



Sussex County Council Public/Media Packet

**MEETING:
October 29, 2013**

****DISCLAIMER****

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

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



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GEORGETOWN, DE 19947
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Sussex County Council

AGENDA

OCTOBER 29, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Administrator's Report

Thomas Glenn, Director of Information Technology

1. Presentation to Introduce the new County Website

10:30 a.m. Public Hearing

West Rehoboth Sanitary Sewer District – Homestead B&B Annexation

Joseph Wright, Assistant County Engineer

1. Consultant Selection for the North Coastal Planning Area

Michael Izzo, County Engineer

1. Pump Station 30 Improvements 09-17
 - A. Substantial Completion
2. Oak Orchard Hot Mix Patching #13-12
 - A. Bid Award



Old Business

“AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED “EXCESSIVE DOG BARKING” WHICH SHALL DEFINE “EXCESSIVE DOG BARKING” AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER”

Hal Godwin, Deputy County Administrator

1. Discussion of Proposed Policy Relating to Excessive Dog Barking Complaints

Grant Requests

1. Delaware Devil Dogs Detachment 780 for the 238th Marine Corps Birthday Ball.
2. IMMANUEL Homeless Shelter for operating expenses.

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

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

Possible Action on Executive Session Items

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 22, 2013 at 5:25 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, OCTOBER 22, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 22, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 488 13
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting "Wastewater Agreement – Hunter's Walk" and by deleting "Pending/Potential Litigation, and Land Acquisition" under Executive Session; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of October 15, 2013 were approved by consent.

**Corre-
spondence**

Mrs. Deaver read the following correspondence:

REPRESENTATIVE PETE SCHWARTZKOPF, LEWES, DELAWARE.

RE: Invitation to attend the next meeting of the Route 1 Pedestrian Safety Task Force on Tuesday, October 22 at 7:00 p.m. at the Rehoboth Beach Convention Center.

BETH BERGER, COMMUNICATIONS DIRECTOR, DELAWARE BREAST CANCER COALITION, WILMINGTON, DELAWARE.

RE: Notification that the Delaware Breast Cancer Coalition will be at The Circle in Georgetown on Friday, October 25th, to provide mammograms on the State's Mobile Health Screening Van.

Administrator's Report

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

1. U.S. Fish and Wildlife Service Notification – Proposed Rule under the Endangered Species Act

The U.S. Fish and Wildlife Service (Service) recently notified Sussex County officials of two proposed rules involving the Endangered Species Act (ESA). First, the Service published a proposed rule to list the *rufa* red knot as threatened under the ESA. Second, the Service published a proposed rule to list the northern long-eared bat as endangered under the ESA. Each proposed rule has a 60-day comment period whereby the public can submit comments by accessing www.regulations.gov.

Authorization to Execute Loan and Grant Documents

Mrs. Jennings reported that she would like to submit an application for funding for an upcoming County sewer district. In order to do this, she will need the authority to execute loan and grant applications for USDA Rural Development, the State of Delaware, and other governmental entities on behalf of Sussex County. This is the same authority granted to previous Finance Directors. As a continued check and balance, the County Administrator will still be responsible for signing all bond documents. This requested authority allows the Finance Director to apply for funding.

M 489 13 Authorization to Execute Loan and Grant Documents

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council hereby authorizes Gina A. Jennings, Director of Finance of Sussex County, to execute loan and grant applications for USDA Rural Development, the State of Delaware, and other governmental entities on behalf of Sussex County.

Motion Adopted: 5 Yeas.

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

Continuation of Public Hearing on Proposed Ordinance Relating to Excessive Dog Barking

The Public Hearing was continued on the Proposed Ordinance entitled "AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED "EXCESSIVE DOG BARKING" WHICH SHALL DEFINE "EXCESSIVE DOG BARKING" AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER".

This Ordinance creates a new Chapter 97 in the Sussex County Code which defines excessive dog barking and creates enforcement provisions and penalties for failure to comply with this Chapter.

The County Council held a Public Hearing on the Proposed Ordinance on September 10, 2013 at which time the Public Hearing was recessed for a period of approximately six weeks¹ to give the County appropriate time to re-

Continuation of Public Hearing on Proposed Ordinance Relating to Excessive Dog Barking (continued)

advertise the Public Hearing, at which time the Council will continue the Public Hearing with hopes that the Kent County SPCA staff member can attend, Mr. Moore can provide further legal information, and the public can continue to be heard.

Hal Godwin, Deputy County Administrator, provided a history of the draft ordinance and the proposed ordinance, as introduced.

The Council has discussed this matter on the following dates: June 11, July 16, July 30, and September 10, 2013. [For additional information, see the minutes of the meetings of the Sussex County Council on those dates.]

The Council discussed the Proposed Ordinance and made comments regarding enforcement, the definition of an “investigation”, a corresponding policy outlining what people can expect when they file a complaint, and whether or not a complaint will stand up in court or considered hearsay.

Major Brian Whipple, Delaware Animal Care Control and Kent County SPCA, reported that in New Castle County where they enforce a Barking Dog Ordinance, they do not respond overnight; that a 24-hour dispatcher will note the complaint in the system and the next morning, the first officer on duty will respond to that location; that if the person is not at home, they will get a note on the door along with a copy of the ordinance; that these cases rarely go to court and the ones that have gone to Court, the SPCA has won the case; that there have been no repeat offenders; that the ordinance is effective; that having a complaint on the books is a big deterrent; that, in 2013, they received approximately 60 barking dog complaints in Sussex County; that in Sussex County there is no enforcement mechanism - the SPCA can notify the dog owner of a complaint but there is nothing else the SPCA can do; that their standard operation is to give a warning, educate the dog owner regarding an ordinance, and after three complaints, proceed with legal action (issue citation and go to court). In regards to the Sussex County’s Proposed Ordinance, Major Whipple stated that it is well written; it would be easy to enforce; and that he suggests the approval of the Proposed Ordinance.

Public comments were heard.

Pat Fish of Georgetown spoke in opposition to the Proposed Ordinance. She stated that the County should consider an arbitrator versus adopting a new law. Mrs. Fish also questioned what the County will do when someone abuses the ordinance.

Carol Barford of Rehoboth, Connie Ferrara of Rehoboth, Mary Lou Ritson of Lewes, Carol Dadds of Lewes, Dean Costas of Lewes, and Mr. Harris of Rehoboth spoke in support of the Proposed Ordinance. They stated that barking dogs affect quality of life; that some dog owners leave their dogs outside all day while the owners are at work; that some dog owners are unresponsive to complaints; that a complaint can come from one development regarding a dog in an adjacent development; that some residents are fearful

Continuation of Public Hearing on Proposed Ordinance Relating to Excessive Dog Barking (continued)

of making a complaint and a third party is needed to provide relief; that there are serious barking dog situations as well as dangerous dog situations; that there are people that are lawless; and that dogs owned by tourists are also a problem.

Dan Kramer of Greenwood questioned where in the Proposed Ordinance it allows the County to hire the SPCA to enforce the law.

Mr. Moore responded that the Proposed Ordinance stipulates that “This ordinance shall be enforced by the Sussex County Constable, or his designee.”

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

Mr. Cole raised a question – Can the Proposed Ordinance be amended so that it will be effective for only one year and that after one year, it would be determined if it is effective or not and re-adoption considered.

**M 490 13
Defer Action on Proposed Ordinance Relating to Excessive Dog Barking**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to defer action for one week on the Proposed Ordinance entitled “AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED “EXCESSIVE DOG BARKING” WHICH SHALL DEFINE “EXCESSIVE DOG BARKING” AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER” for the Council to consider limiting the Proposed Ordinance to one year after which time the County would review it and consider re-adoption.

Motion Adopted: 4 Yeas, 1 Nay.

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

Consultant Selection for the North Coastal Planning Area

Joe Wright, Assistant County Engineer, reported that on Tuesday, October 15th, he presented a request for approval to select a consultant to provide planning, design, and construction inspection/administration services for water and wastewater in the North Coastal Planning Area for a five (5) year period effective upon Council’s approval and successful negotiation of an agreement. The Engineering Department recommended that the Contract be awarded to Whitman, Requardt & Associates. Mr. Wright noted that the selection process was performed according to County procedures. (See the minutes of September 15th for details that were provided on that date.)

Mr. Phillips noted that, on October 15th, he raised questions and that, to date, those questions have not been answered. He stated that on October 15th he asked that an Executive Session be held prior to the meeting on this date to discuss this issue; however, he found out that his concerns do not fall within the parameters of allowing an Executive Session. For this reason, Mr. Phillips asked to meet with the President of Council, the County Administrator, and the County Attorney following the Regular Meeting on

(continued) this date to try and get resolution to his concerns. Mr. Phillips asked that action on this matter be deferred for one week.

M 491 13

**Defer
Action on
Consultant
Selection/
North
Coastal
Planning
Area**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to defer action on the Consultant Selection for the North Coastal Planning Area.

Motion Adopted: 3 Yeas, 2 Nays.

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

Requests

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

M 492 13

**Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 (\$300.00 from Mrs. Deaver's Councilmanic Grant Account and \$50.00 each from Mr. Cole's, Mr. Phillips', Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to Southern Delaware Choral Society for concert costs.

Motion Adopted: 5 Yeas.

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

M 493 13

**Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to CHEER for the "Deck the Halls" fundraiser.

Motion Adopted: 5 Yeas.

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

M 494 13

**Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to City of Seaford Parks & Recreation for football program 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 495 13

Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 from Mr. Cole's Councilmanic Grant Account to Del-Mar-Va Council, BSA, Cub Scout Pack 5 for camping expenses.

**M 495 13
Council-
manic
Grant
(continued)**

Motion Adopted: 5 Yeas.

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

**M 496 13
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 Delaware State University Alumni Association for a scholarship fundraiser.

Motion Adopted: 5 Yeas.

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

**Additional
Business**

There was no additional business.

**M 497 13
Recess and
Go Into
Executive
Session**

At 11:17 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session to discuss a matter relating to Personnel.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 11:18 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing a matter relating to Personnel. The Executive Session concluded at 11:43 a.m.

**M 498 13
Reconvene
Regular
Session**

At 11:43 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

Action

There was no action on Executive Session matters.

**M 499 13
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 11:44 a.m.

Motion Adopted: 5 Yeas.

**M 499 13
(continued)**

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

Respectfully submitted,

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

DRAFT

INFORMATION TECHNOLOGY

THOMAS GLENN
DIRECTOR

(302) 855-7898 T
(302) 853-5898 F



Sussex County

DELAWARE
sussexcountype.gov

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

FROM: Thomas E. Glenn
Director of Information Technology

RE: **INTRODUCTION OF NEW COUNTY WEBSITE**

DATE: October 25, 2013

As you know, the Sussex County IT Department has been working the past several months on an overhaul project to improve the County's website to make it more user friendly, to eliminate some of the congestion and clutter, and to optimize the site for a seamless experience on PCs, tablets and smartphones. Overall, our goal in this initiative has been to spruce up the County's digital presence and to generally improve the public's experience using our site.

For this project, the County enlisted the services of Digital Eye, LLC to help us make these changes. The IT Department has also worked closely with the County Administrator, the County's Communications Director and various department heads to bring this project to completion.

I am happy to report the County is ready to launch its new website beginning Tuesday, Oct. 29. During next week's County Council meeting, we will make a presentation, as well as show a live demonstration, of the new site, its features and some of the new functionality. However, in advance of the meeting, I wanted to give you a sneak peek at some of the improvements you, and the constituents, will see in the County's new website.

Here is a sample of some of those changes:

- New branded look and feel
- Intuitive navigation via a revised navigation bar at the top of the homepage
- Revised sub-navigation bar that reduces overall page depth
- Direct management and ownership of content for key staff on their departments' areas of the site
- Google Translate to better reach non-English-speaking citizens
- Optimization and legibility on smartphones, tablets, and other mobile devices
- Ready-to-launch suite of Emergency Information page templates with matching, adjustable banners for high-profile events
 - Nor'easters
 - Hurricanes
 - Winter storms
- Improved flow of ordinances
- Improved meetings calendar with consolidated agenda, packets, minutes, and audio
- Reliability and security of off-site hosting platform

This has been a substantial project for the IT Department and other County staff, requiring numerous hours over the past several months. And work will continue in the weeks ahead to iron out any glitches and make the site the go-to place for our constituents. We look forward to rolling out the site for your review and the public's use.

In the meantime, if you have any questions in advance of the County Council meeting presentation, please feel free to contact my office.

Thank you.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT (WRSSD) TO INCLUDE ONE PARCEL OF LAND ALONG STATE ROUTE NO. 274 (OLD LANDING ROAD, WEST OF THE TOWN OF REHOBOTH BEACH,, SITUATE IN THE LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WRSSD); and

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

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

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

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

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the WRSSD to include parcels of land along State of Delaware Route No. 274, as follows:

BEGINNING at a point situate on the westerly right of way (ROW) of Old Landing Rd., said point being the northeasternmost corner of lands now or formally (N/F) of Michael & Verity Watson and a point along the WRSSD boundary line; thence proceeding by and with said sewer district boundary in the following two (2) directions and distances: northeasterly ± 337 feet, and northwesterly ± 249 feet to a point, said point being a point on the northerly ROW of County Road 275 (Warrington Rd.); thence crossing said ROW (60') in a southeasterly direction ± 60 feet to a point, said point being the northeasternmost corner of lands N/F of Robert & Barbara Redden; thence proceeding by and with said lands of Redden in a southwesterly direction ± 275 feet to a point, said point being the northwesternmost corner of lands N/F of Michael & Verity Watson; thence proceeding by and with said lands of Watson in a southeasterly direction ± 250 feet to a point, said point being that of the **BEGINNING**.

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

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

WEST REHOBOTH EXPANSION OF THE
DEWEY BEACH SANITARY SEWER DISTRICT
AFFIDAVIT FOR POSTING OF NOTICES

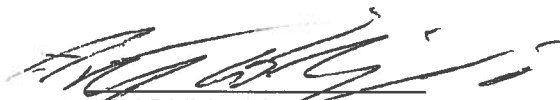
STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED that the subscriber, ANTHONY DIGIUSEPPE, JR., personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On October 7, 2013 he was a Planning Technician III for the Sussex County Engineering Department, Sussex County, State of Delaware, and
- B. On October 7, 2013 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 1. On community bulletin board, U.S. Post Office, Five Points Plaza, 1111 Highway One, Nassau, Delaware.
 2. On the area of land being considered for the proposed extension of the West Rehoboth Expansion Area in four (4) locations as follows:
 - a. On a driven stake near the northwesterly property corner of parcel 3-34-12.00-121.01 located on the southerly side of County Road 275 (Warrington Rd);
 - b. On a driven stake near the northeasterly property corner of parcel 3-34-12.00-121.01 located on the southerly side of Warrington Rd;
 - c. On a driven stake near the southeasterly property corner of parcel 3-34-12.00-121.01 located on the westerly side of County Road 274 (Old Landing Rd);
 - d. On yellow painted wood panel wall located near main office front door of the Homestead B&B.
 3. On community bulletin board next to front entry door, in Dewey Beach Town Hall, 105 Rodney Avenue, Dewey Beach, Delaware.

4. On bulletin board in Wawa Food Market, Route One and Wolfe Neck Road (County Road 270), Rehoboth Beach, Delaware.
5. On bulletin board, in Wawa Food Market, Route One and Dartmouth Drive, Lewes, Delaware.


ANTHONY DIGIUSEPPE, JR.

SWORN TO AND SUBSCRIBED before me on this 8th day of Oct. A.D., 2013.


NOTARY PUBLIC

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

PROPOSED

**PUBLIC NOTICE
PROPOSED EXPANSION
OF THE WEST REHOBOTH EXPANSION OF THE
DEWEY BEACH SANITARY SEWER DISTRICT
TO INCLUDE LANDS OF JUDITH K. HEDRICK & MARY J. FORD**

NOTICE IS HEREBY GIVEN that the Sussex County Council voted on September 17, 2013 to consider extending the boundary of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District (WRSSD) to include one (1) parcel of land along State Route No. 274 (Old Landing Rd.), west of the town of Rehoboth Beach, being in the Lewes and Rehoboth Hundred, Sussex County, Delaware. The parcel being tax map 334-12.00 parcel 121.01. File number OM-9.13AH.

This action is in conformity with 9 Del.C. §6502.

A description of the area, which is contiguous to and to be added to the WRSSD is described as follows:

BEGINNING at a point situate on the westerly right of way (ROW) of Old Landing Rd., said point being the northeasternmost corner of lands now or formally (N/F) of Michael & Verity Watson and a point along the WRSSD boundary line; thence proceeding by and with said sewer district boundary in the following two (2) directions and distances: northeasterly ± 337 feet, and northwesterly ± 249 feet to a point, said point being a point on the northerly ROW of County Road 275 (Warrington Rd.); thence crossing said ROW (60') in a southeasterly direction ± 60 feet to a point, said point being the northeasternmost corner of lands N/F of Robert & Barbara Redden; thence proceeding by and with said lands of Redden in a southwesterly direction ± 275 feet to a point, said point being the northwesternmost corner of lands N/F of Michael & Verity Watson; thence proceeding by and with said lands of Watson in a southeasterly direction ± 250 feet to a point, said point being that of the **BEGINNING**.

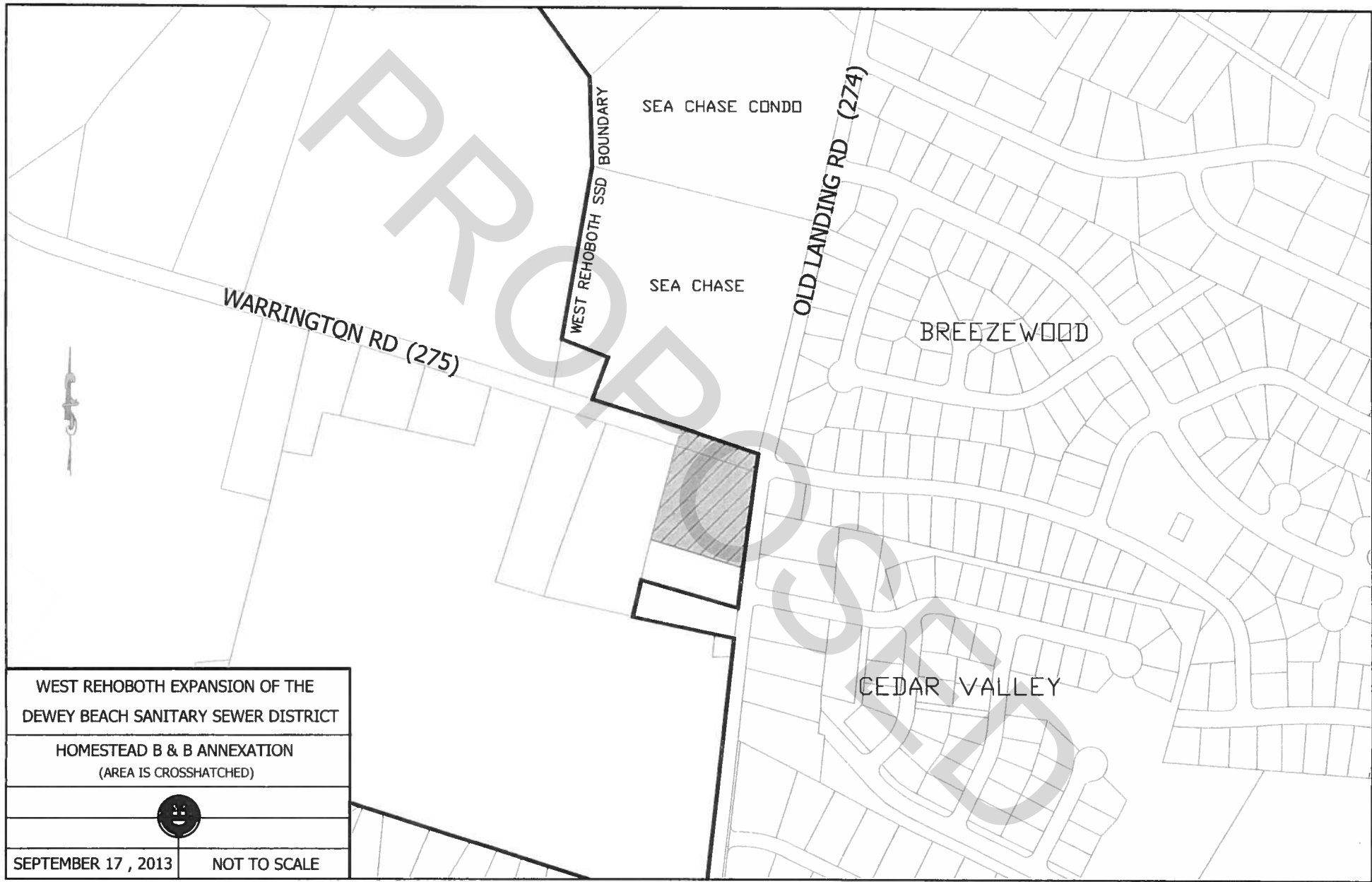
The proposed expansion of the WRSSD is within these boundaries and said to contain 2.0 acres, more or less. The boundary description has been prepared using Sussex County Tax Map Number 334-12.00

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

The public hearing will be held on this issue at 10:30 a.m. on October 29, 2013 in the Sussex County Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, at one of their regularly scheduled meetings, will make the final decision on the boundary extension.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-7718.

Michael A. Izzo, P. E.
County Engineer



WEST REHOBOTH EXPANSION OF THE
DEWEY BEACH SANITARY SEWER DISTRICT

HOMESTEAD B & B ANNEXATION
(AREA IS CROSSHATCHED)



SEPTEMBER 17, 2013

NOT TO SCALE

PROJECT FACT SHEET

Project name South Coastal Regional Wastewater Facilities
Pump Station #30 Improvements

Funded by: USDA Rural Utility Service and Department of Natural Resources Water
Resources, including American Recovery and Reinvestment Act funds.

Contract # 09-17

Bid date: August 3, 2011

Low bidder /bid amount: Bearing Construction/ \$3,449,460.00

Notice of Award: December 14, 2011

Notice to Proceed: April 2, 2012

Substantial Completion: July 24, 2013

Warranty dates: September 22, 2013 through September 21, 2014

Final balancing CO: TBD

GENERAL NOTES:

A small punch list of restoration items will be completed within the 30-day conditional acceptance period. Record Drawings are being reviewed to finalize and balance all quantities used to construct the project.

BID RESULTS FOR OAK ORCHARD HOT MIX PATCHING
SUSSEX COUNTY PROJECT NO. 13-12

Company	Base Bid	Total Contingent Items	Total Bid
Chesapeake Paving & Sealing Parsonburg, MD	\$73,175.00	\$800.00	\$73,975.00
American Infrastructure Dover, DE	\$81,720.00	\$1,350.00	\$83,070.00
George & Lynch Dover, DE	\$96,321.00	\$855.00	\$97,176.00
Jerry's Inc. Milford, DE	\$119,100.00	\$1,000.00	\$120,100.00
Delmarva Paving Co., Inc. Seaford, DE	\$195,000.00	\$1,500.00	\$196,500.00
Engineer's Estimate	\$83,000.00	\$1,800.00	\$84,800.00

ORDINANCE NO. ___

AN ORDINANCE TO ADOPT CHAPTER 97 OF THE CODE OF SUSSEX COUNTY, ENTITLED "EXCESSIVE DOG BARKING," WHICH SHALL DEFINE "EXCESSIVE DOG BARKING" AND CREATE ENFORCEMENT PROVISIONS AND PENALTIES FOR FAILURE TO COMPLY WITH THIS CHAPTER

WHEREAS, excessive dog barking has been a problem for some period of time in Sussex County; and

WHEREAS, many Sussex County residents have sought relief from excessive dog barking by contacting police and their elected officials; and

WHEREAS, Sussex County Council desires to adopt an ordinance to define excessive dog barking and create enforcement provisions and penalties for failure to comply with this Chapter.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County is hereby amended by creating a new Chapter 97, entitled, "Excessive Dog Barking" by inserting the underlined language as follows:

CHAPTER 97

EXCESSIVE DOG BARKING

§97-1. Title.

This chapter shall be known as the "Excessive Dog Barking Ordinance."

§97-2. Definitions.

For purposes of this chapter, the terms below are hereby defined as follows:

DOG – All canines which shall include male and female dogs regardless of whether dog has been spayed or neutered.

OWNER – Any person who owns, keeps, harbors or has in his/her care, custody, or control of a dog. Dogs owned by a minor shall be deemed to be in the custody of the minor’s parents, legal guardians or head of household where the minor resides.

EXCESSIVE DOG BARKING - Any dog that barks for a continuous period of thirty (30) minutes or more is considered to be engaging in excessive dog barking.

§97- 3. Ordinance Requirements.

This ordinance requires all dog owners to control their dog’s barking and will be in violation of this Chapter if their dog engages in excessive dog barking.

§97- 4. Exemption.

Any dog that is deliberately provoked by a trespasser (be that a human or animal), or is intentionally teased is exempt from this code per incident.

§97- 5. Enforcement and Jurisdiction.

- A. This ordinance shall be enforced by the Sussex County Constable, or his designee.
- B. Complaints of excessive dog barking shall be accepted by the Constable’s office during its regular business hours of Monday – Friday from 8:30 a.m. - 4:30 p.m.
- C. The Constable, or his designee, shall conduct an investigation of excessive dog barking complaints in a timely manner.
- D. The Justice of the Peace Courts in Sussex County shall have jurisdiction over all violations of this ordinance. Any person charged with a violation of this ordinance shall have such case adjudicated by a Justice of the Peace Court in Sussex County.

§97- 6. Penalties.

- A. A person found guilty of violating any provision of Chapter 97 of the Sussex County Code by the Justice of the Peace Court shall be fined in accordance with the following schedule:
 - 1. For the first offense - \$25.00 to \$75.00
 - 2. For the second offense - \$50.00 to \$100.00

3. For the third offense and any subsequent offenses - \$75.00 to \$150.00

B. If multiple violations occur within any thirty (30) day period, the court may double the fine due up to a maximum of \$300.00.

Section 2. Effective Date. This Ordinance shall become effective immediately upon its adoption.

Synopsis

This Ordinance creates a new Chapter 97 in the Sussex County Code which defines excessive dog barking and creates enforcement provisions and penalties for failure to comply with this Chapter.

All text is new and is underlined. There is no deleted text.

PROPOSED


HAL GODWIN
DEPUTY COUNTY ADMINISTRATOR
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hgodwin@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

FROM: Hal Godwin
Deputy County Administrator 

RE: **PROPOSED POLICY RELATING TO EXCESSIVE DOG BARKING**

DATE: October 25, 2013

During Tuesday's Council meeting, I am scheduled to discuss "Policy and Procedure for addressing Complaints of Excessive Dog Barking". Our recommended policy and procedures follow:

- 1.) Complainant's call shall be returned by the end of the next business day.
- 2.) Investigation will begin when Complainant is contacted to gather the details of the complaint.
- 3.) County Constable or his designee will identify the location and owner of the dog that is alleged to be barking.
- 4.) Constable or designee will contact dog owner and discuss the complaint, while not revealing who complained, and seek a plan to end the allegation of excessive dog barking.
- 5.) Immediately after a plan has been agreed upon, the Constable will return a brief report to the Complainant of the progress.
- 6.) If a second complaint is received and verified by the Constable, a written warning shall be issued, including a copy of the Sussex County Code, Chapter 97, to the dog owner in question.
- 7.) If a third complaint is received and verified, the Constable will issue a summons to the dog owner to appear in J.P. Court to answer the charges.

HG/kac



DELAWARE DEVIL DOGS • DETACHMENT 780

October, 2013

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Meetings

First Thursday—1830
VFW Virgil Wilson Post 4961
9767 Middleford Road
Seaford, DE 19973

Thank you for your kind consideration regarding a \$500.00 Platinum Sponsorship for our Detachment's 238th Marine Corps Birthday Ball. This year's Ball kicks off at 1730 (5:30 pm) at the Heritage Shores Clubhouse in Bridgeville, DE on Saturday, November 9, 2013.

The benefits of becoming a Platinum Sponsor are:

- four (4) Birthday Ball tickets (\$160.00 value);
- organization featured in the Power Point presentation during the Ball;
- organization name recognition throughout the ballroom;
- organization listed on the Platinum sponsorship page in the Ball's program booklet;
- organization ad posted on the Detachment's website for one (1) year beginning January 1, 2014.

Your decision to become a Platinum Sponsor will greatly assist the DE Devil Dogs Detachment in continuing its volunteer work in Western Sussex County.

Semper Fidelis (Always Faithful),

Jack Flood, Jr.
Commandant



EPWORTH REHOBOTH BEACH

a United Methodist Church
Open Hearts + Open Minds + Open Doors
19285 Holland Glade Road Rehoboth Beach, DE 19971
www.epworth-rehoboth.org 302.227.7743

The Honorable Joan Deaver
Sussex County Council
2 The Circle, PO Box 589
Georgetown DE 19947
October 17, 2013

Dear Joan,

Thank you for meeting with us to talk about our plans and needs to provide temporary shelter for the homeless in this area again this winter. Here is the information you requested about Immanuel Homeless Shelter.

IMMANUEL Homeless Shelter is located in Sussex County at Epworth Methodist Church and serves the homeless during the winter months.

The cold weather shelter is staffed each Friday, Saturday and Sunday night, from January through the end of April, by several teams of 4 to 6 volunteers. The teams serve three hour shifts from 5PM until midnight. A trained Leader supervises the entire evening and provides continuity to the transition between teams. Then from midnight until 8 AM, two staff members are paid to supervise the shelter, make breakfast, and put supplies away each night.

Although we have the capacity for 30 guests at Epworth Church, our average number per night in the past has been approximately 10 to 15 men and women. This has been a very manageable number of guests but we are preparing for greater numbers.

IMMANUEL Homeless Shelter provides hot dinners and breakfasts, hot showers, and a warm sleeping bag and air mattress to every guest. This winter, on average, the Shelter anticipates it will serve as many as 20 guests a night, and over the 17 weekends, we will serve 2040 meals.

One of our highest priorities is the safety of our guests and volunteers. To that end, we have a two year history and have gained sound practical experience regarding client behavioral management, client and volunteer safety.

Some of our ways of promoting essential safety are:

- We treat each guest with the dignity and respect that they deserve.
- We have teams of 4 to 6 people to monitor and direct guest activities.
- Our volunteers are trained for their tasks at the shelter.

- We have a zero-tolerance policy for alcohol, drugs and weapons.
- We have a close relationship with police and rescue, though we rarely use them.

Our facility is open to the public, all are welcome to visit, have dinner and/or stay the night. Even though the program and facility provided to our guests are based at Epworth Methodist Church in Rehoboth Beach, IMMANUEL Shelter shows no partiality to any particular faith and the work that we do is non-denominational.

I have enclosed a copy of our budget and as you can see our largest expenditure is for two qualified paid staff who work from 12 Midnight to 8 AM. Their job is to closely monitor our guests during the night, cook a nutritional breakfast, and pack up all shelter supplies each morning.

Other significant line items are food, a prorated cost for utilities for the space that we use and bedding.

At this time, we are fund raising and searching for support to meet our \$12,000 budget. We are seeking from the County Council a monetary donation to assist us in this much needed work with the homeless of Sussex County.

IMMANUEL Homeless Shelter is considered a project of Epworth Methodist Church and thus we are included under their 501(c)3 non-profit status.

I ask for your support so that we may continue to provide a safe and warm environment for those without shelter and meet some of the concerns of Sussex County residents.

Thank you for your willingness to consider our request.

Kindest regards,

Nan Ruhl
Co-Director

IMMANUEL Homeless Shelter