

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 11, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 11, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 272 13
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 4, 2013 were approved by consent.

**Corre-
spondence**

Mrs. Deaver read the following correspondence:

JOHN AND CAROL KANE, MILTON, DELAWARE.

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

**Tribute
Recognizing
Ann Hobbs/
Wastewater
Operator**

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

**Procla-
mation/**

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

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

**Draft
Ordinance/
Lot
Main-
tenance**

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

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

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

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

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

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

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

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

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

The Proposed Ordinance will be advertised for Public Hearing.

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

**trator’s
Report**

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

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

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

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

3. Neva West

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

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

**Update/
Pension
and OPEB
Plans**

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

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

**Update/
Pension
and OPEB
Plans
(continued)**

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

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

**M 277 13
Approve
OPEB
Fund Mix
Reallocation**

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

Motion Adopted: 5 Yeas.

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

**Wastewater
Agreement**

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

**M 278 13
Execute
Wastewater
Agreement/
Millville
by the Sea**

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

Motion Adopted: 5 Yeas.

**M 278 13
(continued)**

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

**Legislative
Update**

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

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

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

This Bill is on the House Agenda on this date.

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

Synopsis: This Bill is the first leg of a constitutional amendment that forever guarantees the right of farmers to engage in modern farming and ranching practices.

This Bill is on the House Ready List.

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

This Bill allows Delaware residents 65 years of age and older to qualify for the “Senior School Property Tax Credit Program” upon entering into a payment plan for payment of taxes due.

This Bill is on the Senate Ready List.

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

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

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

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

Legislative
Update
(continued)

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

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

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

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

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

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

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

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

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

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

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

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

**Legislative
Update
(continued)**

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

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

The Bill also amends Title 7 Del C. Chapter 66, §6607 and §6617 and Title 7 Del C. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetlands and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the Secretary to issue after-the-fact permits and assess administrative penalties as appropriate.

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

This Bill passed the Senate.

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

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

Council members have not expressed an opinion on this Resolution.

**Legislative
Update
(continued)**

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

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

This Bill has passed the House.

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

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

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

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

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

**M 280 13
(continued)**

Motion Adopted: 5 Yeas.

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

**Legislative
Update
(continued)**

Draft Legislation Relating to DelDOT and Traffic Impact Districts

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

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

**Barking
Dog/Noise
Complaint
Issue**

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

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

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

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

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

**South
Bethany
Sewer Line
Renovations
Project**

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

M 281 13

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

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

**Fair
Housing
Update
(continued)**

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

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

**Grant
Request**

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

**M 282 13
Council-
manic
Grant**

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

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

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

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

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

The Proposed Ordinances will be advertised for Public Hearing.

There was no additional business.

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

Motion Adopted: 5 Yeas.

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

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

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

Motion Adopted: 5 Yeas.

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

There was no action on Executive Session issues.

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

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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