure and administer private moneys secured to fulfill the responsibilities pursuant to the protection and restoration of the Inland Bays' watershed.	6/03/15 – Introduced 6/11/15 – Passed the House 6/23/15 – Passed the Senate
HB 177	This bill requires utilities to maintain a third party notification system that allows a customer to designate a third party to receive notice prior to a termination of service. This bill also specifically allows condominium and common interest communities to adopt bylaws that require unit owners to designate the unit owners' association as a third party to receive notification prior to a termination of utility service. Finally, this bill directs the Common Interest Community Ombudsman to promulgate a form bylaw for use by common interest community associations and unit owners to designate the Home Owners' Association as a third party to receive notification of a termination of service pursuant to any third party notification system.	6/09/15 – Introduced 6/10/15 – Out of Committee 6/18/15 – Passed the House; assigned to Senate Energy & Transit Committee
HB 171	This bill establishes a Telecommunications Tax Modernization Review Group to study and make recommendations for establishing a future funding mechanism to replace the property tax on telecommunications equipment and addressing the projected decrease in revenue to the counties, municipalities	6/09/15 – Introduced and assigned to House Telecommunications, Internet & Technology Committee 6/17/15 – House Substitute No. 2 6/23/15 – Passed the House 6/24/15 – Released from Senate Community/County

Bill No.	Description and Purpose	Action
HB 171 (continued)	and school districts from the transition to new technologies throughout the State. The resulting mechanism should be revenue-neutral to the localities and competitively neutral to providers of like services. To encourage investment in broadband infrastructure, this bill also caps the amount of tax on telecommunications equipment at FY15 rates and eliminates the tax as of June 30, 2018.	Affairs Committee
SB 112	This Act fulfills the recommendation of the Joint Sunset Committee that the Delaware Economic Development Office ("Office") be required to develop a comprehensive state plan for economic development every 5 years and submit annual reports detailing the Office's status in meeting its vision, goals, objectives, and strategies.	6/03/15 – Introduced 6/11/15 – Passed the Senate 6/17/15 – Released from Committee
SB 130	This bill defines criteria for any local government to promote economic development by entering into an agreement with the Department of Transportation to create transit-oriented development districts, called "Complete Community Enterprise Districts." Complete Community Enterprise Districts may be designated in downtown or urban core areas, traditional towns or villages, or regional activity centers. They are characterized by their mix of land uses, efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.	6/11/15 – Introduced 6/24/15 – Senate Amendment No. 2 added; passed the Senate and was tabled 6/25/15 – Substituted in Senate by SS 1 for SB 130
SS 1 for SB 130	This substitute bill includes the changes made in Senate Amendment No. 2. This bill defines criteria for any local government to promote economic development by entering into an agreement with the Department of Transportation to create transit-oriented development districts, called "Complete Community Enterprise Districts." Complete Community Enterprise Districts may be designated in downtown or urban core areas, traditional towns or villages, or regional activity centers. They are characterized by their mix of land uses,	

Bill No.	Description and Purpose	Action
SS 1 for SB 130 (continued)	efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.	
SB 113	<p>The Regulatory Transparency and Accountability Act of 2015 improves Delaware's regulatory environment for individuals and small businesses in several significant ways. First, the Act improves transparency by requiring each agency to submit a "regulatory impact statement" to the Registrar of Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. Among other things, each regulatory impact statement must (1) describe the purpose of the regulation; (2) identify the individuals and/or small businesses subject to it; (3) provide an estimate of the potential costs of compliance; and (4) describe any less intrusive or less costly alternative methods of achieving the purpose of the regulation.</p> <p>In addition, the Act further enhances transparency by requiring the Registrar of Regulations to transmit regulatory impact statements to the appropriate standing committee of the General Assembly. Further, the Act expands the definition of "small business" for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104). The practical effect of this change is that many more small businesses will enjoy the benefits of this chapter because the "universe" of small businesses will be larger. Finally, the Act requires the adoption of Guidelines to assist agencies in fulfilling their obligations under the Act. The Guidelines must be submitted for final publication by November 15, 2015.</p> <p>When enacted, the Regulatory Accountability and Transparency Act is effective for all new or amended regulations submitted to the Registrar of Regulations on or after January 1, 2016.</p>	<p>6/03/15 – Introduced 6/11/15 – Passed the Senate 6/24/15 – Passed the House</p>

Bill No.	Description and Purpose	Action
SB 120	<p>The Regulatory Transparency and Accountability Act of 2015 improves Delaware's regulatory environment for individuals and small businesses in several significant ways. First, it requires each agency to submit a "regulatory flexibility analysis" (or "RFA") to the Registrar of Regulations whenever it proposes to adopt or amend certain regulations affecting individuals and/or small businesses. In each RFA, an agency must consider, where applicable, lawful, feasible and desirable, specific methods of reducing the burdens of the regulation on individuals and/or small businesses, including: (1) establishing less stringent requirements and deadlines; (2) establishing performance standards to replace design standards; (3) exempting individuals and small businesses from all or part of the regulations; and (4) examining other ways to accomplish the regulation's purpose, while minimizing the impact upon individuals and/or small businesses.</p> <p>In addition, the Act provides that no proposed regulatory change may be published in the Register of Regulations unless the proposing agency submits an RFA (if applicable) and any other required information to the Registrar. The Act also amends the Administrative Procedures Act ("APA") to specifically require agencies to submit RFAs to the Registrar for publication. Both of these provisions are important steps to enhance accountability in Delaware's regulatory process.</p> <p>The Act also requires the adoption of Guidelines, which must be submitted for final publication by November 15, 2015, to assist agencies in fulfilling their obligations under the Act. Finally, the Act expands the definition of "small business" for purposes of the chapter of the Delaware Code relating to regulatory flexibility (Title 29, Chapter 104).</p> <p>If enacted, the Regulatory Accountability and Transparency Act would become effective for all new or amended regulations submitted to the Registrar on or after January 1, 2016.</p>	<p>6/03/15 – Introduced 6/11/15 – Passed the Senate 6/24/15 – Passed the House</p>

Bill No.	Description and Purpose	Action
SB 124	This bill expands the number of Trustees of the Delaware Agricultural Lands Preservation Foundation from 12 to 13. The additional Trustee must be an individual actively engaged in farming or some other form of agribusiness who may reside in any county of the State. In connection with the above, this bill also increases from 6 to 7 the number of Trustees required for a quorum.	6/09/15 – Introduced 6/23/15 – Passed the Senate
HCR 40	Seeking to address the pervasive problems of littering and illegal dumping in Delaware, this concurrent resolution would create the Delaware Anti-Dumping and Anti-Littering Task Force. The task force would be charged with defining the scope of the problem; developing actionable strategies for curtailing it; and delivering a report to the General Assembly as to how these new policies could be implemented and financed. The task force would be required to issue its report no later than March 15, 2016.	6/10/15 – Introduced 6/17/15 – Released from Committee; Amendment No. 1 added
HB 194	The expansion of modern drinking water distribution systems and wastewater collection systems by local governments and regulated utilities is of paramount importance to the protection and conservation of the water resources of Delaware. This bill encourages the expansion of water and wastewater systems by providing an exemption for linear utility projects not greater than 25 feet in width from erosion and sediment control regulations that are overly burdensome on such projects.	6/17/15 – Introduced and assigned to Transportation/Land Use & Infrastructure Committee 6/23/15 – Reported out of Committee
HB 192	This Act establishes that municipal governments may pass ordinances regulating the possession of firearms, ammunition, components of firearms, and explosives in municipal buildings and police stations subject to specific requirements. The Act further allows municipalities to establish penalties for violation by ordinance.	6/16/15 – Introduced and assigned to Public Safety & Homeland Security Committee 6/17/15 – Reported out of Committee 6/23/15 – Passed the House and assigned to Community/County Affairs Committee in the Senate
HB 201	This Act establishes that county governments may pass ordinances regulating the possession of firearms, ammunition,	6/23/15 – Introduced and passed the House; assigned to Community/County Affairs Committee in the Senate

Bill No.	Description and Purpose	Action
HB 201 (continued)	components of firearms, and explosives in county buildings and police stations subject to specific requirements. The Act further allows counties to establish penalties for violation by ordinance.	
SB 137	Delaware's Community College System plays a critical role in the State's economy by providing workforce development and transfer education that connects Delawareans with good paying jobs within the State and region. This Act gives the College's Board of Trustees the authority to issue bonds to finance the cost of major and minor capital improvements, deferred maintenance, and the acquisition of related equipment and educational technology associated therewith and establishes the Community College Infrastructure Fund to pay the principal and interest on such bonds. This Act adopts the county vo-tech structure to finance the Fund by authorizing the College's Board of Trustees to collect a local property tax subject to a cap.	6/11/15 – Assigned to Finance Committee 6/23/15 – Reported out of Committee
SB 149	This legislation removes the disparate treatment of counties, making all three county seats eligible for the same percentage of reimbursement of real property taxes.	6/23/15 – Assigned to Community/County Affairs Committee
HB 200	This Act adds provisions to Title 21 defining accessible parking spaces, incorporating federal standards for accessible parking spaces found in the Americans with Disabilities Act and adding additional requirements that enhance these standards and better reflect the needs of persons with disabilities in Delaware. The Act increases the penalty associated with violating the statute that prohibits individuals who do not possess a parking placard or special license plate from parking in accessible parking spaces, or in the access aisles located next to accessible parking spaces. This Act adds provisions in Titles 9 and 22 of the Delaware Code to require county and municipal governments to adopt regulations and ordinances incorporating these requirements for accessible parking spaces, including the requirement that property owners have a permit and inspection for new or modified accessible parking spaces, in order to	6/17/15 – Introduced and assigned to Public Safety & Homeland Security Committee 6/25/15 – Reported out of Committee

Bill No.	Description and Purpose	Action
HB 200 (continued)	increase compliance and uniformity statewide.	
HB 207	This is the first leg of a constitutional amendment that would increase the term of office for members of the House of Representatives to four years and members of the Senate to six years.	6/23/15 – Introduced and assigned to House Administration Committee
HB 209	This bill amends the zoning authority for the 3 counties to expressly provide that each county may, via its zoning processes, regulate parking and parking areas.	6/23/15 – Introduced and assigned to Housing & Community Affairs Committee; reassigned to Public Safety & Homeland Security Committee 6/25/15 – Reported out of Committee
SB 157	This legislation will bring the paramedic profession in line with all other medical professions certified through the Division of Professional Regulation Board of Medical Licensure and Discipline. It allows background investigations and disciplinary action to be taken in the event of unprofessional conduct as defined by the Division of Professional Regulation Board of Medical Licensure and Discipline, including behavior during professional activity that is likely to endanger the public's health, safety or welfare.	6/25/15 – Assigned to Sunset Committee in Senate
SB 158	When a community owner wishes to increase the rent in an amount greater than the applicable CPI-U, this Act would stipulate that the community owner can only increase or attempt to increase rent beyond the CPI-U once per year. All homeowners to be affected by this increase must receive notice of the request 90 days prior to the first meeting.	6/25/15 – Assigned to Community/County Affairs Committee in Senate



SPONSOR: Sen. McDowell & Sen. Bonini & Rep. Osienski & Rep. Keeley
Sens. Blevins, Cloutier, Hall-Long, Henry, Lopez, Poore, Sokola, Townsend; Reps. Barbieri, Baumbach, Briggs King, Heffernan, Longhurst, Mitchell, Mulrooney, Ramone, B. Short, D. Short

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE SUBSTITUTE NO. 1

FOR

SENATE BILL NO. 130

AN ACT TO AMEND TITLE 2, TITLE 9 AND TITLE 22 OF THE DELAWARE CODE RELATING TO
TRANSPORTATION AND LAND USE.

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

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

Chapter 21. Complete Community Enterprise District.

§ 2101 Declaration of Policy.

It is the policy of this State to:

(1) Encourage development that maximizes the economic value to the citizens and the government of the State of both existing and new transportation infrastructure.

(2) Strategically deploy transportation funds in ways that meet the mobility needs of the people of the State at the lowest total economic cost to the people and government of the State.

(3) Encourage transportation solutions that enable the formation of new households in the State that have less than one vehicle per adult worker.

§ 2102 Definitions.

As used in this chapter, unless the context indicates a different intent:

(a) "Complete Community Enterprise District" means an area of a city and/or county that meets the criteria set forth in § 2103 and 2104 of this title.

(b) "Department" means the Department of Transportation.

(c) "District" means a Complete Community Enterprise District, as defined by the criteria set forth in §

2104 of this title.

(d) "Farebox recovery ratio" is the fraction of a transit system's operating expenses which are met by the fares paid by passengers.

(f) "Isoperimetric quotient" is a measure of how compact a particular defined District is. It is the ratio of the area of the District to the area of a circle with the same perimeter as the District.

(g) "Parcel of land" means any quantity of land capable of being described with such definiteness that its locations and boundaries may be established, which is designated by its owner or developer as land to be used or developed as a unit or which has been used or developed as a unit.

(h) "Project" means any capital-related improvement and addition to the State's transportation infrastructure, including but not limited to transit systems, facilities, stations and equipment, sidewalks, multi-use paths, protected bike lanes and bicycle boulevards.

§ 2103 District designation.

(a) Any municipality, county or municipality/county partnership may enter into an agreement with the Department of Transportation to create a District.

(b) The municipality and/or county and the Department will agree on the boundaries of the District and create a Master Development Plan for the District that will subsequently be reviewed through the PLUS process and adopted into their Comprehensive Plan. The Master Development Plan may include the following:

1) A mix of parcels of land zoned for residential, commercial, light industrial and institutional uses, and a guide for the specific design of the physical form, public spaces and amenities of the District so that transit, walking and cycling are safe and comfortable modes of travel for all the residents of the District.

2) An agreement to modify the level of service requirements.

§ 2104 District requirements.

A Complete Community Enterprise District must meet all of the following requirements:

(a) The District is contiguous.

(b) The District is more than one square mile but less than nine square miles in area. (c) The District has a compact shape with an isoperimetric quotient of at least 0.7.

(d) All parcels of land zoned for residential use included in the District are zoned and otherwise regulated such that they may be developed at a density that is high enough to enable the provision of frequent transit service to the residents of the District.

(e) All development on all parcels of land included in the District is exempted from any municipal or county requirements for the provision of off-street parking.

(i) The total area of the District that is zoned for residential use is greater than the total area that is zoned for commercial or other uses. No parcel of land included in the District may be zoned commercial regional.

§ 2105 District policies.

Once a District has been created, the Department shall:

(a) Develop transit capital improvement projects with the goal of increasing transit ridership in the District that would result in a greater farebox recovery ratio.

(b) Identify the most significant barriers to more trips via walking and cycling in the District and develop capital improvement projects to overcome those barriers.

(c) Assign department capital improvement projects within a District the highest weight for Multi-Modal Mobility, Flexibility/Access, as well as the weight equivalent to projects in Transportation Improvement Districts through the Department's project prioritization process pursuant to Title 29 § 8419.

(d) Establish an engineering design goal of free flowing 85th percentile motor vehicle traffic speeds of 25 mph or less for all streets and roads that are not limited access in the District.

(e) Refrain from developing any projects that expand road capacity in the District unless the Department can demonstrate that such projects will have no negative effect on transit access, pedestrian safety or on the percentage of trips that can be made by bicycle under low traffic stress conditions.

Section 2. Amend Chapter 26 of Title 9 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 2662 Highway capacity.

The County Council shall not approve any proposed change in the zoning classification for land (i.e., any "rezoning request") without first complying with ~~the following procedures:~~ either procedures (1) through (4) or with procedure (5):

(5) The County Council, through its designated planning agency, shall establish an agreement with the Delaware Department of Transportation (DelDOT) to designate a Complete Community Enterprise District as described in § 2103 and § 2104 of Title 2.

Section 3. Amend Chapter 49 of Title 9 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§ 4962 Highway capacity.

The county Council shall not approve any proposed change in the zoning classification for land (i.e., any "rezoning request") without first complying with ~~the following procedures:~~ either procedures (1) through (4) or with procedure (5):

79 (5) The County Council, through its designated planning agency, shall establish an agreement with the Delaware
80 Department of Transportation (DelDOT) to designate a Complete Community Enterprise District as described in § 2103
81 and § 2104 of Title 2.

82 Section 4. Amend Chapter 69 of Title 9 of the Delaware Code by making insertions as shown by underlining and
83 deletions as shown by strikethrough as follows:

84 § 6962 Highway capacity.

85 The county government shall not approve any proposed change in the zoning classification for land (i.e., any
86 "rezoning request") without first complying with ~~the following procedures: either procedures (1) through (4) or with~~
87 procedure (5):

88 (5) The County Council, through its designated planning agency, shall establish an agreement with the Delaware
89 Department of Transportation (DelDOT) to designate a Complete Community Enterprise District as described in § 2103
90 and § 2104 of Title 2.

91 Section 5. Amend Chapter 3 of Title 22 of the Delaware Code by making insertions as shown by underlining as
92 follows:

93 § 312 Complete Community Enterprise Districts.

94 For any or all the purposes provided in § 301 of this title, the legislative body of the municipality may amend its
95 zoning regulations for parcels of land as part of a Complete Community Enterprise District established in § 2103 and 2104
96 of Title 2.

SYNOPSIS

This substitute bill includes the changes made in Senate Amendment No. 2. This bill defines criteria for any local government to promote economic development by entering into an agreement with the Department of Transportation to create transit-oriented development districts, called "Complete Community Enterprise Districts". Complete Community Enterprise Districts may be designated in downtown or urban core areas, traditional towns or villages, or regional activity centers. They are characterized by their mix of land uses, efficient use of public infrastructure, efficient use of public services and multiple modes of public transportation combined with environmentally friendly private transportation.

Author: Senator McDowell



SPONSOR: Rep. D. Short & Rep. Carson & Rep. Dukes & Rep. B. Short & Sen. Ennis;
Reps. Hudson, Collins, Gray, Hensley, Kenton, Miro, Outten, Ramone, Spiegelman, Wilson, Yearick, Barbieri, Brady, Q. Johnson, Mulrooney, Paradee; Sens. Bonini, Hocker, Lavelle, Lawson, Lopez

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 194

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO LINEAR WATER AND WASTEWATER UTILITY PROJECTS.

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

Section 1. Amend Chapter 40, Title 7 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4004 Applicability.

(a) The provisions of this chapter shall not apply to agricultural land management practices unless the conservation district or the Department determines that the land requires a new or updated soil and water conservation plan, and the owner or operator of the land has refused either to apply to a conservation district for the development of such a plan, or to implement a plan developed by a conservation district.

(b) Unless a waiver is granted the construction of agricultural structures such as broiler houses, machine sheds, repair shops, and other major buildings shall require approval of a sediment and stormwater management plan, by the appropriate plan approval agency, prior to the initiation of construction.

(c) Utility projects disturbing less than 5,000 square feet of land are not subject to the provisions of this chapter.

(d) Linear water and wastewater utility projects that have a maximum width of disturbance of 25 feet or less are not subject to the provisions of this chapter.

Section 2. Amend Chapter 60, Title 7 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 6029 Limitations on scope of chapter.

This chapter shall not apply to or change the existing law in respect to:

18 (1) The landowner's right to place a dam across a gully on his or her property or across a stream that originates on
19 that landowner's property where provision is made for continued established average minimum flow occurring for 7
20 consecutive days within the lowest flow year of record; or

21 (2) The right to build and maintain a dam or construct a pond and divert water from any stream on any stream
22 having a minimum flow of not more than 1/2 million gallons of water per day, and utilize up to 360 acre inches of the
23 impounded water per year so long as such action does not affect the established average minimum flow in the stream below
24 the dam at any time; or

25 (3) Ponds not larger than 60,000 square feet constructed for purposes of conservation, recreation, propagation and
26 protection of fish and wildlife, watering of stock or fire protection.

27 (4) Linear water and wastewater utility projects that have a maximum width of disturbance of 25 feet or less.

SYNOPSIS

The expansion of modern drinking water distribution systems and wastewater collection systems by local governments and regulated utilities is of paramount importance to the protection and conservation of the water resources of Delaware. This bill encourages the expansion of water and wastewater systems by providing an exemption for linear utility projects not greater than 25 feet in width from erosion and sediment control regulations that are overly burdensome on such projects.



SPONSOR: Rep. Mitchell & Sen. Blevins
Rep. Baumbach

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 192

AN ACT TO AMEND TITLE 22 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF FIREARMS, AMMUNITION, AND EXPLOSIVES IN MUNICIPAL BUILDINGS AND POLICE STATIONS BY NON-LICENSED PERSONS.

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

Section 1. Amend § 111, Title 22 of the Delaware Code, by making insertions as shown by underlines as follows:

(a) The municipal governments shall enact no law, ordinance or regulation prohibiting, restricting or licensing the ownership, transfer, possession or transportation of firearms or components of firearms or ammunition except that the discharge of a firearm may be regulated; provided any law, ordinance or regulation incorporates the justification defenses as found in Title 11. Nothing contained herein shall be construed to invalidate municipal ordinances existing before July 4, 1985, and any ordinance enacted after July 4, 1985, is hereby repealed. Notwithstanding the provisions of this section to the contrary, the City of Wilmington may, in addition to the nature and extent of regulation permitted by this section, enact any law or ordinance governing the possession or concealment of a paintball gun within its corporate limits as it deems necessary to protect the public safety.

(b) Subsection (a) notwithstanding, municipal governments may adopt ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and municipal buildings which contain all of the provisions contained in this subsection. Any ordinance adopted by a municipal government regulating possession of firearms, ammunition, components of firearms, or explosives in police stations or municipal buildings shall require that all areas where possession is restricted is clearly identified by a conspicuous sign posted at each entrance to the restricted area. The sign may also specify that persons in violation may be denied entrance to the building or be ordered to leave the building. Any ordinance adopted by municipal governments relating to possession in police stations or municipal buildings shall also state that any person who immediately foregoes entry or immediately exits such building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating the ordinance. Municipal governments may establish penalties for any intentional violation of such ordinance as deemed necessary to protect public safety. An ordinance adopted by the municipal government shall not prevent the following in municipal buildings or police stations: (1) possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

22 (2) law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition or
23 explosives; (3) law enforcement agencies conducting firearms safety and training programs; (4) law enforcement agencies
24 from conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police
25 stations or municipal buildings; (5) compliance by persons subject to protection from abuse court orders; (6) carrying
26 firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or §1441A of Title 11 of this Code
27 so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others; (7) officers
28 or employees of the United States duly authorized to carry a concealed firearm; or (8) agents, messengers and other
29 employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other
30 property and are engaged in the lawful execution of such duties.

31 (c) For the purposes of this subsection, "municipal building" means a building where a municipal government
32 entity meets in its official capacity or containing the offices of elected officials and of public employees actively engaged in
33 performing governmental business but excluding any parking facility; provided, however, that if such building is not a
34 municipally owned or leased building, such building shall be considered a municipal building for the purposes of this
35 section only during the time such government entity is meeting in or occupying such a building.

SYNOPSIS

This act establishes that municipal governments may pass ordinances regulating the possession of firearms, ammunition, components of firearms, and explosives in municipal buildings and police stations subject to specific requirements. The act further allows municipalities to establish penalties for violation by ordinance.



SPONSOR: Rep. Mitchell & Rep. Lynn & Sen. Blevins

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 201

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO THE POSSESSION OF FIREARMS, AMMUNITION, AND EXPLOSIVES IN COUNTY BUILDINGS AND POLICE STATIONS BY NON-LICENSED PERSONS.

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

Section 1. Amend § 330, Title 9 of the Delaware Code, by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

(d) Notwithstanding subsection (c) of this section, county governments may adopt ordinances regulating the possession of firearms, ammunition, components of firearms, or explosives in police stations and county buildings which contain all of the provisions contained in this subsection. Any ordinance adopted by a county government regulating possession of firearms, ammunition, components of firearms, or explosives in police stations or county buildings shall require that all areas where possession is restricted is clearly identified by a conspicuous sign posted at each entrance to the restricted area. The sign may also specify that persons in violation may be denied entrance to the building or be ordered to leave the building. Any ordinance adopted by county governments relating to possession in police stations or county buildings shall also state that any person who immediately foregoes entry or immediately exits such building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating the ordinance. County governments may establish penalties for any intentional violation of such ordinance as deemed necessary to protect public safety. An ordinance adopted by the county government shall not prevent the following in county buildings or police stations:

(1) possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers;

(2) law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition or explosives;

(3) law enforcement agencies conducting firearms safety and training programs;

(4) law enforcement agencies from conducting firearm or ammunition public safety programs, donation, amnesty, or any other similar programs in police stations or municipal buildings;

22 (5) compliance by persons subject to protection from abuse court orders;

23 (6) carrying firearms and ammunition by persons who hold a valid license pursuant to either § 1441 or
24 §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or
25 for self-defense or defense of others;

26 (7) officers or employees of the United States duly authorized to carry a concealed firearm;

27 (8) agents, messengers and other employees of common carriers, banks, or business firms, whose duties
28 require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.

29 (e) For the purposes of this section, "county building" means a building where a county government entity meets
30 in its official capacity or containing the offices of elected officials and of public employees actively engaged in performing
31 governmental business but excluding any parking facility; provided, however, that if such building is not a county owned or
32 leased building, such building shall be considered a county building for the purposes of this section only during the time
33 such government entity is meeting in or occupying such a building.

SYNOPSIS

This act establishes that county governments may pass ordinances regulating the possession of firearms, ammunition, components of firearms, and explosives in county buildings and police stations subject to specific requirements. The act further allows counties to establish penalties for violation by ordinance.



SPONSOR: Sen. McDowell & Sen. Sokola & Rep. Mulrooney & Rep. Osienski
Sens. Blevins, Hall-Long, Henry, Marshall, McBride, Townsend; Reps. Baumbach, Bolden, Brady, Carson, Keeley, Lynn, Ramone, B. Short

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 137

AN ACT TO AMEND TITLE 14 AND TITLE 29 OF THE DELAWARE CODE RELATING TO THE ESTABLISHMENT OF A COMMUNITY COLLEGE INFRASTRUCTURE FUND.

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

1 WHEREAS, Delaware's Community College System consists of over forty (40) buildings totaling 1.3 million
2 square feet that is situated on approximately 352 acres across four campuses located in each county of the State and the City
3 of Wilmington; and

4 WHEREAS, sixty-seven percent (67%) of the College's facilities are more than 25 years old and by 2020, eighty
5 percent (80%) of the College's facilities will be more than 25 years old and fifty percent (50%) will be more than 40 years
6 old; and

7 WHEREAS, the replacement cost of the College's aging infrastructure is approximately \$400 million. According
8 to industry standards, the College should be re-investing \$12 million annually to maintain the College's existing
9 infrastructure. However, over the past 10 years, the College has received an average of only \$4.2 million for maintenance
10 and MCI, thereby resulting in \$84.2 million in deferred maintenance alone. If not addressed, deferred maintenance is
11 projected to exceed \$100 million by 2020; and

12 WHEREAS, in addition to deferred maintenance, the College has a critical need to build, renovate and/or expand
13 its academic and student support facilities in each county and the City of Wilmington at a current cost of approximately \$70
14 million so that it can continue to address Delaware's economic and workforce development needs; and

15 WHEREAS, Ninety-six percent (96%) of the 20,366 credit students enrolled in Delaware's Community College
16 system are Delawareans, and eighty-five percent (85%) stay and work in Delaware after graduation; and

17 WHEREAS, Delaware Tech receives students from all 19 Delaware School Districts and has 184 transfer
18 agreements with four-year schools and were hired by over 600 Delaware businesses last year; and

19 WHEREAS, a recent independent study revealed that Delaware Tech students who entered the workforce added
20 over \$976.4 million to the state economy in 2014, and that for every \$1 spent on the College returned \$10 in economic
21 benefit to Delaware; and

22 WHEREAS, Delaware's Community College System is in dire need of a stable and predictable funding source to
23 finance its capital projects and deferred maintenance to ensure its continued contribution to Delaware's economy.

24 NOW, THEREFORE:

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

27 Section 1. Amend §7422(a)(2), Title 29 of the Delaware Code by making deletions as shown by strikethrough and
28 insertions as shown by underlining as follows:

29 § 7422 Limitations on debt and other obligations.

30 (a) For the purposes of this section:

31 (1) "Aggregate maximum annual payments" on all tax supported obligations and all Transportation Trust
32 Fund debt obligations outstanding, (plus certain lease obligations as described in subsection (c) of this section),
33 means the maximum payments due with respect to all such obligations in any 1 fiscal year. In any case where the
34 terms of any such obligation include limitations on the incurrence of additional debt, the determination of
35 maximum annual payments with respect to such obligation shall be determined consistently with those terms.

36 (2) "Tax supported obligations of the State" means: (A) All obligations of the State or any agency or
37 authority thereof to which the State's full faith and credit is pledged to pay directly or by guarantee (provided that
38 any such guaranteed obligations shall be included only to the extent any such obligations are in default); and (B)
39 all obligations of the State or any agency or authority thereof extending beyond 1 year with respect to the lease,
40 occupancy or acquisition of property which are incurred in connection with debt financing transactions (e.g.,
41 certificates of participation) and which are payable from taxes, fees, permits, licenses and fines imposed or
42 approved by the General Assembly. Tax supported obligations do not include: (A) Obligations incurred to acquire
43 a like principal amount of full faith and credit obligations issued by a local school district to the extent such local
44 school district obligations are not in default; (B) any obligations of the Delaware Transportation Authority; (C)
45 any tax or other revenue anticipation notes or bonds of the State; ~~or~~ (D) any obligations to the extent that the debt
46 service with respect thereto is reasonably expected to be offset (as determined by the Secretary of Finance) by
47 lease payments, user fees, federal grants or other payments from some source other than the General Fund. Such
48 payments shall be used expressly for the purpose of paying such debt service; or (E) obligations incurred to

acquire a like principal amount of promissory notes and/or bonds issued by Delaware Technical and Community College and secured by the Community College Infrastructure Fund, to the extent such notes and/or bonds of the College are not in default.

(3) "Transportation Trust Fund debt obligations" means all debt obligations of the Delaware Transportation Authority, including all obligations extending beyond 1 year with respect to the lease, occupancy or acquisition of property which are incurred in connection with debt financing transactions (e.g., certificates of participation), and which in any case are payable from the Transportation Trust Fund. Transportation Trust Fund debt obligations do not include any obligations to the extent that the debt service with respect thereto is reasonably expected to be offset (as determined by the Secretary of Finance) by lease payments, user fees, federal grants or other payments from some nonstate source.

Section 2. Amend §9101, Title 14 of the Delaware Code, by making deletions as shown by strikethrough and insertions as shown by underlining as follows:

§ 9101 Definitions.

As used in this chapter:

(1) "Board" means the Board of Trustees of the Delaware Technical and Community College.

(2) "Institution" means such institutions of higher learning as may be from time to time established by the Board.

(3) "The College" means the Delaware Technical and Community College.

(4) "Fund" means the Community College Infrastructure Fund.

Section 3. Amend Title 14, Chapter 91 of the Delaware Code, by designating the existing provisions as "Subchapter I" and by adding a new subchapter thereto as follows:

"Subchapter II

Community College Infrastructure Fund

§9130. Establishment of Fund and Purpose.

(a) There is hereby established within the Department of Finance a special account to be known as the Community College Infrastructure Fund.

(b) The purpose of the Fund shall be to pay the costs associated with major and minor capital improvements deemed necessary by the Board for the sound expansion and development of the College, including equipping buildings and facilities, together with the incidental acquisition of land; for the payment of costs associated with the maintenance and preservation of major and minor capital improvements; for the payment of costs associated with enhancements to

educational technology; and for the payment of principal and interest on promissory notes issued by the College pursuant to this subchapter. No portion of the fund shall be used to pay operating expenses.

(c) The Fund may also be used to pay for expenses associated with the issuance of promissory notes by the College or any expenses associated with the issuance of bonded indebtedness by the State to acquire a like principal amount of promissory notes and/or bonds issued by the College; and for the purpose of refunding or refinancing outstanding issues of such bonds issued by the State.

§ 9131 Power of Board to levy taxes.

(a) The Board may, in addition to the amounts appropriated to it by the General Assembly, levy and collect additional taxes upon the assessed value of the real estate in each county, as determined and fixed for county taxation purposes, to support the Fund. The amount to be raised by taxation shall not exceed 10 cents on each \$100 value of real property.

(b) In the event a general reassessment of all real estate in a county changes the total assessed valuation of the property located within such county, the Board shall calculate a new tax rate which, at its maximum, would realize no more than 10 percent increase in actual revenue over the revenue derived by real estate tax levied in the fiscal year immediately preceding such reassessed real estate valuation.

§ 9132 Establishment and notification of tax rate.

(a) The Board shall use the assessment list of the county in which the tax will be levied to determine all the taxables of the county, the property of each taxable and the assessed value thereof.

(b) The Board shall, no later than the second Thursday in July, deliver its warrant, with a duplicate of the assessment list, to the receiver of taxes and county treasurer of each county of this State.

§ 9133 Collection, deposit and disbursement of taxes.

(a) The Department of Finance for New Castle County and the Receiver of Taxes and County Treasurer for Kent and Sussex Counties shall collect such taxes in the same manner and at the same time as provided by law for the collection of taxes for other purposes; provided, however, that in New Castle County the Department of Finance and the Receiver of Taxes and County Treasurer in Kent and Sussex Counties shall allow no abatement or discount upon any taxes levied for school purposes required to be collected by them; and shall, after September 30 in the year in which the tax rolls shall be delivered to them, add to the taxes to be paid thereafter a penalty of one half of 1 percent per month until the same shall be paid.

106 (b) All money collected for the benefit of the Fund shall be paid to the State Treasurer and shall be deposited by
107 the State Treasurer in a separate account to the credit of the College and designated the Community College Infrastructure
108 Fund. The Fund may be divided into one or more sub-accounts as determined by the College.

109 (c) The Secretary of Finance is hereby authorized and directed to draw warrants or drafts on such fund in the
110 amount of the principal of and interest on the State bonds or other obligations incurred to acquire a like principal amount of
111 the College's promissory notes and/or bonds as the same shall become due and payable, and to deposit such money, so
112 drawn, to the credit of the General Fund of the State.

113 §9134. Report of collections and payment of sums collected; Disbursement.

114 (a) The Department of Finance for New Castle County and each Receiver of Taxes and County Treasurer for Kent
115 and Sussex Counties shall, on the first day of each month, make a report to the College and the State Treasurer of all taxes
116 collected in the previous month. The forms shall show a complete breakdown of taxes collected for the benefit of the Fund,
117 and such other information as may be requested by the College.

118 (b) All monies collected for the benefit of the Fund shall be paid over to the State Treasurer not less than once
119 each calendar month.

120 (c) Warrants or drafts on the said Fund shall be drawn by the College and applied only for the purpose set forth
121 herein.

122 § 9135 Power of Board to issue promissory notes and/or bonds.

123 The Board may issue promissory notes and/or bonds payable to the State for the purpose of carrying out any plan
124 or program for the acquisition of lands or the acquisition or construction of buildings or for improvements to lands or
125 buildings, or the acquisition of equipment as may be authorized by this title when such plan or program shall have been
126 approved by the Joint Committee on Capital Improvement.

127 § 9136 Temporary use of funds.

128 The Board may advance funds which by law may be used only for stated purposes and which are not immediately
129 required for the purpose or purposes for which the same were raised, or otherwise made available for the purpose or
130 purposes for which an issue of bonds has been authorized. Suitable records shall be kept of the temporary application of
131 such funds. Such funds shall be made again available to the College from the proceeds of such bonds, or from the proceeds
132 of the sale of bond anticipation notes issued in anticipation of the sale of such bonds.

133 § 9137 Faith and credit of College; exemption of bonds from taxation.

134 The faith and credit of the College is hereby expressly pledged for the full and complete payment of the principal
135 of and interest on any promissory notes and/or bonds authorized to be issued under this chapter, and the said bonds shall be

exempt from taxation, with respect to both principal and interest, by the State or any political subdivision thereof for any purpose.

§ 9138 Validity of bonds; incontestability.

When any bonds shall be sold and delivered pursuant to this chapter, the certification by the Board that the bonds have been issued in due compliance with this chapter shall be conclusive upon the college and all and every other person whatsoever of the right, power and authority for the issuance of said bonds and the legality and validity thereof and of the principal debt and interest represented thereby, and the legality and validity of such bonds shall thereafter not be subject to question in any court by the college or by any person for or on its behalf, and this provision shall be and become part of the contract and obligation represented by each such bond.

§ 9139 Procedure governing sale of bonds to State.

The Board shall sell any bonds to be issued pursuant to the authority contained in this chapter or pursuant to any other provision of law to the State at private sale. The State may require that the validity of the bonds be approved by the Attorney General or the Attorney General's designate. The Board shall cause a complete record of the proceedings taken in relation to the issuance of the bonds to be made and kept with the other records of the Board.

§ 9140 Terms and form of bonds.

The bonds shall be in such denomination or denominations, in such form and shall bear such rate of interest as shall be determined by the State pursuant to § 7506 of Title 29; provided, however, that the Board shall be consulted regarding the term of such bonds. The bonds shall bear interest from and after their date, payable semiannually on the days designated in the bonds. The bonds shall consist of a single bond registered as to both principal and interest with the principal thereof payable in installments and interest thereon payable semiannually. The amounts of principal payable and the dates on which such payments are due shall be noted on the bond form. The dates on which the interest is due shall also be noted on the bond form. Such bonds shall be payable in serial installments beginning not more than 1 year after the date of the bonds and ending not more than 20 years after such date; the amount of any installment payable in any 1 year, except the last year, shall be not less than 1/20 of the aggregate principal amount of the bonds of such issue.

§ 9141 Designation, numbering and date of bonds.

Any bonds issued pursuant to this chapter shall be designated by the name of the College and the year in which the bonds are issued. The bonds shall be numbered consecutively and shall bear date as of the date approved by the Board. Each of the bonds shall be numbered consecutively and the coupons attached thereto shall bear the same number as the bond itself.

§ 9142 Place of payment of principal and interest.

The principal of and interest on the bonds shall be payable at a state or national bank within or without the State designated by the issuing officers as that term is defined in § 7401 of Title 29.

§ 9143 Signing and sealing bonds.

The bonds shall be signed by the president or chairperson and 1 other member of the Board. The Board may adopt a seal to be used in the execution of the bonds. The Board may, in lieu of the signatures required by this section, authorize by special resolution that the signatures of the persons required to sign the bonds may be engraved or facsimiles thereof printed or otherwise transcribed upon the bonds and when such engraved or facsimile signatures shall be so authorized and engraved, printed or otherwise impressed upon said bonds they shall have the same effect as written signatures of such persons.

§ 9144 Temporary bonds.

Until bonds in definite form can be prepared, the Board may cause temporary bonds with appropriate coupons to be prepared which shall be executed and signed as provided in §§ 9140-9143 of this title, which said temporary bonds shall be exchangeable for definitive bonds at the request of the holder.

§ 9145 Cancellation and destruction of paid bonds.

After any bonds issued under the authority of this chapter or the coupons annexed thereto shall have been paid, they shall be immediately cancelled, a record of payment shall be made and the bonds or coupons destroyed.

§ 9146 Replacement of lost, destroyed or defaced bonds.

(a) The Board may issue a new bond to replace an unmatured bond which has been lost, destroyed or defaced, upon the written request of the owner thereof, the owner's legal representatives, successors or assigns, and upon giving:

(1) Proof of ownership;

(2) Proof of loss or destruction, or, in the case of a defaced bond, the bond and coupons, if any;

(3) Adequate security to indemnify the college and the bank or banks at which the bond and coupons are payable against any loss that may be suffered on account of such replaced bond and coupons; and

(4) Payment of the cost of preparation of the new bond and coupons, if any.

(b) Any new bond and coupons shall be executed by the officials (including, a member of the Board) in office at the time of such replacement and shall bear the seal of the College. The coupons, if any, shall be signed by the facsimile of the signatures of the appropriate officers. There shall be endorsed on the new bond a statement in substantially the following form:

"This bond has been reissued to replace a lost, destroyed or defaced bond."

195 (c) The replacement shall be authorized by a resolution of the Board which shall set forth a copy of the written
196 request of the owner, the owner's legal representatives, successors or assigns, and the designation, date, maturity, interest
197 rate, denomination and number of the replaced bond.

198 § 9147 Rules and regulations governing fiscal records pertaining to bonds.

199 The Permanent Budget Commission shall promulgate and enforce rules and regulations governing the fiscal
200 records to be maintained by the State Treasurer and the college pertaining to bonds of such college.

201 § 9148 Taxing power of Board.

202 The authority to issue bonds shall be construed to be authority to provide funds for the payment of the interest and
203 annual payments on such bonds, which without further authority shall be provided for by an additional tax levy on the
204 property subject to taxation in each county of the State in such amount as shall be determined by the Board within the
205 limitations contained in § 9131 of this title.

SYNOPSIS

Delaware's Community College System plays a critical role in the State's economy by providing workforce development and transfer education that connects Delawareans with good paying jobs within the State and region. This Act gives the College's Board of Trustees the authority to issue bonds to finance the cost of major and minor capital improvements, deferred maintenance, and the acquisition of related equipment and educational technology associated therewith and establishes the Community College Infrastructure Fund to pay the principal and interest on such bonds. This Act adopts the county vo-tech structure to finance the Fund by authorizing the College's Board of Trustees to collect a local property tax subject to a cap.

Author: Senator McDowell



SPONSOR: Sen. Bushweller & Sen. Pettyjohn & Rep. Carson
Reps. Bennett, Briggs King, Lynn, Paradee

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 149

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO PROPERTIES OWNED BY THE STATE.

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

Section 1. Amend Title 29 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 8318 Compensatory payments for certain exempt properties owned by the State.

(a) The county seat in each county shall appraise and assess real property taxes on all property owned by the State excluding properties owned by the Delaware Housing Authority, Delaware Solid Waste Authority, Delaware State University, or the University of Delaware, lying within their respective city limits. Each county seat shall annually submit statements of these appraisals and assessments unto the Secretary of the Department of Finance, said assessments and appraisals to be in accordance with their respective procedures for appraising and assessing real property.

(b) The Secretary of Finance shall examine and inspect the aforementioned assessment and appraisals and shall have all rights to question the assessments and appeal any decisions regarding the same. If the Secretary of Finance is satisfied that the assessments and appraisals are accurate, then the Secretary shall direct payment of the tax assessed to the County Seat, ~~according to the following schedule:~~

~~(1) For those county seats with a population between 0—50,000 residents, the Secretary shall direct a payment of 30.8% of the tax assessed to said county seats.~~

~~(2) For those county seats with a population above 50,000 residents, the Secretary shall direct a payment of 100.0% of the tax assessed to said county seats.~~

(c) The total amount of payments made by the Secretary with respect to all county seats shall not exceed \$3,000,000 in any state fiscal year.

(d) In any fiscal year, if total compensatory payments, as calculated under subsection (a) of this section, exceeds the amount allocated in subsection (c) of this section, then the payments to be received by each county seat shall be the product of \$3,000,000 multiplied by a fraction, the numerator of which is the payment that would otherwise be due to a county seat under subsections (a) and (b) of this section and the denominator is the total of all compensatory payments that

23 would otherwise be due to all county seats pursuant to subsections (a) and (b) of this section. The Secretary of Finance has
24 the right to withhold payment to any county seat until the assessments and appraisals of all 3 counties have been submitted
25 and verified.

SYNOPSIS

This legislation removes the disparate treatment of counties, making all three county seats eligible for the same percentage of reimbursement of real property taxes.

Author: Senator Bushweller



SPONSOR: Rep. Viola & Rep. Hudson & Sen. Poore
Reps. Heffernan, Kowalko, Matthews, Ramone

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 200

AN ACT TO AMEND TITLES 9, 21, AND 22 OF THE DELAWARE CODE RELATING TO ACCESSIBLE PARKING SPACES.

1 WHEREAS, the number and quality of accessible parking spaces for persons with disabilities varies widely
2 throughout the state; and

3 WHEREAS, federal standards for accessible parking do not meet the needs of most persons with disabilities using
4 accessible parking; and

5 WHEREAS, there is inconsistent application of existing standards for accessible parking spaces, and enforcement
6 of those standards is poor; and

7 WHEREAS, individuals in this state continue to park illegally in accessible parking spaces to the detriment of
8 persons with disabilities and the establishments that provide goods and services to those persons;

9 NOW, THEREFORE,

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

12 Section 1. Amend § 4183, Title 21 of the Delaware Code by making deletions as shown by strike through and
13 insertions as shown by underline as follows:

14 § 4183 Parking areas for vehicles being used by persons with disabilities.

15 (a) For purposes of this section, the term "vehicle being used by a person with a disability" means a vehicle:

16 (1) That displays a valid special license plate issued pursuant to § 2134 of this title on the rear of the vehicle,
17 or that displays a valid parking placard issued pursuant to § 2135 of this title on the front windshield rearview mirror of
18 the vehicle or, if there is no mirror, on the dashboard, or that displays a valid plate, placard or other item issued under a
19 similar statute in another state or country; and

20 (2) In which the person for whom the plate or placard is issued is either the operator or a passenger or, in the
21 case of an organization, in which a person who is entitled to obtain a permanent or temporary placard is a passenger.

(b) With the exception of a vehicle being used by a person with a disability, it is unlawful to park on public or private property any vehicle in any area under the control of the Department of Transportation or a local authority within its respective jurisdiction or under the control of an owner or lessee of private property that is designated as a parking space or zone for persons with disabilities which limit or impair the ability to walk and that is conspicuously marked as such. For purposes of this section, "conspicuously marked" means that a vertical sign has been placed at an approximate height of at least 5 feet but no more than 7 feet when measured from the surface directly below the sign to the top of the sign for each parking space or zone. The sign must substantially follow federal specifications that identify a parking zone or space as one for persons with disabilities which limit or impair the ability to walk. A sign at least 12 inches wide by 18 inches tall that includes the internationally recognized wheelchair symbol of access substantially follows federal specifications. These requirements may not be construed to preclude additional markings, such as the international wheelchair symbol or a striped extension area painted on the space or zone, or a tow-away warning sign substantially complies with the requirements for an accessible parking space, as defined in § 4183A of this title.

(c) Upon the discovery on private property of a vehicle, other than a vehicle being used by a person with a disability, in a designated parking space or zone for persons with disabilities that substantially complies with the requirements for an accessible parking space as defined in §4183A of this title, the owner or lessee of the private property may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles. Any costs of removal and storage must be borne by the owner or operator of the vehicle. Upon the discovery of a vehicle illegally parked in a designated parking space that substantially complies with the requirements for an accessible parking space as defined in §4183A of this title or zone for persons with disabilities that is under the control of the Department of Transportation or local authorities, the State Police, county police or municipal police having jurisdiction may cause the illegally parked vehicle to be removed to a private storage area maintained for the safe storage of vehicles. Any costs of removal and storage must be borne by the owner or operator of the vehicle.

(d) In addition to unlawful parking on public or private property ~~in a space in an accessible parking space or zone for persons with disabilities~~, the following acts are prohibited on both public and private property and may be enforced pursuant to this section:

- (1) Creating or using a counterfeit license plate or parking placard, as described in § 2134 or § 2135 of this title;
- (2) Altering a license plate or parking placard issued pursuant to § 2134 or § 2135 of this title;

(3) Parking on a striped area or access aisle within or adjacent to a an accessible parking space that substantially complies with the requirements of § 4183A of this title. ~~or zone designated for a vehicle being used by a person with a disability;~~

(4) Being the person or organization to whom a license plate or parking placard has been issued pursuant to § 2134 or § 2135 of this title, allowing another to use the plate or placard; or

(5) Parking a vehicle with a license plate or placard issued pursuant to § 2134 or § 2135 of this title ~~in a space or zone defined in subsection (b) of this section~~ in an accessible parking space that substantially complies with the requirements of § 4183A of this title. unless a person on whose behalf a special license plate or placard has been issued is being transported.

(e) A uniform parking summons may be attached to an unattended vehicle found in violation of this section by a person authorized to issue a summons for a violation of this section. It is prima facie evidence that the person or organization in whose name the unattended vehicle is registered is responsible for the violation. The owner or operator of the unattended vehicle may mail or deliver the summons and the designated fine and costs directly to the court identified on the summons instead of appearing before the court for arraignment on the charge, provided that the owner or operator identifies himself, herself or itself and that the summons and fine and costs are received by the court at least 2 days before the arraignment date designated on the summons.

(f) A person or organization who violates any provision of this section shall receive a mandatory fine of ~~\$100~~ \$250 for a first offense, and for a subsequent like offense, a mandatory fine of ~~\$200~~ \$500 or a term of imprisonment of not less than 10 nor more than 30 days, or both. In addition, a person or organization who holds a valid special license plate or parking placard issued pursuant to § 2134 or § 2135 of this title and who violates paragraph (d)(1), (2), or (4) of this section may receive an additional penalty of up to a 6-month suspension or the permanent revocation of the plate or placard. If a plate is suspended or revoked pursuant to this subsection, the person may apply for and be issued a regular license plate.

(g) The Superintendent of the State Police is authorized to appoint State Police Academy cadets to enforce this section within the unincorporated areas of each county. Cadets appointed pursuant to this subsection must be at least 18 years of age. The Superintendent may establish other qualifications considered necessary or desirable.

(h) A summons issued by a cadet appointed by the Superintendent pursuant to subsection (f) of this section has the same force and effect as a summons issued by the State Police.

(i) Fines collected from summonses issued by the State Police or by cadets appointed pursuant to subsection (f) of this section must be deposited into the General Fund.

(j) The authority of the State Police or a cadet appointed by the Superintendent to enforce this section is not limited by any jurisdictional agreement between the State Police and any local law-enforcement agency.

Section 2. Amend Title 21 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

Section 4183A Requirements for Design, Construction and Maintenance of Accessible Parking Spaces.

(a) “Accessible parking space” is defined as any parking space or parking zone designated by an owner or lessee of any public or private property for use by a “vehicle being used by or for a person with disability”, as defined in §4183 of this title.

(b) Where accessible parking spaces are provided, they shall be designed and constructed in compliance with the requirements of this section and with the applicable regulations promulgated by the United States Department of Justice and the United States Department of Transportation under the Americans with Disabilities Act, Titles II and III, the Guidelines for Pedestrian Facilities in Public Rights of Way, when such Guidelines are adopted and codified in the United States Code of Federal Regulations, any applicable building code adopted by any county or municipality, and any statewide building code, all as they may be amended.

(c) In addition to meeting the standards for accessible parking spaces in subsection (b) of this section, any applicable building code adopted by any county or municipality, and any statewide building code, all accessible parking spaces shall meet the following requirements:

(1) Accessible parking spaces shall be a minimum of 108 inches wide, in addition to a mandatory 60 inch access aisle. Van accessible spaces shall be a minimum of 144 inches wide with an access aisle of 60 inches, or 108 inches wide if the access aisle is 96 inches wide.

(2) For every five accessible parking spaces required by law, one additional space shall be reserved for wheelchair and scooter users only, in addition to designating any required van accessible spaces.

(3) Each accessible parking space shall have a sign that shall be clearly visible to a person parking in the space, at a minimum height of 60 inches, shall be marked with the International Symbol of Access, shall indicate that the space is reserved for vehicles with plates and/or permits issued to persons with persons with disabilities under § 2134 and § 2135 of this title, and shall display the then current fines established in § 4183(f) of this title. Each accessible parking space shall be marked on both sides with a blue painted border.

(4) A van accessible space shall have an additional sign marked “Van Accessible” mounted below the sign. An accessible parking space reserved for wheelchair users shall have a sign that includes the words “Wheelchair/Scooter Users Only.”

(5) All access aisles shall have conspicuous signage to indicate that parking and obstruction of the access aisle is prohibited. Signs shall not obstruct or interfere with an accessible route and shall display the then current fines established in §4183(f) of this title.

(6) All access aisles shall be marked with a blue painted border around the perimeter; the area within the blue border shall be marked by 4 inch hatched lines painted diagonally on a 45 % angle to the blue border, in a color contrasting the aisle surface.

(7) All newly constructed or designed accessible parking spaces shall be designed and constructed such that a disabled driver or passenger will not be required to wheel or walk behind parked vehicles (other than their own). Unless prevented by local fire codes, accessible parking spaces shall be placed on the shortest accessible route to the accessible entrance.

(8) Accessible parking spaces and access aisles shall be maintained so as to meet the requirements of this section. Snow, ice and debris shall be removed as soon as is practicable. Access aisles shall remain clear of all obstructions, including without limitation, plowed snow, bicycle racks or shopping carts.

(d) The obligation to design and construct accessible parking spaces consistent with this section extends to all newly installed spaces, and to any existing accessible parking spaces whenever they are restriped, repainted, resurfaced, or otherwise altered, effective six months from the date of enactment. All accessible parking spaces shall comply with this section not later than three years from the date of enactment.

(e) No new accessible parking spaces and no existing accessible parking spaces owned or leased by any private entity or person shall be installed, and no existing accessible parking spaces shall be restriped, repainted, resurfaced or otherwise altered, until the county or municipal authority having jurisdiction over the construction or alteration of commercial buildings has issued a permit authorizing such action and has inspected the installation or modification of the space to ensure that it has been constructed or modified in accordance with this section.

Section 3. Amend §110, Title 22 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 110 Parking spaces for use by persons with disabilities.

(a) The county government of each of the 3 Delaware counties shall, on or before ~~January 1, 2004~~ July 1, 2016, and the municipal government of each incorporated municipality within each county shall, on or before ~~March 1, 2004~~ July 1, 2016 adopt regulations or ordinances regarding the duty of individuals and artificial entities to ~~erect~~ construct and maintain ~~signage on parking spaces or zones for use by persons with disabilities~~ accessible parking spaces consistent with § 4183A of Title 21.

(b) The county government of each of the 3 Delaware counties shall, on or before July 1, 2016, and the municipal government of each incorporated municipality within each county shall, on or before July 1, 2016 adopt regulations or ordinances requiring that no new accessible parking space shall be constructed and no existing accessible parking space shall be installed, restriped, repainted, resurfaced or otherwise altered until the county government or municipality has issued a permit authorizing such action and has inspected the construction or modification of the space to ensure that it is compliant.

~~(b) (c)~~ The ~~signage~~ regulations or ordinances adopted pursuant to subsection (a) and (b) of this section must include an enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a written warning to an individual or artificial entity who is required ~~to erect and maintain signage~~ construct and maintain accessible parking spaces, but has failed to do so, consistent with the obligations under § 4183A of Title 21. If, after 30 days from the date that a warning is issued, the individual or artificial entity has not ~~erected and/or maintained the required signage constructed or maintained the accessible parking spaces~~, the enforcement officer may issue a summons or apply for a warrant in the name of the offending individual or artificial entity.

(e) ~~(d)~~ A municipality may elect to adopt accessible parking space regulations or ordinances of the county government of the county in which the municipality is located. A municipality which elects to do so may also adopt additional regulations or ordinances as required by its own particular conditions. Whether a municipality adopts its own accessible parking regulations or ordinances, or adopts the regulations or ordinances of the county along with additional regulations or ordinances to meet particular conditions, the municipality's adopted regulations or ordinances may not be less restrictive than those of the county.

Section 4. Amend §310, Title 9 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 310 Parking spaces for use by persons with disabilities.

(a) The county government of each of the 3 Delaware counties shall, on or before ~~January 1, 2004~~ July 1, 2016, and the municipal government of each incorporated municipality within each county shall, on or before ~~March 1, 2004~~ July 1, 2016, adopt regulations or ordinances regarding the duty of individuals and artificial entities to ~~erect~~ construct and maintain signage on parking spaces or zones for use by persons with disabilities accessible parking spaces consistent with § 4183A of Title 21.

(b) The county government of each of the 3 Delaware counties shall, on or before July 1, 2016 , and the municipal government of each incorporated municipality within each county shall, on or before July 1, 2016, adopt regulations or ordinances requiring that no new accessible parking space shall be constructed and no existing accessible parking space

169 shall be installed, restriped, repainted, resurfaced or otherwise altered until the county government or municipality has
170 issued a permit authorizing such action and has inspected the construction or modification of the space to ensure that it is
171 compliant.

172 (b) (c) The signage regulations or ordinances adopted pursuant to subsection (a) and (b) of this section must
173 include an enforcement provision, a penalty provision, and a provision which requires an enforcement officer to first issue a
174 written warning to an individual or artificial entity who is required to ~~erect and maintain signage~~ construct and maintain
175 accessible parking spaces, but has failed to do so, consistent with the obligations under § 4183A of Title 21. If, after 30
176 days from the date that a warning is issued, the individual or artificial entity has not ~~erected and/or maintained the required~~
177 signage constructed or maintained the accessible parking spaces, the enforcement officer may issue a summons or apply for
178 a warrant in the name of the offending individual or artificial entity.

179 (e) (d) A municipality may elect to adopt accessible parking space regulations or ordinances of the county
180 government of the county in which the municipality is located. A municipality which elects to do so may also adopt
181 additional regulations or ordinances as required by its own particular conditions. Whether a municipality adopts its own
182 accessible parking regulations or ordinances, or adopts the regulations or ordinances of the county along with additional
183 regulations or ordinances to meet particular conditions, the municipality's adopted regulations or ordinances may not be less
184 restrictive than those of the county.

185 Section 5. This Act becomes effective 30 days after it enactment into law.

SYNOPSIS

This Act adds provisions to Title 21 defining accessible parking spaces, incorporating federal standards for accessible parking spaces found in the Americans with Disabilities Act and adding additional requirements that enhance these standards and better reflect the needs of persons with disabilities in Delaware. The Act increases the penalty associated with violating the statute that prohibits individuals who do not possess a parking placard or special license plate from parking in accessible parking spaces, or in the access aisles located next to accessible parking spaces. This Act adds provisions in Titles 9 and 22 of the Delaware Code to require county and municipal governments to adopt regulations and ordinances incorporating these requirements for accessible parking spaces, including the requirement that property owners have a permit and inspection for new or modified accessible parking spaces, in order to increase compliance and uniformity statewide.



SPONSOR: Rep. Bolden & Sen. Henry
Reps. Keeley, Peterman, Potter

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 207

AN ACT PROPOSING AN AMENDMENT TO SECTION 2, ARTICLE II OF THE DELAWARE CONSTITUTION
RELATING TO TERMS OF OFFICE OF MEMBERS OF THE GENERAL ASSEMBLY.

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

1 Section 1. Amend §2, Article II of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 2. Composition of House and Senate; terms of office; districts; election.

4 Section 2. The House of Representatives shall be composed of thirty-five members, plus such additional members
5 as shall be provided pursuant to Section 2A of this Article, who shall be chosen for ~~two~~ four years. The Senate shall be
6 composed of twenty-one members, who shall be chosen for ~~four~~ six years.

SYNOPSIS

This is the first leg of a constitutional amendment that would increase the term of office for members of the
House of Representatives to four years and members of the Senate to six years.



SPONSOR: Rep. Brady & Sen. McDowell

HOUSE OF REPRESENTATIVES
148th GENERAL ASSEMBLY

HOUSE BILL NO. 209

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

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

1 Section 1. Amend § 2601(a), Title 9 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 (a) The County Council may, in accordance with the conditions and procedure specified in this subchapter,
4 regulate the location, height, bulk and size of buildings, parking areas, and other structures, the percentage of lot which may
5 be occupied, the size of yards, courts and other open spaces, the density and distribution of population, the location and
6 uses of buildings, parking areas, and structures for trade, industry, residence, recreation, public activities or other purposes
7 and the uses of land for trade, industry, residence, parking, recreation, public activities, water supply conservation, soil
8 conservation or other similar purposes, in any portion or portions of New Castle County which lie outside of incorporated
9 municipalities; provided however, that no such regulation or regulations promulgated pursuant to Chapter 30 of this title
10 shall apply to any lands, buildings, parking areas, or other structures proposed to be used by or for any nonprofit
11 corporation organized under the laws of this State and engaged at the time of such proposal in the operation in this State of
12 1 or more acute general hospital facilities for the purpose of such or similar operations, or to any lands, buildings, parking
13 areas, or other structures of such corporation devoted to such operations. The territory lying within incorporated
14 municipalities shall be included upon request made by the governing body or authority thereof.

15 Section 2. Amend § 4901(a), Title 9 of the Delaware Code by making deletions as shown by strike through and
16 insertions as shown by underline as follows:

17 (a) The county government may, in accordance with the conditions and procedure specified in this subchapter,
18 regulate the location, height, bulk and size of buildings, parking areas, and other structures, the percentage of lot which may
19 be occupied, the size of yards, courts, and other open spaces, the density and distribution of population, the location and
20 uses of buildings, parking areas, and structures for trade, industry, residence, recreation, public activities or other purposes,
21 and the uses of land for trade, industry, residence, parking, recreation, public activities, water supply conservation, soil
22 conservation, or other similar purposes, in any portion or portions of Kent County which lie outside of incorporated

23 municipalities, or incorporated municipalities without zoning provisions, notwithstanding any provisions of other titles or
24 chapters of this Code to the contrary. Any real property proposed to be used for an agritourism activity as defined in this
25 title shall be given an expedited review before the Levy Court.

26 Section 3. Amend § 6902(a), Title 9 of the Delaware Code by making deletions as shown by strike through and
27 insertions as shown by underline as follows:

28 (a) The county government may, in accordance with the conditions and procedure specified in this subchapter,
29 regulate the location, height, bulk and size of buildings, parking areas, and other structures, the percentage of lot which may
30 be occupied, the size of yards, courts and other open spaces, the density and distribution of population, the location and
31 uses of buildings, parking areas, and structures for trade, industry, residence, parking, recreation, public activities or other
32 purposes and the uses of land for trade, industry, residence, recreation, public activities, water supply conservation, soil
33 conservation or other similar purposes, in that portion of Sussex County which is not included within the corporate limits of
34 any city or town, unless any territory within such corporate limits is included upon request made by the governing body or
35 authority of such city or town, notwithstanding any provision of other titles or chapters of this Code to the contrary. Any
36 real property proposed to be used for an agritourism activity as defined in this title shall be given an expedited review
37 before the County Council.

38 Section 4. This Act shall take effect immediately upon its enactment into law.

SYNOPSIS

This bill amends the zoning authority for the 3 counties to expressly provide that each county may, via its zoning processes, regulate parking and parking areas.



SPONSOR: Sen. Ennis & Rep. Mitchell

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 157

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO PARAMEDIC LICENSURE.

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

Section 1. Amend Title 16 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and by redesignating accordingly:

§ 9809A. Criminal background checks.

(a) A person seeking certification as a paramedic shall apply to the Board using forms prescribed by the Board and shall submit to the State Office of Emergency Medical Services fingerprints and other necessary information in order to obtain the following:

(1) A report of the individual's entire criminal history record from the State Bureau of Identification or a statement from the State Bureau of Identification that the State Bureau of Identification Central Repository contains no such information relating to that person.

(2) A report of the individual's entire federal criminal history record from the Federal Bureau of Investigation. The State Bureau of Identification shall be the intermediary for the purposes of this section and the Office shall be the screening point for the receipt of said federal criminal history records.

(b) Upon receipt of fingerprints and other necessary information pursuant to subsection (a) of this section, the Office shall acquire and review the state and federal criminal history records for the applicant and may interview the applicant. If the Office determines that the applicant meets the requirements of this section and of its regulations, it shall issue a binding recommendation to the Board regarding the certification of the applicant, subject to the following in accordance with the provisions of
the Medical Practice Act, Chapter 17 of Title 24.

(1) ~~The Office must recommend denial of, and the Board must deny, certification to an applicant convicted of the following:~~

~~a. A felony involving sexual misconduct where the victim's failure to affirmatively consent is an element of the crime, such as forcible rape;~~

b. ~~A felony involving the sexual or physical abuse of a child or of a person who is elderly or impaired, such as sexual misconduct with a child, sexual exploitation of a child, making or distributing child pornography, incest involving a child, or assault on a person who is elderly or impaired;~~

~~e. A crime in which the victim is an out-of-hospital patient or a patient or resident of a health care facility, including abuse, neglect or theft from or financial exploitation of a person entrusted to the care or protection of the applicant.~~

The Office must recommend denial of, and the Board must deny, certification to an applicant convicted of the following crimes, except in extraordinary circumstances:

a. Any crime for which the applicant is currently incarcerated, on work release, on probation, or on parole;

b. A crime in the following categories, unless at least 5 years have passed since the applicant's conviction or at least 5 years have passed since the applicant was released from custodial confinement, whichever occurs later:

1. A serious crime of violence against a person, such as assault with a dangerous weapon, aggravated assault, murder or attempted murder, manslaughter (other than involuntary manslaughter), kidnapping, robbery of any degree, or arson;

2. A crime involving a controlled substance or designer drug, including unlawful possession or distribution of, or intent to unlawfully possess or distribute, a controlled substance in Schedules I through V of the Uniform Controlled Substances Act of Chapter 47 of this title;

3. A serious crime involving property, such as arson, burglary, embezzlement or insurance fraud;

4. Any crime involving sexual misconduct.

(3) ~~In extraordinary circumstances, certification granted pursuant to paragraph (2) of this subsection may be granted only if the applicant establishes by clear and convincing evidence that certification will not jeopardize public health and safety. The Office shall determine and advise the Board:~~

a. ~~If extraordinary circumstances exist allowing certification pursuant to paragraph (2) of this subsection;~~
and

b. ~~If the applicant has established by clear and convincing evidence that such certification will not jeopardize public health and safety.~~

(c) The office must recommend denial of certification to an applicant whose conduct would constitute a crime substantially related to the practice of medicine as set forth in § 1731 title 24.

(d) The Board may waive any of the requirements of this section as set forth in § 1720 of title 24.

§ 9811. Violations; disciplinary procedure.

(a) The Administrator may at any time upon the Administrator's own motion; and shall, upon verified written complaint of any person, request an investigation be conducted by the Executive Director of the Board of Medical Licensure and Discipline to determine whether or not there are grounds to recommend suspension, revocation or any other penalty upon a person certified under the provisions of this chapter. The Administrator shall recommend to the Board to suspend or revoke any certificate if after a hearing it is found that the holder thereof has:

(1) Obtained such certificate by means of fraud or deceit;

(2) Demonstrated gross negligence, or has proven otherwise to be grossly incompetent; or

(3) Violated or aided or abetted in the violation of any provision of ~~this chapter.~~ Chapter 17 of Title 24.

(b) If a paramedic's physical or mental capacity to safely perform the paramedic's duties and responsibilities is at issue, the County may order such paramedic to submit to a reasonable physical or mental examination. Failure to comply with this order shall render such paramedic liable to suspension or revocation of the paramedic's certificate.

(c) Nothing in this subsection shall prohibit a member of the public from filing a complaint directly ~~with the Board of Medical Licensure and Discipline~~ to the Division of Professional Regulation. Upon receipt of a complaint by the Division of Professional Regulation, the Administrator shall be notified in the interest of public safety.

SYNOPSIS

This legislation will bring the paramedic profession in line with all other medical professions certified through the Division of Professional Regulation Board of Medical Licensure and Discipline. It allows background investigations and disciplinary action to be taken in the event of unprofessional conduct as defined by the Division of Professional Regulation Board of Medical Licensure and Discipline, including behavior during professional activity that is likely to endanger the public's health, safety or welfare.

Author: Senator Ennis



SPONSOR: Sen. Lawson & Sen. Ennis & Rep. Carson
Rep. Wilson

DELAWARE STATE SENATE
148th GENERAL ASSEMBLY

SENATE BILL NO. 158

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO RENT JUSTIFICATION.

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

1 Section 1. Amend § 7042, Title 25, Delaware Code by making deletions as shown by strike through and insertions
2 as shown by underline as follows:

3 § 7042 Rent justification

4 (a) A community owner may raise a home owner's rent for any and all 12-month periods governed by the rental
5 agreement in an amount greater than the average annual increase of the Consumer Price Index For All Urban Consumers in
6 the Philadelphia-Wilmington-Atlantic City area ("CPI-U") for the most recently available preceding 36-month period
7 provided the community owner can demonstrate the increase is justified for the following conditions:

8 (3) The community owner has not initiated the rent justification process to increase or attempt to increase the rent
9 in an amount greater than the applicable CPI-U for any homeowner in the community within a 12 month period and all
10 homeowners to be affected by the increase received notice of the request 90 days prior to the first meeting.

SYNOPSIS

When a community owner wishes to increase the rent in an amount greater than the applicable CPI-U, this Act would stipulate that the community owner can only increase or attempt to increase rent beyond the CPI-U once per year. All homeowners to be affected by this increase must receive notice of the request 90 days prior to the first meeting.

AUTHOR: Sen. Lawson

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Substantial Completion of EMS #105 South Coastal Paramedic Station

Project # 14-05

I am here before you this morning to request that the council grant substantial completion to Project #14-05, Sussex County Emergency Medical Services, South Coastal Station #105.

Project bid date was December 17, 2014

Low bidder was RBCI, INC from Easton Md. @ \$497,660.00

Notice to proceed was given January 22, 2015, substantial completion was June 17, 2015.

One change order has been approved for \$10,000.00 and a second **change** order in the amount of \$2,035.00 and 21 additional calendar days is proposed.

Anticipated revised final cost to be \$509,695.00

Warranty dates will extend from the date of substantial completion through June 17, 2017.

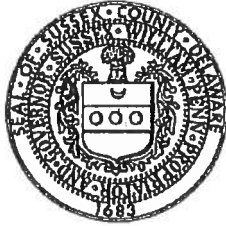
A punch list of repair and completion items will be complete within the 60 day conditional acceptance period. Many items on this punch-list have already been completed.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountysde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: EMS STATION #105
2. Sussex County Contract No. 14-05
3. Change Order No. 2
4. Date Change Order Initiated - 5/17/15
5.
 - a. Original Contract Sum \$497,660.00
 - b. Net Change by Previous Change Orders \$10,000.00
 - c. Contract Sum Prior to Change Order \$507,660.00
 - d. Requested Change \$2035.00
 - e. Net Change (No. of days) 21
 - f. New Contract Amount \$509,695.00
6. Contact Person: Anthony Digluseppe Jr.
Telephone No. (302) 855-1299

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☒ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947



29520 Canvasback Drive
Building # 100
Easton, MD 21601
Ph: 410-763-9681

Change Order Request

To: Anthony Diguiseppe
Sussex County Engineering
2 The Circle
Georgetown, DE

Number: 5
Date: 6/24/2015
Job: EMS #105
Phone: 302-8551299

Description: Grinder Pump and Sewer Tap

We are pleased to offer the following specifications and pricing to make the following changes:

Trench boxing for grinder pump installation & cutting black top for sewer tap \$ 3,700.00

Note: This Change Order if approved will extend the project completion by approximately 0 working days.

Sub Total	\$3,700.00
Courtesy discount	\$1,850.00
10% overhead & profit	\$ 185.00

The total amount to provide this work is..... Total \$2,035.00

If you have any questions please contact me at: 410-763-9681

Submitted by:

Approved by: _____

Date: _____

Cc:

Conner Bros. Plumbing, LLC.

P.O. Box 451
Greenwood, DE 19950

Invoice

Date	Invoice #
6/24/2015	1509

Bill To

RBCI
2920 canvasback drive
suite 200
easton,md 21601

P.O. No.**Terms****Project**

Quantity	Description	Rate	Amount
	EMS Building-job	0.00	0.00T
	trench boxing for sewer pit & cutting black top	3,700.00	3,700.00T
		0.00%	0.00
		Total	\$3,700.00



29520 Canvasback Drive
Building # 100
Easton, MD 21601
Ph: 410-763-9681

Change Order Request

To: Anthony Diguiseppe
Sussex County Engineering
2 The Circle
Georgetown, DE

Number: 4
Date: 5/13/2015
Job: EMS #105
Phone: 302-8551299

Description: Site work delays

We are pleased to offer the following specifications and pricing to make the following changes:

Site work delays waiting for grading plan and grinder pump direction.

Note: This Change Order if approved will extend the project completion
by approximately 15 working days.

	\$	-
Sub Total	\$	-

10% overhead & profit
Courtesy Discount

The total amount to provide this work is.....

Total

If you have any questions please contact me at:

410-763-9681

Submitted by:

Approved by: _____

Date: _____

Cc:

BEAVER DAM ROAD CR368 (60' ROW)

GRADING NOTES:

1. SOURCE OF TOPOGRAPHY AND VERTICAL DATA IS SURVEY BY AXIOM ENGINEERING, DATED APRIL 22, 2014. HAD 83, HAVING AN AREA OF LOT SURVEYED TO BE 328,000 SF±.
2. CONSTRUCTION MATERIAL AND EQUIPMENT STORAGE SHALL BE LIMITED TO PROJECT SITE AND SHALL NOT OCCUPY ANY PORTION OF THE PUBLIC RIGHT OF WAY OR ADJACENT PROPERTIES.
3. ALL SURVEY MONUMENTS SHALL BE PROTECTED AND PERPETUATED IN PLACE. ANY DISTURBED OR COVERED MONUMENTS SHALL BE RESET BY A DELAWARE PROFESSIONAL LAND SURVEYOR AND PAID FOR BY THE CONTRACTOR.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES OR STRUCTURES ABOVE OR BELOW GROUND, SHOWN OR NOT SHOWN ON THESE PLANS. HE IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ANY DAMAGE CAUSED BY HIS OPERATION.
5. THE CONTRACTOR SHALL MAINTAIN ALL PUBLIC RIGHTS OF WAY IN A CLEAN, SAFE AND USABLE CONDITION. ALL MATERIAL SPILLS SHALL BE REMOVED EACH DAY AND STREETS SWEEPED AND WATERED FOR DUST CONTROL.
6. ALL GRADING OPERATIONS SHALL BE CONDUCTED IN ADHERENCE TO THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK 1989, LATEST REVISION, AND THE SEDIMENT AND EROSION CONTROL PLAN ON SHEET 4. WATER SITE AS NEEDED FOR DUST CONTROL DURING GRADING.
7. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL APPLICABLE LOCAL PERMITS.
8. ALL EXCESS MATERIALS MUST BE REMOVED AND PROPERLY DISPOSED OFFSITE AT THE CONTRACTOR'S EXPENSE.
9. TOPSOIL AND SOIL DEEMED UNACCEPTABLE FOR RE-USE SHALL BE REMOVED. FILL SHALL BE PLACED AND GRADED TO DESIGN GRADES.
10. SOIL STOCKPILE AREAS SHALL BE STABILIZED TO PREVENT SEDIMENT RUNOFF PER SEDIMENT AND EROSION CONTROL REGULATIONS AND PER EROSION AND SEDIMENT CONTROL PLAN ON SHEET 5.
11. CLEAR, GRUB AND RE-GRADE SITE AS SHOWN. INSTALL OUTLET STRUCTURES TO SPECIFIED ELEVATIONS AND PER DETAIL SHEETS.
12. ALL TREES SHALL REMAIN UNDISTURBED UNLESS NOTED ON PLANS TO BE REMOVED. ROOTS SHALL BE REMOVED TO THE EXTENT REQUIRED IN ORDER TO INSTALL IMPROVEMENTS.
13. ADJACENT PROPERTIES SHALL NOT TO BE DISTURBED. PROPOSED GRADES SHALL MATCH EXISTING GRADES AT ADJACENT PROPERTIES.
14. AREAS MARKED TO REMAIN UNPAVED SHALL BE DISTURBED AS LITTLE AS POSSIBLE DURING ALL OPERATIONS INCLUDING CLEARING, STORAGE, GRADING, AND PAVING. CONTRACTOR TO INSTALL THICK GRASS COVER IN THESE AREAS AND MAINTAIN UNTIL FULLY ESTABLISHED.
15. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING HEAVY MACHINERY OUT OF FILTER STRIPS, ROOFTOP DISCONNECTION AREAS AND VEGETATED CHANNEL DURING CONSTRUCTION TO MINIMIZE SOIL COMPACTION.

LEGEND

- | | |
|--------------------|---------------------------|
| EXISTING | PROPOSED |
| — EDGE OF PAVEMENT | — EDGE OF PAVEMENT |
| — PROPERTY LINE | — SPOT ELEVATION |
| — MINOR CONTOUR | — SILT FENCE |
| — MAJOR CONTOUR | — FILTER STRIP |
| — SWALE | — ROOFTOP DISCONNECT AREA |
| — SPOT ELEVATION | — PROPOSED CONTOUR |
| — TREE LINE | — CONCRETE |
| — SWALE CENTERLINE | — BOTTOM OF V CHANNEL |

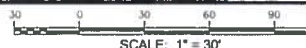
SUSSEX COUNTY ENGINEERING DEPARTMENT
EMS STATION #105
CONSTRUCTION PLANS
P/O TAX PARCEL 1-34-16.00-388 01
TOWN OF FRANKFORD, SUSSEX COUNTY, DELAWARE



SUSSEX COUNTY ENGINEER
Michael A. Bzd, P.E.
11/14/14
DATE

GRADING PLAN

SHEET
4 /



DESCRIPTION	DATE
COUNTY ENGINEER COMMENTS	11/3/14

BEAVER DAM ROAD CR368 (60' ROW)

GRADING NOTES

1. SOURCE OF TOPOGRAPHY AND VERTICAL DATA IS SURVEY BY AXOM ENGINEERING, DATED APRIL 22, 2014. **MAJ** 83, MAY 06, AREA OF LOT SURVEYED TO BE 128,000 SF.
2. CONSTRUCTION MATERIAL AND EQUIPMENT STORAGE SHALL BE LIMITED TO PROJECT SITE AND SHALL NOT OCCUPY ANY PORTION OF THE PUBLIC RIGHT OF WAY OR ADJACENT PROPERTIES.
3. ALL SURVEY MONUMENTS SHALL BE PROTECTED AND PERPETUATED IN PLACE. ANY DISTURBED OR COVERED MONUMENTS SHALL BE RESET BY A DELAWARE PROFESSIONAL LAND SURVEYOR AND PAID FOR BY THE CONTRACTOR.
4. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES OR STRUCTURES ABOVE OR BELOW GROUND, SHOWN OR NOT SHOWN ON THESE PLANS. HE IS RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES AND ANY DAMAGE CAUSED BY HIS OPERATION.
5. THE CONTRACTOR SHALL MAINTAIN ALL PUBLIC RIGHTS OF WAY IN A CLEAN, SAFE AND USABLE CONDITION. ALL MATERIAL SPILLS SHALL BE REMOVED EACH DAY AND STREETS SWEEPED AND WATERED FOR DUST CONTROL.
6. ALL GRADING OPERATIONS SHALL BE CONDUCTED IN ADHERENCE TO THE DELAWARE EROSION AND SEDIMENT CONTROL HANDBOOK, 1980, LATEST REVISION, AND THE SEDIMENT AND EROSION CONTROL PLAN ON SHEET 4. WATER SITE AS NEEDED FOR DUST CONTROL DURING GRADING.
7. THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL APPLICABLE LOCAL PERMITS.
8. ALL EXCESS MATERIALS MUST BE REMOVED AND PROPERLY DISPOSED OFFSITE AT THE CONTRACTOR'S EXPENSE.
9. TOPSOIL AND SOIL DEEMED UNACCEPTABLE FOR RE-USE SHALL BE REMOVED. FILL SHALL BE PLACED AND GRADED TO DESIGN GRADES.
10. SOIL STOCKPILE AREAS SHALL BE STABILIZED TO PREVENT SEDIMENT RUNOFF PER SEDIMENT AND EROSION CONTROL REGULATIONS AND PER EROSION AND SEDIMENT CONTROL PLAN ON SHEET 6.
11. CLEAR, GRUB AND RE-GRADE SITE AS SHOWN. INSTALL OUTLET STRUCTURES TO SPECIFIED ELEVATIONS AND PER DETAIL SHEETS.
12. ALL TREES SHALL REMAIN UNDISTURBED UNLESS NOTED ON PLANS TO BE REMOVED. ROOTS SHALL BE REMOVED TO THE EXTENT REQUIRED IN ORDER TO INSTALL IMPROVEMENTS.
13. ADJACENT PROPERTIES SHALL NOT TO BE DISTURBED. PROPOSED GRADES SHALL MATCH EXISTING GRADES AT ADJACENT PROPERTIES.
14. AREAS MARKED TO REMAIN UNPAVED SHALL BE DISTURBED AS LITTLE AS POSSIBLE DURING ALL OPERATIONS INCLUDING CLEARING, STORAGE, GRADING AND PAVING. CONTRACTOR TO INSTALL THICK GRASS COVER IN THESE AREAS AND MAINTAIN UNTIL FULLY ESTABLISHED.
15. THE CONTRACTOR IS RESPONSIBLE FOR KEEPING HEAVY MACHINERY OUT OF FILTER STRIPS, ROOFTOP DISCONNECTION AREAS AND VEGETATED CHANNEL DURING CONSTRUCTION TO MINIMIZE SOIL COMPACTION.

LEGEND

EXISTING	PROPOSED
EDGE OF PAVEMENT	EDGE OF PAVEMENT
PROPERTY LINE	SPOT ELEVATION
MINOR CONTOUR	SILT FENCE
MAJOR CONTOUR	FILTER STRIP
SWALE	ROOFTOP DISCONNECTION AREA
SPOT ELEVATION	PROPOSED CONTOUR
TREE LINE	CONCRETE
SWALE CENTERLINE	BOTTOM OF V. CHANNEL

SUSSEX COUNTY ENGINEERING DEPARTMENT
EMS STATION #105
CONSTRUCTION PLANS
P/O TAX PARCEL 1-34-16.00-388.01
TOWN OF FRANKFORD, SUSSEX COUNTY, DELAWARE

REVISED
GRADING PLAN

PLAN DATE
JUNE 1, 2015

SCALE IN FEET (1" = 30')

SHEET NO.
1 OF 1

CHANGE ORDER NO. 1

SUSSEX COUNTY CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: **REHABILITATE TAXIWAY A (S)**
2. Sussex County Contract No. 14-14
3. Change Order No. 1
4. Date Change Order Initiated - 6/18/15
5.
 - a. Original Contract Sum \$ 533,305.85
 - b. Net Change by Previous Change Orders -0-
 - c. Contract Sum Prior to Change Order \$ 533,305.85
 - d. Requested Change -(\$ 40,042.25)
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$ 493,263.60
6. Contact Person Michael A. Izzo, P.E.
Telephone No. (302) 855-7718

B. REASON(S) FOR CHANGE ORDER

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
- X 5. Overrun/Underrun in Quantity

Figure 1. The effect of the number of iterations on the accuracy of the proposed algorithm. The accuracy of the proposed algorithm increases with the number of iterations. The accuracy of the proposed algorithm is 100% when the number of iterations is 1000.

7. Other (explain below):

Also, some contract items are adjusted to final quantities.

D.

Yes X No

E.

- 1.

George & Lynch, Inc.

6/23/15
Date

2.

County Engineer

Date _____

REHABILITATE TAXIWAY A SOUTH
CONTRACT NO. 14-14
GEORGE & LYNCH, INC.
CHANGE ORDER NO. 1

ITEM NO.	ITEM DESCRIPTION	UNIT	EST. QTY.	ITEM UNIT PRICE	ITEM TOTAL VALUE	FINAL TOTAL QUANTITY	FINAL VALUE	OVER/UNDER AMOUNT
Part A: Item Quantity Adjustments								
P-363	Bituminous Patching, Hot Mix	SYIN	400	\$ 18.58	\$ 7,432.00	0	\$ -	(7,432.00)
P-363-1	Bituminous Patching, Concrete	SYIN	700	\$ 18.26	\$ 12,782.00	0	\$ -	(12,782.00)
P-401	Bituminous Surface Course	TON	2,500	\$ 86.70	\$ 216,750.00	2191.61	\$ 190,012.59	(26,737.41)
P-403	HMA Leveling Course	TON	1,500	\$ 82.92	\$ 124,380.00	1201.63	\$ 99,639.16	(24,740.84)
SUBTOTAL ADJUSTMENT VALUE					\$ 361,344.00		\$ 289,651.75	(\$71,692.25)
Part B: Added Items								
CO #1-a	Joint/crack Seal, only	LF	2,165	\$ 2.00	\$ 4,330.00			4,330.00
CO #1-b	Rout & Fill Joint/crack	LF	4,000	\$ 4.18	\$ 16,720.00			16,720.00
CO #1-c	Modify Catch Basin, Regrade, Restore	EA	1	\$ 4,800.00	\$ 4,800.00			4,800.00
CO #1-d	Modify Manhole, Regrade, Restore	EA	1	\$ 5,800.00	\$ 5,800.00			<u>5,800.00</u>
SUBTOTAL, ADDED ITEMS					\$ 31,650.00			<u>31,650.00</u>
CHANGE ORDER NO. 1 VALUE								(40,042.25)

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

STEVEN L. HUDSON
DIRECTOR OF TECHNICAL ENGINEERING

1 BID RESULTS FOR SUSSEX COUNTY PROJECT SC 15-11

2 INSTALL TAXIWAY LIGHTS (INCLUDING ELECTRICAL VAULT IMPROVEMENTS)

3 BID OPENING DATE: 6/18/15

4 PROJECT GOAL:

- a. Award bid to replace an existing Direct Buried Cable System that is approx. 40 years old.
- b. Contract is FAA grant Eligible

5 PROJECT SCOPE:

- a. Remove 52 existing Taxiway Light fixtures and approx. 6500' of cable
- b. Install approx. 50 New LED Taxiway Lighting Fixtures and Base Cans.
- c. Install approx. 8500' of conduit, cable and counterpoise system.

6	1	2	3	4
	Tudor Electric	Gary Kubiak & Son	John W. Tieder, Inc.	East Coast Underground
	\$262,380.50	\$298,802.06	\$331,200.00	\$421,505.37

7 **DELMARVA POWER UTILITIES IMPROVEMENTS**

8 **PROJECT GOAL:**

- a. Sign an agreement with DP&L to extend Power Supply lines to future vault locations and provide dual power feeds to the Airport and Industrial Park.

9 **PROJECT SCOPE:**

- a. Install new 3-Phase Primary Power from Airport Road into the Airfield, Power Switch 1
- b. Install new 1-Phase Primary Power to future Vault Locations.
- c. Install Transformers and secondary Power to the future Vaults and Power Switch
- d. Prepare for installation of redundant Supply Line from Baltimore Ave. connection

COST: \$268,304.00

10 **TOTAL COST:**

TAXIWAY B	
LIGHTING	\$262,380.50
DP&L UTILITIES	\$268,304.00

11 **TOTAL: \$530,684.50**

June 11, 2015

Dear Councilwoman Deaver:

Last year Sussex County Council supported us in our trip to the Odyssey of the Mind World Finals. We are writing to ask for your assistance again this year.

We are Girl Scout Troop 1482, based in Lewes. Four years ago we formed an Odyssey of the Mind (OM) team. OM is an international educational program for students from kindergarten through college that reinforces STEAM (Science, Technology, Engineering, Art, and Math) learning through creative problem-solving, teamwork, healthy competition, and, most importantly, fun. Team members apply their creativity and intelligence to solve problems ranging from building mechanical devices to presenting their own interpretation of literary classics. They then bring their solutions to competition on the local, state, and World level.

We are sophomores who attend the following schools: Cape Henlopen High School, Sussex Technical High School, and Sussex Academy. We are the first Girl Scout OM team in Delaware and one of the few in the nation. In 2013 we were the first Girl Scout OM team in Delaware history to earn the right to go to the World Finals and were honored to return to Worlds last year. For the past three years we have been the only Girl Scout team represented at World Finals out of the over 800 teams world-wide.

Last month our team travelled to Michigan State University to again represent Delaware at the OM World Finals at Michigan State University. We competed in Problem 3 against 58 other high school teams in our division. We placed ninth overall. In addition, in the Spontaneous Problem Solving portion of the competition we placed first out of 59 teams. All of this is quite an accomplishment for us!

The total cost to send six team members, one coach, and one adult chaperone to the World Finals was \$7200 including travel, lodging, and food. To date we have raised just over \$5700. We are seeking funding from a variety of sources to cover the remaining amount and would appreciate any assistance you could provide. Last year you gave us \$500 to help with our trip to the OM World Finals. We would greatly appreciate any assistance you could provide this year. Any fundraising monies should be made out to Girl Scout Troop 1482 and sent to 7 Drake Knoll, Lewes, DE 19958.

By supporting this project, you help promote the mission of Girl Scouts - building girls of courage, confidence, and character, who make the world a better place. You also will help foster creativity, teamwork, and problem solving. We hope our success in OM will encourage other girls and Girl Scouts, in particular, to try Odyssey of the Mind.

If you have any questions please feel free to contact our coach, Mrs. Rebecca Lowe, at (302) 381-1124. Thank you in advance for your consideration and your willingness to assistance us.

Yours in Scouting,
Senior Girl Scout Troop 1482/Odyssey of the Mind Team #40211
also known as Team Loophole

Erin Gallagher, CHHS
Mia Moshier, Sussex Academy

Phoebe Callard, CHHS
Heidi Knutsen, CHHS

Hannah Lowe, CHHS
Lauren Thornberg, Sussex Tech

Rebecca Lowe, Leader/Coach

cc: Ms. Gina A. Jennings,
Sussex County Finance Director





302-355-9979 (v-mail)

catsaroundtown@gmail.com

EIN #20-5610111

June 4, 2015

Councilman George Cole
Sussex County Council
Two The Circle
P.O. Box 589
Georgetown, DE 19947

Dear Councilman Cole

Cats Around Town Society, Inc. (CATS) thanks you for your support in appropriating funding to our group last year. We assist low income residents in Sussex County with affordable, low or no cost spay/neuter/vaccination services.

Our primary focus since January has been the numerous feral/stray colonies of cats that live throughout the area. We are currently concentrating on the Dagsboro (19939) and Selbyville (19975) areas. Thanks to a small grant, we have been able to sterilize more than 200 cats thus far in 2015. We cooperate closely with Delaware's Office of Animal Welfare as well as DE SPCA in order to reach the residents & animals that need this assistance.

Cats Around Town Society is a non-profit 501c(3) organization. We are 100% volunteer & our members receive no compensation for time or expenses. All funds received go directly to benefit the animals. Our end goal is to reduce the number of unwanted pets turned in every year to our overburdened shelter & rescue groups as well as those just abandoned along our roads, fields & housing developments throughout Sussex County.

We request a \$1,000.00 grant to help us continue our efforts. As always, any assistance you can give us is greatly appreciated. Thank you for considering our request for funding.

Sincerely,


Clare Mace, President

Cats Around Town Society, Inc,
P.O. Box 541, Ocean View, DE 19970

To Be Introduced 06/30/15

**Council District No. 4 – Cole
Tax Map I.D. 234-23.00-115.00
911 Address – None Available**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 29.66 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of May 2015, a conditional use application, denominated Conditional Use No. 2021 was filed on behalf of VIII P-Loan Portfolio Holding, LLC; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2021 be _____; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI A, Subsection 115-83.5, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2021 as it applies to the property hereinafter described.

Section 2. The subject property is described as:

All that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of the intersection of John J. Williams Highway (Route 24) and Autumn Road (Road 299), and being more particularly described as follows:

BEGINNING at a capped rebar at the southwest corner of the intersection of John J. Williams Highway (Route 24) and Autumn Road (Road 299); thence south 11°39'20" west 579.96 feet along the westerly right-of-way of John J. Williams Highway to

a capped rebar; thence north 81°58'59" west 281.74 feet along lands of the State of Delaware to a capped rebar; thence continuing along lands of the State of Delaware south 11°40'37" west 648.00 feet to a capped rebar; thence northwesterly along lands of Stazco, LLC, the following three (3) courses: north 70°14'01" west 324.23 feet to an iron pipe, north 69°59'49" west 1,095.18 feet to a capped rebar, and south 04°42'45" west 660.53 feet to a nail; thence north 49°40'48" west 507.19 feet to a concrete monument; thence north 47°39'08" west 528.31 feet to a capped rebar; thence north 56°05'05" east 61.77 feet to a capped rebar; thence south 47°39'08" east 512.58 feet along lands, now or formerly, of Hebron Savings Bank to a capped rebar; thence along the aforementioned Bank lands the following three (3) courses: south 49°40'48" east 389.36 feet to a capped rebar, north 04°42'45" east 622.37 feet to a capped rebar, and south 69°59'49" east 620.38 feet to a capped rebar; thence south 69°59'47" east 47.36 feet across lands of the applicants to a point; thence north 08°49'18" east 224.98 feet across lands of the applicants to a point; thence north 78°48'06" west 58.51 feet across lands of the applicants and lands, now or formerly, of Hebron Savings Bank to a point; thence north 08°49'18" east 866.58 feet across the aforementioned Bank lands to a point; thence south 78°48'06" east 292.01 feet along the aforementioned Bank lands and lands of the applicants to a point on the southerly right-of-way of Branch Road, a subdivision street; thence south 78°54'32" east 330.62 feet along Branch Road to a point; thence easterly 590.28 feet along the southerly right-of-way of Autumn Road to the point and place of beginning, excepting lands of William & Phyllis Saunders as recorded in Deed Book 3761, Page 268, said parcel containing 29.66 acres, more or less.

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

To Be Introduced 06/30/15

**Council District No. 3 - Deaver
Tax Map I.D. 330-12.00-11.01
911 Address – 6632 Sharps Road, Milford**

ORDINANCE NO. _____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A NONPROFIT BOARDING HOME FOR FEMALE VETERANS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of May 2015, a conditional use application, denominated Conditional Use No. 2022 was filed on behalf of Home of the Brave Foundation, Inc.; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2022 be _____; and

WHEREAS, on the _____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said Conditional Use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the Conditional Use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2022 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying northwest of Sharps Road (Road 200), 0.6 mile northeast of Coastal Highway (Route One), and being more particularly described as follows:

BEGINNING at a point on the northwesterly right-of-way of Sharps Road (Road 200), a corner for these subject lands and lands, now or formerly, of MBT Land Holdings, LLC; thence north 49°01'34" west 1,119.79 feet to a point; thence north 40°19'58" east

196.62 feet to a point; thence south 48°51'03" east 1,114.99 feet to a point on the northwesterly right-of-way of Sharps Road; and thence by and along the northwesterly right-of-way of Sharps Road 193.33 feet to the point and place of beginning, said parcel containing 5.0 acres, more or less.

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

TO BE INTRODUCED

To Be Introduced 6/30/15

Council District No. 5 – Arlett

Tax I.D. No. 533-18.00-12.00

911 Address: 33053 Lighthouse Road, Selbyville

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARIAN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.52 ACRES, MORE OR LESS

WHEREAS, on the 4th day of June 2015, a conditional use application, denominated Conditional Use No. 2023 was filed on behalf of Frank Miranda; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2023 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2023 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying northeast of Lighthouse Road (Route 54) 1,112 feet northwest of Road 389, near Williamsville Intersection and being more particularly described as follows:

BEGINNING at a point on the northeast right-of-way of Lighthouse Road (Route 54), a corner for these subject lands and lands of Taylor and Peggy Dickerson; thence North 61°24'00" West 326.00 feet along the northeasterly right-of-way of Lighthouse Road to a point; thence North 28°36'00" East 675.00 feet along lands of Sussex County to a point; and thence South 02°49'16" West 744.05 feet along the aforementioned Dickerson lands to the point and place of beginning, said parcel containing 2.52 acres, more or less.

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

To Be Introduced 6/30/15

Council District No. 3 – Deaver

Tax I.D. No. 334-5.00-192.00, 193.00, 194.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL LANDSCAPING MATERIALS, STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.68 ACRES, MORE OR LESS

WHEREAS, on the 5th day of June 2015, a conditional use application, denominated Conditional Use No. 2024 was filed on behalf of Stockley Materials, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2024 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2024 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southeast of Lewes – Georgetown Highway (Route 9) 0.3 miles southwest of Coastal Highway (Route One) and being more particularly described as follows:

BEGINNING at a point on the southeasterly right-of-way of Lewes – Georgetown Highway (Route 9), a corner for these lands and lands, now or formerly, of Renate Helena Coursey; thence South 24°28'47" East 221.10 feet to a point; thence North 65°31'13.25" East 3.75 feet to a point; thence South 35°33'10" East 100.00 feet to a point; thence South 52°46'15" West 235.00 feet to a point; thence North 24°28'47" West 371.00 feet to a point on the southeasterly right-of-way of Lewes – Georgetown Highway; and thence North

65°31'13" East 206.25 feet along the southeasterly right-of-way of Lewes – Georgetown Highway to the point and place of beginning, said parcel containing 1.68 acres, more or less.

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

TO BE INTRODUCED

To Be Introduced 06/30/15

Council District No. 4 - Cole

Tax Map I.D. No. 334-12.00-127.02, 127.04, 127.05

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 (RPC) HIGH DENSITY RESIDENTIAL DISTRICT (RESIDENTIAL PLANNED COMMUNITY) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS

WHEREAS, on the 5th day of May 2015, a zoning application, denominated Change of Zone No. 1780 was filed on behalf of Lockwood Design & Construction, Inc.; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1780 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275), 0.25 mile southeast of John J. Williams Highway (Route 24), and being more particularly described as follows:

BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of

Rehoboth to a concrete monument; thence north 42°06'04" east 774.63 feet along lands of Beebe Medical Center, Inc., to a concrete monument; thence continuing along lands of Beebe Medical Center, Inc., south 53°09'06" east 305.54 feet to an iron pipe and north 40°57'30" east 439.29 feet to an iron pipe; thence south 37°40'32" east 682.80 feet along lands, now or formerly, of Old Landing Road, Inc., to a concrete monument; thence south 08°27'51" west 960.53 feet along lands, now or formerly, of Robino Sea Chase, LLC, and Colleen A. Lowe to an iron pipe on the northerly side of Warrington Road; thence northwesterly by and along the northerly side of Warrington Road 1,491.05 feet to the point and place of beginning, said parcels containing 35.45 acres, more or less.

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

To Be Introduced 06/30/15

Council District No. 5 – Arlett

Tax Map I.D. No. 233-10.00-17.00

911 Address: 28086 Dagsboro Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 3.00 ACRES, MORE OR LESS

WHEREAS, on the 8th day of June 2015, a zoning application, denominated Change of Zone No. 1781 was filed on behalf of Riverview Associates III, LLC; and

WHEREAS, on the ____ day of ____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1781 be ____; and

WHEREAS, on the ____ day of ____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

Section 2. The subject property is described as follows:

All that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying southwest of Dagsboro Road (Road 334) 900 feet northwest of Fire Tower Road (Road 334A) and being more particularly described as follows:

BEGINNING at a point on the southerly right-of-way line of Sussex County Road No. 334, said point being South 61°08'30" East 631.78 feet from the corner for these lands and lands now or formerly of Augustus C. Wagner; thence by and with the aforesaid right-of-way line of Sussex County Road No. 334, South 61°08'30" East 311.95 feet to a point, being a corner for these lands and other lands of Riverview Associates III, LLC; thence turning and running South 28°34'15" West 367.09 feet to a point; thence turning and running North 61°08'30" West 358.04 feet to a point; thence turning and running North 29°12'30" East 367.09 feet to the place of beginning, said to contain 3.00 acres more or less and as shown on a Proposed Rezoning Plat of Riverview Associates III, prepared by Simpler Surveying & Associates, dated September 5, 2003. Being a portion of those lands conveyed unto Riverview Associates III, LLC by deed of James L. Layfield and Sandra L. Layfield, dated April 14, 2004, and of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2966, at Page 110.

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

PUBLIC HEARINGS
June 30, 2015

This is to certify that on May 21, 2015 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Change in Zoning. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:
COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

C/Z #1772 – Sussex Ventures, LLC

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 2.33 acres, more or less. The property is located east of U.S. Route 13 (Sussex Highway) 995 feet south of Road 482 (Boyce Road) (911 Address: None Available) Tax Map I.D. 132-12.00 112.00 and 112.05.

The Commission found that the Applicants provided a survey of the property proposed for rezoning.

The Commission found that on December 11, 2014 DelDOT provided comments in the form of a letter and Support Facilities Report referencing that the Current Level of Service of U.S. Route 13 will not change as a result of this application and that the Department cannot predict the site's trip generation with enough accuracy to make a Traffic Impact Study useful; that the Department recommends that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision of land development plan is proposed; that the property, being adjacent to U.S. Route 13 is subject to the Department's Corridor Capacity Preservation Program; that the goal of the Program is to maintain capacity of the existing highway; and that the property is located in a Level 2 Investment Area according to the State Strategies where State policies will promote efficient orderly development.

The Commission found that on May 18, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that the developer will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after completion of construction; that no storm flood hazard area is affected; and that no tax ditch is affected.

The Commission found that on May 19, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the site is located in the Western Sussex Planning Area #3; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

Mr. Wheatley recluses himself from the public hearing.

The Commission found that Don Ward and Drew Ward were present on behalf of Sussex Ventures, LLC and stated in their presentation and in response to questions raised by the Commission that they purchased the property in October 2014; that U.S. Route 13 is a major arterial roadway; that a portion of the property is being tilled and the wooded portion is being cleared; that the UTZ warehousing project to the rear crosses the property thru and easement; that most of the area zoning is commercial; that they feel that this rezoning is an infill between other commercial zoned properties; that according to the Comprehensive Land Use Plan the site is located within a Town Center Area; that they have spoken to their neighbors and heard no objections; that there should not be any adverse impact on the area; that an off-premise billboard exists on the site; that they are considering building a self-storage facility on the site; and that access to the site will be at the existing easement location.

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

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

Mr. Ross stated that he would move that the Commission recommend approval of Change in Zone #1772 for Sussex Ventures, LLC for a change in zone from AR-1 to CR-1 based upon the record made during the public hearing, and for the following reasons:

- 1) The property is located along U.S. Route 13 (Sussex Highway) in an area that is basically surrounded by commercial uses and zonings. This location is appropriate for CR-1 zoning.
- 2) Surrounding uses include an UTZ Potato Chip distribution center, several business and commercial uses to the north and south of the site, and some additional conditional uses. The rezoning to CR-1 and the permitted uses in that zone are compatible with the surrounding properties. This is basically an infill rezoning.
- 3) CR-1 Zoning is appropriate, since the County Zoning Code states that the purpose of such zoning is to provide for a wide variety of commercial and service activities generally serving a wide area, and that such uses should be located along existing major thoroughfares where a general mixture of commercial and service activities now exist. In

this case, the rezoning along U.S. Route 13 falls within the stated purposes of the CR-1 District.

- 4) The use will not adversely affect neighboring properties or area roadways.
- 5) The applicant will be required to meet or exceed all DelDOT requirements associated with any permitted use of the property.
- 6) No parties appeared in opposition to the application.

Motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 3 – 0, with Mr. Wheatley abstaining since he did not participate in the public hearing.

C/Z #1773 – Ernest and Donna DeAngelis

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 9.541 acres, more or less. The property is located south of Route 9 (Seashore Highway) 800 feet west of Road 262 (Fisher Road) (911 Address: None Available) Tax Map I.D. 235-30.00-53.00.

The Commission found that the applicants submitted a survey and site plan for this application.

The site plan represents proposed self-storage facilities, shop space and some retail.

The Commission found that the applicants provided an Exhibit Packet on May 11, 2015 which includes a survey and aerials, a reference to State Law, a reference to County Law, the portion of the Tax Map of the area indicating the zoning in the area, a copy of the Future Land Use Map from the Sussex County Comprehensive Plan 2008, a copy of the description of the Developing Area from the Comprehensive Plan 2008, a short description of the U.S. Route 9 improvement project, a copy of a letter from DelDOT, dated November 6, 2014 and that rezoning application, a copy of the site plan proposed, a copy of letter from DelDOT dated February 16, 2015 with attachments from Tim Willard, Esquire, a copy of Ordinance No. 2351 for the approval of the Phillip Cross and Prentice Watkins for C/Z #1744, a copy of the Commission Minutes for February 27, 2014 referencing C/Z #1744, and suggested proposed Findings of Fact for consideration.

The Commission found that on November 6, 2014 DelDOT provided comments in the form of a letter and Support Facilities Report referencing that the Department cannot predict the site's trip generation with enough accuracy to make a Traffic Impact Study useful; that the Department recommends that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed.

The Commission found that on May 18, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that the developer will be required to follow recommended erosion and sediment control practices during construction and to maintain

vegetation after completion of construction; that no storm flood area is affected; that the scope of the project may dictate the need for off-site drainage improvements; that once the project is underway there will probably be a need for some on-site drainage improvements; and that no tax ditch is affected.

The Commission found that on May 19, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that Ernest DeAngelis was present with Tim Willard, Esquire of Fuqua, Yori & Willard, P.A. and stated in their presentation and in response to questions raised by the Commission that the site is bounded by Route 9 to the north, a Delmarva Power electrical right-of-way and powerlines to the east, a railroad to the south, and CR-1 Commercial Residential zoning to the west (the Veggie Shack); that Mr. Willard summarized the Exhibit Packet; that the commercial uses on the south side Route 9 include the Veggie Shack, the Preachtree Rehabilitation facility, the Donut Connection, warehousing and offices, etc.; that the commercial uses to the north side of Route 9 include service uses, auto sales, auto repair, office, antiques, etc.; that the Comprehensive Land Use Plan depicts the site in a Developing Area, a growth area, where light commercial uses should be allowed; that the applicants intent is to create a self-storage facility with some contractor shops and storage; that Mr. Willard assumed that Breakwater Lane was a private street; and that this site was originally proposed for a subdivision, which did not develop.

Mr. Lank advised the Commission that Breakwater Lane is a private street serving a few lots and was developed by the Bailey Maull family.

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

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

Mr. Burton stated that he would move that the Commission recommend approval of Change in Zone #1773 for Ernest and Donna DeAngelis for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based on the record made during the public hearing and for the following reasons:

- 1) The property fronts on Route 9, and is surrounded on two (2) sides by powerlines and a railroad right-of-way. The other boundary is CR-1 Commercial Residential that was recently approved by the County. CR-1 zoning is appropriate in this location.
- 2) CR-1 zoning is appropriate in this general area of Route 9, where other business and commercial uses and zoning exist.
- 3) The property is primarily in a Developing Area according to the Sussex County Comprehensive Plan. CR-1 is appropriate in this Area according to the Plan.
- 4) No parties appeared in opposition to this application.
- 5) The change in zone will not adversely affect neighboring properties or roadways.

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

C/Z #1774 – John R. and Susan K. Eisenbrey

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential District) to a CR-1 (Commercial Residential District) for a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 31,200 square feet, more or less. The property is located south of Lewes Georgetown Highway (Route 9) 0.7 mile east of Route 5 at Harbeson (911 Address: 26822 Lewes Georgetown Highway, Harbeson) Tax Map I.D. 235-30.00-58.02 (part of).

The Commission found that the applicant submitted a survey/site plan with their application, and that this proposal is for an expansion of an existing commercial site.

The Commission found that on January 23, 2015 DelDOT provided comments in the form of a letter and Support Facilities Report referencing that the Department cannot predict the site's trip generation with enough accuracy to make a Traffic Impact Study useful; that the Department recommends that this rezoning application be considered without a Traffic Impact Study and that the need for a Traffic Impact Study be evaluated when a subdivision or land development plan is proposed; and that the current Level of Service "E" of U.S. Route 9 will not change as a result of this application.

The Commission found that on May 18, 2015 the Sussex Conservation District provided comments in the form of a Memorandum referencing that the developer will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after completion of construction; that no storm flood area is affected; that the scope of the project may dictate the need for off-site drainage improvements; that once the project is underway there will probably be a need for some on-site drainage improvements; and that no tax ditch is affected.

The Commission found that on May 19, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that Bill Schab, Esquire with Schab and Barnett, P.A. was present with Andrew Pennington on behalf of the applicants and stated in their presentation and in response to questions raised by the Commission that the front portion of the property is already zoned C-1 General Commercial; that the site was previously used by Peninsula Masonry contractors; that all of the buildings on the site are within the C-1 General Commercial zoned area; that this request for rezoning is for an extension to the existing commercial zoning to bring the entire property into one zoning classification; that the front portion was rezoned in 1987; that the zoning in the area includes B-1 Neighborhood Business, C-1 General Commercial, CR-1

Commercial Residential with some conditional uses; that the proposed rezoning is consistent with the other uses and zoning in the area; that the site is intended to be used for storage relating to a construction company; that Mr. Pennington is a road equipment dealer; that the storage area would be used to storage equipment and trucks; and that Mr. Pennington has a similar business operation in Wilmington and hopes to start a similar business in Sussex County.

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

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

Mr. Burton stated that he would move that the Commission recommend approval of Change in Zone #1774 for John r. and Susan K. Eisenbrey for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) The entire parcel is 1.75 acres in size. The first 300 feet of the property nearest Route 9 is already zoned C-1 General Commercial.
- 2) Although commercial buildings exist on the C-1 portion of the property, all of the property has been historically used for commercial purposes.
- 3) There are other nearby business and commercial uses and zonings. This rezoning is consistent with the area.
- 4) It is appropriate for the zoning district boundaries to match the properties boundaries.
- 5) No parties appeared in opposition to this application.

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

C/Z #1776 – Larry Yoder

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from AR-1 (Agricultural Residential District) to LI-2 (Light Industrial District) for a certain parcel of land lying and being in Nanticoke Hundred, Sussex County, containing 1.079 acres, more or less. The property is located northwest of Shawnee Road (Route 36) 3,439 feet northeast of Road 628 (Coon Den Road) (911 Address: 10682 Shawnee Road, Harrington) Tax Map I.D. 430-3.00-11.01.

The Commission found that the applicant submitted a survey/site plan with his application, and that this proposal is for an expansion of an existing Light Industrial zoned property.

The Commission found that on March 11, 2015 DelDOT provided comments in the form of a Support Facilities Report referencing that a Traffic Impact Study was not recommended, and that the current Level of Service “A” of Shawnee Road will not change as a result of this application.

The Commission found that on May 18, 2015 the Sussex Conservation District provided comments in the form of a memorandum referencing that the developer will be required to

follow recommended erosion and sediment control practices during construction and to maintain vegetation after completion of any construction; that no storm flood hazard area is affected; that off-site improvements are not likely; that there is a potential for on-site drainage improvements; and that no tax ditch is affected.

The Commission found that on May 19, 2015 the County Engineering Department Utility Planning Division provided comments in the form of a Memorandum referencing that the site is located in the Western Sussex Planning Area #1; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; and that a concept plan is not required.

The Commission found that the applicant or any parties representing the applicant were not present on behalf of this application.

There was a consensus of the Commission to refer the application to the end of the agenda in case the applicant was delayed.

At the conclusion of the agenda, the Chairman again referred to this application.

The Commission again found that the applicant or any parties representing the applicant were not present on behalf of this application.

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

Motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied since there was no record of any support for the application. Motion carried 4 – 0.

Introduced 1/27/15

Council District No. 1 - Vincent

Tax Map I.D. No. 132-12.00-112.00 and 112.05

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.33 ACRES, MORE OR LESS

WHEREAS, on the 16th day of January 2015, a zoning application, denominated Change of Zone No. 1772 was filed on behalf of Sussex Ventures, LLC; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1772 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

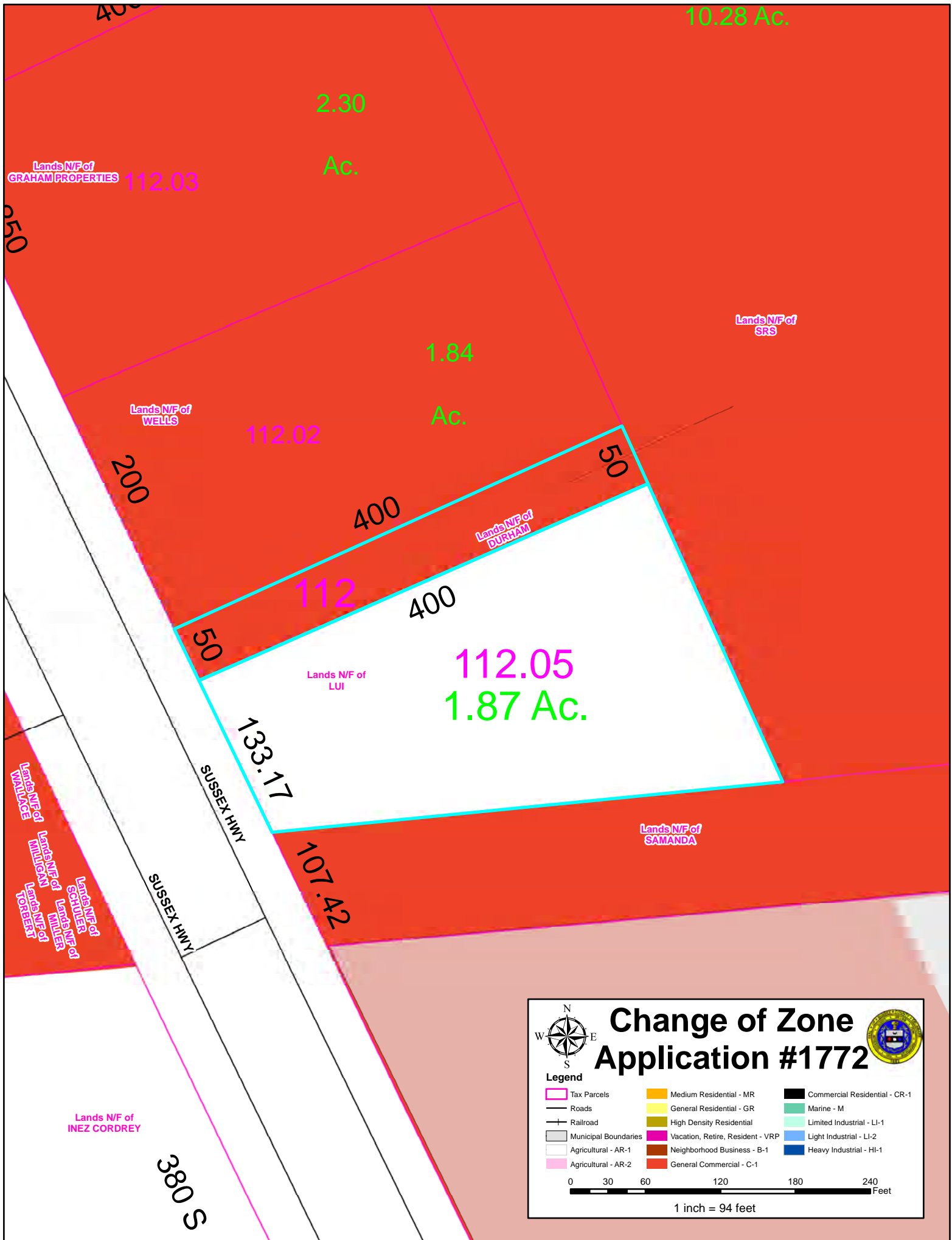
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:


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

Section 2. The subject property is described as follows:


ALL that certain tract, piece or parcel of land lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying east of U.S. Route 13 (Sussex Highway) 995 feet south of Road 482 (Boyce Road) and being more particularly described in Deed Book 4324, Page 213, in the Office of the Recorder of Deeds in and for Sussex County and containing 2.33 acres, more or less.

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





Change of Zone
Application #1772

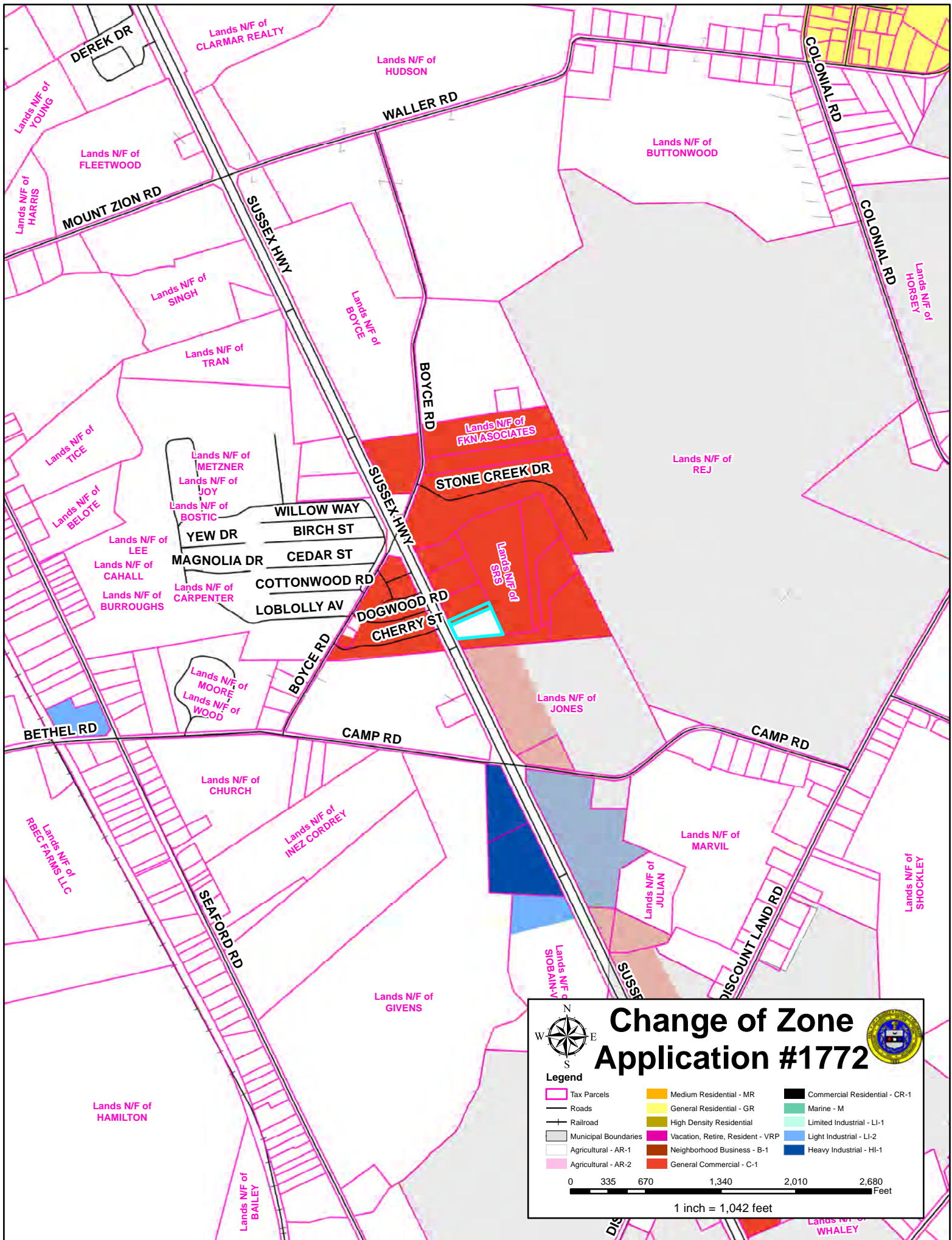


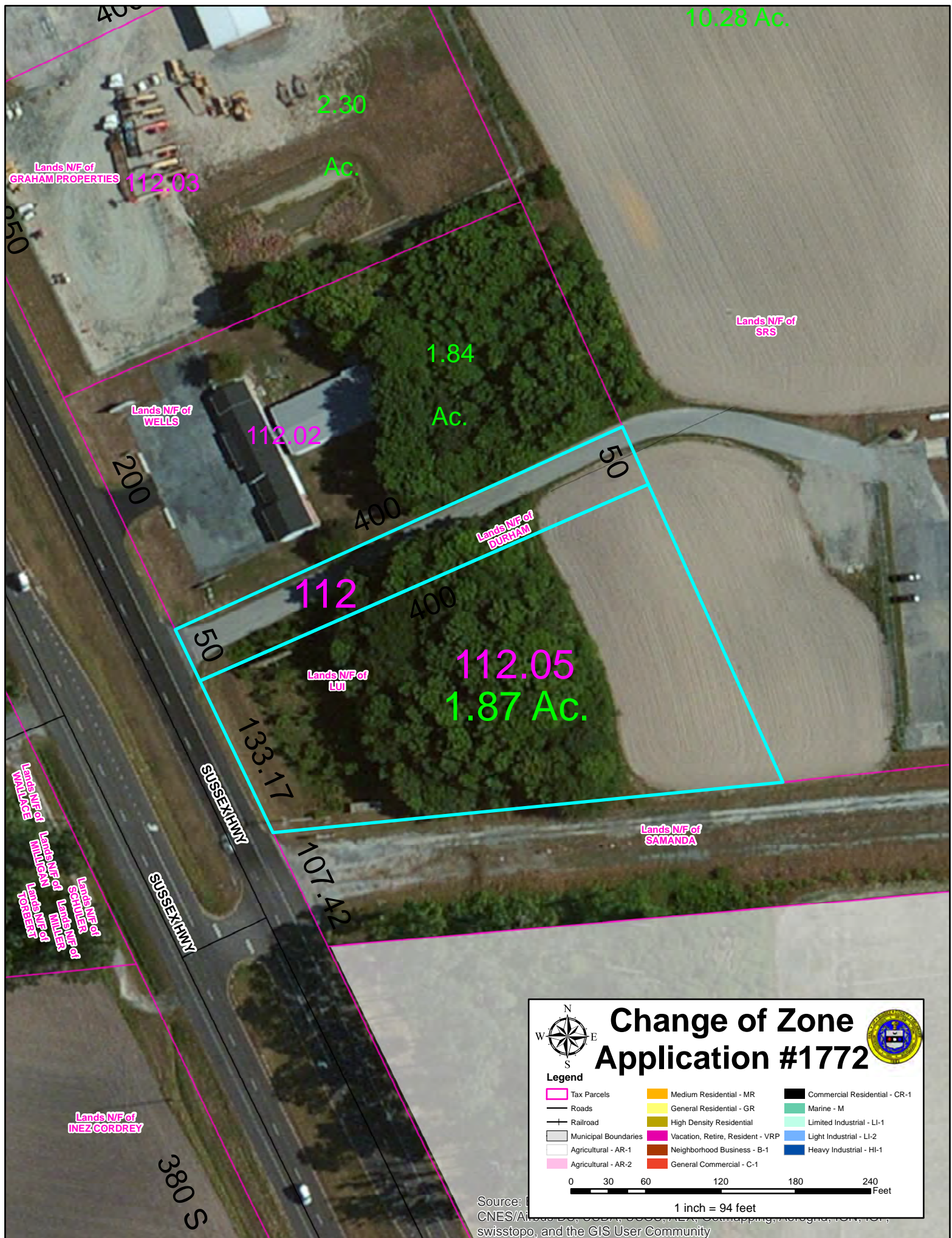
Legend

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

0 30 60 120 180 240 Feet

1 inch = 94 feet





Introduced 2/10/15

**Council District No. 3 - Deaver
Tax Map I.D. No. 235-30.00-53.00
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 9.541 ACRES, MORE OR LESS

WHEREAS, on the 30th day of January 2015, a zoning application, denominated Change of Zone No. 1773 was filed on behalf of Ernest and Donna DeAngelis; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1773 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

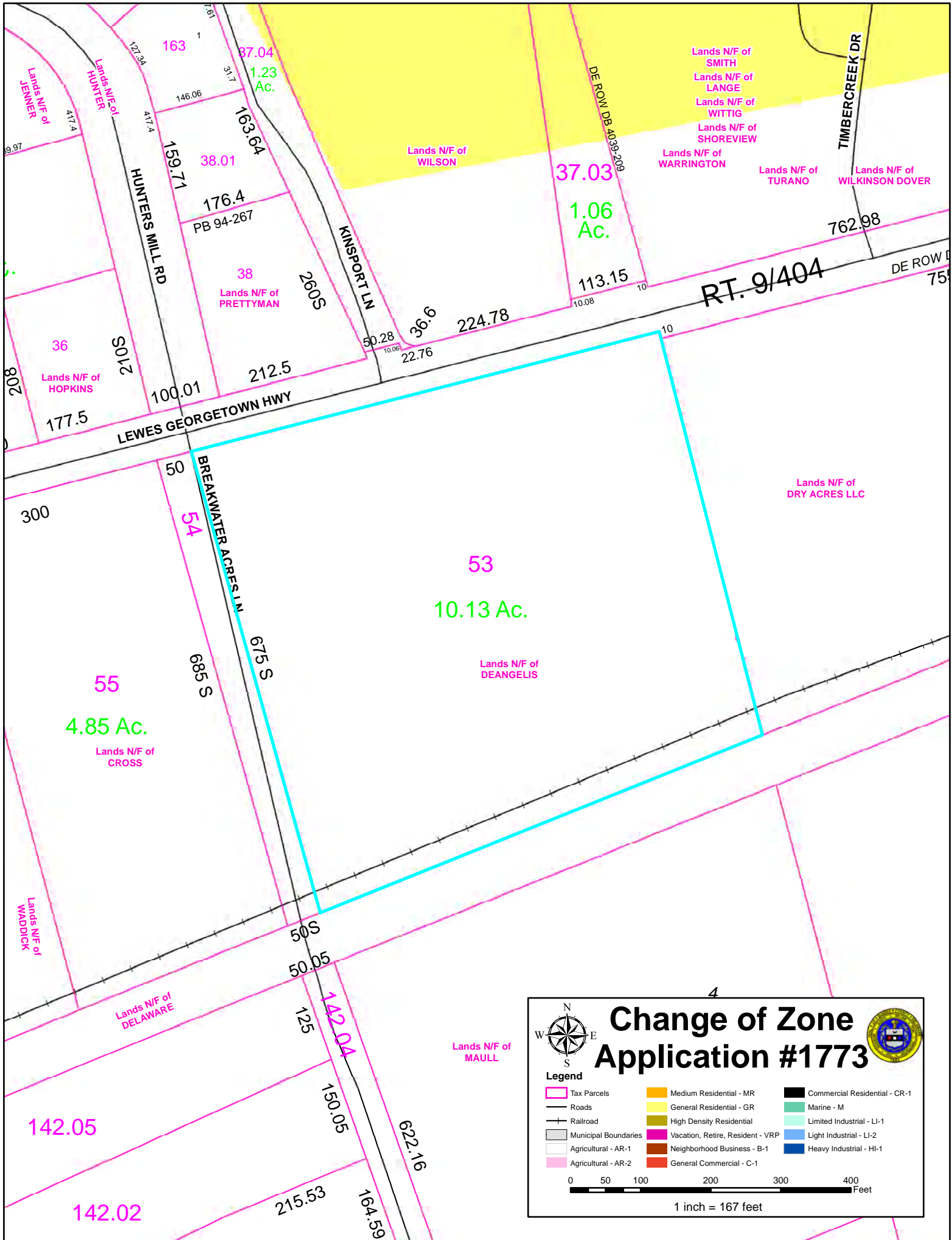
NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

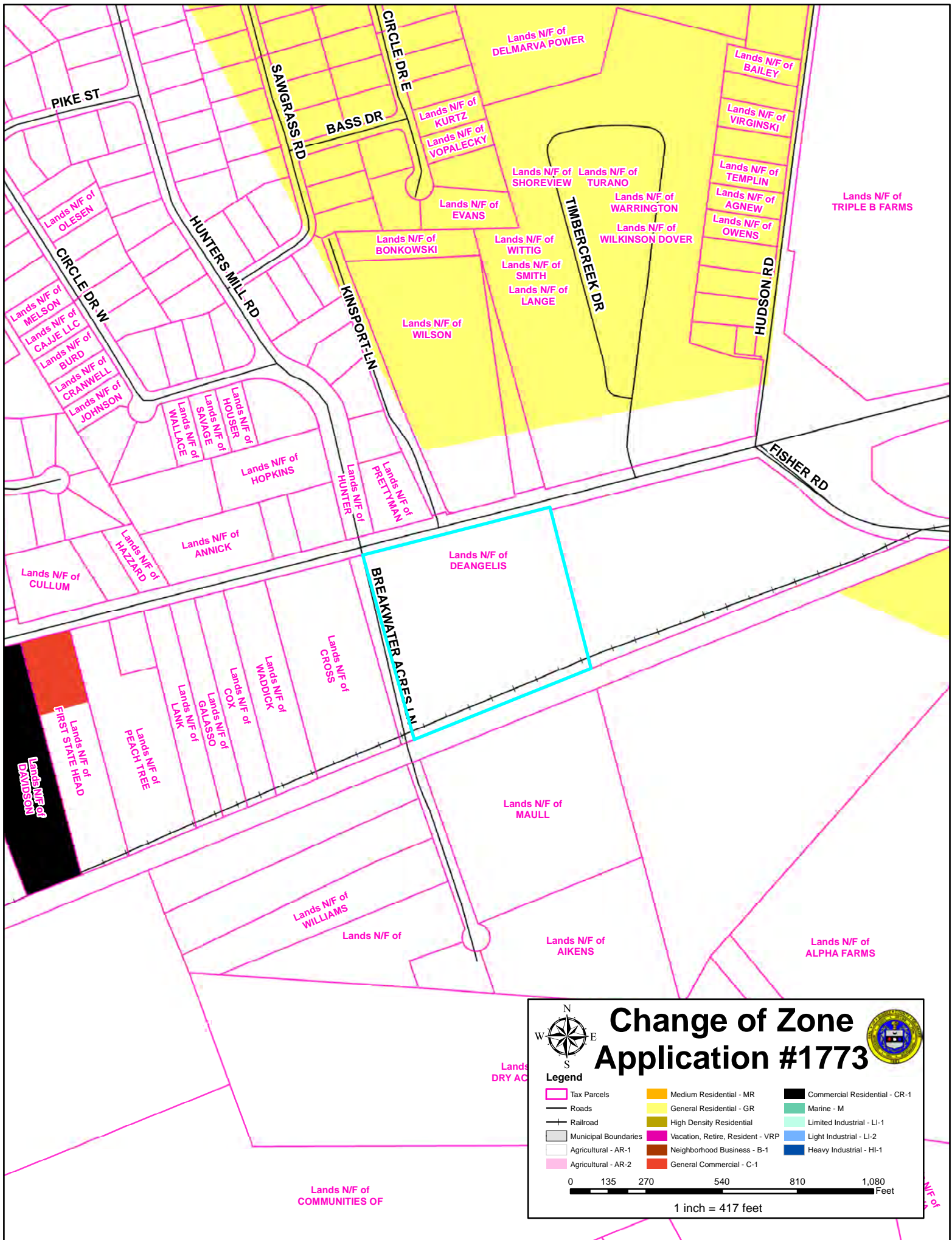
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of CR-1 Commercial Residential District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

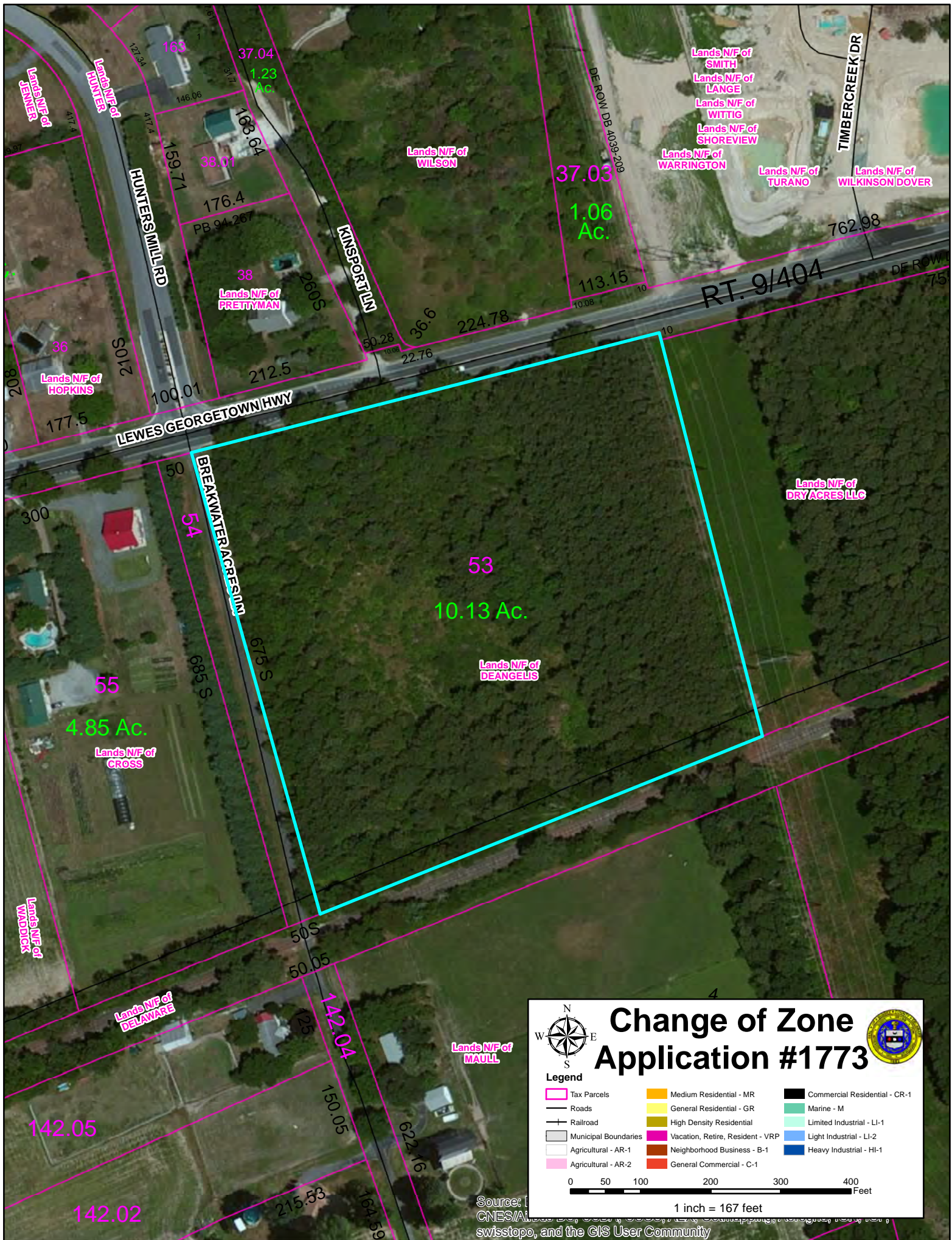
Section 2. The subject property is described as follows:


ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying south of Route 9 (Seashore Highway) 800 feet west of Road 262 (Fisher Road) and being more particularly described in Deed Book 3026, Page 86, in the Office of the Recorder of Deeds in and for Sussex County and containing 9.541 acres, more or less.

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










Change of Zone Application #1773



Legend

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

0 50 100 200 300 400 Feet

1 inch = 167 feet

Source: CNES/Airbus, Esri, DeLorme, GeoEye, IGN, Aeroglyph, IGN, DeLorme, and the GIS User Community

Introduced 2/10/15

Council District No. 3 - Deaver

Tax Map I.D. No. 235-30.00-58.02 (Part of)

911 Address: 26822 Lewes Georgetown Highway, Harbeson

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 31,200 SQUARE FEET, MORE OR LESS

WHEREAS, on the 30th day of January 2015, a zoning application, denominated Change of Zone No. 1774 was filed on behalf of John R. and Susan K. Eisenbrey; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1774 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

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

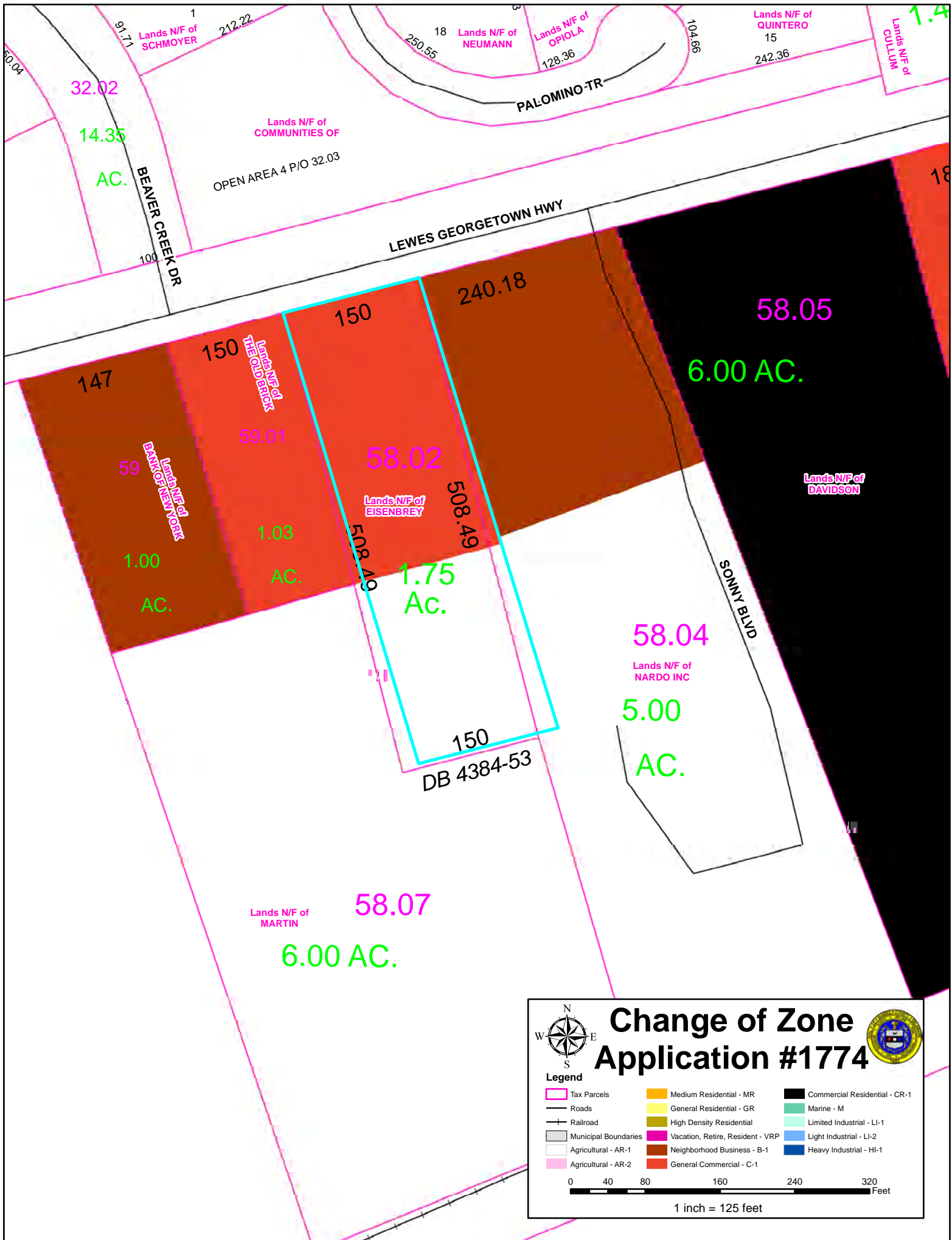
Section 2. The subject property is described as follows:

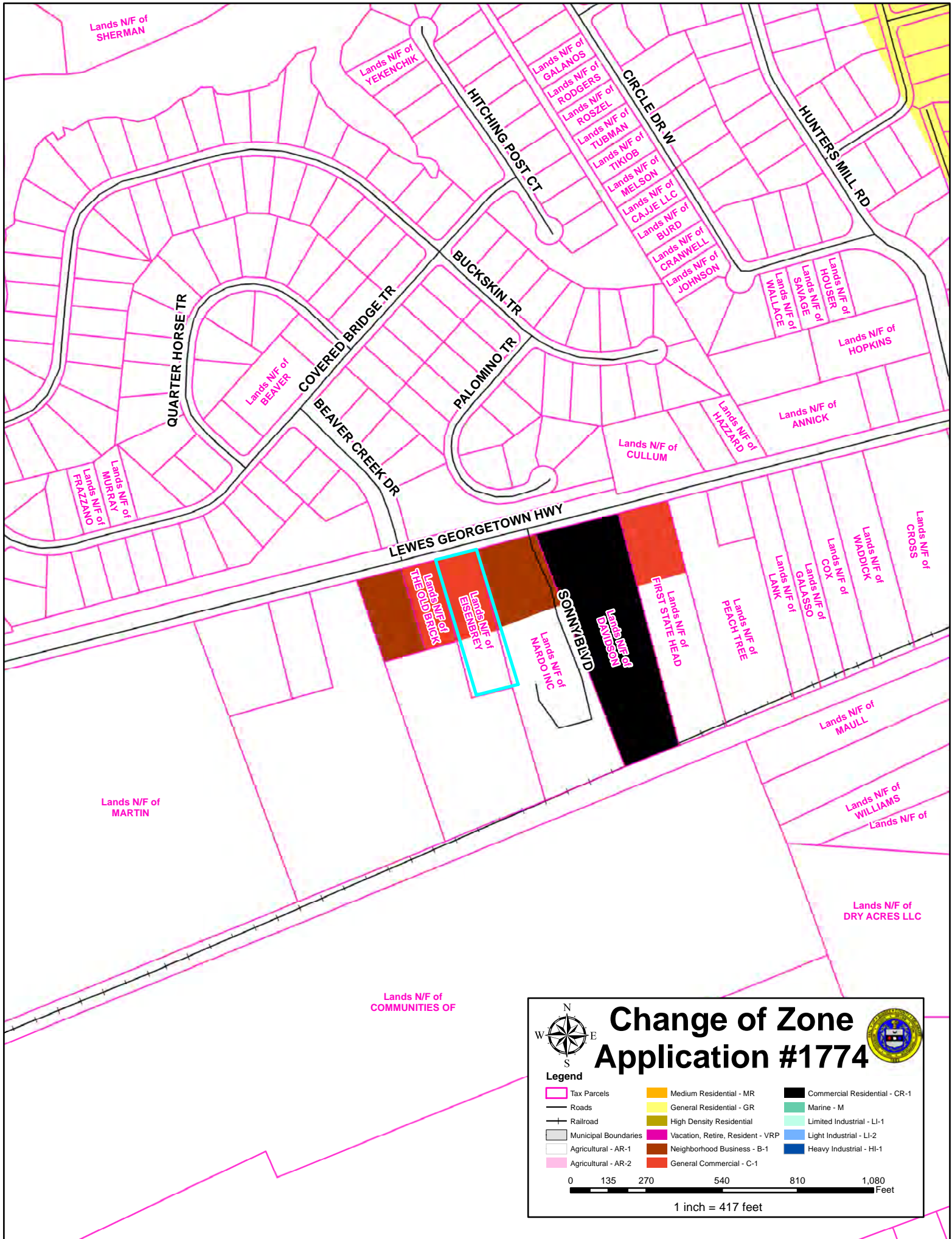
ALL that certain tract, piece or parcel of land lying and being situate in Broadkill Hundred, Sussex County, Delaware, and lying south of Lewes Georgetown Highway (Route 9) 0.7 mile east of Route 5 at Harbeson and being more particularly described as follows:

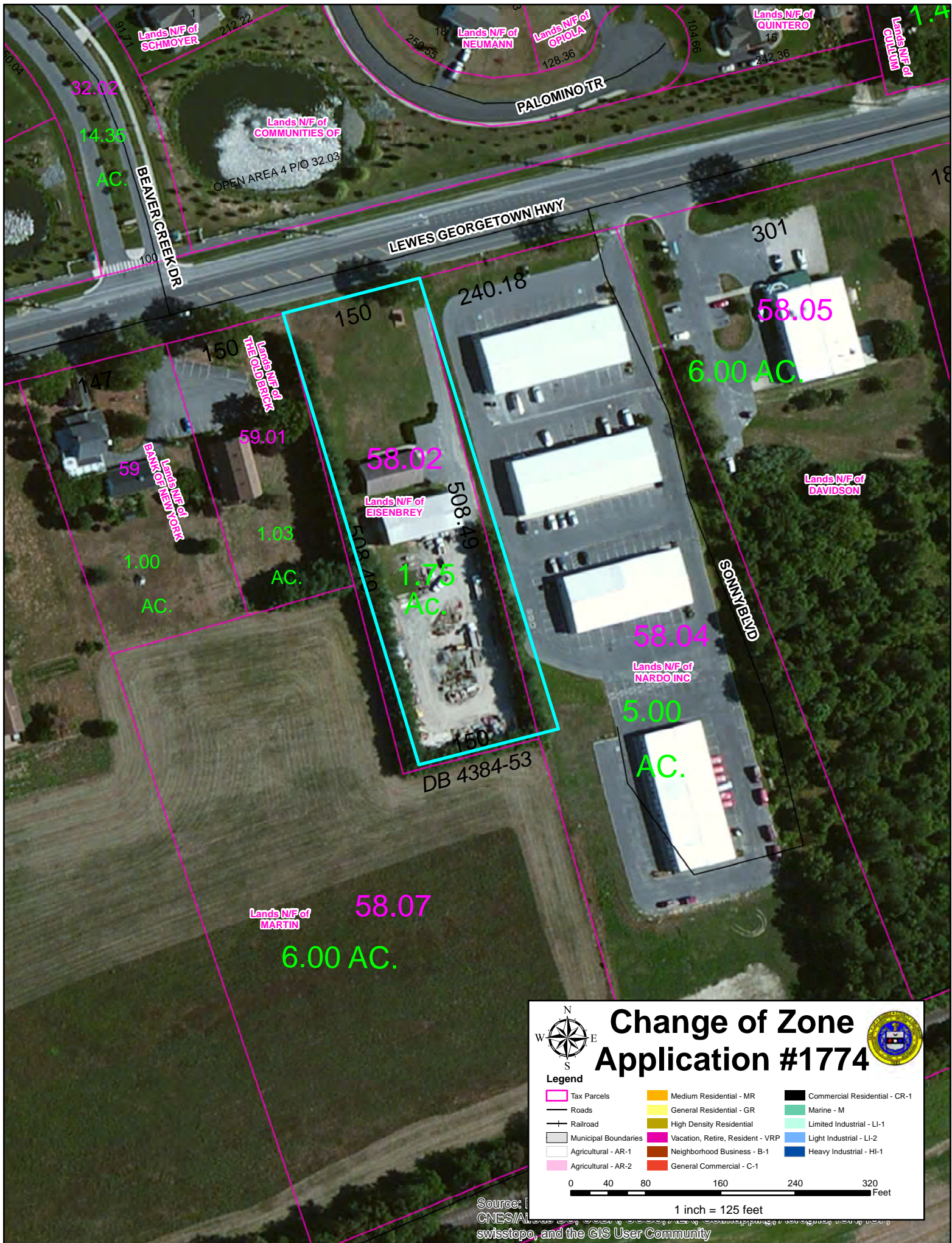
FROM a concrete monument on the southerly right-of-way of Route 9 (Lewes Georgetown Highway), a corner for these subject lands and lands, now or formerly of The Old Brick Barn, LLC, South 05°00'00" East 300.00 feet to the point and place of beginning; thence North 85°00'00" East 150.00 feet across lands of John R. Eisenbrey and Susan K. Eisenbrey to a point; thence South 05°00'00" (East 208.49 feet along lands, now or formerly, of Nardo, Inc. to an iron pipe; thence South 85°00'00" West 150.00 feet along lands, now or formerly, of Terri L. Martin and Irene P. Martin to an iron pipe; thence North 05°00'00" West 208.49 feet along said Martin lands to the point and place of beginning, and containing 31, 200 square feet of a 1.75 acre parcel.

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

PROPOSED







Change of Zone
Application #1774

Legend

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

0 40 80 160 240 320 Feet

1 inch = 125 feet

Source: [unclear]
CNES/Airbus, [unclear] and the GIS User Community

Introduced 4/21/15

Council District No. 2 - Wilson

Tax Map I.D. No. 430-3.00-11.01

911 Address: 10862 Shawnee Road, Harrington

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of February 2015, a zoning application, denominated Change of Zone No. 1776 was filed on behalf of Larry Yoder; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1776 be _____; and

WHEREAS, on the ____ day of _____ 2015, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX COUNTY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of LI-2 Light Industrial District as it applies to the property hereinafter described.

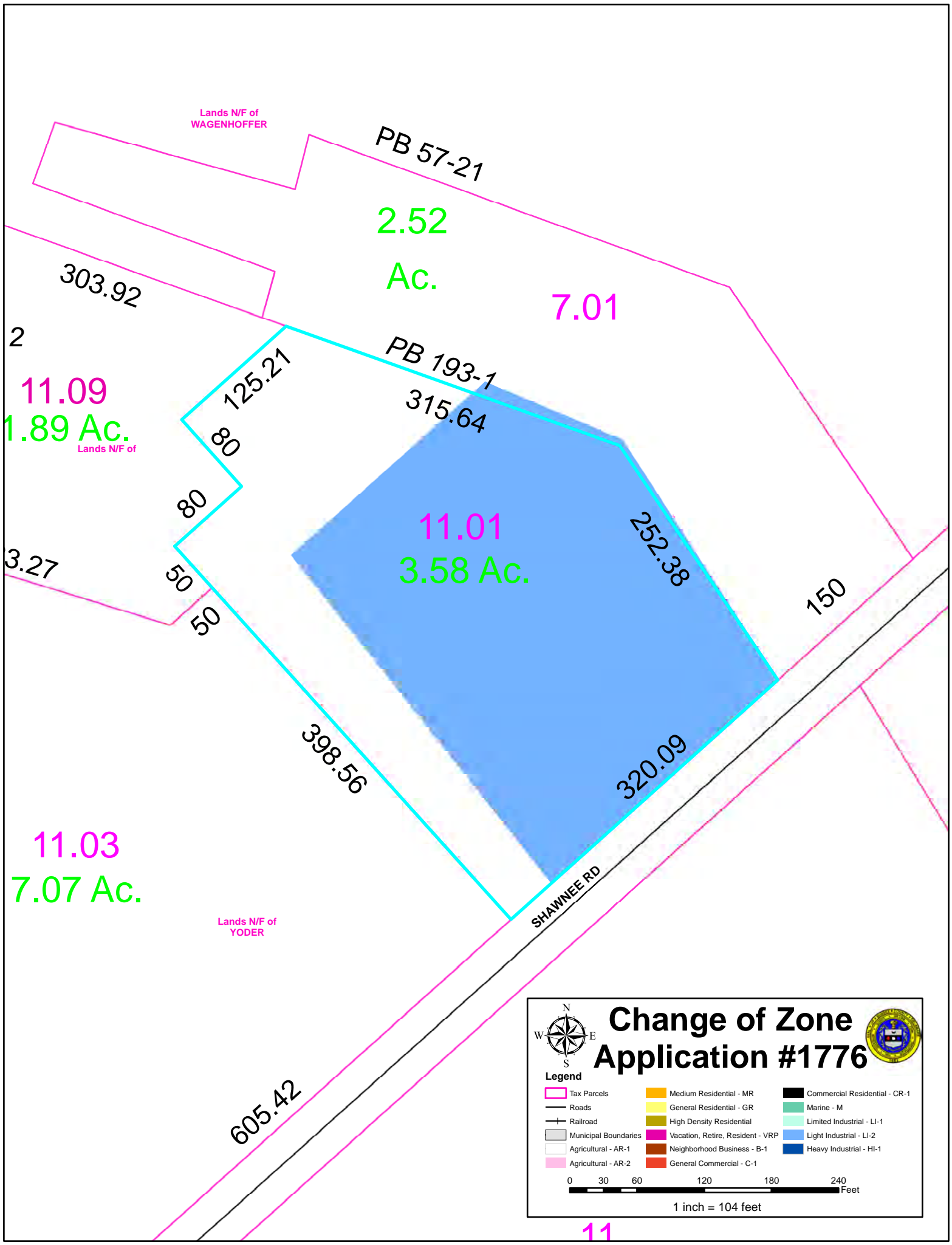
Section 2. The subject property is described as follows:

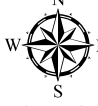
ALL that certain tract, piece or parcel of land lying and being situate in Nanticoke Hundred, Sussex County, Delaware, and lying northwest of Shawnee Road (Road #36) 3,439 feet northeast of Road 628 (Coon Den Road) and being more particularly described as follows:

BEGINNING at point on the northwesterly right-of-way of Road 36 (Shawnee Road), a corner for these lands and other lands of Larry L. and Jeanette H. Yoder; thence North 31°18'05" west 448.56 feet along said lands to a point; thence north 58°53'36" east 80.00 feet and north 31°06'24" west 80.00 feet around a tower enclosure to a point; thence north 58°53'36" east 125.21 feet along said lands to a point; thence south 59°34'20" east 158.45 feet along lands of William J. Wagenhoffer to a point; thence crossing Yoder lands south 58°43'46" west 230.43 feet and south 31°18'05" east 388.56 feet to a point on the northwesterly right-of-way of Road 36; thence south 58°49'33" west 50.09 feet along the northwesterly right-of-way of Road 36 to the point and place of beginning, and containing 1.079 acres, more or less.


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

PROPOSED





Change of Zone
Application #1776



Legend

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

0 30 60 120 180 240 Feet

1 inch = 104 feet

