



Sussex County Council Public/Media Packet

**MEETING:
January 7, 2014**

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**Sussex County Council
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Georgetown, DE 19947
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MICHAEL H. VINCENT, PRESIDENT
SAMUEL R. WILSON JR., VICE PRESIDENT
GEORGE B. COLE
JOAN R. DEEVER
VANCE PHILLIPS



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Sussex County Council

AGENDA

JANUARY 7, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Election of Officers

Appointments

Rules of Procedure

Approval of Minutes – December 3 and 10, 2013

Reading of Correspondence

Todd Lawson, County Administrator

1. Employee of the Year
2. Administrator's Report

Gina Jennings, Finance Director

1. Bank Accounts Recommendation

Cindy Green, Register of Wills

1. Register of Wills – Lease Renewal



Hal Godwin, Deputy County Administrator

1. Wastewater Agreements
 - A. Americana Bayside – Coastal Crossing
Fenwick Island Sanitary Sewer District
 - B. Americana Bayside – Sea Grass Bend
Fenwick Island Sanitary Sewer District

Michael Izzo, County Engineer

1. Angola Neck Sanitary Sewer District, Grinder Pump System & Villages of Herring Creek Improvements, Contract 11-11
 - A. Balancing Change Order

John Ashman, Director of Utility Planning

1. Proposed Herring Creek Sewer District and Herring Creek Water District
 - A. Request Permission to Circulate Petitions

Grant Requests

1. Town of Georgetown for purchase or construction of a stage.
2. Sussex County Animal Association for animal rescue costs.
3. Woodbridge Elementary School for the Accelerated Reader Program.
4. First State Community Action Agency for activities scheduled by the Dr. Martin Luther King Jr. Organization of Sussex County to celebrate the legacy of Dr. King.
5. Greater Seaford Chamber of Commerce for parade expenses.
6. God's Food Wagon to purchase food for those in need.

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 Item

1:30 p.m. Public Hearings

Conditional Use No. 1976 filed on behalf of Indian River School District

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELEMENTARY SCHOOL EXPANSION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 26.77 ACRES, MORE OR LESS” (land lying southwest of Road 331 (Iron Branch Road) 1,200 feet southeast of Road 339 (Old Landing Road) and northwest of 1st Street in Riverview Subdivision) - (Tax Map I.D. 133-17.00-41.00 and 42.00)

911 Address: 29346 Iron Branch Road, Millsboro, DE 19966

Conditional Use No. 1977 filed on behalf of Matthew T. Favinger

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DOCTORS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8,276 SQUARE FEET, MORE OR LESS” (land lying at the northwest corner of Route 30 (Gravel Hill Road) and Horseshoe Drive west of Route 24 (John J. Williams Highway) - (Tax Map I.D. 234-32.00-9.00)

911 Address: 28302 Gravel Hill Road, Millsboro, DE 19966

Change of Zone No. 1739 filed on behalf of Vance Phillips

“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 LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,150 SQUARE FEET, MORE OR LESS” (land lying at the northwest corner of U.S. Route 13 and Route 24) - (Tax Map I.D. 332-1.08-39.00)

911 Address: 11067 4th Street, Laurel, DE 19956

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 December 31, 2013 at 4:00 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.

###

RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL
OF SUSSEX COUNTY, DELAWARE

These rules shall govern the procedure of the Sussex County Council of Sussex County, Delaware.

Definitions

“Agenda” includes but is not limited to a general statement of the major issues expected to be discussed at a public meeting, as well as a statement of intent to hold an executive session and the specific ground or grounds therefore.

“County” means Sussex County, Delaware, unless otherwise specified.

“County Council” means the Sussex County Council of Sussex County, Delaware.

“Meeting” means the formal or informal gathering of a quorum of the members of the Sussex County Council for the purpose of discussion or taking action on public business.

“President” means the president of the Sussex County Council.

“Presiding Officer” means the President of the Sussex County Council, or such other person who presides over the meetings of the Sussex County Council, pursuant to the Rules of the Sussex County Council.

“Public business” means any matter over which the Sussex County Council has supervision, control, jurisdiction or advisory power.

“Public record” is information of any kind, owned, made, used, retained, received, produced, composed, drafted or otherwise compiled or collected by the Sussex County Council, relating in any way to public business, or in any way of public interest, or in any way related to public purposes, regardless of the physical form or characteristic by which such information is stored, recorded or reproduced. Records not deemed public under 29 Del C. §10002 (d) are not deemed public under the Rules of the Sussex County Council.

Rule 1 - Order of Business

1.1 The order of business at each regular meeting of the County Council shall be as follows:

Invocation
Pledge of Allegiance
Call to Order

**Additions to Agenda
Adoption of Agenda
Approval of Minutes
Reading of Correspondence
Report of County Administrator
Reports of County Departments
Public Hearings
Introduction of Ordinances
Additional Business
Recess
Additional Public Hearings
Adjournment**

- 1.2 The order of business can be altered at any duly constituted meeting by an affirmative vote of a majority of all the members of the County Council. The privilege of the floor may be granted to the public at any time by the presiding officer.**
- 1.3 During public hearings, the presiding officer may set reasonable time limits on public comments. An individual may submit a written statement in lieu of or in addition to verbal comments.**
- 1.4 Every attempt will be made to complete all business scheduled. In the event that the presentation of a scheduled agenda item takes longer than reasonably anticipated, the presentation may be suspended by approval of a majority of all of the members of the County Council. A motion to suspend a presentation should include the date and time at which the remainder of the presentation will be heard.**

Rule 2 – Meetings of the County Council

- 2.1 Regular meetings shall be held in the Sussex County Administration Building or such other location as designated by majority vote of all the members of the County Council.**
- 2.2 Regular business meetings shall convene on Tuesdays.**
- 2.3 Special meetings may be held in any public location in Sussex County, provided that 24 hours advance public notice is given. The notice shall include an explanation as to why the notice required by Rule 3 could not be given.**
- 2.4 Special meetings may be held at the call of the President or by a majority of all of the members of the County Council, and shall convene at a time and place determined to be appropriate by a majority of all of the members of the County Council.**

- 2.5 Emergency meetings may be called without notice to address any emergency regarding the immediate preservation of the public peace, health or safety.
- 2.6 Except for executive sessions, all meetings shall be open to the public.
- 2.7 On the affirmative vote of a majority of all of the members of the County Council present at any duly constituted meeting, an executive session may be held and closed to the public for any of the purposes set forth in the Title 29, Chapter 100 of the Delaware Code.
- 2.8 A vote to hold an executive session must be taken at a public meeting prior to the executive session, and the purpose for the executive session shall be announced publicly. The results of the vote shall be made public and shall be recorded in the minutes.
- 2.9 Discussions in executive session shall be limited to the purposes for which an executive session was called.
- 2.10 Minutes of all meetings, including executive sessions, shall be kept and made available for public inspection and copying. At a minimum, the minutes shall include a record of attendance and a record, by individual members of the County Council, of each vote taken and each action agreed upon. Such minutes, or portions thereof, relating to executive sessions, may be withheld from public disclosure in those cases where such disclosure would defeat the lawful purpose of the executive session, but no longer.

Rule 3 – Posting of Meeting Notices

- 3.1 Public notices of all meetings shall be posted on the public bulletin board located in the Sussex County Council Administrative Office, except as noted in 3.4 below.
- 3.2 Notices of regular meetings and of the intent to hold an executive session closed to the public shall be posted at least 7 days in advance thereof.
- 3.3 Notices of special or rescheduled meetings shall be posted at least 24 hours in advance thereof.
- 3.4 Public notice is not required for any emergency meeting which is necessary for the immediate preservation of the public peace, health or safety.
- 3.5 Meeting notices shall include the agenda, if such has been determined at the time, and the dates, times and places of such meetings. However, the agenda shall be subject to change to include items which arise at the time of the County Council's meeting, or to delete items, including executive sessions. A

reasonable number of copies of meeting agenda shall be available to the public.

- 3.6 When the agenda is not available at the time of the initial posting of the public meeting notice, it shall be added to the notice at least 6 hours in advance of said meeting. The reasons for the delay in posting shall be briefly set forth on the agenda.

Rule 4 – Agenda

- 4.1 The agenda for regular and special County Council meeting shall be available to the members of the County Council at least one day prior to the scheduled meeting.
- 4.2 The County Administrator shall be responsible for the preparation and contents of the agenda. Any member of the County Council may place items on the agenda by contacting the County Administrator, either verbally or in writing, prior to the posting of the agenda. Any other person may request to have items placed on the County Council agenda by notifying the County Administrator, in writing, prior to the close of business on the Tuesday prior to the Tuesday County Council meeting; provided, however, that items requested to be placed on the agenda that are not, in the opinion of the County Administrator, of County Council jurisdiction will not be placed on the posted agenda. Those items that do not qualify as County Council business will be responded to by the County Administrator and copied to the members of the County Council.
- 4.3 During a meeting, items which arise at the time of the County Council's meeting may be added to the agenda, and items may be deleted from the agenda, by a majority vote of all of the members of the County Council.

Rule 5 – Attendance of Members of the County Council at Meetings; Quorums

- 5.1 No members of the County Council shall be absent from scheduled meetings or from other official duties without cause. When unable to attend a scheduled meeting, a member of the County Council shall be responsible for notifying one of the following: the President, the County Administrator, another County Council member, or a staff member of the County Council.
- 5.2 The presence of no less than three (3) members of the County Council shall constitute a quorum.
- 5.3 When a quorum is not present at any properly called meeting, the members of the County Council present may adjourn.

- 5.4 If no members of the County Council are present, the Clerk of the County Council may adjourn the meeting.
- 5.5 Three (3) affirmative votes shall be required to pass any motion, unless otherwise provided herein or provided by law.
- 5.6 A matter to be voted on may be placed on the table with three (3) affirmative votes. However, an ordinance for a change of zone or a conditional use may be placed on the table by the County Council member representing the district in which the application is located for a period of up to forty-five (45) days, without the need for three (3) affirmative votes.

Rule 6 – Roll Calls

- 6.1 On each motion duly made and seconded, the presiding officer shall call the roll or determine the vote in some other manner, and announce the results.
- 6.2 A written record shall be made by the Clerk of the vote by each member of the County Council on each vote taken. Said record shall also reflect the number of “aye” votes, the number of “nay” votes, and the number of “abstaining” votes.

Rule 7 – Record Keeping

- 7.1 A file shall be kept in the Office of the Clerk of the County Council of all County Council business meetings. The file shall include copies of meeting notices (including the time, date and place where they were posted), the agenda and the minutes of the meeting.

Rule 8 – Minutes of Sussex County Council Meetings

- 8.1 Minutes shall be taken of each meeting of the County Council, and shall reflect the following:
- a. Kind of meeting.
 - b. Date and place of meeting.
 - c. Name of the presiding officer.
 - d. Members of County Council present.
 - e. Whether the minutes of the previous meeting were approved.
 - f. The proceedings of the County Council, briefly and accurately stated, including titles of ordinances and titles of resolutions considered. The minutes shall record what was done rather

than what was said. However, a member of the County Council may request that a statement or written material be attached to the minutes and made a part thereof.

- g. All motions voted upon and the results of said motions.
- h. Names of members of County Council making motions and those making secondary motions.
- i. A record by individual members of County Council, of each vote taken and action agreed upon.
- j. Time of convention and adjournment.

8.2 Minutes shall be taken, prepared and presented by the Clerk of the County Council in written form for approval as written or as amended. The minutes as approved shall be filed in the minute book of the County Council. Copies of the approved minutes shall be made available to the general public.

8.3 Recordings will be made of all public County Council business meetings at which County business is transacted. The recordings shall be under the custody of the Clerk of the County Council and shall be open to inspection and copying in accordance with applicable law regarding access to public records.

Rule 9 – Records

9.1 The approved minutes of each public meeting, together with a copy of each ordinance or resolution introduced at the meeting which is not set forth in full in the minutes thereof and a copy of each communication presented at the meeting, shall be kept in the office of the Clerk of the County Council and shall be made available for inspection by the public.

Rule 10 - Ordinances

10.1 Any member of the County Council may request a staff member or a consultant to draft an ordinance for introduction. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.

10.2 A proposed ordinance may be introduced in writing by any member of County Council at any duly constituted meeting.

10.3 The proposed ordinance shall contain no more than one subject, which shall be stated in its title.

- 10.4** When a proposed ordinance is introduced, the Clerk of the County Council shall:
- a.** Assign an Introduction Number to the proposed ordinance;
 - b.** Distribute a copy of the proposed ordinance to each elected County official;
 - c.** Comply with all public advertisement requirements as mandated by applicable law;
- 10.5** The President or other presiding officer, or his or her designee, shall designate a date, time, and place for the public hearing for a proposed ordinance.
- 10.6** Following the public hearing, the County Council may:
- a.** Adopt the ordinance as introduced;
 - b.** Adopt the ordinance with amendments;
 - c.** Place the ordinance on the table, prior to voting; or
 - d.** Reject the ordinance.
- 10.7** Following the placement of an ordinance for a change of zone or a conditional use on the table, the matter shall be placed on the agenda again only by the County Council member representing the district in which the application is located. If an ordinance for a change of zone or a conditional use is not placed on the agenda and acted upon within forty-five (45) days of the County Council's public hearing on the application, the matter may be placed on the agenda by the President.
- 10.8** If the ordinance is amended in any substantial manner not included in the title of the ordinance, the amended portion thereof shall be introduced by the procedures set forth in Rules 10.2 – 10.6.
- 10.9** Upon the adoption of an ordinance, the Clerk of the County Council shall assign a permanent number to the ordinance and publish the title of the ordinance, with notice of its adoption.
- 10.10** Unless the effective date is included in the body of the ordinance, the ordinance shall become effective upon adoption.

Rule 11 – Resolutions and Proclamations

- 11.1** All resolutions and proclamations shall be in writing and submitted to the members of the County Council prior to consideration by the Sussex County Council.
- 11.2** Any member of the County Council may request that a resolution or proclamation be placed on the County Council agenda by submission of the resolution or proclamation to the County Administrator, in accordance with Rule 4.
- 11.3** No resolution or proclamation shall contain more than one subject which shall be clearly expressed in its title.
- 11.4** Each resolution and proclamation shall bear a title which shall clearly express its subject matter. At the time of its consideration and prior to a motion for its adoption, a resolution or proclamation may be read by title only.
- 11.5** A resolution or proclamation may be amended without resubmission unless such resubmission is desired by a majority of all of the members of County Council.

Rule 12 – Conduct During Meetings

- 12.1** When a member of County Council desires to speak, that member shall address the presiding officer and shall not proceed until recognized and granted the privilege of the floor. The presiding officer shall recognize the member of County Council who is the first to address the presiding officer.
- 12.2** No member of the County Council shall interrupt another in debate without the consent of the other. To obtain such consent, the member shall first address the presiding officer.
- 12.3** If any member of County Council, in speaking or otherwise, transgresses the Rules of the County Council, the presiding officer shall, or any member of County Council may call the errant member to order. When a member shall be called to order, that member shall not proceed without the permission of the presiding officer.

Rule 13 – Change or Suspension of Rules

- 13.1** Any rule of the County Council may be changed or suspended by the approval of a majority of all of the members of the County Council.

Rule 14 – Rules of Order

- 14.1** All rules of parliamentary procedure not covered or provided for by the **RULES OF PROCEDURE OF THE SUSSEX COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE**, or by the laws of the State of Delaware, shall be decided in accordance with **MASON’S MANUAL OF LEGISLATIVE PROCEDURE**.

Rule 15 – Vice-President and Other Presiding Officer

- 15.1** In the absence of the President, the presiding officer, with all powers and duties of the President enumerated herein, shall be the Vice-President as elected by a majority vote of all of the members of County Council. In the absence of the Vice-President, the presiding officer, with all powers and duties of the President enumerated herein, shall be such other member of the County Council as is elected by a majority vote of all of the members of County Council.

Rule 16 - Appointments

- 16.1** The President, with the concurrence of a majority of all of the members of the County Council, may appoint any member to represent the County Council on any committee, board or commission or at any event.
- 16.2** A member of the County Council so appointed shall inform the County Council of issues discussed at those meetings or events which impact County government.

Rule 16.A Appointments to the Planning & Zoning Commission and Board of Adjustment

- 16A.1** With respect to new appointments of members to the Planning & Zoning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), the Councilperson in whose district a board member’s term is set to expire shall, at least one (1) month prior to the expiration of said term, submit the name of a nominee to the County Administrator along with the nominee’s resume. The County Administrator shall forward copies of the nominee’s resume to all Council members and place the matter on the Council’s agenda for public session at an upcoming Council meeting. With Council’s input, the County Administrator shall provide interview questions to the nominee for written answer to be submitted to the Council by no later than the Friday preceding the aforesaid Council meeting at which the nominee shall be in attendance for a public interview. In the event the nominee is not approved by a Council majority, nominations for the position will be opened up to all Councilpersons regardless of the district they represent; however, at no time shall there be

more than 2 members appointed for the same Council district. This procedure shall apply only to new nominees and specifically shall not apply to those board members seeking reappointment for a subsequent term.

- 16A.2 In the event a board member resigns or is removed prior to the expiration of his or her term, the Councilperson, in whose district the vacancy has occurred, shall submit the name and resume of a nominee to the County Administrator as soon as is practicable and no later than two (2) weeks from the date the vacancy occurred. All other application procedures above shall thereafter apply.

Rule 17 – Standards of Conduct

- 17.1 Persons attending County Council meetings shall observe appropriate dress standards and standards of conduct. Attire that may distract from the proceedings shall not be permitted.
- 17.2 Persons attending County Council meetings may wear one (1) “cause supporting sign” affixed to their clothing. The size of such “sign” may not exceed three (3) inches by five (5) inches. Signs offensive to the members of the County Council or to participants, and signs that may distract from the proceedings, shall not be permitted. No placards shall be permitted at any meeting of the County Council.
- 17.3 The County Administrator shall, from time to time, prescribe by policy reasonable and appropriate attire and conduct for persons attending meetings of the County Council.
- 17.4 Members of the news media shall conduct themselves in such a manner as to not be disruptive of the proceedings of the County Council.
- 17.5 Persons attending County Council meetings shall at all times conduct themselves in an orderly manner and follow the direction of the presiding officer. The presiding officer shall be responsible for ensuring that reasonable and appropriate dress standards and standards of conduct are observed at meetings of the County Council.
- 17.6 Although the Freedom of Information Act does not require Council to allow public comment during a Council meeting, if Council includes Additional Business on the agenda for one or more of its regular or special meetings, the right to make public comment shall be subject to the following procedures, which shall be enforced by the presiding officer of Council:
- A. Each speaker shall place their name and address on a sign-up sheet. Each speaker shall only speak from the podium after being recognized and shall first identify themselves and give their residence address

within the County. Each speaker shall be limited to 3 minutes. At the end of that time, the presiding officer will either inform the speaker that their time is up or grant the speaker up to an additional 2 minutes.

- B. Each speaker shall confine his or her comments to matters which are clearly within the jurisdiction of Council and are matters of legitimate County business.
- C. Public comment is not intended to provide a means for a member of the public to appeal a decision made by a County employee or subcontractor during the course of their official duties. Matters of that nature must be brought to the attention of the County Administrator or his or her designee.
- D. Public comment shall be addressed to the Council as a body and not to a specific member of Council. After a person is recognized and allowed to speak, they should not be interrupted except by the presiding officer whose purpose is to enforce these policies. The presiding officer shall have the discretion to stop a speaker from further comment if the speaker digresses from the restrictions as to time or matters within the County's business or jurisdiction or if the speaker becomes so willfully and seriously disruptive as to prevent Council from accomplishing its business in a reasonable manner.
- E. The presiding officer may, but is not required to, respond to a speaker or to a question or an issue raised by a speaker. In situations where the presiding officer responds, the response shall not indicate the position of Council as a body and to the extent possible, be limited to informing the speaker, if appropriate, of the proper person within the County government to whom their concerns should be addressed.
- F. Nothing in this Rule shall be construed to prohibit Council from seeking comments from persons with particular knowledge on a matter before them and to prohibit public comment if Additional Business is not included on the agenda.

Rule 18 – Delaware Freedom of Information Act

- 18.1 All procedures of the County Council shall comply with the Delaware Freedom of Information Act, as contained in Title 29, Chapter 100 of the Delaware Code. To the extent that any provision herein shall conflict with the provisions of the Delaware Freedom of Information Act, the more restrictive provision shall apply.

Rule 19 – Adoption and Effective Date

19.1 **These rules shall become effective upon adoption by a majority vote of all of the members of the County Council. These rules shall be adopted annually by the members of the County Council.**

Adopted as presented on January 4, 2011

Amended on June 28, 2011

Adopted as presented on January 3, 2012

Amended and adopted on January 8, 2013

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 3, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 3, 2013, at 1:00 p.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	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.

Mr. Vincent called the meeting to order.

**Call to
Order**

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

**M 557 13
Approve
Agenda**

(Mr. Lawson noted that there would be some changes in the order of the agenda items to accommodate staff schedules.)

Motion Adopted: 3 Yeas, 2 Absent.

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

Minutes

The minutes of November 19, 2013 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**SUSSEX FAMILY YMCA, REHOBOTH BEACH, DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**JUNIOR ACHIEVEMENT OF DELAWARE, INC., WILMINGTON,
DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**CANCER SUPPORT COMMUNITY, REHOBOTH BEACH,
DELAWARE.
RE: Letter in appreciation of Human Service Grant.**

**Corre-
spondence
(continued)**

LAUREL COMMUNITY FOUNDATION, LAUREL, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

BEEBE MEDICAL FOUNDATION, LEWES, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

Mr. Phillips joined the meeting.

Mr. Lawson announced the County's recognition of two local sports teams for their recent accomplishments.

**Procla-
mation
to Honor
the Cape
Henlopen
High
School
Field
Hockey
Team**

A Proclamation entitled "A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2013 DIAA CHAMPIONSHIP" was presented to members of the team that were in attendance.



**Procla-
mation
to Honor
the
Indian
River
High
School
Boys'
Soccer
Team**

A Proclamation entitled "A PROCLAMATION TO HONOR THE INDIAN RIVER HIGH SCHOOL BOYS' SOCCER TEAM UPON WINNING THE 2013 DIAA DIVISION II CHAMPIONSHIP" was presented to members of the team that were in attendance.



Greenwood Library Project/Change Order **Julie Cooper, Project Engineer, presented a Change Order request for the Greenwood Library Project in the amount of \$2,072.40. The Change Order is the result of a design change: (1) add book drop inserts to circulation desk (+\$385.00) and (2) add interior wall blocking for hangings support (+\$1,687.40).**

M 558 13 Approve Change Order/Greenwood Library Project **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Consulting Architect, that Change Order No. 3 for Sussex County Project 07-05, Greenwood Library, be approved in the amount of \$2,072.40, thereby increasing the contract total from \$2,773,903.81 to \$2,775,976.21.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Presentation by Rich Collins/Proposed Septic System Regulations **Rich Collins of the Positive Growth Alliance presented an update on proposed septic system regulations on which the public comment period closes on Friday, December 6, 2013.**

Mr. Collins stated that there is a concern that EPA has been using estimates for nutrient pollution that have been totally discredited and the EPA has admitted that they need to study the issue; the EPA has established a Committee and are in the process of performing the study. Specifically, they have been estimating over 35 million pounds of nitrogen into Sussex County from chicken manure. He noted that a study at the behest of the Delaware Department of Agriculture, Maryland Department of Agriculture, was done by the University of Delaware (Professor James Glancey) in cooperation with the University of Maryland and they found that EPA's figures were totally out of date as they were developed in the 1980s and they found that there is over 20 million fewer pounds of nitrogen coming into Sussex County (just from that one source).

Mr. Collins referenced the Chesapeake initiative, under which the State of Delaware is under orders through EPA to drastically reduce pollution going into the Chesapeake Bay; the problem is, there is only 2 percent of the pollution getting into the Chesapeake Bay from Delaware.

Mr. Collins reported that part of Delaware attaining the goal is putting in the new septic systems regulations. The proposed regulation (Rule 3.30) states that "All new and replacement systems permitted with 1,000 feet of the Chesapeake Bay tidal waters, as displayed by the map in Exhibit NN, shall meet the Performance Standards for Nitrogen and Phosphorus as defined in these Regulations. Small systems use PSN3 and large systems see Exhibit MM. This requirement shall become effective one (1) year from the date of promulgation of these Regulations." The PSN3 treatment technology means an additional treatment device that will cost \$2,000 to

Presenta-
tion by
Rich
Collins
(continued)

\$6,000 and then a maintenance contract that requires two inspections per year and an annual report to DNREC. He noted that this regulation applies to every new and replacement system in the area. Mr. Collins questioned the benefits of the new regulations.

Mr. Collins encouraged the County to submit comments to DNREC.

M 559 13
Draft
Letter
to EPA

A Motion was made by Mr. Phillips that the Sussex County President and County Administrator work with Rich Collins to draft a letter from the Council asking the EPA to consider the real numbers as presented in the Glancy report.

Discussion

Mrs. Deaver stated that this is a State issue and that Mr. Collins has a conflict of interest as he represents a particular group of people in the County and not everyone in the County. Mrs. Deaver stated that Mr. Collins is a lobbyist and represents one point of view.

Mr. Vincent stated that, in consideration of the report prepared by the University of Delaware and University of Maryland, somewhere there is a discrepancy in the numbers.

M 559 13
Motion
Died

The Motion Died for the lack of a Second.

Continued
Discussion
on Sending
Letters
to EPA
Individually

Mr. Phillips asked Legal Counsel if the President wishes to send a letter unilaterally with members of Council who are in agreement, could that be done without an approved Motion.

Mr. Moore responded that, in his role as an individual and an individual office holder, he can do that just as any Councilmember can opine on any issue individually; however, (in his opinion) it should not be written on County letterhead indicating that it was part of an action taken by the Council.

Mr. Cole stated that he is not comfortable taking any position.

Employee
of the Qtr.

The Council recognized Anthony DiGiuseppe, Employee of the Quarter. Tony has worked in the County's Engineering Department since 1990.

Adminis-
trator's
Report

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

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

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will hold a special meeting on Tuesday, December 10, at 10:00 a.m. at the Sussex County West Administrative Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

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

2. Federal Emergency Management Agency Flood Map Meeting

Yesterday Sussex County hosted a public workshop for property owners and residents to review proposed changes to FEMA's federally-mandated flood plain maps that could have implications on future construction and homeowner insurance rates.

By all accounts, the workshop was a huge success with over 200 residents who signed up to have their property reviewed and many more in attendance to gather information. I want to personally thank all of the County staff who helped make the workshop run smoothly while providing our residents with important information on pending changes to these federal standards.

The next step is the 90-day appeals period which begins when FEMA issues its notice in the federal register. That is expected in late January 2014.

Citizens can monitor the process on the County's website at www.sussexcountyde.gov/firm.

3. Caroling on The Circle

A reminder that the annual Caroling on The Circle program will take place on Monday, December 9, at 6:30 p.m. in front of the Sussex County Courthouse. This is a free event sponsored by the Sussex County Council each year. Everyone is welcome and encouraged to attend, and to bring a food item for the less fortunate if they can afford to do so. Hot chocolate and cookies will be served at the Georgetown Fire Hall after the program. The "Pack the POD" campaign will remain in full swing until the end of December.

4. Mildred King Luncheon

Sussex County offices will close for a two-hour period on Friday, December 6, to allow employees to attend the annual Mildred King Luncheon. County offices will close from 11:00 a.m. to 1:00 p.m. on that date. Members of the public with business to conduct are asked to plan accordingly. County offices will reopen promptly at 1:00 p.m.

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

Mrs. Deaver questioned where constituents can obtain information on flood maps and flood insurance. Mr. Lawson replied that the requirement for flood insurance is up to FEMA's review; however, people can contact Jeff Shockley in the Sussex County Planning and Zoning Department for guidance.

**Dog
Control
Contract
Renewal**

Gina Jennings, Finance Director, reported that staff is recommending that the County award an extension of the dog control contract to First State Animal Center and SPCA (formally known as Kent County SPCA) for a one-year period, January 1, 2014 to December 31, 2014. This extension includes a two percent, or \$13,385, increase from \$669,231 to \$682,616. A budget versus actual report from First State Animal Center shows most of the increase is to meet the contract's direct costs of veterinary expenses. The contract renewal does not include enforcing the Barking Dog Ordinance. First State Animal Center says they will need to hire one additional employee with benefits. This will add \$35,000 bringing the new contract to \$717,616. The current contract provides four full-time officers and one supervisor working from 8 a.m. to 8 p.m. seven days a week. To justify the continuation of the contract, County staff completed an analysis that shows it could cost the County over \$900,000 if dog control services were provided in-house.

Kevin Usilton, Executive Director, First State Animal Center, was present to answer questions.

Mrs. Deaver referenced the Public Hearing on the Proposed Ordinance relating to barking dogs and she questioned why the County was not informed that there would be an additional cost of \$35,000 to enforce the Proposed Ordinance. She noted that, at that Hearing, staff of the First State Animal Center said nothing about an increased cost.

Mr. Usilton stated that they were not initially asked to enforce a barking dog regulation and therefore, no fee was included. Also, initially, the police were going to enforce barking dog issues.

Mr. Usilton stated that he believes Sussex County should have an ordinance relating to barking dogs since barking dogs often signify dogs that are neglected; that the agency responds to nuisance complaints even though there is no law right now as it could be a neglect case and it is investigated so that neglect or cruelty does not happen. This will be continued whether or not the County approves the additional \$35,000. However, all they can do is investigate; no legal action can be taken since there is no ordinance. However, if the County adds another ordinance to those that they already enforce, it will create a staffing problem and additional staff will be needed.

Mrs. Jennings clarified that the County can approve the contract renewal and that if the proposed barking dog ordinance is adopted, the contract can be amended to include the additional service and additional cost at that time.

**M 560 13
Renew
Dog
Control
Contract**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council renews its contract with First State Animal Center and SPCA for dog services for the calendar year 2014 in the amount of \$682,616.00.

**M 560 13
(continued)**

Motion Adopted: 3 Yeas, 1 Nay, 1 Absent.

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

**Pump
Station 30
Improve-
ments/
Change
Order**

Michael Izzo, County Engineer, presented a Balancing Change Order for Pump Station 30. Pump Station 30 serves the town of Fenwick Island, the Route 54 corridor, West Fenwick and the Johnson's Corner Sanitary Sewer District. The Pump Station was upgraded and it was a lump sum bid with contingent bid items. As a result, the Change Order is a proposed credit in the amount of \$60,104.00 representing the contingent bid items that were not used for the project.

**M 561 13
Approve
Change
Order/
Pump
Station 30
Improve-
ments**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based on the recommendation of the Engineering Department, that the Balancing Change Order for Sussex County Project 09-17, South Coastal Regional Wastewater Facilities Pump Station No. 30 Improvements, be approved at a credit amount of \$60,104.00 which decreases the total contract to \$3,372,683.80, pending the receipt of approval from the funding agencies.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Grant
Requests**

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

**M 562 13
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Blades for upgrades to the Blades Park.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 563 13
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 from Mr. Phillips' Councilmanic Grant Account to the Millsboro Art League for programs and projects.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 564 13 Councilmanic Grant/ A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to the Greater Georgetown Chamber of Commerce for parade expenses.

Motion Failed

Motion Failed: 2 Yeas, 2 Nays, 1 Absent.

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

(The grant request will be placed on the December 10th Agenda and Mr. Wilson will be contacted regarding the amount of funding.)

M 565 13 Councilmanic Grant A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,500.00 (\$1,000.00 from Mr. Phillips' Councilmanic Grant Account and \$500.00 from Mr. Cole's Councilmanic Grant Account) to the Town of South Bethany for the purchase of an All-Terrain Vehicle for beach patrol.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 566 13 Councilmanic Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to St. John's United Methodist Church for the Seaford Community Food Closet (for operating expenses).

Motion Adopted: 4 Yeas, 1 Absent.

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

Additional Business

Under Additional Business, John Austin, Science Coordinator and Member of the Board of the Inland Bays Foundation, referenced the regulations discussed by Rich Collins earlier in the meeting. Mr. Austin stated that they have closely followed the regulations over the last five years. He informed the Council that more than 80 percent of Delaware's rivers, streams and lakes remain polluted and do not meet water quality standards and the Sussex County Council, as well as DNREC, has an obligation to protect the County and its waterways from harmful effects of air and water pollution. Following the last public hearings, the consensus was that the DNREC regulations are a workable compromise and should now be adopted by DNREC. Mr. Austin thanked the Council for not acting to impede these regulations.

**Additional
Business
(continued)**

Under Additional Business, Dan Kramer questioned why people that have septic tanks aren't dead; that the problem is not the septic tanks, it is the people.

**Public
Hearing/
C/U
No. 1971**

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 COUNTERTOP MANUFACTURING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.145 ACRES, MORE OR LESS" (Conditional Use No. 1971) filed on behalf of Greg N. Johnson.

The Planning and Zoning Commission held a Public Hearing on this application on October 24, 2013; on that date, the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 24, 2013.)

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

Mr. Lank distributed Exhibit Books that were previously provided by the Applicant.

The Council found that Mike Smith, Attorney, was present with Greg N. Johnson, Applicant, and Warren Reid, owner of Solid Image, Inc., the proposed occupant of the property. Mr. Smith and Mr. Reid stated that the property is in an AR-1 District located near the intersection of Route 13 and Whitesville Road; that the former use of the property was as a shrimp farm, which was a permitted use in an AR-1 District; that the proposed use is a countertop fabrication business, including storage; that this location will not be used for any retail sales; that Solid Image, Inc. has another location that is located on Route 13 where they conduct all of their retail sales from; that excess material is not left outside; that there will be no noise outside of the shop; that the noise level is minimal; that inventory is kept outside and slabs are stacked on metal A-frames on the south side of the building; that 11 employees will be working at this location; that business hours of 6:00 a.m. to 6:00 p.m. would be sufficient; that most the time, the hours will be 7:00 a.m. to 4:30 p.m.; that inventory storage will be located 430 feet from Route 13; that two buildings are located on the property – the westernmost building will be used primarily for the fabrication business and the building located to the east is intended for storage; that the westernmost building is located 430 feet from Route 13 so by limiting storage of any stone to 200 feet from the highway, the stone will not be very visible; that there are some other commercial businesses in the area; that the traffic in and out will be minimal; and that they presently maintain and will continue to maintain the easement.

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

**M 567 13
Adopt
Ordinance
No. 2329
(C/U
No. 1971)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2329 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COUNTERTOP MANUFACTURING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 8.145 ACRES, MORE OR LESS” (Conditional Use No. 1971) filed on behalf of Greg N. Johnson, with the following conditions:

- A) The use shall be for the fabrication of countertops. No retail sales shall occur on the site.**
- B) The hours of operation shall be from 6:00 a.m. to 6:00 p.m., Monday through Friday.**
- C) Deliveries shall occur only during hours of operation.**
- D) There shall not be any formal displays of countertops on the site. There shall not be any outside storage of countertops within 200 feet of U.S. Route 13.**
- E) Any dumpsters on the site shall be screened from view of neighboring properties of roadways.**
- F) One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- G) Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.**
- H) All parking areas shall comply with the Zoning Code, and the parking areas and material storage areas shall be shown on the Final Site Plan.**
- I) The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
C/U
No. 1972**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.20 ACRES, MORE OR LESS (Conditional Use No. 1972) filed on behalf of Harry E. Miller.

The Planning and Zoning Commission held a Public Hearing on this application on October 24, 2013; on that date, the Commission recommended that the application be approved with conditions.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 24, 2013.)

**Public
Hearing/
C/U**

**No. 1972
(continued)**

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

The Council found that Harry E. Miller, the Applicant, was present. He stated that he would like to run an auto repair shop out of his shop; that it will not be a big operation; that he wants to work on cars as he moves into his retirement; that he does not believe he will have any impact on the neighbors; that he will comply with all the conditions recommended; and that he has not had any complaints from the neighbors.

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

**M 568 13
Adopt
Ordinance
No. 2330
(C/U
No. 1972)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adopt Ordinance No. 2330 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.20 ACRES, MORE OR LESS (Conditional Use No. 1972) filed on behalf of Harry E. Miller.

- A. The use shall be limited to an automobile repair facility. There shall not be any boat repair or large truck repairs permitted on the site.**
- B. No towing operations shall occur from the site.**
- C. No junked, permanently inoperable, or unregistered vehicles shall be stored on the site.**
- D. No more than 4 vehicles awaiting repair shall be stored outside on the site at any one time, other than the owner's personal vehicles.**
- E. All repairs shall occur within the building.**
- F. The applicant shall comply with all State and Federal requirements regarding the storage, use and disposal of all fluids associated with the use.**
- G. One un-lighted sign shall be permitted, not to exceed 32 square feet and to be located on the side of the building per the applicant's request.**
- H. The hours of operation shall be from 8:00 a.m. to 7:00 p.m. Monday through Saturday.**
- I. All dumpsters or trash receptacles shall be screened from view of neighboring roadways or properties. All scrapped automobile parts shall also be stored in containers or behind screening fences so that they cannot be viewed from neighboring properties or roadways.**
- J. The Final Site Plan shall show the location of all parking areas, dumpster areas, outside containers, and screening required by this approval.**
- K. No used car sales or retail operations shall be conducted from the site.**
- L. The Final Site Plan will be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**M 568 13
Adopt
Ordinance
No. 2330
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.
**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea**

**Public
Hearing/
C/Z
No. 1737**

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 LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS (Change of Zone No. 1737) filed on behalf of Robert & Julie Norwood.

The Planning and Zoning Commission held a Public Hearing on this application on October 24, 2013; on that date, the Commission deferred action. On November 14, 2013, the Commission recommended that the application be denied.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 24 and November 14, 2013.)

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

The Council found that Robert Norwood was present. He stated that he operates East Coast Window Cleaning; that they have been in business for over 13 years; that they have grown from using one truck to three trucks and it has become difficult to maintain the business out of their current residence since there is no room in the driveway for the trucks; that they employ 4 to 5 people; that in the summer, they had 8 employees; that the business is an asset to the community; that they have cleaned up the property since they acquired it; that, previously, the property was an eyesore; that he spoke with each of his neighbors and every one of them were in approval of what they are doing; that concern was expressed about the zoning being changed to commercial and what could happen; that he cannot answer that or read into the future but the bottom line is that they want to run a business there; that they do not propose anything on the property that would devalue the property; that they will not disturb the neighbors; that they provide a great service and jobs to the community; that there will not be a lot of activity on the site since their business is taken to the job site; and that only their vehicles will be parked there.

Mr. Cole questioned if the Applicant is stuck on the CR-1 zoning designation. The Applicant replied that he is not; that he was following the advice of legal counsel; and that he only wants to operate his business.

**Public
Hearing/
C/Z
No. 1737
(continued)**

Mr. Cole agreed that there is a multitude of commercial activities along the road that this site is located on; however, he can understand the concern of the Planning and Zoning Commission.

Mr. Cole questioned Mr. Moore as to whether or not the Council has the option of approving the application with a rezoning to B-1 or with a Conditional Use. Mr. Moore stated that he would have to research the matter as he has not had a similar case come up since he has served as County Attorney.

In response to questions, Mr. Lank stated that there have been a couple of occasions over the years when a rezoning application has been approved as a reduced zoning. Mr. Lank noted that, one time, a Change of Zone application was reduced to a Conditional Use application (previous Council). Mr. Lank did not think the Council should amend a Change of Zone application to a Conditional Use application without re-advertising and going through the Public Hearing process.

In response to questions, the Applicant stated that time is not a big deal. He stated that the business is currently operating and that they still have the office at their house and they park their trucks on this site (application site).

Mr. Phillips suggested that action on the application be deferred for a week while Mr. Moore researches the issue of approving the application with a lesser zoning.

There were no public comments in support.

Public comments were heard in opposition to the application. Martha Eisenhower stated that she agrees with the recommendation for denial; that CR-1 zoning is not appropriate; that she is not opposed to the business if he is able to get another zoning; that he did not speak to her and he said that he spoke to all the neighbors; that in regards to the Applicant's statement that he improved the property, he has painted the buildings; that the property is still in semi-repair – it has not really been finished; and that she has had issues with his employees traveling along the road; that the employees (drivers) need to be more careful and considerate as they exit into Retz Lane; and that she is not opposed to a lesser application.

Mr. Cole questioned the issue of the private road and he noted that if the application is approved, the applicant will have to obtain an entrance permit from DeIDOT. Mr. Cole questioned if DeIDOT has the ability to approve the use of a private road for a commercial activity. Mr. Lank responded that DeIDOT had to approve the right-of-way for the purpose of an entrance to serve those individual lots and he stated that he would assume that DeIDOT still has jurisdiction over the improvements to that entrance, so they may require additional improvements to the entrance.

**Public
Hearing/
C/Z**

**No. 1737
(continued)**

Mr. Cole asked if Mr. Moore would look into the use of a private road for commercial activities.

Mr. Lank stated that one issue that did come up during the Public Hearing before the Commission was the deed to Mr. Norwood's property; there was a question raised about his lot being approved for commercial use by the deed restrictions.

Mr. Lank read the following: (1) Condition of the deed restriction is attached to the original deed was that the above lands shall be used for residential purposes only with the exception of Lots 13 and 14 as shown on the said plot fronting on Route 24 and Lots 13 and 14 as shown on the said plot fronting on Route 24 may be used for commercial purposes if desired. (1969). It was noted that lots 13 and 14 are owned by the applicant.

There were no additional public comments and the Public Hearing was closed. The public record was closed except for the following information from Legal Counsel: comments concerning DeDOT's jurisdiction on the right-of-way issue and information on whether or not the Council has the ability to drop the zoning down from CR-1 to B-1 and/or consider a Conditional Use instead of a Change of Zone.

**M 569 13
Defer
Action on
C/Z
No. 1737**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to defer action on Change of Zone No. 1737 filed on behalf of Robert and Julie Norwood.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
C/Z
No. 1738**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.43 ACRES, MORE OR LESS" (Change of Zone No. 1738) filed on behalf of Atlantic Community Thrift Shop, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on October 24, 2013; on that date, the Commission deferred action. On November 14, 2013, the Commission recommended that the application be approved.

(See the minutes of the meeting of the Planning and Zoning Commission dated October 24 and November 14, 2013.)

**Public
Hearing/
C/Z**

**No. 1738
(continued)**

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

Mr. Lank reported that, since October 24th, there was a miscommunication and some people assumed, understood, or were advised that the application was denied. Since that date, 70 letters have been received in support of the application; 63 of the letters were received from individuals and 7 letters were received from churches and a food pantry.

Mr. Lank reported that two letters were received in opposition to the application.

Karen Lesperance, President of Atlantic Community Thrift Shop, Inc. (ACTS), was present with Tom Ford of Land Design, Inc. They stated that ACTS has been in operation for 25 years; that ACTS is a non-profit with all volunteers and no salaried employees; that ACTS was originally supported by four churches in the area and it is now sponsored by twenty churches; that ACTS supports numerous charitable organizations; that ACTS has been successful; that they do not desire to expand the operation, only to improve efficiency and to improve the site for the safety and protection of their clientele; that the rezoning will permit them to expand their parking layout and improve circulation; that they are proposing to rezone two parcels as extensions to the existing ACTS parcel; that an opportunity has arose to purchase the adjacent parcels; that there is a need for ACTS; that the requested zoning is appropriate in the area; that their property is already zoned B-1 and the adjacent property is zoned B-1; that the area that it is located on (Route 26) is becoming commercial and B-1 property; that within 3/4 of a mile of this property is 20 different businesses, i.e. lumber yard, food stores, pharmacies, gas stations, antiques, etc.; that they have done some due diligence with the State agencies, including coordinating with DelDOT; that DelDOT is working on the Mainline Route 26 project; that there will be a third turn-lane and so, there will be a safe left turn; that there are some safety issues and the approval of this application will help the safety issues, not only on the road and for the general public but internally on the site also; that the approval of this application will result in the closing of three of the five entrances along the three properties that are part of this entire complex; that there will not be a conflict with the Irons Road intersection; that there are no wetlands on the property; and that a Sediment/Erosion Control permit has been issued for a pipe to cross the ditch between the sites.

Public comments were heard in support of the application.

Beverly Bigley, Secretary of ACTS, stated that she has seen the business grow and the needs of the community change; that being able to purchase the land has been a blessing and that being able to make the revisions that need to be made to have traffic flow better will benefit their customers and volunteers. In response to questions, Ms. Bigley stated that ACTS is a 501(c)3 organization and that if ACTS should fold, the twenty churches

**Public
Hearing/
C/Z
No. 1738
(continued)**

would own the property.

Evelyn Tennant, Vice President of ACTS, was present with Donna Robinson, Lois Smith, and Theresa Pyskaty. They also spoke in support of the application. They stated that ACTS provides a wonderful service to the community; that they distribute approximately \$200,000 every year out in Sussex County to help many people; that there is a great need for their service; that with the improvements proposed by DelDOT, the safety issue will be addressed; that currently there are safety issues – traffic is heavy in the back for parking and pedestrian safety; that people currently park their cars along the roads; and that the rezoning will provide additional parking on the property.

There were no public comments in opposition to the application.

The Public Hearing and public record were closed.

**M 570 13
Adopt
Ordinance
No. 2331
(C/Z
No. 1738)**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Adopt Ordinance No. 2331 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.43 ACRES, MORE OR LESS” (Change of Zone No. 1738) filed on behalf of Atlantic Community Thrift Shop, Inc.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 571 13
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to adjourn at 3:11 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 10, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 10, 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
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 572 13
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting "Approval of Minutes" and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Corre-
spondence**

Mr. Moore read the following correspondence:

**GREENWOOD CHEER ACTIVITY CENTER, GREENWOOD,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

THE WAY HOME, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

LA RED HEALTH CENTER, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MILFORD SENIOR CENTER, MILFORD, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**SUSSEX PREGNANCY CARE CENTER, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

Corre-
spondence
(continued)

INDIAN RIVER SENIOR CENTER, MILLSBORO, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

MASON DIXON WOODWORKERS, DELMAR, DELAWARE.

RE: Letter in appreciation of a grant.

EASTER SEALS, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of Human Service Grant.

**BOYS & GIRLS CLUBS OF DELAWARE, WILMINGTON,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

**DELAWARE GUIDANCE SERVICES FOR CHILDREN & YOUTH,
WILMINGTON, DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

**DELAWARE ADOLESCENT PROGRAM, GEORGETOWN,
DELAWARE.**

RE: Letter in appreciation of Human Service Grant.

**EPWORTH UNITED METHODIST CHURCH, REHOBOTH BEACH,
DELAWARE.**

RE: Letter in appreciation of a grant.

Mrs. Deaver referenced an email from a resident of Laurel in support of the Dog Barking Ordinance. Mrs. Deaver noted that she forwarded the email to Mr. Phillips.

Adminis-
trator's
Report

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

1. Caroling on The Circle

The Sussex County Council would like to thank the community for participating in the 30th annual Caroling on The Circle last night. We had a very successful night (even with the inclement weather) with hundreds of carolers and thus far have collected approximately 20,000 canned goods and nonperishable food items for our less fortunate neighbors. We would like to remind everyone that we are continuing to collect items until the end of the year, and will continue to distribute these goods to our local food pantries. We would like to thank all of our volunteers, local businesses, and schools for helping to collect the food over the last month and for making this year's Caroling on The Circle a huge success.

2. Christmas and New Year's Holidays

Sussex County offices will be closed on December 24, December 25, and January 1 to celebrate the Christmas and New Year's holidays. In

Report
(continued)

addition, the Sussex County Council will not meet on December 24 or December 31. The next regularly scheduled meeting of the Sussex County Council will be on Tuesday, January 7, 2014, at 10:00 a.m.

Pension
Committee
Report/
Pending
and
OPEB
Plans

Mrs. Jennings updated the Council on the County's Pension and OPEB Plans and she shared the Pension Committee's recommendations for actuarial assumptions, the annual required pension contribution, and a proposed additional service to be provided by Peirce Park Group:

Actuarial Assumptions – A study was completed to bring the County's assumptions in line with the County's past experience. Mrs. Jennings reviewed a handout outlining actuarial assumption change recommendations:

Termination – Fewer employees terminated than the current assumption. An increase of \$76,605 is realized for the annual required contribution.

Salary – The current annual salary increase assumption has been 5 percent. The actual result is 2.9 percent. The Pension Committee is recommending a 3.8 percent assumption, which would save the County \$469,000 in the annual contribution.

Investment Rate – The current assumption is 8 percent. The Pension Committee is recommending 7.5 percent because 60 percent of the County's pension is invested with the State who has also lowered their pension contribution assumption to 7.5 percent. The national average is 7.75 percent for government pensions.

COLA (Pension Plan) – The average COLA increase for the last 5 years was 1.230 percent, and 1.4 percent for the past 10 years. The current assumption is 2.0 percent. The Pension Committee is recommending a 1.4 percent assumption.

Marital Status - The current assumption is that all pensioners are married; the actual total is 62 percent for married employees and pensioners. It is recommended that an overall assumption of 65 percent be used.

Payroll Growth – The current assumption is 3.5 percent. The actual over the last five years is a negative number in payroll growth. The Pension Committee is recommending 0 percent.

Mrs. Jennings stated that the overall change of assumptions results in an \$85,000 total change in the annual required contribution amount.

Michael Shone of Peirce Park Group, the County's Investment Consultant, reported that from January 2009 (when Peirce Park Group was hired) to the end of the Third Quarter 2013, the County has averaged 11.4 percent (gross rate of returns after expenses). The County is using a 7.5 percent or 7.25 percent return since over time, stocks do about 10 to 10.25 percent, and

**Pension
Committee
Report/
Pending
and
OPEB
Plans
(continued)**

bonds usually do about 5 to 5.25 percent; however, the yield on bonds is now 2.25 to 3 percent. Mr. Shone stated that it would not be prudent to use the same return as in the past because bonds are most likely to have lower returns than they have had over the last 30 years. This is why the County and other municipalities are lowering the return assumptions.

In response to questions, Mrs. Jennings reported on the returns for the past 10 years: 10.97% in 2004, 3.4% in 2005, 9.25% in 2006; 13% in 2007; -2% in 2008; -18 percent in 2009; 10% in 2010; 16% in 2011; 2% in 2012; and 11% in 2013. (It was noted that these calculations are fiscal year calculations – Mr. Shone’s calculations are calendar year calculations.)

**M 573 13
Approve
Actuarial
Assumptions
Changes**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the changes to the actuarial assumptions, as recommended by the Pension Committee.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Pension
Committee
Report/
Pending
and
OPEB
Plans
(continued)**

Mr. Shone presented an overview of the United States and international equity markets.

Mr. Shone presented the quarterly annual review. For the Pension Fund, for the third quarter, there was a gain of \$2.4 million (net of investment manager fees) and for year-to-date, a gain of \$6.6 million. For the quarter, a 4.2 percent gross return and year-to-date, an 11.7 percent gross return. The County has five investment accounts: Dupont Capital Investment, Fidelity Low Price Stock, Operating Account, State of Delaware Investment Pool, and Wilmington Trust Bonds. The majority (over 60%) of the County’s assets are with the State. Wilmington Trust manages a bond portfolio for the County.

In response to questions, Mrs. Jennings stated that the County looks at its investment managers quarterly.

Mrs. Jennings discussed the annual required pension contribution and stated that the County has budgeted to contribute \$5,020,764. Per actuary, the annual required contribution was \$4,528,846; therefore, per the budget, the County will contribute \$491,918 over the required contribution. Mr. Shone presented a recommendation of what the County should do with the contribution. He stated that the County is over-allocated to equities relative to the Investment Policy Statement – the Investment Policy Statement calls for 60 percent equities. The County is at 63 % equities. This matter was discussed with Wilmington Trust Company, who stated that they would, at no charge, go out and buy treasuries. There would be a small custody fee but no investment management fee. The interest rate would be very low,

(continued) but the other alternative would be a Money Market Account. (It was noted that this money needs to be liquid for payment of benefits.)

**M 574 13
Invest-
ment of
Annual
Pension &
OPEB
Contri-
butions**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council invests the annual pension contribution of \$3,087,012 and the annual OPEB contribution of \$1,933,752 in short-term treasuries with Wilmington Trust Company.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Pension
Committee
Report/
Pending
and
OPEB
Plans**

Mrs. Jennings presented a proposal for additional services for the OPEB Fund by Peirce Park Group. She stated that, currently, the County receives recommendations monthly but would like to have the ability to review the status weekly; Peirce Park Group is willing to do that at no cost to the County.

Mr. Shone reported on the performance of the OPEB Fund: Third Quarter gain of \$1.1 million (net) and Third Quarter return of 4.4% (gross); year-to-date gain of \$2.5 million (net) and year-to-date return of 10.3% gross. From October through the end of November 2013, there has been an additional 3.4% gross return (approximately an additional \$1 million over that time period). Equities are now at 63.3% in the OPEB Fund. Mr. Shone noted that he recommended moving to international stocks from 12 to 14%; the Pension Fund Committee did not approve this recommendation. Mr. Shone also recommended more diversification within the international side (the County only has two international managers currently); he noted that, overall, a little more diversification in the plan would be prudent.

Regarding the additional services, Mr. Shone stated that one of the things his firm observed on the OPEB side (not the Pension side) was the time it takes to implement changes. He noted that the OPEB Fund has not performed as well as the Pension Fund. Mr. Shone stated that his firm has suggested a more active role – weekly reports regarding the County’s asset allocation mix; if the mix gets close to 65% or down to 55%, a recommendation will be made to rebalance. The other component is to get their best ideas; they would come back and make very specific recommendations including percentage allocations. Mr. Shone stated that they are offering to provide this service for a year after which time, if the service is worthwhile, the County can pay or decide not to pay. Another option is the County can decide to pay but not continue the service. A third option is the County can decide not to pay and not to continue the service.

Mrs. Jennings stated that the recommendation of the Committee is to utilize the services at no cost at this time until the Committee sees the

(continued) performance; the Committee wants to see results before it commits.

M 575 13
Approve Peirce Park Group's Additional Service Proposal
A Motion was made by Mr. Phillips, seconded by Mr. Cole, that the Sussex County Council approves Peirce Park Group's proposal at no cost obligation at this time, to the County for 12 months to make weekly recommendations for the OPEB Fund to the Finance Director ensuring that the County's investments stay within the adopted Investment Policy Statement.

Motion Adopted: 4 Yeas, 1 Absent.

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

Wastewater Agreement
Mr. Godwin presented a Wastewater Agreement for the Council's consideration.

M 576 13
Approve Wastewater Agreement/ Deep Valley Farm
A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Engineering Department for Sussex County Project No. 81-04, Agreement No. 866-1, 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 Deep Valley Farm – Phase 1, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

Fair Housing Update
Brandy Nauman, Fair Housing Compliance Officer, presented an update on actions taken in compliance with the U.S. Department of Justice (DOJ) and U.S. Department of Housing & Urban Development (HUD) fair housing settlement agreements over the last six months in order to comply with Section IV (18) of the Consent Decree. This progress is a result of the collaborative efforts of Stephanie Hanson, Vince Robertson, Todd Lawson, Brad Whaley, and Brandy Nauman.

Examples of action taken under the U.S. Department of Justice (DOJ) Consent Decree are:

➤ **Section III**

The County has submitted its first draft of the Affordable and Fair Housing Marketing Plan to the (DOJ) on March 28, 2013. Comments were received back regarding the Plan and a revised version was submitted on May 13, 2013. The County submitted

**Fair
Housing
Update
(continued)**

additional revisions on July 2, 2013 to incorporate gender identity as a new protective class in accordance with the new Delaware Law as well as extending the date for which the County hopes to hold Sussex County’s inaugural home buyer fair to June 30, 2014. The County is still waiting to receive final approval; once final approval is received, the County will need to implement the Plan within five days.

There are a few updates on some of the items within the Plan that have been completed even though official approval has not been received from the DOJ. For example: the DOJ required that the County develop standard language to incorporate into residential development plan reviews through the PLUS process; with Vince Robertson’s assistance, the County has coordinated with the Office of State Planning to ensure that the Community Development and Housing Department has the option to provide comments on affordable housing projects going through the PLUS process. To date, no applications have been submitted on which to comment on.

The County is also working with the Sussex Housing Group which is comprised of representatives from various housing organizations throughout the State to review the MPHU Program and ultimately come up with some recommendations on ways to improve the program for both developers and homeowners.

The County was also required to develop a policy for affordable housing projects seeking support from the County. This policy has been created and is known as the Affordable Housing Support Policy. This policy allows the County to provide conditional letters of support to affordable housing projects that meet certain criteria evidencing their affordability.

➤ **Section IV**

This section requires Brandy Nauman as the Fair Housing Compliance Officer to receive and review complaints of housing discrimination against the County. In the last six months, the County has received, reviewed and concluded one complaint. All of the documentation and correspondence between the County and the Complainant have been sent to DOJ and HUD.

➤ **Section V**

The County passed a formal Fair Housing Policy on December 11, 2012; this was updated to reflect the new gender identity as a protected class. The policy also contains language that is now read prior to any land use or zoning public hearing and the information is now included in the County’s land use application materials.

**Fair
Housing
Update
(continued)**

- **Section VI**
In regards to fair housing training, the Community Development and Housing Department is working closely with the Department of Human Resources to insure that any new employee hired in a department affiliated with housing, land use or zoning receives fair housing training. The Department has already started planning the second annual fair housing training for County staff as required by the Consent Decree; the training will be held in March 2014.

- **Section VII**
The County was required to create an Affordable Housing Webpage, which launched on June 19, 2013. The Community Development and Housing Department has worked closely with the County's IT Department to develop an expansive and user friendly affordable and fair housing resource center. Posts will be made in a timely manner and will include compliance reports, public hearings, and meetings. The site will be updated regularly to provide affordable housing updates, progress on the New Horizons subdivision application, compliance reports to HUD and DOJ, and fair housing materials

Examples of completed activities through the U.S. Department of Housing & Urban Development (HUD) Voluntary Compliance Agreement (VCA) are:

- **Section III**
The VCA requires the County to perform an Analysis of Impediments Evaluation and to develop a Proposed Priority Fair Housing Plan to address those impediments. On March 28, 2013, the County sent a draft to HUD and the Delaware State Housing Authority (DSHA) for review; the County received comments from DSHA and incorporated them into a second draft which was sent to HUD. The County is still waiting for a response from HUD.

- **Section III**
This section of the VCA requires the County to perform an internal evaluation of ten rural communities in the County. The evaluation will determine the prioritized secondary infrastructure and community service needs of each individual community. The County felt there were an additional four rural communities that we work with that should be included in this study so a total of 14 communities will be evaluated. Once the data is evaluated, the County will have a basis from which to prioritize its investments and requests for federal funding.

The County's Community Development and Housing Department

**Fair
Housing
Update
(continued)**

submitted a funding request to the DSHA as part of its CDBG application for Fiscal Year 2013 to assist with the data collection portion of this study and evaluation. The County was awarded \$50,000 for the study. The Department is currently in the process of finalizing the Request for Proposals (RFP) document which will be used to procure a consultant to complete the data collection portion of the study. The goal is to complete data collection by the end of June 2014.

**Subdivision
No. 2004-8/
Spring
Breeze
Associates/
Request
to Amend
Conditions**

Lawrence Lank, Director of Planning and Zoning, presented a request to amend a condition of approval for Subdivision No. 2004-8, an application of Spring Breeze Associates.

Mr. Lank reviewed a summation of the actions and the process taken on this subdivision application. On July 28, 2005, the Planning and Zoning Commission denied the application. On September 13, 2005, the Sussex County Council held a Public Hearing on an appeal of the Commission's decision; on November 13, 2005, the Council reversed the Commission's denial of the application and granted preliminary approval with 14 conditions of approval.

In October 2013, the Commission reviewed a revised preliminary site plan for this project; the revisions were for the removal of the onsite sanitary sewer treatment and disposal facility. Artesian is now proposing to provide sewer treatment at another location; the reconfiguration of the lots and open space resulted in a decrease in road and impervious areas and an increase in open space and woodland preservation; the roads will still be designed to County specifications.

The applicants are now requesting to amend Condition No. 5 of the preliminary approval of November 13, 2005 which states: "The use of a central community sewer system and stormwater management system shall maximize ground water recharge and erosion and sediment control measures shall comply with all State and County requirements. The wastewater treatment system shall be designed to be able to tie into a County system when one becomes available. The perimeter of the wastewater treatment site shall be landscaped."

Mr. Lank noted that, in order for the applicant to receive final approval, Condition No. 5 needs to be amended. Since this condition of approval originated by the Council's action, the Commission does not have the authority to amend the condition of approval. Mr. Lank noted that the preliminary plan complies with the other 13 conditions of approval.

The Council discussed the request and related issues including sewer service in the area; the loss of users in a County Sewer District; and CPCNs issued in the area.

**Subdivision
No. 2004-8
(continued)**

Mr. Lank stated that the Engineering Department is reviewing the request for comment; that currently, there is only preliminary approval; and that the application can only receive final approval once all agencies have responded, including the County Engineering Department.

John Ashman, Director of Utility Planning, stated that he is pretty sure a CPCN has been issued for the project.

Mr. Cole suggested that the Council defer action pending receipt of comments from the Engineering Department.

**M 577 13
Amend
Condition/
Subdivision
Application
No. 2004-8/
Spring
Breeze
Associates**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that Condition No. 5 on Subdivision Application No. 2004-8 (Spring Breeze Associates), be amended by deleting the current wording and replacing said wording as follows:

- 5A. The project shall be served by an off-site central sewer facility operated by a public utility, and shall be designed per County standards and to be able to tie into a County system when one becomes available.**
- 5B. Stormwater management and erosion and sediment control measures shall comply with all State and County requirements.**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Bethel
Sewer
Study/
MOA**

John Ashman, Director of Utility Planning, presented for the Council's consideration a proposed Memorandum of Agreement between Sussex County and the Department of Natural Resources and Environmental Control (DNREC) for a study of the most effective manner to provide sanitary sewer service to the Town of Bethel. The County, at the Department's request) is preparing to commence a Request for Proposals (RFP) for sewer service to the Town and the Department desires to participate by providing an amount not to exceed \$40,000 towards the study. If approved, the County would solicit proposals for engineering and technical services for the service area which includes the Town of Bethel and the area deemed as an area of concern in the Town's Comprehensive Land Use Plan. Mr. Ashman explained that there are three options outlining the proposal:

Option 1 - Collection system designed for the Bethel Service Area with a transmission center designed to pump effluent to Blades/Seaford for treatment and disposal.

**Bethel
Sewer
Study/
MOA
(continued)**

Option 2 – Collection system designed for the Bethel Service Area with a transmission system designed to pump effluent to Laurel for treatment and disposal.

Option 3 – Collection system designed for the Bethel Service Area with a transmission system designed to pump effluent to a stand-alone treatment facility. Due to funding concerns for the RFP, this option may not be cost effective and may not be explored at this time. This option will be requested as an alternate bid since the funding supplied by DNREC may not permit this option to be explored.

The RFP is to solicit proposals for engineering and technical services to determine the most effective manner in which the County can provide sanitary sewer service to the Town of Bethel.

The Memorandum of Agreement is for a study only.

A discussion was held regarding identifying capacities, preliminary pipeline alignments, EDUs that will be pumped, if Laurel and Seaford are interested, etc.

Jennifer Walls of Delaware Department of Natural Resources and Environmental Control was present and she stated that she has been working with John Ashman to develop the Memorandum of Agreement and the proposal, and that she has been working with the Town of Bethel to determine wastewater concerns.

The Council and Mr. Ashman and Ms. Walls discussed the proposal.

Mr. Phillips expressed concern about the Town's residents; he stated that Bethel is a small village; that the population is elderly on limited incomes; and that the residents are scared about the sewer proposal.

Ms. Walls responded that this is why they want to undertake this study; so that the residents will have the information to make an educated decision on the best option for them. In response to a question regarding grants, Ms. Walls stated that the Cleanwater Advisory Council has funding available to assist homeowners.

Mr. Phillips questioned if a referendum would be a part of the Bethel project. Mr. Ashman responded that if it is proposed to pump effluent to Laurel or Seaford, a referendum would have to be held. He noted that there is also an option to do septic upgrades which will not require a referendum.

**M 578 13
Execute
MOA/**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that the Sussex County Council President is hereby authorized to execute a Memorandum of Agreement with the Department of Natural Resources and Environmental Control to complete a study for sanitary sewer service for

M 578 13
Execute
MOA/
Bethel
Sewer
Study
(continued)

the Town of Bethel, as presented on this date.

Motion Adopted: 4 Yeas, 1 Absent.

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

Old
Business/
Proposed
Ordinance
Relating
to the
Sealing of
Drawings

Under Old Business, the Council discussed the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52, SECTION 52-18C. AND E. OF THE CODE OF SUSSEX COUNTY IN REGARD TO THE SEALING OF DRAWINGS, SPECIFICATIONS, ETC. BY AN ARCHITECT AND/OR ENGINEER”.

Synopsis: In order to be in compliance with the Delaware Code, this Ordinance amends Chapter 52, Sections 52-18C. and E. to require that, among other things, prior to the issuance of a building permit, all drawings, specifications and accompanying data shall be sealed by an architect and/or engineer who is in compliance with the registration provisions of 24 Del. C., Chapter 3, or licensing requirement of 24 Del. C., Chapter 28, as the case may be.

The County Council held a Public Hearing on the Proposed Ordinance on January 8, 2013 at which time action was deferred and the record was left open for two weeks for written comments.

Mr. Lawson reported that this is a continuation of work to address the Code as it relates to the sealing of plans by architects and engineers; this goes back several years with concern raised by the State in the way that the County Code is written. He noted that there are varying points of view as to whether or not the Code is in conflict with the State.

Since January 8, 2013, the date of the Public Hearing, County staff has been working with stakeholders, including representatives of the State (including the Attorney General’s Office), Board of Architects, and the Delaware Association of Professional Engineers to come up with a solution to this issue. Currently, there is no solution; the purpose of placing the Proposed Ordinance on this Agenda is for an update and for the purpose of continuing discussion. Mr. Lawson noted that all five councilmembers are not present on this date to work on this item; however, a discussion can be held.

Mr. Moore stated that the Proposed Ordinance was drafted by the Attorney General’s Office and that when the County first looked at it, the County looked at the possibility of adding some exclusions, i.e. agricultural and residential structures. In the State Code regarding architects, it is clear that there are certain residential structures excluded as well as certain agricultural buildings; in the State Code relating to engineering, it is not as clear. Mr. Moore advised that what has been problematic with both Boards

**Old
Business/
Proposed
Ordinance
Relating
to the
Sealing of
Drawings
(continued)**

and the Attorney General's Office is that the County has a 5,000 foot absolute exclusion written in the County Code which is inconsistent with both the architects and the engineers because it is across the board; whether it is commercial dwellings or commercial residential dwellings or industrial, it states that there is a 5,000 foot exclusion. The Proposed Ordinance states that the 5,000 foot exclusion would be deleted and it states that, if there are any drawings or specifications, any such drawings shall meet the requirements of the Delaware Code, so any exclusions in the Delaware Code will be an exclusion in the Sussex County Code. Additionally, if there are any seals to be given, those seals must be a Delaware licensed architect or engineer. The Proposed Ordinance puts the County in compliance with the State.

Mr. Lawson reported that, in the Delaware State Code, the definition of "Engineer" is as follows: "Engineer" shall mean a person who, by reason of special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design acquired by an engineering education, through graduation with a baccalaureate degree from a Council-approved 4-year educational program in engineering, in engineering technology or in science related to engineering, is qualified to begin the path to licensure. Additionally, Mr. Lawson stated that, in the Delaware State Code, the definition of "Practice of engineering" is as follows: "Practice of engineering" or "to practice engineering" includes any professional service performed for the general public such as consultation, investigation, evaluation, planning, design, or responsible supervision of construction or operation in connection with any public or private buildings, structures, utilities, machines, equipment, processes, works, or projects wherein the public welfare or the safeguarding of life, health or property is concerned or involved when such professional service requires the application of engineering principles and data, but it does not include the work ordinarily performed by persons who operate or maintain machinery or equipment, neither does it include engineering services performed by an employee of a firm or corporation that does not offer professional engineering services to the general public.

Mr. Vincent expressed concern about additional costs and deterring people from obtaining permits.

Andy Wright, Building Code Supervisor, stated that Kent and New Castle counties do not have any thresholds, as in State Code.

It was noted that this matter was for discussion only.

**M 579 13
Defer
Action
on
Proposed
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52, SECTION 52-18C. AND E. OF THE CODE OF SUSSEX COUNTY IN REGARD TO THE SEALING OF DRAWINGS, SPECIFICATIONS, ETC. BY AN ARCHITECT AND/OR ENGINEER" until a future meeting when all Council members can be present.

M 579 13
(continued) **Motion Adopted: 4 Yeas, 1 Absent.**

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

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

M 580 13
Council-
manic
Grant **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Vincent’s and Mr. Phillips’ Councilmanic Grant Accounts) to the Centenary Food Pantry to serve the Laurel community.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 581 13
Council-
manic
Grant **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 from Mr. Wilson’s Councilmanic Grant Account to the Greater Georgetown Chamber of Commerce for parade expenses.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 582 13
Council-
manic
Grant **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$250.00 from Mr. Vincent’s Councilmanic Grant Account to Nanticoke Health Services Foundation for the Prescription Drug Fund.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Intro-
duction
of Proposed
Ordinance **Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO MR-RPC MEDIUM DENSITY RESIDENTIAL – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 30.695 ACRES, MORE OR LESS” (Change of Zone No. 1741) filed on behalf of Bay Forest Club, LLC. The Proposed Ordinance will be advertised for Public Hearing.**

**M 587 13
Adjourn**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to adjourn at 12:45 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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

DRAFT

**STATE OF DELAWARE
OFFICE OF MANAGEMENT AND BUDGET
LEASE FOR REAL PROPERTY**

THIS LEASE, made this _____ day of _____, 2013 by and between the Office of Management and Budget of the State of Delaware, hereinafter referred to as LESSOR, and Sussex County, a political subdivision of the State of Delaware, hereinafter referred to as LESSEE,

The parties hereto for the considerations hereinafter provided, covenant and agree as follows:

1. Description of Property.

a) Lessor does hereby grant, demise, and lease to Sussex County certain designated space within the Sussex County Courthouse Annex, Georgetown, DE 19947, comprising approximately 2,376 net rentable square feet as further known as "Premises" and as further depicted on the attached Exhibit A which is incorporated by reference herein. It is expressly understood and agreed that Lessee shall have full access to hallways, bathrooms, foyer areas, and other common space which is generally available to the public and to other tenants and occupants located within the Sussex County Courthouse Annex.

b) The above-described property is to be used and occupied by Lessee for office space.

2. Term.

The basic term of the Lease will be five (5) years beginning September 1, 2013, and shall terminate on August 31, 2018. This Lease is subject, however, to the termination and renewal rights as are hereinafter set forth; and is further subject to the rights of the parties to terminate this lease at any time upon mutual agreement during the initial term and any renewals thereafter.

3. Rental Payment.

Lessee shall and does hereby agree to pay Lessor an annual base rental of Twenty Three Thousand Seven Hundred Sixty Dollars (\$23,760.00) this being equivalent to \$10.00 per square feet, for the entire term of this lease. Rent shall be paid in semi-annual installments in the amount of Eleven Thousand Eight Hundred Eighty Dollars (\$11,880.00) on the first of March and the first of September of each year, with the

first payment being due on March 1, 2014. Checks shall be made payable to the "State of Delaware" c/o Office of Management and Budget, Haslet Armory Building, 122 Martin Luther King Jr. Boulevard South, Dover, Delaware 19901.

4. Holding Over/Termination.

- a) Lessee shall have the right to hold over for a period of thirty (30) days after the termination of this Lease or any extension thereof, for the purpose of removing any and all personal property belonging to Lessee and located in the Premises, subject to the terms, conditions and covenants of this Lease. Lessee shall not be responsible for payment of any additional rent during this {up to} thirty (30) day period while Lessee's personal property is being removed.
- b) Any holding over after the expiration of the thirty (30) day period provided for in Paragraph 4 (a) above shall be construed to be a tenancy from month-to-month subject to the terms, conditions and covenants of this Lease.
- c) Lessor reserves the right to change the location of the Leased Premises to another location, with comparable square footage on "The Circle" in Georgetown, Delaware. Lessor shall provide Lessee with no less than six (6) months' written notice of Lessor's intent to change the location of the Leased Premises. Said notice shall include the effective date of the change in location and a description and diagram of the proposed leased space. Upon receipt of said notice, Lessee shall have the right to terminate this Lease by sending written notice to Lessor no less than four (4) months after receipt of said notice. In the event Lessee elects to terminate the Lease, the termination date shall be effective as of the date set forth on Lessor's notice. In the event Lessee consents to the change in location, Lessee shall receive a rent abatement equal to two (2) months' rent to compensate Lessee for moving expenses. Rent for the new leased space shall be adjusted based on the square footage of the new leased space at the rate of Ten Dollars (\$10.00) per square foot.

5. Renewal.

Lessee shall have three (3) options to renew this Lease for a period of five (5) years each, on such terms as are mutually agreed upon by the parties at the time. Lessee shall provide ninety (90) days written notice of its intent to renew prior to the termination date of this agreement.

6. Notices.

- a) All notices to be given or served hereunder, whether pursuant to the terms of this Lease or any provisions of law, shall be sent by certified mail, return receipt requested to:

LESSOR: _____
Office of Management and Budget
_____ Haslet Armory Building
_____ 122 Martin Luther King, Jr., Boulevard South
_____ Dover, DE 19901

LESSEE: _____
Sussex County
_____ 2 The Circle
_____ P.O. Box 589
_____ Georgetown, DE 19947

- b) In the event of change of address by either party, the parties hereto covenant and agree to notify each other in writing of such change. Said notices shall be deemed effective when deposited in the United States mail, postage prepaid.

7. General Provisions and Attachments.

This Lease is subject to the General Provisions and all other attachments mentioned herein and affixed hereto, as follows:

Exhibit A – General Provisions

The parties hereto acknowledge and agree that the above referenced Exhibits are made a part of this Lease for all purposes.

IN WITNESS WHEREOF, the parties hereto have hereunto subscribed their names as of the date first above written.

Lessor: STATE OF DELAWARE

Witness:

Ann S. Visalli, Director
Office of Management & Budget

Lessee: SUSSEX COUNTY, DELAWARE

Witness:

Michael H. Vincent, President
Sussex County Council

COPY

EXHIBIT A
GENERAL PROVISIONS

1. Assignment or Subletting. Without the prior written consent of Lessor, which consent shall not be unreasonably withheld, Lessee shall not: (a) sublet or rent the Leased Premises or any part thereof; (b) transfer possession or occupancy thereof to any person, corporation, partnership or association; (c) advertise the same in any newspaper or other place; (d) transfer or encumber this Lease Agreement; nor, (e) shall any assignment hereof be affected by operation of law or otherwise without such consent.

2. Building Services

It is hereby Agreed by and between parties to assume sole cost and expense for performance of building services hereto as follow:

A. Utilities	Lessor
Electricity	Lessor
Gas	Lessor
Water and Sewer	Lessor
Telephone	Lessee
B. Janitorial Service	Lessor
C. Repair and maintenance of heating, air conditioning, Plumbing, electrical and lighting systems	Lessor
D. Exterior, structural, grounds, parking area repair and Maintenance including ice and snow removal	Lessor
E. Ordinary repair and maintenance to the interior	Lessor
F. Ordinary repair and maintenance to the exterior	Lessor

3. Hours of Operation. The parties acknowledge that the normal business hours for the Leased Premises will be 8:30 A.M. to 4:30 P.M., Monday through Friday, as may be adjusted from time-to-time at Lessee's discretion.

4. Improvements. During the term of this Lease, Lessee shall not, without the prior written consent of Lessor, make any alterations or structural changes to the Leased Premises. Lessee may, however, install any trade fixtures and equipment which Lessee deems reasonably necessary for Lessee's use of the Leased Premises, provided, however, that Lessor's prior written consent shall be required for the installation of any item, the later

removal of which may cause damage to the existing improvements. Lessee may remove any item so installed, at its own expense. Lessor hereby approves of any improvements already made by Lessee to the Leased Premises.

5. Destruction of Leased Premises.

- a. If the Leased Premises are partially destroyed or damaged by fire, the elements or other casualty, Lessor shall not be obligated to restore or repair the premises to the condition in which they were immediately prior to such destruction or damage, subject to the provisions of Paragraph 5(b) below.
- b. If the Leased Premises are fifty percent (50%) or more destroyed by fire, explosion in connection therewith, riot, earth-quake, lightning, the elements or other casualty, or such building is less than 50% destroyed by any of such causes but Lessor cannot substantially reconstruct and/or repair within one hundred and eighty (180) working days from and after the date Lessee indicates its wish that the Leased Premises be reconstructed or repaired, then in either of such events, Lessee may by written notice immediately cancel this Lease in its entirety. In the event of such cancellation, from and after the date of such destruction, all obligations thereafter of each of the parties hereunder shall cease, except that Lessee shall return all the premises and other property demised hereunder to Lessor in the same condition in which Lessee would have been required to return the same had the term of this Lease been expired, such destruction or damage excepted. A "working day" for the purpose of this Paragraph shall mean a normal working day according to Federal statutes.

6. Insurance

It is hereby understood that Lessor is self-insured as to property insurance, and is sovereignly immune from liability claims. Lessor shall bear the risk of loss of damage to building from fire or other perils. Lessee covenants and agrees to maintain liability insurance and is responsible for insuring its personal property. The parties waive all rights of recovery from each other for loss or damage to their respective property, including any resulting loss of income or extra expense, from causes insurable under special form property insurance.

7. DEFAULT.

a. Events of Default. Lessee shall be deemed in default under the provisions of this Lease if:

- i. Lessee fails to make timely payment of any monies due under this Lease and such installment remains unpaid for a period of thirty (30) days after the same shall be due and payable, no written notice of such default being required or;
- ii. Lessee violates any of the terms and conditions contained in this Lease or fails to perform any of its other obligations hereunder within thirty (30) days after receipt of notice of such failure from Lessor requiring Lessee to perform such obligations.

b. Lessor's Remedies. In the event of any default by Lessee, Lessor shall have all of the rights and remedies permitted by law, in equity, by statute and otherwise; and in addition, Lessor may give notice to Lessee at any time after an Event of Default stating that Lessee's right to possession of the Leased Premises shall expire on the date specified in such notice, which date shall be at least thirty (30) days after the giving of such notice; and upon the date specified in such notice, all rights of Lessee to possession of the Leased Premises hereunder shall terminate, but Lessee shall remain liable as hereinafter provided.

8. Warranty of Title.

Lessor warrants that it is lawfully possessed of the premises hereby demised and has good, right, and lawful authority to enter into this Lease, and that in the event Lessor has not the right, title and authority aforesaid, Lessee, at its option, may quit and surrender the premises without liability for further rent, and hold Lessor liable for any damages resulting therefrom; and that Lessor shall put Lessee into actual possession of the premises at the beginning of the term of this Lease, and shall insure to Lessee the sole, peaceable and uninterrupted use and occupancy of said premises during the full term (except to the extent provided elsewhere in the Lease with reference to destruction of premises.)

9. Amendments or Modifications to Lease.

This instrument embodies all the agreements between the parties respecting the premises described in this Lease, and no oral agreements or correspondence shall be held to vary the provisions of this Lease. Any subsequent changes and modifications

shall become effective only by written instrument duly executed by Lessor and the Lessee.

10. Lessor's Successors.

The terms and provisions of this Lease and the conditions herein shall bind Lessor, and Lessor's successors, and assigns.

11. Entry and Inspection.

Lessee shall permit Lessor and its duly authorized agents to enter into and upon the Leased Premises at any reasonable time after reasonable and proper notification, subject, however, to the security requirements of Lessee, for the purpose of inspecting the same, if Lessor should deem it necessary to do so. Reasonable notice shall mean no less than 24 hours prior to the entry, unless Lessor is entering to make repairs specifically requested by Lessee or for emergency purposes.

12. Zoning and Building Code Approval.

Lessor is delivering the property to Lessee in its present as-is condition, and makes no representations that the property may be used for Lessee's intended purposes. If the premises should be barred by any zoning or building code from use for Lessee's intended purposes, Lessor agrees to cooperate with Lessee in applying for such zoning approvals as may be necessary for Lessee's intended use. Should Lessee fail to secure such approval for its intended use within six (6) months from the date of the signing of this agreement, the Lease shall become null and void.

13. Surrender of Premises.

At the expiration of the primary term of this Lease, or any extensions thereof, Lessee shall surrender the leased premises in as good a state of repair and condition as they were in at the commencement of this Lease, reasonable use and wear and physical destruction or damage due to fire, explosion in connection therewith, riot, earthquake, lightning, the elements or other casualty excepted, and shall remove any and all personal property belonging to Lessee which is located on the Leased Premises.

14. Recording of Lease.

Lessor may elect to record this Lease, or a Memorandum of the Lease, at Lessor's expense.

15. Words of any Gender.

Words of any gender used in this Lease shall be held and construed to include any other gender; and words in the singular shall be held to include the plural, unless the context otherwise requires. The captions or headings of articles in this Lease are inserted for convenience only, and shall not be considered in construing the provisions hereof if any question of intent should arise.

16. Organizational Conflict of Interest Certification.

Lessor is not aware of any information bearing on the existence of any potential organizational conflict of interest. If Lessor is aware of information bearing on whether a potential conflict may exist, Lessor shall provide a disclosure statement describing this information.

17. Possession.

Lessor agrees that Lessee shall have full and complete possession of the property. In the event that such possession is not received by Lessee, it may terminate this Lease.

18. Representations and Certifications.

Lessor acknowledges that the foregoing certifications are a material representation of fact upon which Lessee has relied when exercising this Lease. If it is later determined that Lessor knowingly rendered an erroneous certification, in addition to other remedies available to the Lessee, Lessee may terminate the lease, in part or in whole.

Change Order

No. 1-Final

Date of Issuance: December 13th, 2013 Effective Date: December 13th, 2013

Project: Grinder Pump System & Villages of Herring Creek Imp.	Owner: Sussex County	Owner's Contract No.: 11-11
Contract: Angola Neck Sanitary Sewer District (ANSSD)		Date of Contract: July 22 nd , 2013
Contractor: Harry Caswell, Inc.		Engineer's Project No.: 13962-002

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Work scope included (1) the provision/delivery of one new submersible pump at P.S. #322 and (2) the balancing of unused final Contract quantities and all used/unused Stipulated Contingent Bid items.

Attachments (list documents supporting change):

Related e-mails, letters and Contractor submitted cost proposals.

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 137,706.00

[Increase] from previously approved Change Orders No. X to No. X:

\$ X,XXX,XXX.XX

Contract Price prior to this Change Order:

\$ 137,706.00

Decrease of this Change Order:

\$ (-309.91)

Contract Price incorporating this Change Order:

\$ 137,396.09

CHANGE IN CONTRACT TIMES:

Original Contract Times:

60 Calendar days

Substantial Completion (days or date): 60 days

Ready for final payment (days or date): _____

[Increase] from previously approved Change Orders No. X to No. X:

Substantial Completion (days): XXXXXXXXXX

Ready for final payment (days): XXXXXXXXXX

Contract Times prior to this Change Order:

Substantial Completion (days or date): 60 days

Ready for final payment (days or date): _____

Increase of this Change Order: 0 calendar days

Substantial Completion (days or date): 60 days

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial Completion (days or date): 60 days

Ready for final payment (days or date): _____

RECOMMENDED:

By: Michael J. Gilbert
Engineer (Whitman, Requardt & Assoc.)

Date: 12/17/13

Approved by Funding Agency (if applicable): _____

ACCEPTED:

By: _____
Owner (Sussex County)

Date: _____

ACCEPTED:

By: Karen McCaffrey
Contractor (Harry Caswell, Inc.)

Date: 12-16-13

Date: _____

Line Item No. 1

(Provide/Deliver New Submersible Pump: VOHC P.S. #2/P.S. #322)

Change Order Cost: \$5,369.35

Harry Caswell, Inc. Proposal

Phone: 302-945-5322
FAX: 302-945-7746

32645 Long Neck Rd.
Millsboro, DE 19966

Date: December 12, 2013
Name: Sussex County
Address: The Circle
Georgetown, DE 19947

RE: ANSSD Contract 11-11

Attention: Brad Hawkes,
We are pleased to offer a cost proposal for:
Supply Xylem Flygt Model -3102 185 3" volute submersible pump equipped with a 230Volt/ 3 phase as
per quote dated December 4th 2013.

Cost: -----\$4,669.00
Allowed 15% markup: -----\$700.35

Cost to be: -----\$ \$5,369.35

Payment Schedule: upon request.

Karen McCaffrey

Authorized Signature (KPM)

Acceptance of proposal: The above prices, specifications and terms have been accepted.

Signature

Date

NOTE: THIS PROPOSAL MAY BE WITHDRAWN BY US IF NOT ACCEPTED WITHIN 30 DAYS.



Xylem Water Solutions USA, Inc.
Flygt Products

December 4th, 2013

2330 Yellow Springs Rd
Malvern, PA 19355
Tel 610/408-6500
Fax 610/647-5563

Harry Caswell
32645 Long Neck Road
Millsboro, Delaware 19966

Quote # 2013-MAL-0741

Re: Sussex County, Delaware - PS 322 Herring Creek

Pump

Qty	Description
1	Flygt Model NP-3102.185 3" volute Submersible pump equipped with a 230 Volt / 3 phase / 60 Hz 6.5 HP 3550 RPM motor, 256 impeller, 1 x 50 Ft. length of SUBCAB 4G4+2x1,5 submersible cable, FLS leakage detector, volute is prepared for Flush Valve

Pump Price USD \$ 4,519

Freight: \$ 150

Total Project Price \$ 4,669.00

Incoterm: 2 FCA/FOB - Free Carrier / Free on Board **Named Placed:** 02 - US WH/ Factory

Incoterms 2010 clarify responsibility for costs, risks, & tasks associated with the shipment of goods to the named place.

Terms: Net 30 Delivery: 8 weeks for parts or pumps.

Sincerely,

Chris Candy

Sales Representative

Phone: 610/408-6526

Cell: 610/613-1554

christopher.candy@xyleminc.com



Line Item No. 2

(Balancing of Unused Contract & Stipulated Contingent Bid Items)

Change Order Credit: (\$5,679.26)

Contract 11-11

Angola Neck Sanitary Sewer District (ANSSD)
Angola Beach Road Grinder Pump System and Villages of Herring Creek Improvements
Change Order No. 1 (Final): Balancing Change Order Cost Summary Sheet with WR&A Verified Quantities

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part A - Angola Beach Road Grinder Pump System							
A-1	Mobilization	1	LS	\$ 4,250.00	1	\$ -	\$ -
A-2	Furnish & Install Force Main (Angola Beach Road) - 1.5"	600	LF	\$ 15.00	529.00	\$ -	\$ (1,065.00)
A-3	Furnish & Install Force Main (Angola Beach Road) - 2"	1,400	LF	\$ 17.14	1,391.00	\$ -	\$ (154.26)
A-4	Furnish & Install Grinder Pumps - Complete	3	EA	\$ 8,600.00	3	\$ -	\$ -
A-5	Furnish & Install Grinder Pump Shell - Complete	1	EA	\$ 5,000.00	1	\$ -	\$ -
A-6	Pump Station Improvements: VOHC P.S. #1 / #321	1	LS	\$ 31,500.00	1.00	\$ -	\$ -
A-7	Pump Station Improvements: VOHC P.S. #2 / #322	1	LS	\$ 33,700.00	1.00	\$ -	\$ -

Subtotals for Part A: \$ - \$ (1,219.26)

Part B - Stipulated Contingent Bid Items							
Item No.	Description	Quantity	Unit	Unit Price	Actual Quantity	ADD	DEDUCT
B-1	Contingent Unclassified Excavation	20	CY	\$ 11.00	0.00	\$ -	\$ (220.00)
B-2	Contingent Borrow - Type "C" (Backfill)	50	CY	\$ 16.00	0.00	\$ -	\$ (800.00)
B-3	Contingent Aggregate - Graded Type "B" Crusher Run	10	Ton	\$ 21.00	0.00	\$ -	\$ (210.00)
B-4	Contingent Pourous Fill - No. 57 Stone	10	Ton	\$ 23.00	0.00	\$ -	\$ (230.00)
B-5	Contractor Down Time (Force Main Crew)	5	HR	\$ 300.00	0.00	\$ -	\$ (1,500.00)
B-6	Furnishing & Placing 4500 PSI Concrete	10	CY	\$ 150.00	0.00	\$ -	\$ (1,500.00)

Subtotals for Part B: \$ - \$ (4,460.00)

Grand Total = Parts (A + B): \$ - \$ (5,679.26)

Balancing of Used/Unused Quantities Change Order No. 1 - Final (Line Item No. 2)	Decrease	\$ (5,679.26)
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Summary of Contract Change Orders - Contract 11-11

Original Contract Amount		\$ 137,706.00
Amount of Previous Change Orders		\$ -
Contract Total Including Previous Change Orders		\$ 137,706.00
Line Item No. 1: New Submersible Pump at P.S. #322	(C.O. No. 1 - Final)	\$ 5,369.35
Line Item No. 2: Balancing of Used/Unused Quantities	(C.O. No. 1 - Final)	\$ (5,679.26)
Total Change Order No. 1-Final	(Credit)	\$ (309.91)
Original Contract Plus Amount of Previous Change Orders		\$ 137,706.00

Revised Final Contract No. 11-11 Total		\$ 137,396.09
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PETITION TO ESTABLISH A SANITARY SEWER DISTRICT FOR THE HERRING CREEK AREA IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

To the Sussex County Council, Delaware

I, the undersigned legal voter, property owner or resident of an area more fully described hereinafter that includes the subdivisions of Winding Creek Village, Herring Creek Estates, Pinewater Farms, Pinewater Woods, Bay Hollow Estates, Big Oak Landing, Short Hills and Shawn's Hideaway in Indian River Hundred, Sussex County, Delaware, do hereby petition the Sussex County Council to submit the question of organizing a sanitary sewer district to a referendum. The approximate description of the proposed **Herring Creek Sanitary Sewer District**, which lies primarily west of State Route 24, John J. Williams Highway between Burton's Prong and Banks Road, is:

BEGINNING at a point where the southerly right-of-way (ROW) line of County Road 298 (Banks Rd) intersects with the northeasternmost property corner of the lands now or formerly (N/F) Evelyn M Abel and lands N/F of Baywood Communities, LLC, thence by and with said lands of Baywood in the following directions and distances; southwesterly 615± feet, northwesterly 1660± feet, northeasterly 610± feet, northwesterly 25± feet, southwesterly 275± feet, northwesterly 240± feet to a point, said point being the northwesternmost corner of said lands of Baywood & other lands N/F of Baywood Communities, LLC, thence by and with said other lands of Baywood in a northwesterly direction 1405± feet to a point, said point being the intersection of the easterly ROW of County Route 24 (John J. Williams Hwy) and said lands of Baywood, thence following said easterly ROW of John J. Williams Hwy approximately 6750 feet in a north/northeasterly direction to a point, said point being the intersection of lands N/F of Burton Bray Properties, LLC and Mary Lou Dickson, Mark A & Charles W Riley, thence by and with said lands of Burton Bray in a southeasterly direction to a point, said point being the intersection of said lands of Burton Bray and Dickson/Riley and the shoreline of Burtons Prong of Herring Creek, thence by and with the southern shoreline of Burtons Prong of Herring Creek in a southeasterly direction approximately 8300 feet to a point, said point being a corner of the lands N/F of Fasnacht Realty Co, INC & Nancy M Knopp, Trustee and the shoreline of Hopkins Prong, thence by and with the northern shoreline of Hopkins Prong in a westerly direction approximately 6760 feet to a point, said point being a corner of the lands N/F of Herring Creek Estates Owners Association, Inc & the lands N/F of Shirley Messick Petit, thence by and with the southern shoreline of Hopkins Prong in an easterly direction approximately 5,080 feet to a point, said point being the a corner of the lands N/F of Timothy P Mumford and lands N/F of Sussex Realty Company, thence by and with said lands of Sussex Realty in the following distances and directions; southwesterly 420±, southeasterly 470± feet, southerly 97± feet, southeasterly 897± feet, to a point, said point being on the northerly ROW of County Road 298A (Green Rd) thence in a southeasterly direction 50± feet crossing said roadway to a point, said point the intersection of the southerly ROW of Green Rd and other lands N/F of Sussex Realty Company, thence by and with said lands of Sussex Realty Company in the following directions and distances; easterly 220± feet, southerly 1500± feet, southwesterly 1090± feet, easterly 1885± feet, northerly 200± feet,

easterly 150± feet, northerly 1810± feet to a point said point being the northeasternmost point of a said lands & a point on the boundary of lands N/F of Robert E Ribinsky, thence by and with said lands of Ribinsky in an easterly direction 360± feet to a point, said point being the southeasternmost corner of lands of Ribinsky and lands N/F of Daniel D Tompkins, thence by and with said lands of Tompkins in a northeasterly direction 391± feet to a point, said point being the southeasternmost corner of lands of Tompkins and lands N/F of Baywood, LLC, thence by and with said lands of Baywood in a northeasterly direction 1790± feet to a point, said point being a corner for other lands N/F of Baywood, LLC and James W & Terri A Venema, and lands N/F of Sussex Realty Company, thence following a line between the exterior boundary of Winding Creek Village and Guinea Creek (as shown on Plot Book No. 8 Page 840 & 841 of the Sussex County Recorder of Deeds Office) to a point, said point being a corner of the lands N/F of Winding Creek Village Property Owners Association and the southerly ROW of Banks Rd, thence following the ROW of Banks Rd in a northerly direction approximately 3750 feet to a point, said point being a point on the ROW of Banks Rd and a point on the southwesterly property line of the lands N/F of Timothy P Mumford, thence in a southwesterly direction approximately 50 feet crossing Banks Rd to a point, that being the point of the BEGINNING.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 234-17.00, 234-17.08, 234-17.12, 234-17.16, 234-18.00, 234-18.05, 234-18.09, 234-18.13, 234-23.00, & 234-24.00

The proposed **Herring Creek Sanitary Sewer District** is within these approximate boundaries containing 909 acres more or less. A map drawn to scale indicating the boundaries of the proposed sanitary sewer district accompanies this petition.

Signature

Print Your Name

Print Your Address

STATE OF DELAWARE)(

SS.

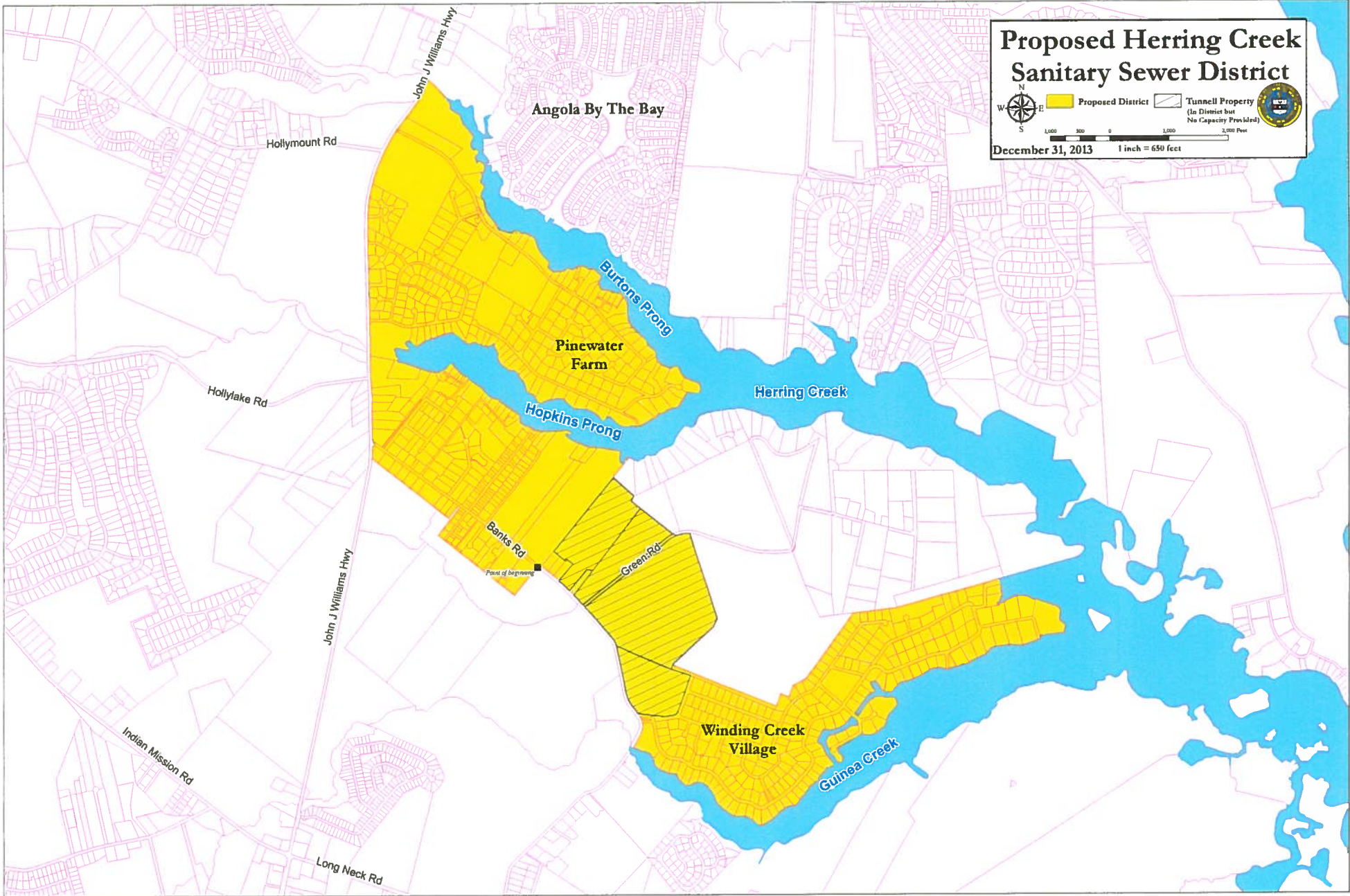
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That on this ____ day of _____ A.D., 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, party to this indenture, known to me personally to be such, and acknowledged this indenture to be his/her act and deed, that his/her signature is in his/her own proper handwriting.

GIVEN under my hand and Seal of Office the day and year aforesaid.

NOTARY PUBLIC

My Commission Expires _____.




Proposed Herring Creek Sanitary Sewer District

December 31, 2013

1 inch = 650 feet

Legend:
■ Proposed District
□ Tunnell Property (In District but No Capacity Provided)

Scale: 0, 1,000, 2,000 Feet



PETITION TO ESTABLISH A WATER DISTRICT FOR THE **HERRING CREEK AREA**
IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE

To the Sussex County Council, Delaware

I, the undersigned legal voter, property owner or resident of an area more fully described hereinafter that includes the subdivision of Winding Creek Village in Indian River Hundred, Sussex County, Delaware, do hereby petition the Sussex County Council to submit the question of organizing a water district to a referendum. The approximate description of the proposed **Herring Creek Water District**, which lies primarily west of State Route 24, John J. Williams Highway between Burton's Prong and Banks Road, is:

BEGINNING at a point, said point being where the northern right-of-way (ROW) line of County Road 298 (Banks Rd) intersects with the northern shoreline of Guinea Creek, thence following said ROW in a northerly direction 636± feet to a point, said point being the intersection of lands N/F of Baywood LLC and lands N/F of Winding Creek Village, thence following said lands of Baywood in the following distances and directions easterly 660± feet and northerly 698± feet to a point, said point being the intersection of said lands and lands N/F of Sussex Realty Company, thence by and with said lands of Sussex Realty in the following directions and distances southeasterly 1538± feet and northeasterly 2251± feet to a point, said point being the northeasternmost corner of said lands of Sussex Realty and the northern boundary of Winding Creek Village (as shown on Plot Book No. 8 Page 840 & 841 of the Sussex County Recorder of Deeds Office), thence following said boundary in the following directions northeasterly, then southeasterly to a point, said point being the intersection of said boundary and the northern shoreline of Guinea Creek, thence by and with said shoreline in a generally southwesterly direction to a point, said point being that of the BEGINNING.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 234-18.00, 234-23.00, & 234-24.00

The proposed **Herring Creek Water District** is within these approximate boundaries containing 237 acres more or less. A map drawn to scale indicating the boundaries of the proposed sanitary sewer district accompanies this petition.

Signature

Print Your Name

Print Your Address

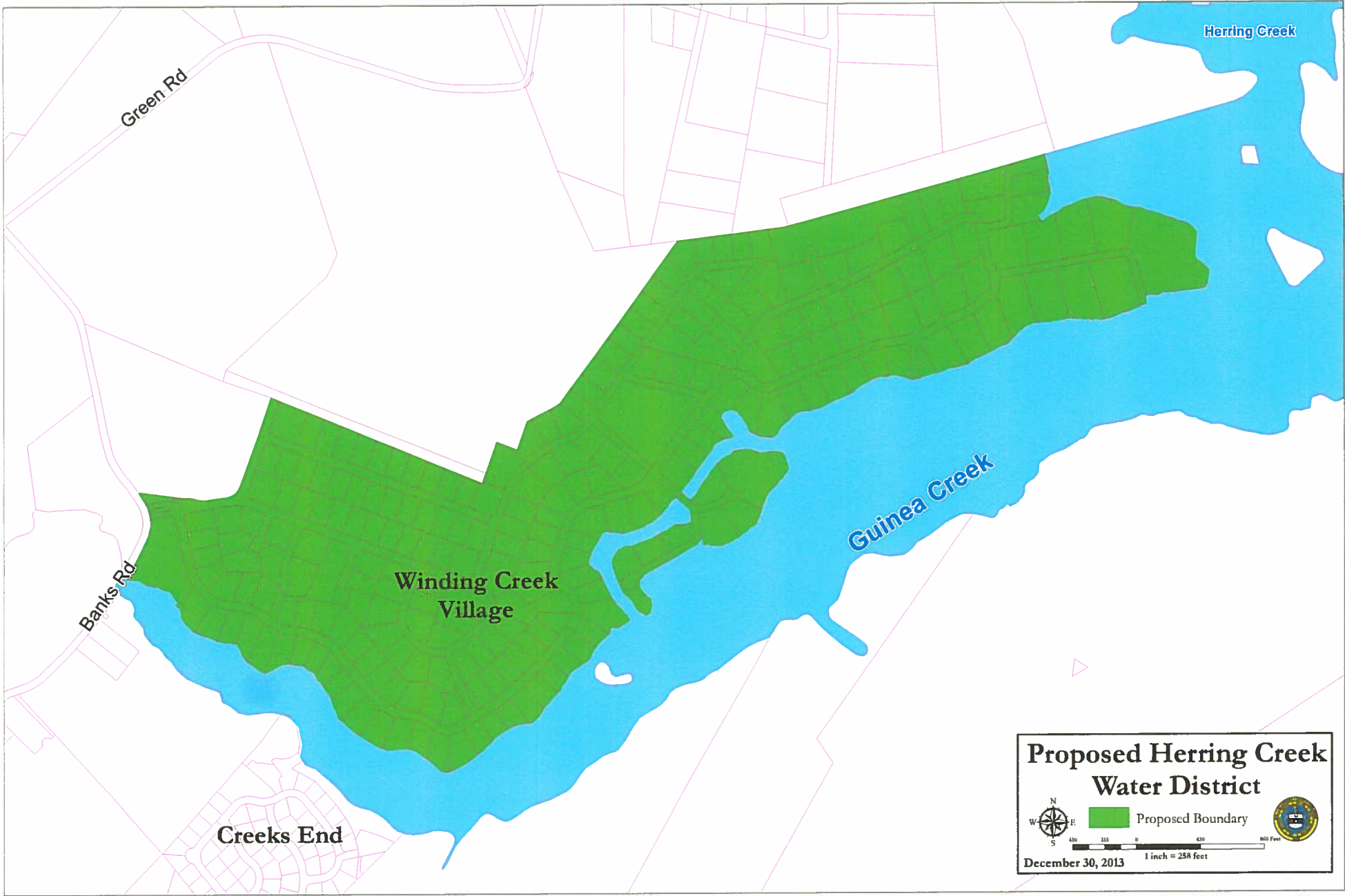
STATE OF DELAWARE)(
SS.
COUNTY OF SUSSEX)(

BE IT REMEMBERED, That on this ____ day of _____ A.D., 2013, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, _____, party to this indenture, known to me personally to be such, and acknowledged this indenture to be his/her act and deed, that his/her signature is in his/her own proper handwriting.

GIVEN under my hand and Seal of Office the day and year aforesaid.

NOTARY PUBLIC

My Commission Expires _____.



Green Rd

Herring Creek

Guinea Creek

Winding Creek Village

Banks Rd

Creeks End

**Proposed Herring Creek
Water District**

Proposed Boundary

December 30, 2013

1 inch = 258 feet

TOWN OF GEORGETOWN

MAYOR
AND
COUNCIL



TOWN HALL
39 THE CIRCLE
GEORGETOWN, DE 19947

January 2, 2014

Mr. Todd Lawson
County Administrator, Sussex County
2 The Circle
P. O. Box 589
Georgetown, DE 19947

Dear Todd,

The Georgetown Town Council has been investigating the possibility of purchasing or constructing a stage for use at in-town events sponsored by Sussex County (Caroling on The Circle); the Town of Georgetown (Concerts on the Circle) and the Georgetown community (Christmas Parade, Return Day).

We believe a functioning stage, suitable for the events listed above (and any others) can be put into service for approximately \$10,000. We kindly request Sussex County Council consider funding one-half of the cost (\$5,000) to complete this project.

To ensure proper storage and maintenance, the new stage would be kept at our Public Works facility and transported by Town personnel to special events on an as needed basis.

Thank you for considering our request. We look forward to a favorable response. Should you have any questions, please feel free to contact Town Manager, Gene Dvornick at (302) 856-7391.

Sincerely,

Mike Wyatt
Mayor

Sue Barlow
Councilwoman, Ward 2

Linda Dennis
Councilwoman, Ward 4

Steve Hartstein
Councilman, Ward 1

Bill West
Councilman, Ward 3

Gene Dvornick
Town Manager



☐☐☐☐
Sussex County Animal Association, Inc.
&
Whimsical Animal Rescue
Post Office Box 1697 • Seaford, Delaware 19973
☐☐☐☐



Dear Ms. Jennings and Honorable Council Members,

We are writing this request in a most urgent manner.

Every year, the County Council has been kind enough to help our animal rescue continue to help the dogs and cats of Sussex County by granting us funds to pay for their care and maintenance. This year has been our most challenging ever, due mainly in part to the public's reluctance to donate after non-stop coverage of the Safe Haven debacle for the last year. This has hurt many of the small rescues, but we have continued our efforts regardless. Even the media has been concentrated on the ongoing saga for so long, that they have neglected being unbiased and serving the entire constituency of citizens and their needs.

So far this holiday season, we have only received \$250 in donations, which is less than ten percent of our average donations. There is really no other way to say this, except that we are desperate for financial help. We are asking this year for a donation from the council of at least \$2500. We are all very vested in this rescue and have put our hearts and souls into placing over 3000 animals in the last 12 years. Please help.

We wish you and yours a very happy holiday season, from the Sussex County Animal Association!

Amy Royal
WAR/SCAA
www.DelawareRescue.com



"We rescue unwanted cats and dogs and place them with adoptive families. We hope they live a long and happy life, and when their time comes, they die in their sleep....a heavenly-sent form of euthanasia."



Woodbridge Elementary School

P. O. Box 2007
Governors Avenue
Greenwood, DE 19950-0508
(302) 349-4539
Fax (302) 349-1413
www.wsd.k12.de.us



A National Blue Ribbon School

John E. Kramer, M. Ed.
Principal
Lynn Brown, M. Ed.
Assistant Principal
Kimberly B. Mitchell, M. Ed.
Assistant Principal

December 5, 2013

Dear Friend of Woodbridge Elementary School,

We are seeking donations for reading incentives for the Woodbridge Elementary School students.

We are using a reading program called "Accelerated Reader". This program helps students develop their reading comprehension skills. Students can earn points based on computer quizzes that they take after reading books.

This "Accelerated Reader" program has a number of motivational components. One motivator that our school is using is a raffle Assembly. A student earns a raffle ticket for each book that he or she has successfully read. We hold two raffle drawings per school year. We hope to have many raffle items available for students to win. We currently have over 900 students in our building.

We would gladly accept monetary donations and/or items to give as prizes. Your support for the students of W.E.S. is always appreciated.

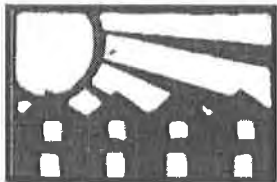
Thank you in advance for any donation you can make. I guarantee your contributions will yield big dividends with our students as we work together to improve student achievement.

Thanks again!

Yours truly,



John Kramer
Principal



FirstState
COMMUNITY ACTION AGENCY
People Helping People Build Community

November 26, 2013

Sussex County Council
 County Administrative Office
 P.O. Box 589
 Georgetown, Delaware 19947

Dear Council,

First State Community Action Agency, Inc. requests on behalf of the Dr. Martin Luther King Jr. Organization of Sussex County \$1,500.00 to support their annual Dr. MLK holiday weekend. The purpose of the committee is to celebrate the legacy of Dr. King. The weekend will consist of a parade on Saturday, January 18, 2014 in the Town of Lewes, followed by a banquet at the Cape Henlopen High School that afternoon at 4:30 p.m. On the following Monday morning, our worship service will be held at Coley United Methodist Church in Angola. Proceeds from the events will go towards scholarships to Sussex County high school seniors.

Our dream is to continue supporting students in Sussex County. First State will be the fiscal agent for the grant. Our tax ID no. is **510104704**.

For additional information, you may contract Bernice Edwards at (302) 856-7761 ext. 157.

Sincerely,

Bernice M. Edwards
 Executive Director

Sturford L. Bratton Building
 P. O. Box 877
 308 N. Railroad Avenue
 Georgetown, Delaware 19947
 E-mail: firststatecaa.org

Phone: 302-856-7761
 800-372-2240
 Fax: 302-856-2599

Blue Hen Corporate Center
 655 S. Bay Road, Suite 4J
 Dover, Delaware 19901

Phone: 302-674-1355
 Fax: 302-674-5229

Rose Hill Community Center
 19 Lambson Lane, Suite 8
 New Castle, Delaware 19720

Phone: 302-498-0454
 Fax: 302-575-1409

Board of Directors

Sussex County
 Patricia Batchelor
 Eugene Doornick
 Pastor Woodrow Evans
 Kim Klabe
 Thomas Sturgis
 Brad Whaley
 Evelyn Wilson
 Rev. May Wolf

Kent County
 Albert Biddle
 Nelson Driggus
 Ismel Figueroa
 Sandra C. Sutton, Ed.D.
 Rev. Winton M. Hill III

New Castle County
 Guendoline B. Angalet, Ph.D.
 Beryl Bammore
 Timothy Crawl-Bey
 Anne M. Farley, Ph.D.
 Marcus A. Henry
 Roosevelt Nichols
 Jannina Smathers
 Peggy Struc

Executive Director
 Bernice Edwards



Member of
 Community Action Partnership



P. O. Box 26
Seaford, DE 19973
Voice 302.629.9690
Fax 302.629.0281

Email admin@seafordchamber.com

Officers

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DOLORES SLATCHER
JOHN TARBURTON, ESQ
STEVE TULL

Past President

JOHN RITTENHOUSE, SR.

Staff

EXECUTIVE DIRECTOR

Mike Vincent, President
Sussex County Council
Georgetown, DE 19947

Via email only

December 4, 2013

Dear Councilman Vincent:

The Seaford Christmas Parade is one of the largest on Delmarva each year. It draws visitors from the entire area to Seaford the first Saturday in December.

We respectfully request a donation to help defray the cost of producing the parade this year.

Thanks you for your consideration of this request.

Sincerely,

Paula K. Gunson
Executive Director

/pkg

GOD'S FOOD WAGON
c/o M. RICHARD ROLLER
12791 TRUSSARD ROAD
LAUREL DELAWARE
19956

MR MIKE VINERT

I, MR RICHARD ROLLER OF GOD'S FOOD WAGON
WOULD LIKE TO APPLY SOME MONEY FROM THE
SUSSEX COUNTY COUNCIL, FOR THE PEOPLE
IN LOW INCOME FAMILIES, TO PURCHASE
FOOD FOR THESE PEOPLE, WHO ARE
DISABLED DUE TO HEALTH REASONS.

TWO YEARS AGO, I LOST 15 PEOPLE
WHO DIED FROM CANCER OR OLD AGE.

I HAVE BEEN DOING THIS FOR 18 YRS.
AND I HAVE YETTER MAN CARRYING THE
FOOD IN FROM THE LITTLE DODGE TRUCK TO
UNLOAD THE FOOD FOR THE PEOPLE

I AM 82 YRS YOUNG AND APRIL 25 2014
I WILL BE 83. I WORK FOR GOD

THIS MONEY WILL START US OFF
2014. THE NEW YEAR WILL GIVE US
FRESH START!

THANK YOU FOR LISTENING

M. Richard Roller

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL PACKAGE STORE AND TAVERN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 3.033 ACRES, MORE OR LESS (Tax Map I.D. 230-26.00-35.01)

WHEREAS, on the 11th day of December 2013, a conditional use application denominated Conditional Use No. 1979 was filed on behalf of Thomas and Judy Munce; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1979 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1979 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 east of U.S. Route 113 and 2,800 feet north of Route 16 and being more particularly described as Parcel No. 4 on survey of “Lands of Sheila J. Stevens” as recorded in Plot Book 85, Page 50 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.033 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.

911 Address: 20524 Harbeson Rd.
Harbeson, DE 19951

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A USED CAR SALES FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 14,295 SQUARE FEET, MORE OR LESS (Tax Map I.D. 234-4.00-11.00)

WHEREAS, on the 31st day of December 2013, a conditional use application, denominated Conditional Use No. 1980 was filed on behalf of Eastern Shore Auto Exchange; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1980 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article X, Subsection 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1980 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 Indian River Hundred, Sussex County, Delaware, and lying southwest of Route 5 (Harbeson Road) 0.5 mile south of Road 292A (Rust Road) and being more particularly described:

BEGINNING at an iron bar on the southwesterly right-of-way of Route 5, a corner for these subject lands and lands of Wilmer J. Hunter, Trustee; thence south 46°01'38" east 150.00 feet along the southwesterly right-of-way of Route 5 to an iron bar; thence south 43°49'58"

west 95.19 feet along lands of Wilmer J. Hunter, Trustee, to an iron pipe; thence north 46°07'00" west 150.00 feet along lands of Wilmer J. Hunter, Trustee, to an iron pipe; thence north 43°49'58" east 95.42 feet along lands of Wilmer J. Hunter, Trustee, to the point and place of beginning, and containing 14,295 square feet, more or less.

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

PROPOSED

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 18,886 SQUARE FEET, MORE OR LESS (Tax Map I.D. 235-15.00-25.00)

WHEREAS, on the 25th day of November 2013, a zoning application denominated Change of Zone No. 1743 was filed on behalf of Charles and Cristy Greaves; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1743 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 HEREBY 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 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 southeast of Route 16 (Broadkill Road) across from Road 233 (Reynolds Road) and being more particularly described as follows:

BEGINNING at a point on the southeasterly right-of-way of Route 16, a corner from

these subject lands and lands of Lockwood Design and Construction Co., Inc.; thence following said Incorporation lands the following three (3) courses: south 21°42'55" east 194.75 feet to a point; south 79°39'24" west 111.61 feet to a point; and north 21°35'00" west 149.41 feet to a point on the southeasterly right-of-way of Route 16; thence northeasterly 114.64 feet along the southeasterly right-of-way of Route 16 to the point and place of beginning, said parcel containing 18,886 square feet, more or less.

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

PROPOSED

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 4.85 ACRES, MORE OR LESS (Tax Map I.D. 235-30.00-55.00)

WHEREAS, on the 20th day of December 2013, a zoning application denominated Change of Zone No. 1744 was filed on behalf of Phillip Cross and Prentice Watkins; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1744 be _____; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 HEREBY 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 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 18 (Lewes Georgetown Highway) 1,500 feet west of Road 258 (Hudson Road) and being more particularly described in Deed Book 2777, Page 234, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 4.85 acres, more or less.

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

PUBLIC HEARINGS

January 7, 2014

This is to certify that on December 12, 2013 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone.. At the conclusion of the public hearings, the Commission moved and passed that this applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

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

Conditional Use #1976 – Indian River School District

Application of **INDIAN RIVER SCHOOL DISTRICT** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for an elementary school expansion to be located on a certain parcel of land lying and being in Dagsboro Hundred, Sussex County, containing 26.77 acres, more or less, lying southwest of Road 331 (Iron Branch Road) 1,200 feet southeast of Road 339 (Old Landing Road) and northwest of 1st Street in Riverview Subdivision (Tax Map I.D. #1-33-17.00-41.00 and 42.00).

The Commission found that the Applicants submitted a survey/site plan with the application and advised in a cover letter that they had met with DeIDOT on October 7, 2013; that DeIDOT will not require a traffic impact study, but will require right-of-way and permanent easement dedications, construction of a sidewalk along Irons Branch Road, and that a formal submission through DeIDOT's review process is required to obtain a "Letter of No Objection".

The Commission found that on November 26, 2013 DeIDOT commented that the Department has received the preliminary site and entrance plan, and that they are in the process of reviewing said plans.

The Commission found that on December 9, 2013 the Department received comments from the County Engineering Department Utility Planning Division referencing that the site is located in the Town of Millsboro sewer district; that the school expansion will connect to the Town's central sewer system; that conformity to the North Coastal Planning Study will be required; that the school is not in an area where the County will provide sewer service; and that a concept plan is not required.

The Commission found that Garth Jones, Professional Engineer with Becker Morgan Group, was present on behalf of the application and stated that they are proposing a one-story building with a height of 22 feet; that the school property is a legal non-conforming use of the property; that they have added additional acreage to the property, and are asking for a Conditional Use to bring the entire property into compliance; that they are proposing to add eight (8) additional classrooms and some restrooms; that DeIDOT will be requiring sidewalks, multi-modal paths, and some dedication of roadway to expand the right-of-way of Iron Branch Road; that there should be no adverse impact on neighboring properties or the community, or area roadways; that the existing parking already exceeds the minimum required by the Code; and that the use will serve the need for additional capacity at the existing school to serve the children in the District.

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. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 1976 for the Indian River School District for an expansion of an elementary school based upon the record made during the public hearing and for the following reasons:

- 1) This is the expansion of an existing elementary school that has been in its present location for many years. Its existence predates the Sussex County Zoning Code.
- 2) The use as a school is a public use that is beneficial to the residents of Sussex County.
- 3) The expansion of the school under this conditional use will not adversely affect the neighboring properties, roadways or community.
- 4) The Indian River School District has stated that this expansion is necessary to serve the growing population of families within the District.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated, and with the following condition:

- A. This recommendation for approval is subject however to the condition that the Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion carried 5 – 0.

Conditional Use #1977 – Matthew T. Favinger

Application of **MATTHEW T. FAVINGER** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a doctors office to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 8,276 square feet, more or less, lying northwest corner of Route 30 (Gravel Hill Road) and Horseshoe Drive west of Route 24 (John J. Williams Highway) (Tax Map I.D. #2-34-32.00-9.00).

The Commission found that the Applicant submitted a survey/site plan with the application.

The Commission found that on September 30, 2013 DeIDOT commented that a traffic impact study is not recommended, and that the current Level of Service “C” of Gravel Hill Road will not change as a result of this application.

The Commission found that on December 9, 2013 the County Engineering Department Utility Planning Division commented that the site is located in the Town of Millsboro growth and annexation area; that the proposed doctor’s office will be served by an on-site septic system; that conformity to the North Coastal Planning Study will be required; that the parcel is not in an area where the County will provide sewer service; that the Applicant should contact the Town of Millsboro for sewer related information; and that a concept plan is not required.

The Commission found that Matthew T. Favinger was present and stated in his presentation and in response to questions raised by the Commission that he is an Audiologist and his practice creates minimal office use; that he typically will have only eight (8) patients per day; that the site was previously used as a Doggie Day Spa, and previous to that was used for a dentist office; that parking already exists and was adequate for the previous business uses; that the existing ground sign is adequate in size; that the existing wall sign is adequate in size; and that business hours will be Monday through Friday from 8:30 a.m. to 4:30 p.m.

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. Johnson stated that he would move that the Commission recommend approval of Conditional Use No. 1977 for Matthew T. Favinger for a doctor's office based upon the record made during the public hearing and for the following reasons:

- 1) This property was previously used as a dental office and most recently as a pet spa.
- 2) There should be no adverse impact on area roadways or neighboring properties.
- 3) This Application shall be subject to the following conditions:
 - A. The hours of operation will be from 8:30 a.m. to 4:30 p.m. Monday through Friday.
 - B. One (1) ground sign shall be permitted, no greater than 32 square feet per side, and may be lighted.
 - C. The Final Site Plan shall be subject to the review and approval of the staff.

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

Motion carried 5 – 0.

Change of Zone #1739 – Vance Phillips

Application of **VANCE PHILLIPS** 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 Little Creek Hundred, Sussex County, containing 16,150 square feet, more or less, lying northwest corner of U.S. Route 13 and Route 24 (Tax Map I.D. # 3-32-1.08-39.00).

Mr. Ross announced that he would not be participating in this public hearing.

The Commission found that on January 7, 2013 DelDOT provided comments referencing this parcel and three (3) other parcels in consideration of a rezoning to CR-1 Commercial Residential; that the Department comments acknowledged that no use has been specified for the land to be rezoned; that they presently cannot predict the site's trip generation with enough accuracy to make a traffic impact study useful; and that they are willing to postpone a decision on their requirement for a traffic impact study until the subject land has been rezoned and a site plan has been developed for it.

The Commission found that on December 9, 2013 the County Engineering Department Utility Planning Division provided comments referencing that this site is located in the Western Sussex – Laurel Growth Area; that an on-site septic system is proposed; that conformity to the Western

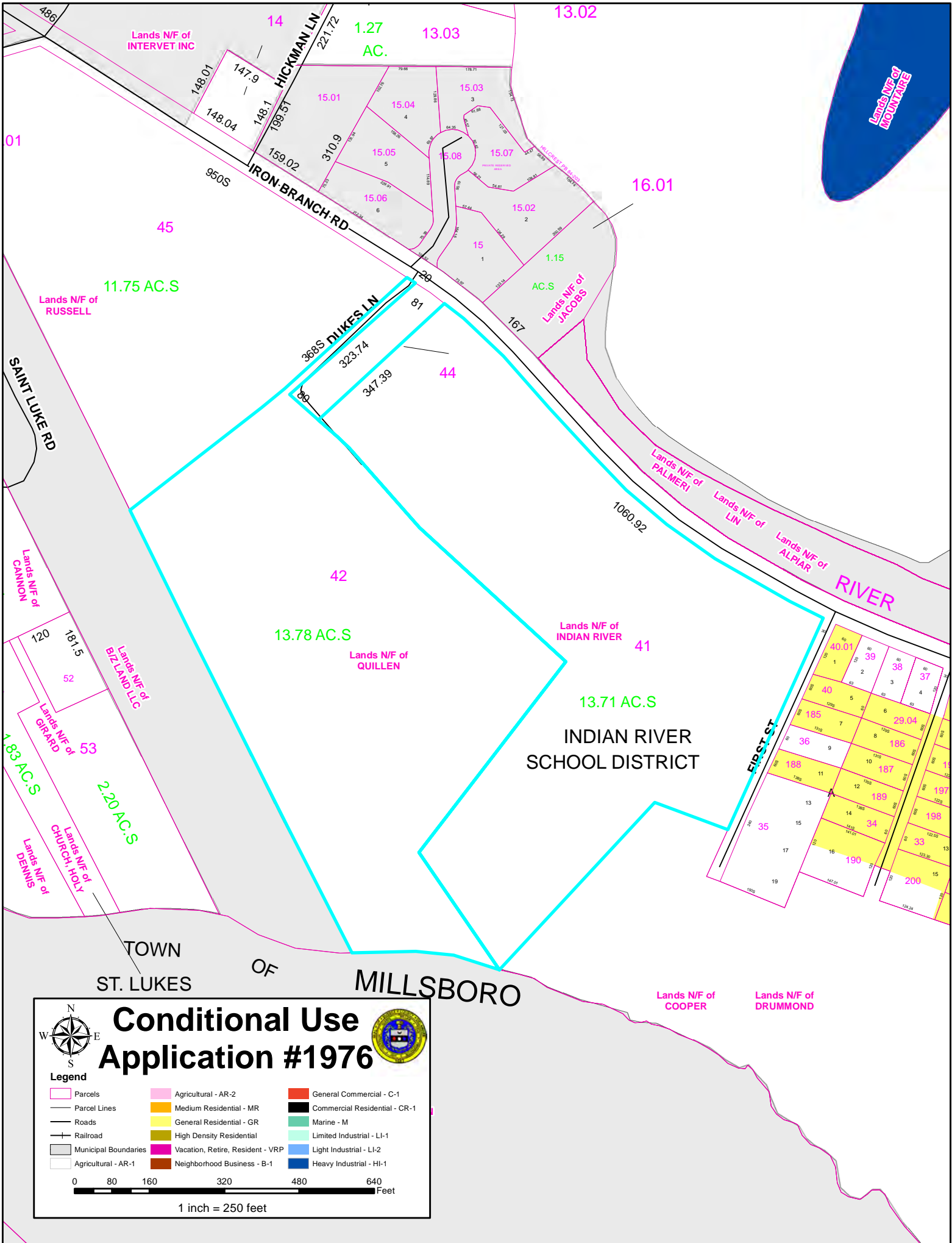
Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Dean Campbell, Esquire, was present on behalf of the applicant and stated in his presentation and in response to questions raised by the Commission that the rezoning is proposed to bring the property into compliance with the other three corners of the intersection of Route 13 and Route 24; that the southwest corner of the intersection is zoned C-1 General Commercial and is improved by an auto repair facility; that the northeast corner of the intersection is C-1 General Commercial and is improved by an auto sales and repair facility and a motel; that the southeast corner of the intersection was just recently rezoned from AR-1 and C-1 to CR-1 Commercial Residential for a proposed convenience store and gas filling facility; that the property to the west, on the north side of Route 24, aka 4th Street, is zoning AR-1 with an existing auto parts store that has existed at this location for many years; that the 2008 Comprehensive Land Use Plan indicates that the site is located in a Town Center District, a growth area; that the property is improved by a single family dwelling that is a rental and has a home occupation for a Palm Reader; that there should be no adverse impact on surrounding property values; that the rezoning may enhance the values; that any use of the property shall be subject to DeIDOT; that the site is not served currently with central water or sewer; that there is no intended change in use at this time; that the rezoning complies with the Comprehensive Plan; and that the majority of the commercial uses of the intersection and area have been in existence since prior to the establishment of zoning.

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.

Motion by Mr. Smith, seconded by Mr. Burton, and carried with 4 votes to defer action for further consideration. Motion carried 4 – 0. Mr. Ross did not participate in public hearing.



Lands N/F of INTERVET INC

14

1.27 AC.

13.03

13.02

148.01
147.9
148.04

148.1
198.31

15.01

15.04

15.03

159.02

310.9

15.05

15.07

15.08

16.01

45

11.75 AC.S

Lands N/F of RUSSELL

SAINT LUKE RD

366S DIKES LN

323.74

347.39

44

1.15 AC.S

Lands N/F of JACOBS



Lands N/F of CANNON

120

181.5

52

Lands N/F of BIZ LAND LLC

Lands N/F of BIRARD

53

2.20 AC.S

Lands N/F of DENNIS

1.83 AC.S

Lands N/F of CHURCH HOLY

TOWN OF ST. LUKES

OF

MILLSBORO

Lands N/F of PALMERI

Lands N/F of LIN

Lands N/F of ALPIAR

RIVER

1060.92

Lands N/F of INDIAN RIVER

41

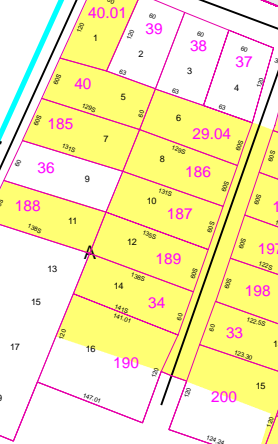
13.78 AC.S

Lands N/F of QUILLEN

13.71 AC.S

INDIAN RIVER SCHOOL DISTRICT

FIPST CT



Lands N/F of COOPER

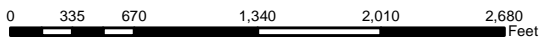
Lands N/F of DRUMMOND

Conditional Use Application #1976

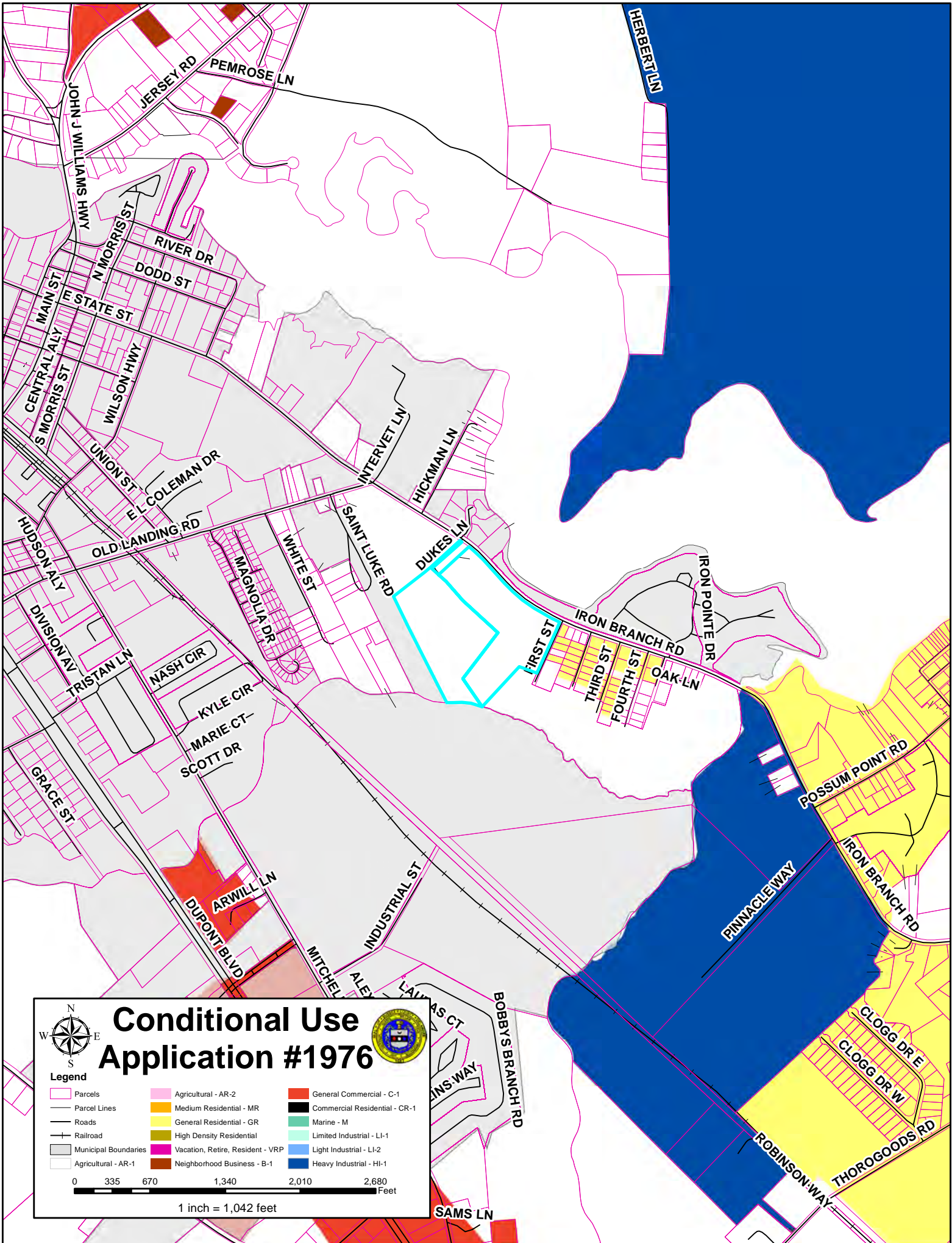


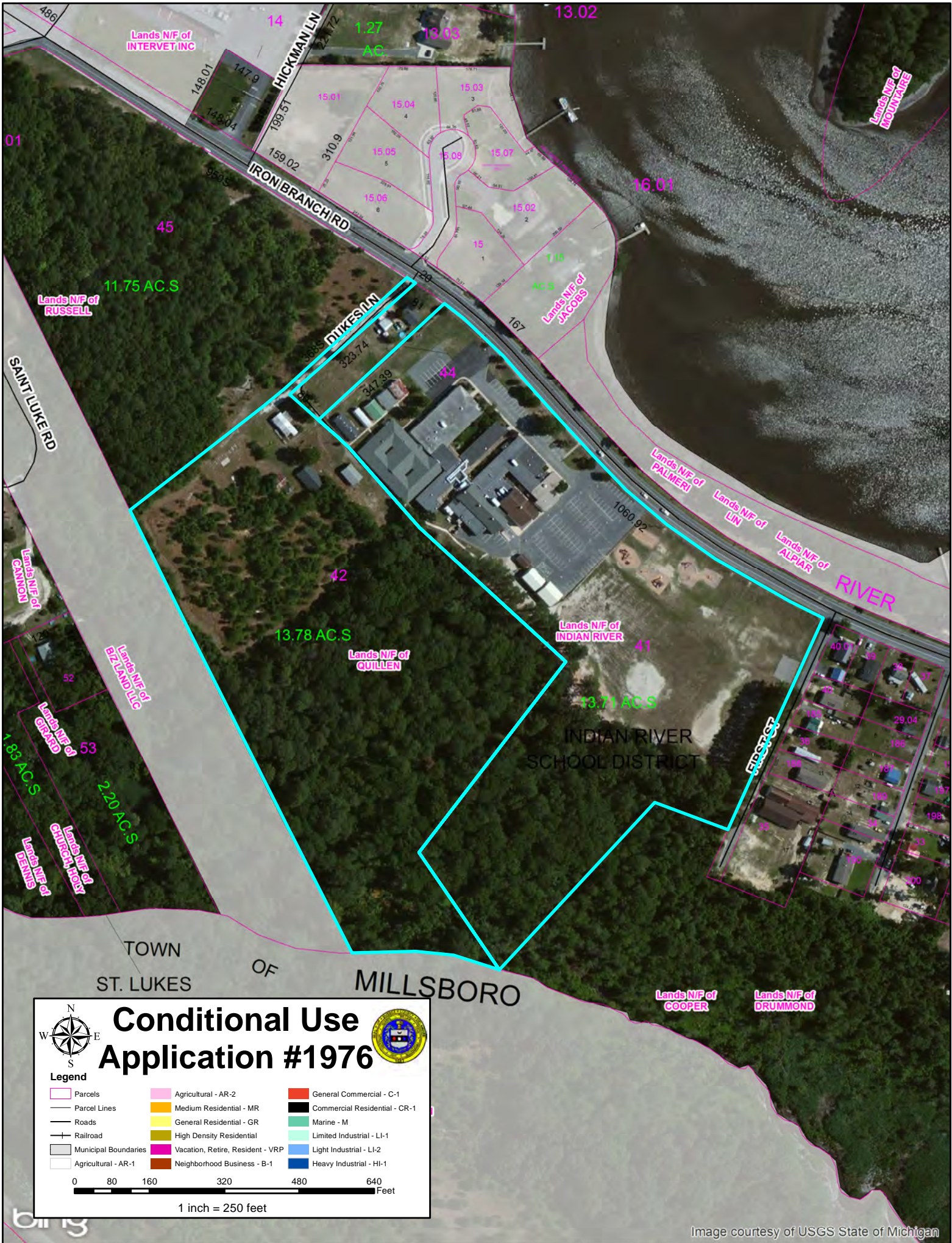
Legend

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



1 inch = 1,042 feet





TOWN OF MILLSBORO

Conditional Use Application #1976

Legend

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

1 inch = 250 feet

Image courtesy of USGS State of Michigan

110.8

70S

53.9

10

RAMP

86

137.08

9

112.7

34.9

128.3


RAMP

HORSESHOE DR

212.05

19

Conditional Use Application #1977

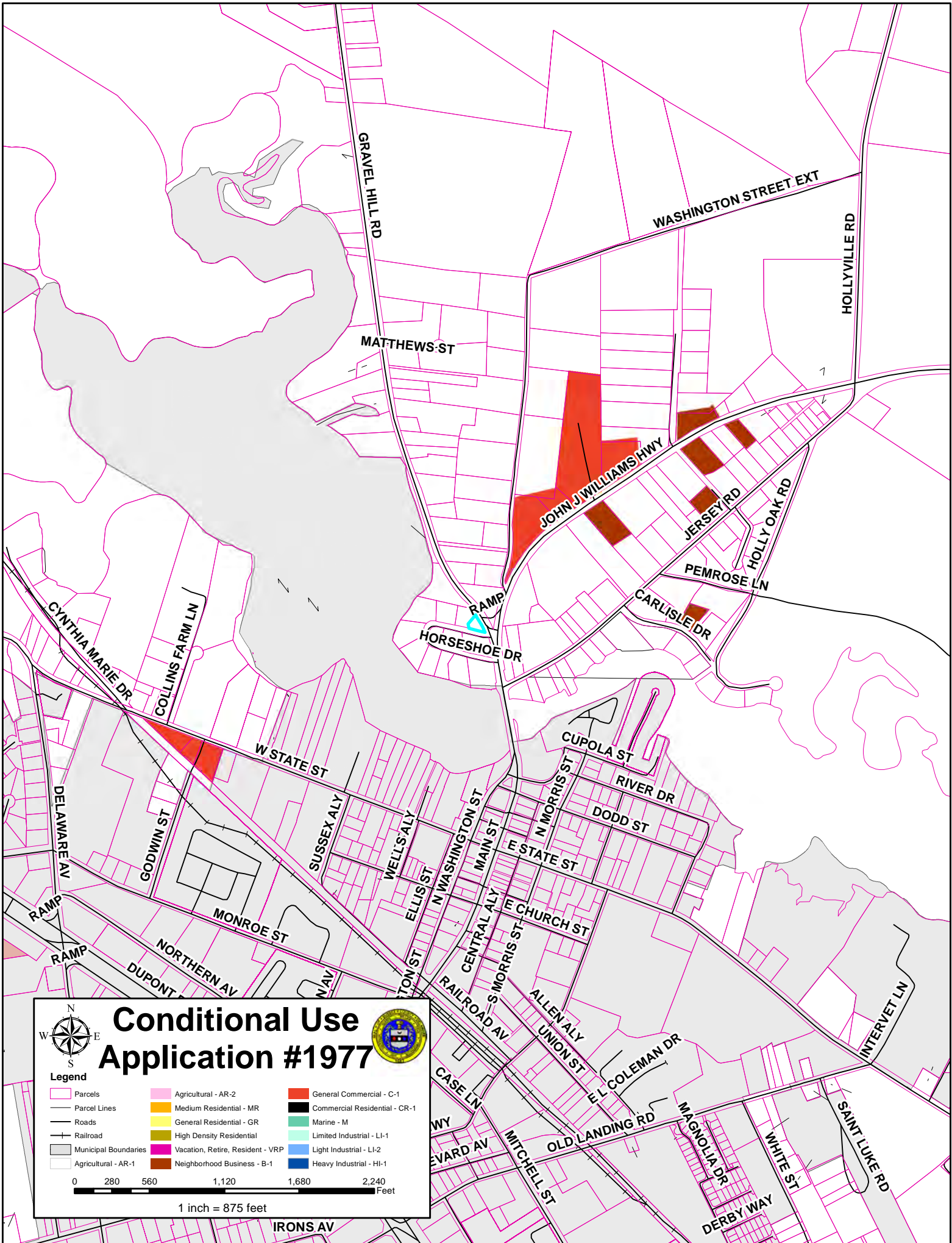


Legend

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

0 10 20 40 60 80 Feet

1 inch = 33 feet

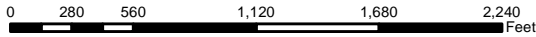


Conditional Use Application #1977

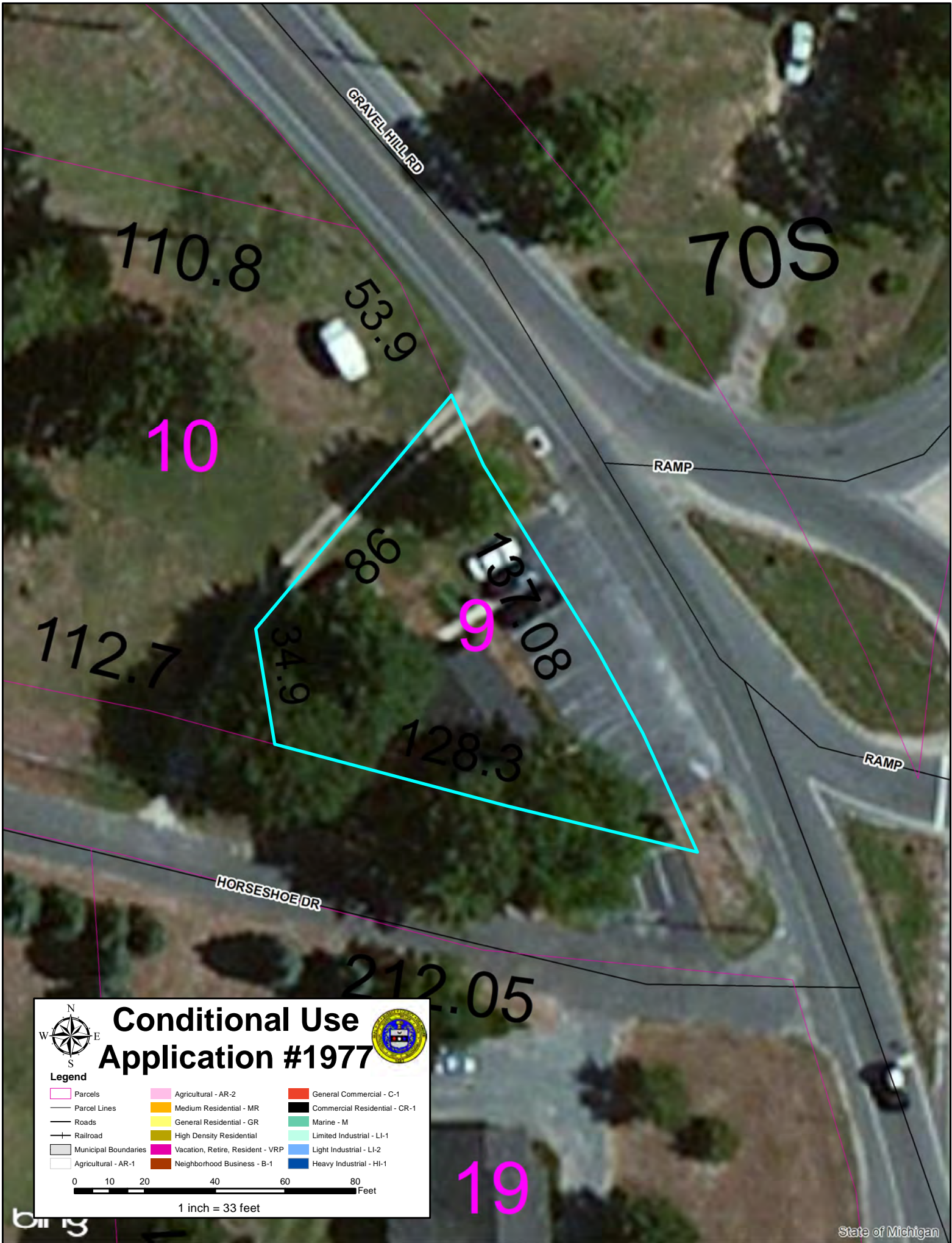


Legend

- Parcels
- Parcel Lines
- Roads
- Railroad
- Municipal Boundaries
- Agricultural - AR-1
- Agricultural - AR-2
- Medium Residential - MR
- General Residential - GR
- High Density Residential
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- Commercial Residential - CR-1
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- Heavy Industrial - HI-1



1 inch = 875 feet

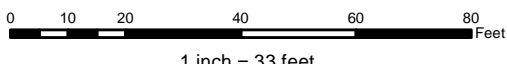


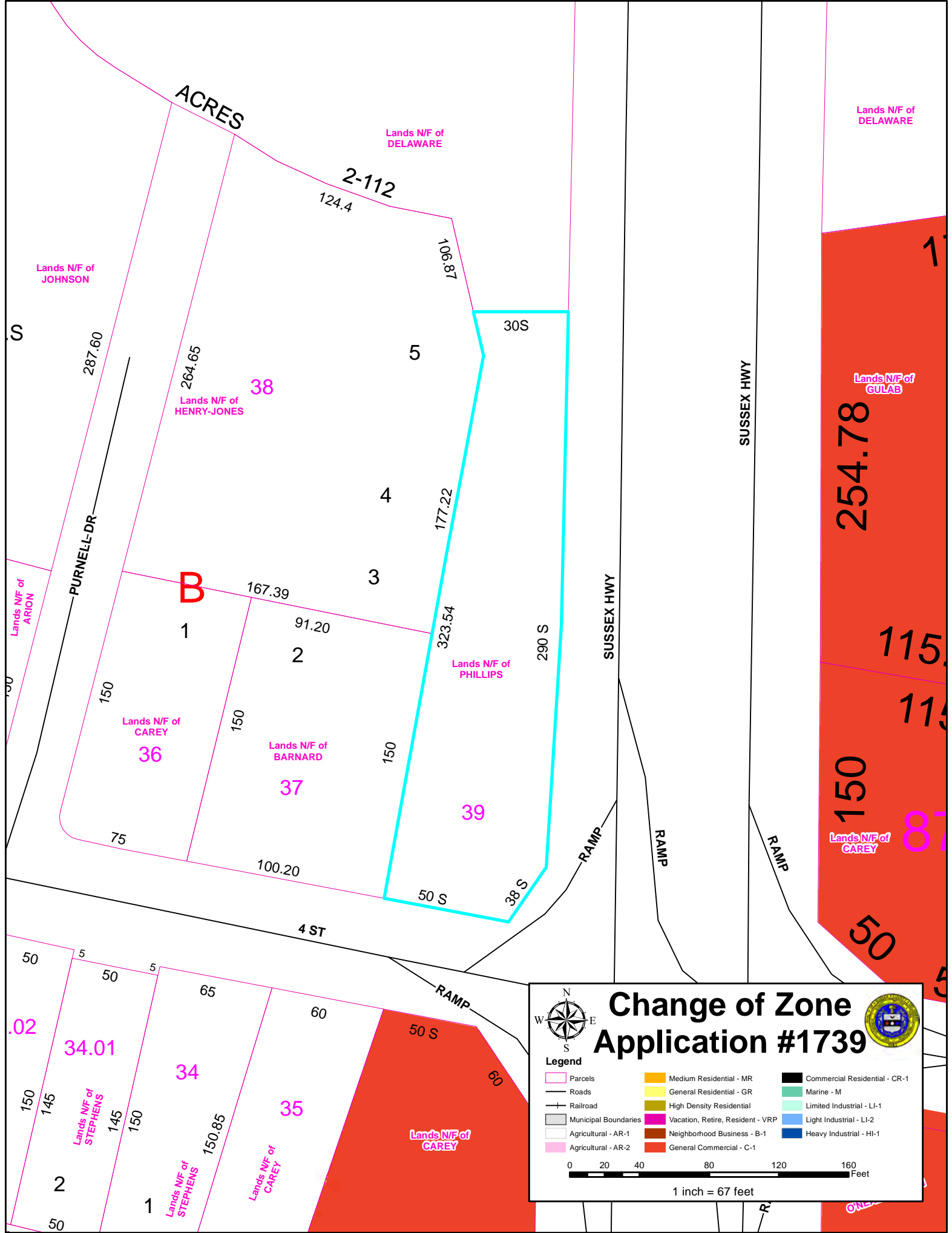
Conditional Use Application #1977



Legend

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





ACRES

2-112

Lands N/F of DELAWARE

Lands N/F of DELAWARE

Lands N/F of JOHNSON

S

287.60

264.65
Lands N/F of HENRY-JONES

38

5

30S

124.4

106.87

4

177.22

SUSSEX HWY

Lands N/F of GULAB

254.78

Lands N/F of ARION

PURNELL DR

B

167.39

3

323.54

Lands N/F of PHILLIPS

1

91.20

2

290 S

Lands N/F of CAREY

36

Lands N/F of BARNARD

37

39

150

150

150

Lands N/F of CAREY

150

115

115

87

75

100.20

50 S

38 S

SUSSEX HWY

RAMP

RAMP

RAMP

4 ST

RAMP

50

5

50

5

65

60

50 S

60

34.01

34

35

Lands N/F of CAREY

Lands N/F of STEPHENS

145

150

150

150

Lands N/F of STEPHENS

Lands N/F of CAREY

1

150.85

Change of Zone Application #1739

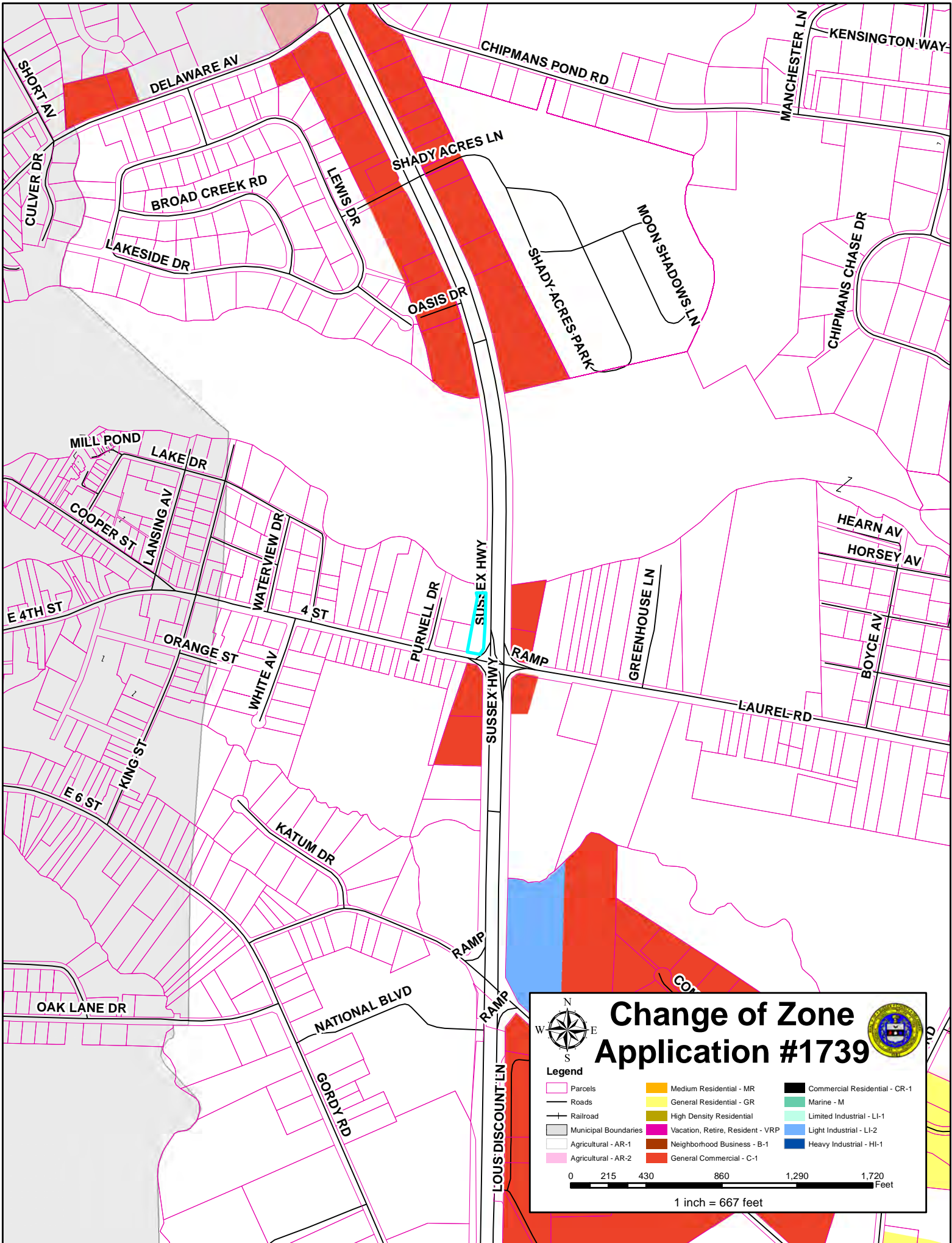


Legend


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

0 20 40 80 120 160 Feet


1 inch = 67 feet



Change of Zone Application #1739



N
W E
S



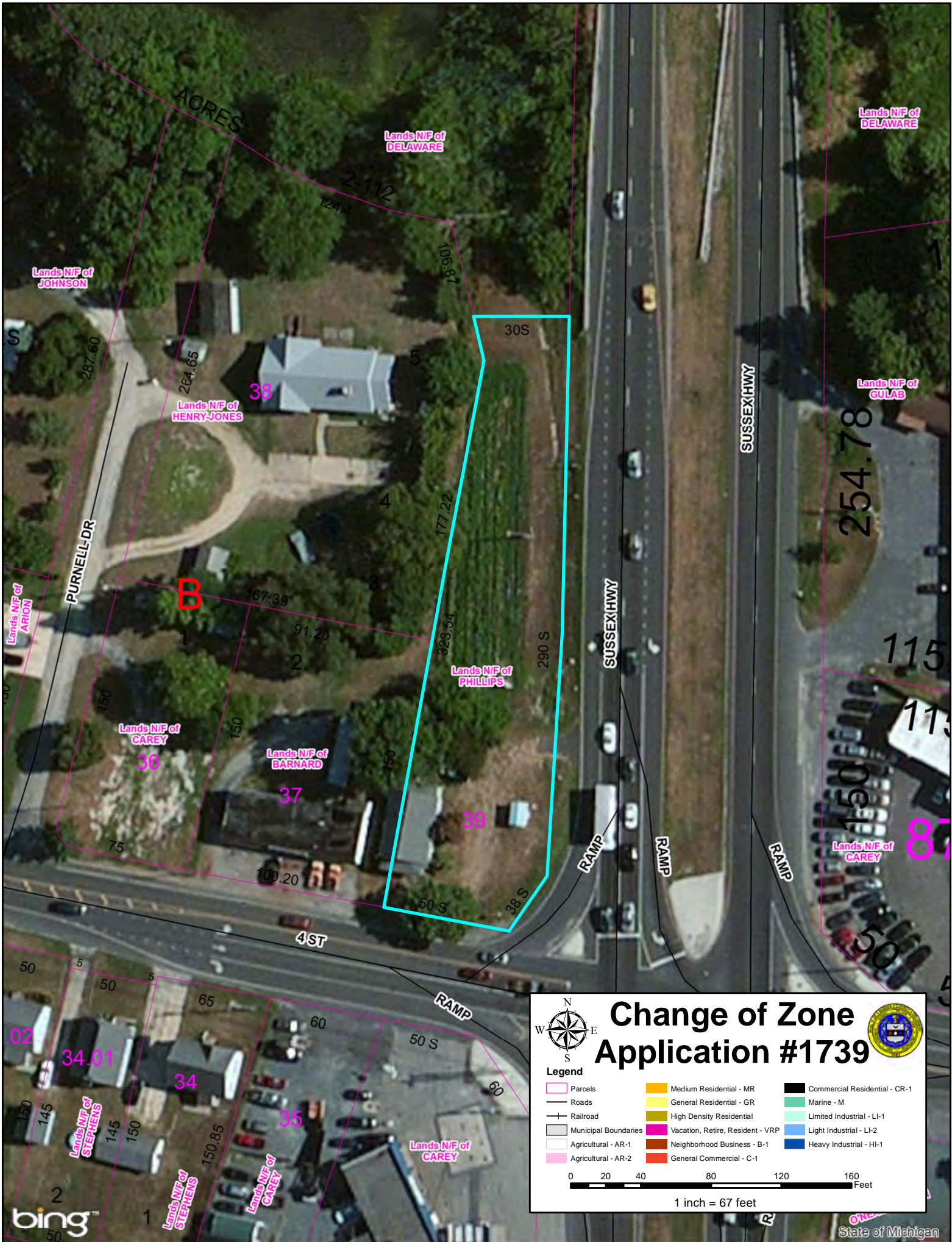
Legend

<ul style="list-style-type: none"> Parcels Roads Railroad Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 General Commercial - C-1 	<ul style="list-style-type: none"> Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
--	---	--

0 215 430 860 1,290 1,720

Feet

1 inch = 667 feet



ACRES

Lands N/F of DELAWARE

Lands N/F of DELAWARE

Lands N/F of JOHNSON

Lands N/F of HENRY-JONES

Lands N/F of GULAB

Lands N/F of ARION

Lands N/F of CAREY

Lands N/F of BARNARD

Lands N/F of PHILLIPS

Lands N/F of CAREY

Lands N/F of CAREY

PURNELL DR

SUSSEX HWY

SUSSEX HWY

RAMP

RAMP

RAMP

4ST

RAMP

30S

290 S

50 S

38 S

2-112

124.4

106.87

287.60

264.65

150

150

150

75

100.20

50 S

38 S

254.78

115

115

85

50

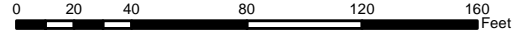


Change of Zone Application #1739



Legend

- Parcels
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1 inch = 67 feet