



Sussex County Council Public/Media Packet

**MEETING:
JANUARY 8, 2013**

****DISCLAIMER****

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

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

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



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

Sussex County Council

AGENDA

JANUARY 8, 2013

9:30 A.M.

Swearing-In Ceremony

10:00 A.M.

Call to Order

Approval of Agenda

Election of Officers

Appointments

Rules of Procedure

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Employee of the Year – Rodney T. Marvel, Jr.
2. Building Code Appeal Board Appointments
3. Castaway's Bethany, LLC –
Change of Zone No. 1719, Change of Zone No. 1720, & Conditional Use No. 1944
 - A. Request to Withdraw Applications
4. Administrator's Report



Susan Webb, Finance Director

1. **Bank Accounts Recommendation**

Michael Izzo, County Engineer

1. **Oak Orchard Sanitary Sewer District**
 - A. **Contract 09-10 – Balancing Change Order**

Brad Hawkes, Director of Utility Engineering

1. **Renovations for the Sussex County Annex Building**
 - A. **Bid Award**

Gary Tonge, Director of Utility Permits

1. **Discussion and Possible Introduction of a Draft Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO APPLICATIONS FOR PERMITS UNDER THE INTERIM CODE FOR BUILDING SEWER AND WATER SERVICE PIPE CONNECTIONS”**

11:00 a.m. Public Hearing

“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”

Grant Requests

1. **Pinetown Civic Association for internet service for the After School Enrichment Program.**
2. **Laurel Little League for operating expenses.**
3. **Mt. Joy Civic Association for a community event for youth.**
4. **Clear Space Theatre Company for programming and development.**
5. **Eastern Shore AFRAM Festival Committee for the Western Sussex M.L.K. Prayer Breakfast.**
6. **Delaware ENVIROTHON for education program expenses.**

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

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

Possible Action on Executive Session Item

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, 2012 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:

Call to Order
Invocation
Pledge of Allegiance

**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, address and subject to be addressed 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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 4, 2012

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 4, 2012, 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
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Susan M. Webb	Finance Director
Everett Moore	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

Mr. Vincent announced that Mr. Cole would not present.

**M 586 12
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting “Job Applicants’ Qualifications” under “Executive Session”; and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of November 27, 2012 were approved by consent.

**SEDAC/
Annual
Report**

Rob Rider, Chairman of SEDAC, presented the 2012 Annual Report. Mr. Rider reported that SEDAC has been engaged in a number of initiatives this year, including a statewide Broadband initiative, the Delmarva Technology Transfer Initiative, the Georgetown Blueprint Communities, public hearings for the Governor’s Executive Order 36, and Sussex County Open for Business. Mr. Rider stated that SEDAC’s mission is “developing, recommending, and communicating strategies for creating sustainable economic prosperity in Sussex County”. Mr. Rider expressed SEDAC’s appreciation to the County for its help in shaping the framework for economic development in Sussex County.

Rob Rider and Joe Conaway, board member of SEDAC, presented a request from SEDAC for the extension of Ordinance No. 2208 entitled “AN ORDINANCE PROVIDING FOR THE TEMPORARY EXTENSION OF

**SEDAC
Annual
Report
(continued)**

TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS”, which was adopted by the Council on August 9, 2011. Mr. Conaway stated that, although conditions have changed somewhat since 2010, the economic conditions in Sussex County still lag behind. Since 2011, contracts have been lost and terminated, land approved for development has gone back into farm production, commercial projects have been cancelled, land and home values have been reduced, and financing continues to be a problem. Mr. Conaway stated that a number of projects were saved by the County’s action and some projects have continued to move forward and have tried to meet the ordinance deadline of January 1, 2013; however, some of the projects have been delayed by the costly and time-consuming State permit process. Mr. Conaway noted that the Council’s action in 2011 saved hundreds of jobs in Sussex County.

Mr. Conaway stated that SEDAC is asking for a blanket extension for a period of one year to two years and that they ask that the ordinance be made retroactive to January 1, 2013.

Mr. Rider submitted a letter dated November 29, 2012 from Artesian Resources Corporation, Delaware Electric Cooperative, Tidewater Utilities, and Delmarva Power in support of the extension.

It was the consensus of the Council that a draft ordinance be written and placed on the December 11, 2012 Agenda for consideration.

**Vacancy -
Library
Advisory
Board**

Mr. Lawson reported that a vacancy exists on the Sussex County Library Advisory Board and following a search, the Advisory Board is recommending the appointment of Ms. Rosemary Hardiman of Bethany Beach. Mr. Lawson noted that Councilman Cole is recommending this appointment.

**M 587 12
Approve
Library
Advisory
Board
Appoint-
ment**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the appointment of Rosemary Hardiman to the Sussex County Library Advisory Board, effective on this date, until such time as her term expires on June 30, 2015.

Motion Adopted: 4 Yeas, 1 Absent.

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

**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 29th annual Caroling on The Circle last night.

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

We had a very successful night with hundreds of carolers and thus far have collected 25,952 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. Mildred King Luncheon

Sussex County offices will close for a two-hour period on Friday, December 7, 2012, 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.

3. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, The Reserve at North Bethany (formerly Watermark a/k/a Blue Water) – Phase 2 Sanitary Sewer reached Substantial Completion effective November 28, 2012.

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

**Annual
Pension
Review**

Susan Webb, Finance Director, and Michael Shone of Peirce Park Group, the County's Pension Investment Consultant, presented a summary of the County's Pension Fund and OPEB Fund and recommendations for these funds by the County's Pension Committee.

Mr. Shone reported on the performance of the stock market and the County's investment performance of the Pension and OPEB Funds. Regarding the Pension Fund: the County's portfolio gained over \$2 million during the quarter – 3.9 percent return (approximate year-to-date gain of \$3.5 million, or 9.4 percent); the Fund consistently outperforms benchmark in down markets and underperforms in up markets; the State's piece of the County's portfolio (approximately 65 percent) realized good long-term returns, but not as good quarter and one year returns (relative to benchmark); Wilmington Trust had very good returns; the County needs to invest \$1.3 million. In regard to the OPEB Fund: the portfolio gained approximately \$850,000 during the quarter, and a gain of \$1.7 million year-to-date; investment performance much improved – manager changes and lowered allocation to small cap.

Mr. Shone and Mrs. Webb discussed items to consider regarding the Pension Fund: (1) are actuarial assumed rates too high given the low

Annual Pension Review (continued)

interest rate environment and the County’s asset mix, and (2) possible future inflation.

Mr. Shone and Mrs. Webb discussed items to consider regarding the OPEB Fund: (1) increase mid cap stocks; (2) are actuarial assumed returns too high (given interest rate environment and the County’s asset mix), and (3) possible future inflation.

Mr. Shone made the Council aware that GASB (the Governmental Accounting Standards Board) approved two new standards. Statement 67 will become effective for financial statements for periods beginning after June 15, 2013; the provisions in Statement 68 are effective for fiscal years beginning after June 15, 2014. These standards will require that the Pension Plan and financial statements be reported differently than in the past. Mr. Shone noted that these standards will change the amount of work that the actuaries and auditors need to do.

Mrs. Webb presented the Pension Committee’s recommendations:

- ✓ the 2013 OPEB contribution of \$2,106,808 be invested in short-term cash
- ✓ rebalance the OPEB Fund by reallocating \$1,500,000 to the Vanguard Mid Cap Index (\$500,000 from Ridgeworth and \$1,000,000 from the Vanguard Mid Cap Index (\$500,000 from Ridgeworth and \$1,000,000 from the Vanguard Russell 100 Index Fund)
- ✓ make the 2013 Pension Fund contribution of \$3,198,312 and to rebalance and invest the additional cash of \$1,300,000 as follows: \$120,000 – DuPont Capital, \$30,000 – Fidelity Low Priced Stock, and \$1,150,000 – Wilmington Trust Bonds.

M 588 12 Approve Budgeted Contribution/ Pension Fund & OPEB Fund

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the 2013 budgeted contribution for the Pension Fund in the amount of \$2,106,808 and invest in short term cash for the OPEB Fund.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 589 12 Approve Reallocation of Vanguard Cap Index Fund

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the reallocation of \$1,500,000 to the Vanguard Mid Cap Index Fund from the following: \$500,000 from Ridgeworth and \$1,000,000 from the Vanguard Russell 100 Index Fund.

Motion Adopted: 4 Yeas, 1 Absent.

**M 589 12
(continued)**

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

**M 590 12
Approve
Budgeted
Contri-
bution
Into
Pension
Fund**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the 2013 budgeted contribution of \$3,198,312 into the Pension Fund.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 591 12
Approve
Investment
of Addi-
tional
Cash**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the investment of additional cash in the amount of \$1,300,000 as follows: \$120,000 into DuPont Capital, \$30,000 into Fidelity Low Priced Stock Fund, and \$1,150,000 into the Wilmington Trust Bond Fund.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
Baylis
Estates
Extension
of the
Oak
Orchard
SSD**

A Public Hearing was held to consider extending the Oak Orchard Sanitary Sewer District (OOSSD) to include a parcel of land known as Baylis Estates. Rob Davis, Senior Planner, stated that the annexation request was made by the property owner. The area to be annexed adjoins the existing sewer district and is proposed to be a 99 lot single family subdivision with a clubhouse and pool. The area to be added is located on the easterly side of Mount Joy Road (Road 297) west of the intersection with John J. Williams Highway (Route 24). The parcel is approximately 75.48 acres. Mr. Davis noted that sewer capacity is adequate for the 99 homes and that the developer will pay approximately \$364,500.00 in system connection fees.

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

**M 592 12
Adopt
R 017 12**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Resolution No. R 017 12 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE OAK ORCHARD SANITARY SEWER DISTRICT (OOSSD) TO INCLUDE A PARCEL OF LAND LOCATED NORTH OF COUNTY ROAD 297, BEING SITUATE IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 4 Yeas, 1 Absent.

**M 592 12
(continued)**

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

**Building
Code
Update**

Andy Wright, Chief of Building Code, requested the Council's consideration in moving forward with the adoption of a new building code. He reported that, recently, the Insurance Services Office, Inc. (ISO) conducted a Building Code Effectiveness Grading Schedule (BCEGS) survey of the County. According to the ISO, BCEGS classifications are distributed "to property and casualty insurers to assist in their insurance underwriting and premium development programs for residential and commercial properties". The ISO survey has resulted in a regression of the County's BCEGS classification. The regression could cause insurance premiums of County residential and commercial property owners to increase. ISO will give the County time to address the issues before a reclassification is implemented. Additionally, other municipalities, jurisdictions, and neighboring counties are moving toward the adoption of the 2012 International Building Code (IRC) and the County provides inspection services for a number of municipalities using the 2003 IRC.

Mr. Wright reported that the primary reason for the regression is due to the County's current adoption of the 2003 Edition of the IRC (with some exemptions). With the 2003 Edition of the IRC, the County is three Editions behind from the current 2012 Edition. If the County were to adopt the 2012 Edition of the IRC, the County's classification by the ISO would be greatly improved.

Mr. Wright also reported that the 2012 IRC has reduced the Wind Zone restrictions for Delaware which, if adopted, could result in reduced construction costs for property builders and owners.

Mr. Wright noted that any changes would only apply to new construction.

Mr. Lawson stated that he has contacted ISO and made them aware that the County is reviewing the survey and taking some of the options under consideration. Mr. Lawson noted that if the Council agrees, the 2012 IRC will be reviewed and brought back to the Council for consideration.

Mr. Phillips suggested that the County solicit feedback from local builders.

Mr. Phillips expressed concern about the sprinkler system and carbon monoxide alarm requirements contained in the 2012 IRC.

Mr. Wright was directed to bring a proposal to the Council in early 2013.

**Dog
Control
Contract**

Eddy Parker, Director of Assessments, reported that the current contract for Dog Control in Sussex County expires on December 31, 2012. For this reason, a RFP was issued in September 2012 for a contract to begin January 1, 2013. Two bids were received; one from Kent County SPCA

**Dog
Control
Contract
Award
(continued)**

and one from Safe Haven. Initially, both proposals exceeded the County's budgeted amount. The County negotiated with both vendors a reduced responsibility to try and bring the cost down. A response was received from both vendors. Based on the responses received and the grading process, Mr. Parker recommended that a one year contract to begin January 1, 2013 be awarded to Kent County SPCA at a contract cost of \$669,230.00.

Mrs. Webb noted that correspondence received regarding this matter was distributed to the Council.

**M 593 12
Approve
Dog
Control
Contract
with
Kent
County
SPCA**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, that the Sussex County Council enter into a contract with Kent County SPCA for dog control services for the Calendar Year 2013 in the amount of \$669,230.00.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Grant
Requests**

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

**M 594 12
Council-
manic
Grant**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 595 12
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$2,000.00 from Mrs. Deaver's Councilmanic Grant Account to the Lewes Senior Center for events and program expenses.

Motion Adopted: 4 Yeas, 1 Absent.

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

**M 596 12
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$1,000.00 from Mrs. Deaver's Councilmanic Grant Account to Delmarva Clergy United in Social Action Foundation for community outreach.

Motion Adopted: 4 Yeas, 1 Absent.

**M 596 12
(continued)** **Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Absent;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

**M 597 12
Council-
manic
Grant** **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$1,000.00 (\$500.00 each from Mrs. Deaver’s and Mr. Cole’s Councilmanic Grant Accounts) to the Dr. Martin Luther King, Jr. Celebration Organization for Celebration Weekend expenses.**

Motion Adopted: **4 Yeas, 1 Absent.**

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

**Introduction
of Proposed
Ordinance** **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR DELDOT MAINTENANCE YARD TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 30 ACRES, MORE OR LESS” (Conditional Use No. 1955) filed on behalf of the State of Delaware (DelDOT). The Proposed Ordinance will be advertised for Public Hearing.**

**Additional
Business** **There was no additional business brought before the Council.**

**Retirement
Announce-
ment/
Susan M.
Webb** **Susan Webb announced her plans to retire as Finance Director on May 1, 2013. Mrs. Webb thanked the County Council, County Administrator Todd F. Lawson, and numerous others for making her tenure as Finance Director, and the Accounting Division Director before that, a pleasant and rewarding experience the past twenty years.**

**M 598 12
Recess
and Go
Into
Executive
Session** **At 11:26 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess and go into Executive Session.**

Motion Adopted: **4 Yeas, 1 Absent.**

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

**Executive
Session** **At 11:28 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 matters relating to personnel, pending/potential litigation and land acquisition. The Executive Session concluded at 12:44 p.m.**

M 599 12 **At 12:47 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.**

**M 599 12
Reconvene
Regular
Session
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.

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

There was no action on Executive Session items.

**M 600 12
Adjourn**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to adjourn at
12:48 p.m.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 11, 2012

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 11, 2012, 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
Susan M. Webb	Finance Director
Everett Moore	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 601 12
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to amend the Agenda by deleting “Personnel”, “Pending/Potential Litigation”, and “Job Applicants’ Qualifications” under “Executive Session”; and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

**Corre-
spondence**

Mr. Moore read the following correspondence:

**ALZHEIMER’S ASSOCIATION, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**BARBARA DEL MASTRO, THE WAY HOME, GEORGETOWN,
DELAWARE.
RE: Letter in appreciation of the Council’s support.**

**DELAWARE GUIDANCE SERVICES FOR CHILDREN & YOUTH,
WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**READING ASSIST INSTITUTE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**Corre-
spondence
(continued)**

**READ ALOUD DELAWARE, GEORGETOWN, DELAWARE.
RE: Letter in appreciation of grant.**

**ROTARY AREA 4 CAN-DO PLAYGROUND, SEAFORD, DELAWARE.
RE: Letter in appreciation of grant.**

**Stand
by Me
Present-
ation**

Mr. Lawson and Mary Dupont, Director of Financial Empowerment, Delaware Health and Social Services, announced the County's partnership with Stand By Me. Ms. Dupont presented information on the new initiative that is designed to increase the economic security of all Delawareans. She reported that Financial Empowerment is a priority of Delaware Governor Jack Markell and that the Delaware Financial Empowerment Partnership (DFEP) is a joint project of the State and the United Way of Delaware which was formed to create and implement an innovative package of financial empowerment services (called Stand by Me). Ms. Dupont stated that they work with many employers, non-profit organizations, government agencies, faith-based organizations, school districts, etc. including target groups such as veterans, people with disabilities, and seniors. Ms. Dupont stated that the program includes the following elements: personal financial coaching, education, financial services, post-secondary education services, and community referrals. Ms. Dupont noted that there are no income guidelines for the program and that they have an array of consumer friendly financial products and services as a viable alternative to predatory services, such as pay day loans, title loans, etc.

Ms. Dupont reported that the program started in New Castle County in May 2011 and they are now launching the program in Sussex County; partnerships are being formed in Sussex County with Beebe Hospital, Nanticoke Hospital, Goodwill, Delaware Tech, and now with Sussex County. Ms. Dupont noted that in each County they have a lead non-profit organization that runs the program; the lead partner in Sussex County is Goodwill. She noted that they will be co-locating financial empowerment centers throughout the County and that the Sussex County library locations will serve the public; the location at Delaware Tech is for the students and the public.

Ms. Dupont reported that, in May through October, they have provided service to 1,979 people. She noted that the funding for the program has come primarily through the private sector.

Ted Becker, member of the United Way Board, stated that the program being established in Sussex County is very strong and he thanked Mr. Lawson for his endorsement of the program as well as all of the partners in Sussex County.

In early 2013, Sussex County will partner with Stand By Me to offer free financial coaching for the public at the County's public libraries and free one-on-one financial coaching to the County's employees.

Future Agenda Item **Mrs. Deaver commented that she has constituents that want the County to start a medical scholarship program and that she would like this matter placed on a future agenda for discussion and consideration.**

Proclamation/ Cape Field Hockey Team **The Council presented a Proclamation to representatives of the Cape Henlopen Field Hockey Team entitled “A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2012 DIAA (DELAWARE INTERSCHOLASTIC ATHLETIC ASSOCIATION) CHAMPIONSHIP”.**

Election Year Scholarship Contest **Mr. Lawson reported on the 2012 Election Year Scholarship Contest. Students ages 18 and younger were eligible to participate in the contest, which serves as a lesson about the democratic process. Participants predicted the winners of the 23 national, state and local races in the November 6th general election. To break a tie, each entrant was asked to predict the total number of votes the winner of the gubernatorial race would receive from Sussex County.**

One winner and five runners-up were declared, based on their predictions and the tie-breaking question, from a field of over 300 participants. The following students were recognized by the County Council:

- **Winner Paige Shockley, 12, a sixth-grader at the Sussex Academy of Arts & Sciences in Georgetown. (correctly picked all 23 races, the only entrant to have a perfect score).**
- **First runner-up Bo Shockley, 18, a Senior at Sussex Central High School.**
- **Second runner-up Alexandra Coverdale, 17, a senior at Cape Henlopen High School.**
- **Third runner-up Preston Hitchens, 11, a sixth grader at Laurel Middle School.**
- **Fourth runner-up Emily Lingo, 12, a seventh grader at Beacon Middle School.**
- **Fifth runner-up Ryan Swingle, 15, a sophomore at Sussex Technical High School.**

The winner of the contest won a \$200 scholarship and each of the five runners-up won a \$100 scholarship. Funding came from Councilmanic Grants, as well as from the law firm of Moore & Rutt.

DOJ and HUD Settlement Agreement Implementation **Mr. Lawson reported on the Department of Justice (DOJ) and the Department of Housing and Urban Development (HUD) settlement agreement implementation; the DOJ Agreement is called a Consent Decree and the HUD Agreement is called a Voluntary Compliance Agreement. These agreements require the County to take immediate steps to meet the terms of the Settlement Agreement. The first requirements are due within 30 days of entering into the Settlement Agreement (late December). Mr. Lawson reported on the immediate requirements and action the County has taken to**

**DOJ and
HUD
Settlement
Agreement
Implemen-
tation
(continued)**

comply with the settlement agreements:

- **Hire or appoint a new Fair Housing Compliance Officer.** – The County has appointed Brandy Nauman to that position, effective December 10, 2012.
- **Update the County’s website to include the fair housing logo.** – The County has completed this task. The Fair Housing logo will now appear on the website and different departmental letterhead.

Mr. Lawson reported on an additional action item that requires Council’s approval:

- **Adopt a Fair Housing Policy which was provided/drafted by the DOJ.**

Mr. Lawson reviewed a proposed Fair Housing Policy. He noted that the draft Fair Housing Policy was included in the Council’s packets for review.

**M 602 12
Approve
Fair
Housing
Policy**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the aforementioned Fair Housing Policy required by the settlement terms of the Consent Decree, entered into with the Department of Justice (DOJ) effective December 11, 2012.

Motion Adopted: 5 Yeas.

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

Mr. Lawson reported on an additional action item that requires Council’s approval:

- **Publish a Public Notice in local circulation describing the details of the HUD Voluntary Compliance Agreement.**

Mr. Lawson noted that the Public Notice was included in the Council’s packets for review. He explained that it lists in general terms the stipulations of the Settlement Agreement and gives information to constituents in the event they have questions regarding the terms. This Public Notice is required by the VCA. With Council’s approval, the Public Notice will be advertised.

**M 603 12
Approve
Public
Notice/
VCA
Agreement**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Public Notice required by the settlement terms of the Voluntary Compliance Agreement (VCA) entered into with the Department of Housing and Urban Development (HUD) effective December 11, 2012; the County Council instructs the County Administrator to publish such notice pending HUD approval per the terms of the VCA.

**M 603 12
(continued)**

Motion Adopted: 5 Yeas.

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

Mr. Lawson stated that with these action items, the County is in compliance with both the Voluntary Consent Agreement and the Consent Decree for the remainder of 2012. Additional action items will be brought to Council in early 2013.

**FOIA
Policy**

Mr. Lawson presented a draft 2013 Freedom of Information Act (FOIA) policy. He noted that this is the most significant revision of the County's FOIA policy since it was last updated in 1995. The updated policy complies with new public access regulations set forth by legislation passed last summer by the 146th Delaware General Assembly and signed into law by Governor Markell. Public bodies such as Sussex County government must promulgate and adopt policies in accordance with 29 Del. C., Chapter 100, that, among other things, establishes fees, designates a FOIA coordinator, and implements a system to track requests. Mr. Lawson reported that this new policy updates and codifies the practice and policy the County already has in place; it also improves customer service and enhances the County's transparency. He noted that the County is in compliance with Delaware Code. He also noted that the proposal improves the County's website and process to service FOIA requests. Chip Guy, Communications Director, reviewed the proposed FOIA page to be updated on the County's website highlighting the process on how FOIA requests can be made; the new website will make the process more clear and will provide more options. Mr. Lawson advised that Mr. Guy will serve as the County's FOIA coordinator.

**M 604 12
Adopt
FOIA
Policy**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council adopts the aforementioned FOIA (Freedom of Information Act) Policy as introduced and in accordance with 29 Del. C., Chapter 100, effective December 11, 2012.

Motion Adopted: 5 Yeas.

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

**Discussion/
Draft
Ordinances
Relating to
Time
Extensions**

Mr. Lawson reported that, at the December 4th Council meeting, the Council requested that draft ordinances be written to address the expiring applications for Subdivision, Conditional Uses, and Residential Planned Community Districts that were extended under Ordinance No. 2208; the time extension for these applications will expire January 1, 2013. Mr. Lawson presented two draft ordinances for the Council's consideration and

**Discussion/
Draft
Ordinances
Relating to
Time
Extensions
(continued)**

noted that the Council has three options: do nothing and the applications lapse, grant an additional uniform time extension of a certain length (for example, one or two years) to every application within this group; or come up with a process to only allow an extension of a certain length (for example, one or two years) to viable applications whereby the applicant must report back to the County seeking an extension. Mr. Lawson noted that, if the Council chooses to adopt an ordinance approving another extension, the extension will be retroactive back to January 1, 2013, since the ordinance will not be considered and approved before January 1, 2013.

**Introduction
of Proposed
Ordinances/
Time
Extensions**

Mr. Phillips introduced the Proposed Ordinances entitled “AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS” and “AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS, WITH A PROVISION FOR FURTHER EXTENSION UPON WRITTEN REQUEST”. The Proposed Ordinances will be advertised for Public Hearing.

**Adminis-
trator’s
Report**

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

1. **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 addition, the Sussex County Council will not meet on December 18, December 25, or January 1. The next regularly scheduled meeting of the Sussex County Council will be on Tuesday, January 8, 2013, at 10:00 a.m.

2. **Delaware State Police Activity Report – October 2012**

Per the attached Delaware State Police activity report for October, there were 3,358 total traffic arrests and 1,585 criminal arrests. Of that 1,585, 492 were felony and 1,093 were misdemeanor criminal arrests. Of the total hours on duty spent, 35 percent were spent on criminal investigations.

3. **Sussex County Emergency Operations Center Call Statistics – November 2012**

Attached please find the call statistics for the Fire and Ambulance Callboard for November 2012. There were 13,936 total calls handled in the month of November. Of those 9-1-1 calls in November, 76 percent were made from wireless phones.

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

**TechWorld
Medicals/
Request
for
Economic
Develop-
ment
Loan**

Mrs. Webb introduced Dr. James Liu, MD, PhD, and Chief Executive Officer for TechWorld Medicals, Inc., a manufacturing company for NasalCare and Dr. Healing Healthcare products. TechWorld Medicals, Inc. has applied for an Economic Development Loan in the amount of \$200,000. Mrs. Webb reported that Dr. Liu has completed the application process and presented his project to the Economic Development Loan Committee at a public hearing. On November 16, 2012, the Committee recommended that TechWorld Medicals, Inc. receive a \$200,000 loan from the Economic Development Loan Fund, with stipulations.

Dr. Liu presented a powerpoint presentation showing and explaining his products, the marketing of the products, the impact of this loan on jobs in the area, and the potential for the future. He explained that the loan request is to support the commercialization of the critically needed health care product, DrHealing™ AsthmaCare™ Kit, made based on a patent pending technology in their Milford facility. He stated that the Council’s support is needed for the hiring of new employees and to add the needed clean-manufacture rooms. Dr. Liu stated that TechWorld has immediate plans to hire five employees within 3 months and 5 more employees in six months.

Mrs. Webb advised that TechWorld Medical, Inc. has received DEDO’s support and that the County would structure its loan based on the milestones that TechWorld must meet (hire five employees in the County within 3 months and 5 more employees in the County within six months and at the end of 12 months, 10 more employees); if the milestones are not met, a balloon payment will become due.

The terms of the financing are:

- **\$200,000 secured loan – UCC financing statement, mechanics lien, and personal guarantees by stockholders**
- **1 percent interest rate**
- **10 year amortization with a balloon payment at the end of every three years with an option to renew loan, as long as they continue to meet the new employment growth commitment**
- **All documents to be obtained and reviewed by legal counsel**

**M 605 12
Approve
Economic
Develop-
ment Fund
Loan**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council loan TechWorld Medical, Inc. \$200,000 from the Economic Development Fund once County Attorney Everett Moore is satisfied with all documents relating to this financing transaction.

Motion Adopted: 5 Yeas.

**M 605 12
(continued)** **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 606 12
Execute
Wastewater Agreement/
Barrington Park/
Phase 2** **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. 733-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Dove Barrington Development, LLC for wastewater facilities to be constructed in Barrington Park (AKA Bishops Landing) located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.**

Motion Adopted: 5 Yeas.

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

**Airport Restaurant/
Proposed Lease
Amendment and Request
to Issue a RFP for
Restaurant Operations** **Hal Godwin, Deputy County Administrator, reported that Paul Buchness, the current restaurant owner at the Sussex County Airport (Lighthouse Landing) does not wish to renew his lease which expires May 31, 2013. Mr. Buchness has notified the County that he wants to leave the restaurant as of December 31, 2012 unless the County subsidizes the operation (rent reduction and payment of utilities). Mr. Godwin advised that he has worked with Mr. Buchness to develop a compromise that keeps him and the restaurant in business through March 2013 provided the County reduces his monthly rent to One Dollar per month for January, February and March; this extra three month arrangement will allow time to recruit a new restaurant operator. Mr. Godwin reviewed a proposed Lease Amendment, which is subject to legal counsel's review. Mr. Godwin stated that the restaurant compliments the airport operations.**

Mr. Godwin reported that interest has been expressed in the restaurant facility and that a Request for Proposals (RFP) will be advertised with Council's approval. He noted that the RFP will also be subject to legal counsel's review.

**M 607 12
Approve Lease
Amendment/
M&P
Adventures** **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves a Lease Amendment to the 2008 Lease for the Sussex County Airport restaurant to M&P Adventures, Inc. that will terminate the lease on March 31, 2013 and reduce the rent for the first quarter of 2013 to \$1.00 per month.**

Motion Adopted: 5 Yeas.

**M 607 12
(continued)**

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

**M 608 12
Approve
Issuance
of RFP
for
Airport
Restaurant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves a Request for Proposals (RFP) to be issued immediately for the lease of the County's restaurant at the Airport Terminal , as approved by legal counsel.

Motion Adopted: 5 Yeas.

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

**DTCC
Proposed
Addendum
to Power-
plant Lease**

Jim Hickin, Director of Airport and Industrial Park, presented an addendum to the Commercial Lease the County has with Delaware Technical & Community College (DTCC) for Lot NA-3 at the Sussex County Airport. The lease is for use by the college for their Powerplant Maintenance training facility. When the Lease was prepared in 2011, the metes and bounds of the lot were preliminary and the terms of the lease stipulated that DTCC would provide a survey of the final lot definition. The lot has now been surveyed and the proposed lease addendum inserts the official survey in place of the preliminary drawing.

**M 609 12
Execute
Addendum
to DTCC
Power-
plant
Lease**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council authorizes the Council President to execute the Addendum to the Commercial Lease for Lot NA-3 at the Sussex County Airport with Delaware Technical & Community College, as presented.

Motion Adopted: 5 Yeas.

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

**Proposed
Project
Closeout/
Inland
Bays
Regional
Wastewater
Facility,
Exp. #1**

Michael Izzo, County Engineer, presented a request for a Project Closeout for the Inland Bays Regional Wastewater Facility, Expansion No. 1.

Mr. Izzo advised that he negotiated a term sheet with the contractor, Whiting Turner Construction Co.. The term sheet includes:

- a Change Order in the credit amount of \$205,684.47; this would allow for final payment to be made to Whiting Turner Construction Co. in the amount of \$650,735.17 [almost all (\$630,000.00) is retainage that was withheld from previous payments]**
- a requirement of as-built plans, operations and maintenance manuals for the equipment**

**Proposed
Project
Closeout/
Inland
Bays
Regional
Wastewater
Facility,
Exp. #1
(continued)**

- **Whiting Turner to submit release of liens from all sub-contractors**
- **warranty period for the contract work commenced on March 15, 2012**

Mr. Izzo stated that, in addition to the term sheet, a Motion is needed granting Substantial Completion to the contractor and approval of Change Order Nos. 7 and 8 which grant the \$205,684.47 credit, and a Contract Amendment in the amount of \$79,997.00 to Whitman Requardt and Associates to provide inspections services for the extended construction period (construction was scheduled to finish in September 2011 and it was extended to a March/April 2012 timeframe).

**M 610 12
Project
Closeout
Action/
Inland
Bays
Regional
Wastewater
Facility,
Exp. #1**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the following be approved for Sussex County Project No. 09-19, Inland Bays Regional Wastewater Facility, Phase 1 Expansion, contingent upon the receipt of approval from the funding agencies, including the following:

- **the formal term sheet between Sussex County and Whiting Turner Construction Co. be approved;**
- **Substantial Completion be granted to Whiting Turner Construction Co. and final payment be made and all held retainage be released;**
- **Change Order Nos. 7 and 8 be approved in the credit amount total of \$205,684.47; and**
- **Contract Amendment No. 15 with Whitman Requardt and Associates be approved in the amount of \$79,997.00.**

Motion Adopted: 5 Yeas.

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

**EOC
Supple-
mental
Cooling
System/
Bid Award**

Steve Hudson, Director of Technical Engineering, presented the bid results for the Emergency Operations Center Supplemental Cooling System, Sussex County Project No. 12-03. Five bids were received; however, the bids came in higher than expected. The low bid was submitted by Gillis Gilkerson of Salisbury, Maryland in the amount of \$476,685.00 (Base Bid), with no alternates proposed. Mr. Hudson stated that this would be a 120 day contract, probably with a June 1, 2013 completion date.

In response to questions, Mr. Hudson explained why the work was estimated to cost approximately \$250,000 and why the bids came in much higher. He stated that two internal pumping stations inside of the building are required that were not included in the original proposal. Also, there is a building addition that was not included in the original proposal; the cost of the proposed building addition came in much higher than anticipated (a brick exterior is proposed to match the Emergency Operations Center

EOC Supplemental Cooling System (continued) **(EOC) building and the waterline under the proposed area for the building must be relocated).**
Joe Thomas, Director of Emergency Operations, spoke regarding the criticalness of the EOC building and he stated that there is a possibility that this project is eligible for a 50 percent match from FEMA.

M 611 12 Award Bid/ EOC Supplemental Cooling System **A Motion was made by Mr. Phillips, seconded by Mr. Cole, based upon the recommendation of the Engineering Consultants and the Engineering Department, that Sussex County Project No. 12-03, Emergency Operations Center Supplemental Cooling System, be awarded to Gillis Gilkerson Builders, Inc. of Salisbury, Maryland, at the base bid amount of \$476,685.00.**

Motion Adopted: 5 Yeas.

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

Mr. Vincent stated that it is his hope that the County seeks some type of monetary payment from the contractor who constructed the original system.

Old Business/ C/U No. 1917 **Under Old Business, the Council discussed Conditional Use No. 1917 filed on behalf of Roosevelt Domond, an application for a beauty salon, barber shop, and spa.**

The Planning and Zoning Commission held a Public Hearing on this application on December 15, 2011, at which time the Commission recommended that the application be deferred. On January 26, 2012, the Commission recommended that the application be denied.

The County Council held a Public Hearing on the application on January 10, 2012 at which time action was deferred.

M 612 12 Adopt C/U No. 1917 DENIED **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON, BARBER SHOP, AND SPA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 17,228.6 SQUARE FEET, MORE OR LESS” (Conditional Use No. 1917) filed on behalf of Roosevelt Domond.**

Motion Denied: 5 Nays.

**M 612 12
(continued)**

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

**Old
Business
C/U
No. 1933**

Under Old Business, the Council discussed Conditional Use No. 1933 filed on behalf of Mark A. Giblin.

The Planning and Zoning Commission held a Public Hearing on this application on July 26, 2012, at which time the Commission recommended that the application be deferred. On August 9, 2012, the Commission recommended that the application be approved subject to the following conditions:

- A. The impound yard shall be surrounded by a fence with landscaping to screen it from neighboring and adjacent properties.**
- B. No more than 18 vehicles shall be permitted on the property besides the Applicant's own vehicles.**
- C. No permanently disabled or abandoned vehicles shall be allowed to remain on the property.**
- D. There shall be one lighted sign which shall not exceed 32 square feet in size to identify the towing service and the impound lot. The sign shall include a phone number to call for information about vehicles impounded and for other information about the service.**
- E. No vehicles shall be displayed for sale.**
- F. All security lighting shall be downward screened so that it does not shine on neighboring or adjacent properties.**
- G. The Final Site Plan shall clearly depict the areas set aside for parking of impounded vehicles, vehicles that are being services, and towing equipment.**
- H. The area set aside for the landscaping business, including equipment storage and any bins for materials such as topsoil, mulch, etc. shall clearly be depicted on the Final Site Plan.**
- I. The service business hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 12:00 noon on Saturdays, with no Sunday hours.**
- J. The Final Site Plan shall include a landscaping plan for the area surrounding the impound yard screening it from neighboring or adjacent properties.**
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

The County Council held a Public Hearing on this application on August 21, 2012 at which time action was deferred.

It was noted that, during the Public Hearing before the Council, questions were raised regarding the title of the Proposed Ordinance; the title of the Proposed Ordinance referenced towing service and landscaping business and the Applicant stated that he was asking for a Conditional Use for

**Old
Business
C/U
No. 1933
(continued)**

towing, service, and landscaping business. Lawrence Lank, Director of Planning and Zoning, stated that the Applicant has a towing service, he impounds vehicles, he services vehicles, and he has a landscaping business. Therefore, there is a question on whether there are 2 businesses or 3 businesses.

Mr. Vincent referenced how the Proposed Ordinance was advertised by the County; there was no comma between the words “towing” and “service”. Mr. Vincent asked Mr. Moore what the cleanest way to handle this.

Mr. Moore recommended that the Council consider the application for two businesses, the towing service and the landscaping business, since this is how it was advertised. If the Applicant desires to have a service business, then the application can be re-advertised and a new public hearing held. Further, due to the question of the error in the title of the Proposed Ordinance, the County could offer to waive the re-application fee.

**M 613 12
Amend
Recom-
mended
Conditions
for C/U
No. 1933**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the conditions recommended by the Planning and Zoning Commission on Conditional Use No. 1933, as follows:

Amend Condition A to read “The impound yard shall be surrounded by a fence with landscaping to screen it from neighboring and adjacent properties, to be constructed on or before June 1, 2013.

Amend Condition B to read “No more than 18 impounded vehicles shall be permitted on the property besides the Applicant’s own vehicles.”

Amend Condition C to read “No permanently disabled or abandoned vehicles shall be allowed to remain on the property. All existing and abandoned vehicles shall be removed within 90 days.”

Amend Condition G to read “The Final Site Plan shall clearly depict the areas set aside for parking of impounded vehicles and towing equipment.”

Amend Condition I to read “The landscaping business hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday with no Sunday hours.”

Motion Adopted: 5 Yeas.

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

**M 614 12
Adopt
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adopt Ordinance No. 2283 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

**M 614 12
Adopt
Ordinance
No. 2283
(C/U
No. 1933)
(continued)**

RESIDENTIAL DISTRICT FOR A TOWING SERVICE AND LANDSCAPING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.374 ACRES, MORE OR LESS” (Conditional Use No. 1933) filed on behalf of Mark A. Giblin, with the following conditions, as amended:

- A. The impound yard shall be surrounded by a fence with landscaping to screen it from neighboring and adjacent properties, to be constructed on or before June 1, 2013.**
- B. No more than 18 impounded vehicles shall be permitted on the property besides the Applicant’s own vehicles.**
- C. No permanently disabled or abandoned vehicles shall be allowed to remain on the property. All existing and abandoned vehicles shall be removed within 90 days.**
- D. There shall be one lighted sign which shall not exceed 32 square feet in size to identify the towing service and the impound lot. The sign shall include a phone number to call for information about vehicles impounded and for other information about the service.**
- E. No vehicles shall be displayed for sale.**
- F. All security lighting shall be downward screened so that it does not shine on neighboring or adjacent properties.**
- G. The Final Site Plan shall clearly depict the areas set aside for parking of impounded vehicles and towing equipment.**
- H. The area set aside for the landscaping business, including equipment storage and any bins for materials such as topsoil, mulch, etc. shall clearly be depicted on the Final Site Plan.**
- I. The landscaping business hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Saturday with no Sunday hours.**
- J. The Final Site Plan shall include a landscaping plan for the area surrounding the impound yard screening it from neighboring or adjacent properties.**
- K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Old
Business/
C/U
No. 1945**

Under Old Business, the Council discussed Conditional Use No. 1945 filed on behalf of Alfonso Matos.

The Planning and Zoning Commission held a Public Hearing on this application on September 20, 2012 at which time the Commission recommended that the application be deferred. On October 25, 2012, the Commission recommended that the application be denied.

- Old Business/
C/U
No. 1945
(continued)** **The County Council held a Public Hearing on this application on October 9, 2012 at which time action was deferred.**
- It was the consensus of the Council to direct the Director of Planning and Zoning to submit proposed conditions and reasons of approval for the Council’s consideration.**
- M 615 12
Defer
Action on
C/U
No. 1945** **A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to defer action on Conditional Use No. 1945.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea**
- Grant Requests** **Mrs. Webb presented grant requests for the Council’s consideration.**
- M 616 12
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 their Holiday Appeal Campaign.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea**
- M 617 12
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 Women’s Club of the Keenwicks for computers for the Selbyville Middle School.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea**
- M 618 12
Council-
manic
Grant** **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 (\$500.00 each from Mr. Wilson’s and Mr. Phillips’ Councilmanic Grant Accounts) to the Greater Georgetown Chamber of Commerce for parade expenses.**
- Motion Adopted: 5 Yeas.**
- Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
 Mr. Phillips, Yea; Mr. Wilson, Yea;
 Mr. Vincent, Yea**

**M 619 12
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Cole, to give \$254.95 from Mr. Wilson's Councilmanic Grant Account to Sussex Technical High School for the Spring Sports Poster.

Motion Adopted: 5 Yeas.

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

**M 620 12
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,500.00 (\$500.00 each from Mr. Cole's, Mr. Phillips' and Mr. Wilson's Councilmanic Grant Accounts) to the Indian River High School Band Boosters for travel expenses. (See M 626 12 – amount of grant amended.)

Motion Adopted: 5 Yeas.

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

**M 621 12
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to Seaford District Library for educational and social programs.

Motion Adopted: 5 Yeas.

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

**M 622 12
Human
Service
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 from Human Service Grants to Junior Achievement of Delaware for program costs.

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 additional business.

**M 623 12
Go Into
Executive
Session**

At 12:46 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess the Regular Session and go into Executive Session for the purpose of discussing issues relating to land acquisition.

**M 623 12
(continued)**

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 12:48 p.m., an Executive Session was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to land acquisition. The Executive Session concluded at 12:53 p.m.

**M 624 12
Reconvene
Regular
Session**

At 12:54 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

Action

There was no action on Executive Session items.

**Amend
Grant/
M 620 12**

Mr. Phillips referenced the Motion on the Councilmanic Grant to Indian River High School Band Boosters and he stated that he would like to increase the amount of his grant.

**M 625 12
Revisit
Grant
Requests**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to revisit Grant Requests.

Motion Adopted: 5 Yeas.

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

**M 626 12
Council-
manic
Grant
(replaces
M 620 12)**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$3,500.00 (\$2,000.00 from Mr. Phillips' Councilmanic Grant Account and \$500.00 each from Mr. Cole's and Mr. Wilson's Councilmanic Grant Accounts) to the Indian River High School Band Boosters for travel expenses.

Motion Adopted: 5 Yeas.

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

(This Motion replaces Motion No. M 620 11.)

M 627 12 **At 12:56 p.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to**
Recess **recess until 1:30 p.m.**

Motion Adopted: 5 Yeas.

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

M 628 12 **At 1:39 p.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver,**
Reconvene **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

Public
Hearing/
C/Z
No. 1723

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 B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.25 ACRES, MORE OR LESS” (Change of Zone No. 1723) filed on behalf of John M. Gilman.

The Planning and Zoning Commission held a Public Hearing on this application on November 15, 2012 at which time the Commission recommended that the application be approved.

See the minutes of the Planning and Zoning Commission dated November 15, 2012.

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

An Exhibit Book was distributed to the Council.

The Council found that John Gilman was present with Shannon Carmean, Attorney with Sergovic, Carmean & Weidman, P.A.

Ms. Carmean stated that the site has had Conditional Use approval for an athletic club and outdoor recreation center and related parking (C/U #1750/Ordinance 2002) since 2008; that the Applicant wishes to add professional office use to the existing permitted uses for the property; that the Applicant is now proposing to create an office or offices on the second

**Public
Hearing/
C/Z
No. 1723
(continued)**

floor of the existing building by applying for B-1 Neighborhood Business zoning; that the Conditional Use does not allow the Applicant to utilize the property to its fullest potential; that since the economic downturn in 2008, the Applicant has been unable to secure the necessary funds to fully open his athletic club; that the Applicant has been informed by several banks that they will only fund the project if he is able to lease space to generate outside business revenue and therefore, the B-1 zoning application was applied for and will provide flexibility to rent the upstairs portion of the building; that the proposal is in compliance with the Comprehensive Land Use Plan since it will encourage tourism and other responsible commercial and industrial job providers to locate and invest in the County; that devoting the land to active recreational uses will serve tourism; that the site is located in a Low Density Area where business development should be largely confined to businesses addressing the needs of agricultural activities and residential development; that the application is compliant due to the focus of retail and office uses that will be providing convenience goods and services to nearby residents; that the Applicant is an entrepreneur who does not seek financial partnership with the County, only approval of a B-1 zoning classification to meet the financial criteria of his lender to allow additional revenue sources necessary to finance the implementation of the primary uses addressed in his Conditional Use previously granted; that part of the purpose of the B-1 zoning classification references that it is the intent to serve the needs of a relatively small area, primarily nearby rural, low density and medium density residential neighborhoods, and to enhance the general character of the district and its compatibility with its residential surroundings; that signs are limited to those accessory to businesses conducted on the premises; that the number, area and type of signs are limited; that the active recreational uses are still intended; that the Applicant has owned the property for 19 years; that the site is currently restricted to minimal uses due to septic limitations; that DelDOT currently has limited the use of the site to not exceed more than 200 trips per day; that there are 31 business or commercial uses in the Roxana area; that the Exhibit Booklet contains petitions in support of the application from 16 residents within one mile of the site; that the rezoning should not adversely impact the community or property values; that the building is completed, the entrance and driveway are completed with curbing, and that he still is intending to install the fitness equipment for the fitness center on the first floor of the building.

Mr. Gilman stated that the site plan will not change from the existing Conditional Use; that the site plan includes 58 parking spots, a tennis court, two grass sports fields, and two stormwater management ponds; that one stormwater management pond exists and the new bank funding will pay for the construction of the second pond; that the project will consist of three phases – the first phase will be to rent the professional offices and obtain the loan which will enable him to purchase the equipment and construct the additional stormwater pond, the parking lot and the fields; the second phase will be to implement the business of the sports fields; the third phase will be to

**Public
Hearing/
C/Z
No. 1723
(continued)**

construct the swimming pool. Mr. Gilman stated that this project will create 2 full time jobs and 6 to 10 subcontractor positions (massage therapy, personal training, sports training, etc.); and that the rezoning should not adversely impact the community or property values.

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

**M 629 12
Adopt
Ordinance
No. 2284
(C/Z
No. 1723)**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2284 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM 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 8.25 ACRES, MORE OR LESS” (Change of Zone No. 1723) filed on behalf of John M. Gilman.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
C/U
No. 1949**

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 THE RELOCATION OF THE ACCESS EASEMENT TO THE PROPOSED BORROW PIT (CU #1897) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1571 ACRES, MORE OR LESS” (Conditional Use No. 1949) filed on behalf of Banks Family Farm Preservation Trust.

The Planning and Zoning Commission held a Public Hearing on this application on November 15, 2012 at which time the Commission recommended that the application be approved for the following reasons:

- 1) This application is part of a borrow pit application that was previously approved by Sussex County Council with conditions. As part of that approval, the area of the access road to the borrow pit operation was included in the ordinance granting the Conditional Use. After the approval was granted, the Applicant and its land planners recognized that the road needed to be slightly relocated from where it was originally shown.
- 2) This approval simply adjusts or corrects the location of the access road so that the Final Site Plan will accurately reflect where the road is located on the ground. The road is still located in the same general location as where it was depicted during the public hearing on C/U #1897 and the adjustments are very minor.
- 3) This approval of the minor adjustment to the access road location

**Public
Hearing/
C/U
No. 1949
(continued)**

- will have no impact on traffic or the neighboring public roadways.**
- 4) This approval has no impact upon the primary use of the site as a borrow pit.**
 - 5) This recommendation is subject to all of the Conditions imposed as part of Conditional Use No. 1897.**

See the minutes of the Planning and Zoning Commission dated November 15, 2012.

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

Mr. Lank advised that Solutions IPEM had submitted a site plan for C/U No. 1897 for a proposed borrow pit and it was found that the easement proposed to serve the borrow pit had a somewhat different legal description than the easement reviewed during the original public hearings; that it was determined that the easement needed to go back through the public hearing process to correct the location; and that according to Solutions IPEM, the easement is generally in the same location as the original easement; that based on updated site topography, the entrance has shifted north along Irons Lane approximately five (5) feet to avoid an existing power pole; and that the easement was shifted on-site to better align with an existing farm road that has always been intended to be utilized as part of the access.

Mr. Lank referenced the survey of the property and he stated that the application is for the relocation of approximately 5 feet for the easement that serves the borrow pit that has been approved previously.

The Commission found that Frank Kea of Solutions IPEM was present on behalf of the Applicants and he stated that this application should be considered an administrative matter; that the statement made by Mr. Lank is accurate as it relates to the easement; that the easement is only moving approximately 5 feet; and that he does not anticipate any impact on the roadway or the entrance location with this change.

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

**M 630 12
Adopt
Ordinance
No. 2285
(C/U
No. 1949)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2285 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RELOCATION OF THE ACCESS EASEMENT TO THE PROPOSED BORROW PIT (CU #1897) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1571 ACRES, MORE OR LESS” (Conditional Use No. 1949) filed on behalf of Banks Family Farm Preservation Trust.

Motion Adopted: 5 Yeas.

**M 630 12
(continued)**

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

**Public
Hearing/
C/U
No. 1948**

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 PROFESSIONAL OFFICE USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR LESS” (Conditional Use No. 1948) filed on behalf of Sharon L. Sherwood and Van Sherwood.

The Planning and Zoning Commission held a Public Hearing on this application on November 15, 2012 at which time the Commission deferred action. On December 6, 2012, the Commission recommended that the application be approved with the following conditions:

- A. The use of the property shall be limited to small scale professional offices, such as doctors, lawyers, artist studios, accountants or similar uses.**
- B. There will only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.**
- C. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties. There shall be no more than two offices on the property.**
- D. No outside storage shall be allowed on the premises.**
- E. A 6-foot tall screening fence shall be installed along the northern boundary line of the property.**
- F. Hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. five (5) days per week.**
- G. The parking shall comply with all Code requirements for the particular use of this property. The Final Site Plan shall clearly show all required parking and the parking areas must be clearly marked on the site.**
- H. The Site Plan shall be subject to approval of the Planning and Zoning Commission.**

See the minutes of the Planning and Zoning Commission dated November 15 and December 6, 2012.

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

The Council found that Sharon Sherwood was present and she stated that they purchased the property approximately 2 years ago; that they have worked to restore the property; that they have tried to keep the original character of the property so that it has a residential character; that they

**Public
Hearing/
C/U
No. 1948
(continued)**

propose to use the home on the site that sits on Route One for professional use; that they propose to use the studio located behind the house; and that it is not their intent to rent the studio. Ms. Sherwood stated that she concurs with the Planning and Zoning Commission's recommendation, with the exception of Condition F where the hours of operation are listed. She stated that would like some leeway in establishing the hours of operation to allow for an 8 hour operation somewhere between the hours of 8:00 a.m. and 7:00 p.m., six days per week; and that these hours would give more flexibility in renting to a professional business.

Ms. Sherwood noted that she submitted a series of photographs of the area and the site.

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

At the request of Mrs. Deaver, Mr. Lank summarized the letters received in opposition to the application; the letters were entered into the record at the Public Hearing before the Commission.

**M 631 12
Strike
Recom-
mended
Condition
F**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to strike Condition F recommended by the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**M 632 12
Adopt
Ordinance
No. 2286
(C/U
No. 1948)**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to Adopt Ordinance No. 2286 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR LESS" (Conditional Use No. 1948) filed on behalf of Sharon L. Sherwood and Van Sherwood, with the following conditions:

- A. The use of the property shall be limited to small scale professional offices, such as doctors, lawyers, artist studios, accountants or similar uses.
- B. There will only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.
- C. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties. There shall be no more than two offices on the property.
- D. No outside storage shall be allowed on the premises.

**M 632 12
Adopt
Ordinance
No. 2286
(C/U
No. 1948)
(continued)**

- E. A 6-foot tall screening fence shall be installed along the northern boundary line of the property.**
- F. The parking shall comply with all Code requirements for the particular use of this property. The Final Site Plan shall clearly show all required parking and the parking areas must be clearly marked on the site.**
- G. The Site Plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing
(C/U
No. 1946)**

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 LAND APPLICATION OF CLASS “B” SANITARY WASTE, NON-SANITARY FOOD PROCESSING RESIDUALS, AND POTABLE WATER IRON RESIDUALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 259.08 ACRES, MORE OR LESS” (Conditional Use No. 1946) filed on behalf of Clean Delaware, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on November 15, 2012 at which time the Commission deferred action. On December 6, 2012, the Commission deferred action again.

See the minutes of the Planning and Zoning Commission dated November 15 and December 6, 2012.

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

Exhibit Booklets were distributed to the Council.

Mr. Lank reported that, since the November 15th Public Hearing before the Commission, letters in opposition have been received from Kathy Kunkle, Joyce Stout, friends of the Donovans on Stockley Road, James and Nancy Buchler, and D. Wayne Starkey. The letters were submitted into the record.

The Council found that Gerry Desmond, General Manager of Clean Delaware, LLC, was present with with James Fuqua, Attorney with Fuqua, Yori and Willard, P.A., Laf Erikson, Soil Scientist with Atlantic Resource Management, Inc., and Chris McCabe of Coastal Compliance Solutions.

Public
Hearing
(C/U
No. 1946)
(continued)

Mr. Fuqua referenced the two packets of information that were previously submitted, the Exhibit packet and the booklet.

Mr. Fuqua stated that the application is to permit land application of Class B sanitary waste, non-sanitary food processing residuals, and water iron residuals and he noted that (during this Public Hearing) he would refer to all of the individual materials proposed to be applied to the property as bio-solids; that the application is for County approval of the use of the land; that the land application process and the bio-solids placed on the property are subject to State DNREC regulations and subject to a permit issued by DNREC that sets forth the details and specifications as to the operation including the type of bio-solids that can be applied to the land; that bio-solids are nutrient rich organic materials resulting from the treatment of waste – when treated and processed, these residuals can be recycled and applied as fertilizer to improve and maintain productive soils and to stimulate plant growth; that the application of bio-solids reduces the needs for chemical fertilizer and chicken manure; that the recycling of bio-solids has several benefits – it replenishes the organic matter of soil that has been depleted over time, it improves crop growth and yield, it reduces the need for chemical fertilizers thereby reducing production costs, and is considered both economically efficient and environmentally appropriate; that the site of the proposed use is on both sides of McColley Road (County Road 201) and the site is northeast of Route One and the City limits of Milford; that the site is owned by Lynn and Karen McColley; that the site contains a total of 259 acres; that the site is mostly cleared farmland and includes several poultry houses and wooded areas; that site evaluations were performed on several locations on the site; that the evaluation studied the topographic and geological conditions of the property; that it was found that the site is suitable for the requested use; that Clean Delaware, LLC has been in business for more than 20 years; that regulations on the use are subject to both State and Federal regulations; that a permit is required from DNREC for land treatment of bio-solids; that DNREC granted approval on January 1, 2012 to utilize all Clean Delaware, LLC sites; that they currently use three other sites for the same purpose; that the other three sites: (1) the Milton Farm, (2) the Ellendale site, and (3) the Harbeson site; that the same application methods are proposed for this site; that a copy of the DNREC permit is included in the Exhibit Packet; that the permit references sludge, septage and waste application limitations, groundwater limitations, monitoring requirements, stabilized septage, wastes, sludge stabilization process monitoring, vector attraction reduction, soil monitoring, groundwater monitoring, a schedule of compliance, bonding, monitoring, reporting, definitions, management requirements, responsibilities, and special conditions; that the reason for this application is that the Applicants need additional acreage for bio-solids disposal; that Clean Delaware, LLC is approved to accept sludge, septage, and waste from Allen's Harim Foods, LLC (Harbeson Plant), Perdue Georgetown Sludge, the Town of Bridgeville, the City of Lewes, the Town of Milton, and the Town of Selbyville, approved to accept septage from Artesian Resources community

**Public
Hearing
(C/U
No. 1946)
(continued)**

wastewater systems, B. Brittingham, Dukes Septic Services, Harry Caswell, Inc., McMullen Septic Services, Inc., Midway Services, Inc., Mobile Gardens M.H. P., Service Energy, LLC, Tidewater Utilities community wastewater systems, and Street Sanitation Services, approved to accept non-sanitary wastes from Dogfish Head Craft Brewery (brewery waste water), Eastern Shore Poultry Products (food processed grease), J.G. Townsend, Inc. (vegetable processing waste water), iron sludge from water treatment plants, Perdue Farms, Georgetown (dewatered sludge cake), RAPA Scrapple, Inc. (grease by-products), restaurant grease trap waste (containing no sanitary waste), and Roos Foods, Inc. (dairy waste); and that they are providing a service to businesses, industries, municipalities, and developments in Sussex County by the reuse of beneficial food bio-products.

Jerry Desmond provided information on the company, Clean Delaware, and the Company's vision for the McColley Farm, if approved; that the company currently has 20 employees; that in 23 years, Clean Delaware has never been in violation of their DNREC land application permit; that in those 23 years, DNREC has never contaminated a well; that in those 23 years, run-off from a Clean Delaware farm has never polluted an adjacent water body; that they are bonded and compliant and stewards of the environment; that growth requires they seek more land; that in the past 10 years, no additional land for bio-solids application has been sought or approved; that in looking for a site, he looked for: (1) a place that was out of the way, (2) a place where trucks could get on and off the road, (3) a place where trucks already travel and (4) a place where an off-loading site could be staged that would be safe, secure and obscure from view; that their heavy metal loading is minimal; that independent well testing that has been reviewed and analyzed by DNREC over the years from monitoring wells has indicated no danger or impact on water quality; that Sussex County, Kent County, City of Rehoboth, and the Town of Georgetown practice land application; that they will utilize the McColley farm approximately 38 percent of the time they operate; that in 1989 the company received approval from DNREC for the use of the other three sites; that they do not dump raw waste or handle hazardous waste; that prior to receiving any products, DNREC must authorize use of the products for crop growth; that the property will continue to be farmed; that they are proposing to create six sections of the property into sections for land application; that the permitted crops in the sections will be corn, wheat, and soybeans; that buffers (greater setbacks) will be established; that monitoring will be performed; that there will be two types of applications: the application of dry products and the application of wet products; that the dry products will be applied by spreader on a section of the fields and then disked into the soils; that the wet products are subsurface injected or spray applied on the fields; that there will not be any storage of equipment on the site other than normal farm equipment; that the equipment will be stored behind the poultry houses; that there will not be any wet product storage on the site; that all of the products have already been treated prior to land application; that very little odors are generated; that they have no plans on composting

Public
Hearing
(C/U
No. 1946)
(continued)

any products on the site; that the site is zoned AR-1 Agricultural Residential, which has a stated purpose of providing for a full range of agricultural activities and to protect agricultural lands from the depreciating effect of objectionable, hazardous and unsightly uses; that the Agricultural Districts are established to protect established agricultural operations and activities; that this type of use is authorized for Conditional Use applications; that they believe that the use complies, provides a service, and benefits many Sussex County businesses and communities; that the process is reviewed, monitored, and controlled by DNREC, making the use appropriate and essential; that the buffer zones referenced are setbacks from dwellings, wells, property lines, streams, drainage ditches, etc.; that they are submitting a copy of the DNREC buffer zone references, which reference that the following setbacks are required for surface application: 200 feet from occupied off-site dwellings; 100 feet from occupied on-site dwellings and potable wells; 25 feet from non-potable wells and public roads; 50 feet from bedrock outcrops, streams, tidal waters, and other water bodies; 25 feet from drainage ditches; that the following setbacks are required for subsurface injection: 100 feet from occupied off-site dwellings and potable wells; 50 feet from occupied on-site dwellings; 25 feet from non-potable wells; 15 feet from public roads; and 25 feet from bedrock outcrops, streams, tidal waters, other water bodies, and drainage ditches; that the products are tested by the clients, then approved by DNREC, and then they can be applied on the farm; that there may be 2 to 6 trucks per day; that the DNREC approval for this site is on hold until the Conditional Use is approved; that the site is viable for the use; that the soils are well drained with fine textured soils; that that have established all well sites in the area; that there are no public wells in the area; that 9 hand auger borings and 10 test pits were conducted to characterize the soil properties on the project area; that DNREC requires bonding and that they are currently bonded; that Nutrient Management Plans are required by DNREC; that the poultry houses on the site are in production; that the litter from the poultry houses will not be applied to this site; that a porta-toilet will be located on the site; that there will not be an office or scales located on the site; that the dry product is not a dusty product; that the dry product will be stored in a manure storage type structure or on a concrete pad; that a portion of the farm is irrigated and that they will not be adding any irrigation; that all setback buffers will be complied with; that there will be no hauling of dump materials, only approved bio-products; and that there should be negligible odors associated with this use.

Laf Erickson referenced the results of the soil testing and mapping performed on the site and he noted that DNREC field approval was given on January 5, 2012. He stated that what makes this site particularly well suited are the fine textured soils and the deep groundwater levels; that there are no areas proposed for land treatment within any flood plain or flood zone; that the tributaries and river are both shielded by a timber operation; that DNREC requires a very specific monitoring of both the soil and the groundwater; that Clean Delaware has made the concession that if there is

**Public
Hearing
(C/U
No. 1946)
(continued)**

a committee of neighbors that want to step forward, they would release these findings at the time of the required DNREC reporting; and that with the project as proposed, there will be no further degradation of the soil or groundwater quality from the point that it is today.

Chris McCabe commented on the potential abatement of surface water runoff, berm creation and the swale. He stated that, at the Planning and Zoning Commission Public Hearing, concern was expressed regarding buffers and surface water runoff and in an attempt to address those concerns, Clean Delaware is taking the initiative to go above and beyond the DNREC buffer requirements and install a 35 feet wide buffer of switch grass that gets 7 to 8 feet tall to line the perimeter of the properties and along the roadway along the McColley farm.

Jim Fuqua concluded by submitting the following proposed conditions of approval for consideration:

1) All activities shall be as authorized by and in compliance with Clean Delaware, LLC's DNREC permit "Authorization to Operate a Land Treatment System for the Agricultural Utilization of Sludge and Waste Products" (State Permit Number AGU 1202-5-03 and Amendments thereto); 2) This Conditional Use Approval shall remain valid and in effect for as long as the aforesaid DNREC permit exists for this site and shall automatically terminate in the event the DNREC permit expires or is terminated; 3) Land application activities shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday; and 4) No land application material shall be stockpiled longer than seven (7) days on site.

Mr. Fuqua stated that during their presentation, they have explained the operation and addressed a lot of the concerns and objections raised at the Planning and Zoning Public Hearing; that traffic has been addressed – on average, there will be 2 to 4 trucks per day with a maximum of 6 trucks and only when bio-solids are being applied; that buffers will be in excess of what DNREC requires; that the buffers will be around the perimeter of the site; that the grasses in the buffer will remove any nutrients coming off of the site; that a berm/swale will be provided along the western boundary of the site and along McColley Drive that basically would ensure that water will not escape onto the adjacent properties; that DNREC requires a bond; that Clean Delaware has a \$1 million liability insurance policy with an umbrella of additional coverage in the amount of \$5 million; that this Conditional Use would only be valid if Clean Delaware is operating under a valid DNREC permit; that the proposed use is an agricultural activity that is critical to businesses and residents of the County; that Clean Delaware is experienced and has been in business for 20 years; that they are not proposing a wastewater facility on this site; that there is a need for this business; and that with the conditions proposed, this is an appropriate location for the proposed use.

**Public
Hearing
(C/U
No. 1946)
(continued)**

Public comments were heard.

There were no public comments in support of the application.

The following people spoke in opposition to the application: Joseph Warnell, William Pike, Robert Donovan, Jim Hammond, Mary Sue Sharp, Casey Sharp, Jason Donovan, Alan Mills, Howard Webb, Bill Hopkins, Neil Shockley, and Mary Walls Grant. They stated that they are concerned about the danger of this disposal product; that water will travel down and sideways to neighboring properties; that other states have stopped the land application practice due to health issues; that the product should be boiled or incinerated; that notices were not received regarding the meetings on this proposed use; that there will be a direct run-off to neighboring properties and the stream; that the run-off will go into the pond and into the marsh; that the EPA labels bio-solids as hazardous waste; that if it is safe, why is a permit required; that the site is not the proper location for a sludge farm and the Applicant should seek a more suitable site; that the application needs more study; that the use will result in lower crop yields for area farms and lower income; that following land application of sludge, crops cannot be sold for human consumption for a period of 3 years; that the proposed grass buffer will not stop run-off; that the Applicant previously stated that the building behind the chicken houses would be used for storage and that they will store waste there; that there could be an increase in the spreading of disease if there is an outbreak; that switch grass will not grow in some areas proposed; that farmers cannot apply nutrients during winter months, so why can Clean Delaware; that DNREC does not regulate everything that can be harmful; that run-off will still reach the Mispillion River even with the swale; that Ed Kee, Secretary of Agriculture, is concerned and that he is supposed to be contacting the County Council regarding this application; that representatives of Hanover Foods have expressed concern; that sludge will be placed around their homes; and that bio-solids have caused death and illness. The opposition expressed concerns regarding odors, insects, run-off, drinking water, effect on crops and livestock, impact on poultry houses, health and welfare, property values, road safety conditions, the execution of the plan, and the detrimental effect on wildlife, wetlands, and the river.

Mr. Hammond submitted an information packet into the record.

The Public Hearing was closed.

**M 633 12
Defer
Action on
C/U
No. 1946**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to close the Public Hearing and defer action on Conditional Use No. 1946 filed on behalf of Clean Delaware, LLC, and to leave the record open for written comments for a period of 60 days; and further, that the Director of Planning and Zoning be directed to contact the Department of Agriculture and the Delmarva Poultry Institute asking if they wish to comment on the application.

**M 633 12
(continued)**

Motion Adopted: 5 Yeas.

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

**M 634 12
Adjourn**

At 4:44 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn.

Respectfully submitted,

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


TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Todd F. Lawson
County Administrator 

RE: Castaway's Bethany LLC Request for Withdrawal

DATE: January 4, 2013

During Tuesday's Council meeting, you will consider Castaway's Bethany, LLC request for withdrawal.

Please see the attached letter I received on December 21, 2012 from their counsel, Mr. James Fuqua, Jr.

Due to the fact that the three applications (CZ #1219, CZ #1720 and CU #1944) were considered by County Council during a public hearing, the Council must now vote to approve the withdrawal of the applications.

Please let me know if you have any questions.

TFL/kac

Attachment

pc: J. Everett Moore, Jr., Esquire
Vincent G. Robertson, Esquire
Lawrence B. Lank, Director of Planning & Zoning



FUQUA, YORI AND WILLARD, P.A.

ATTORNEYS AT LAW

JAMES A. FUQUA, JR.
JAMES A. YORI*
TIMOTHY G. WILLARD
TASHA MARIE STEVENS

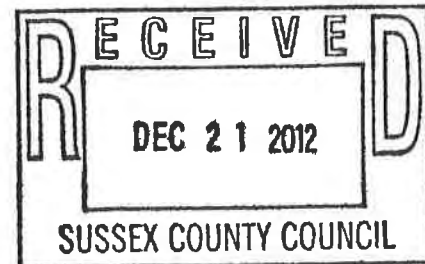
26 THE CIRCLE
P.O. BOX 250
GEORGETOWN, DELAWARE 19947
PHONE 302-856-7777
FAX 302-856-2128
www.fywlaw.com

20245 BAY VISTA ROAD, UNIT 203
REHOBOTH BEACH, DE 19971
PHONE 302-227-7727
FAX 302-227-2226

*EMERITUS MEMBER
(LIMITED TO REPRESENTING CHARITABLE AND NON-
PROFIT ORGANIZATIONS WITHOUT COMPENSATION,
EXCEPT WHERE COMPENSATION IS COURT ORDERED)

December 21, 2012

Todd Lawson
Sussex County Administrator
2 The Circle
Georgetown, Delaware 19947



RE: Castaway's Bethany, L.L.C.
CZ #1719, CZ #1720 and CU #1944

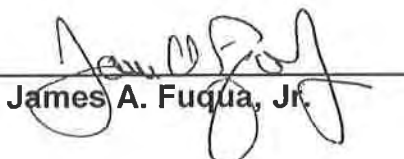
Dear Mr. Lawson,

Castaway's Bethany, L.L.C. pursuant to Section 115-216 (E) of the zoning ordinance requests the Sussex County Council's consent to withdraw change of Zone Applications number 1719 and 1720 and Conditional Use Application number 1944, which are currently pending Council's decision.

Based on the Planning and Zoning Commission's recommendation of denial and particularly the concerns expressed regarding increased traffic on Cedar Neck Road by recreational vehicles, camper trailers and similar oversized vehicles, the applicant would like the opportunity to withdraw the pending applications and reconsider alternative options for the development of the property.

Thank you for your consideration. Please contact me if there are any questions.

Very truly yours,
FUQUA, YORI AND WILLARD, P.A.

By: 
James A. Fuqua, Jr.

JAF/caj

Cc: Council President, Michael H. Vincent
Councilwoman Joan R. Deaver
Councilman George B. Cole
Councilman Vance C. Phillips
Councilman Samuel R. Wilson

RESOLUTION NO. R --- 13

AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE SUSSEX COUNTY FEDERAL CREDIT UNION BEARING THE SIGNATURES OF ANY TWO OF _____, PRESIDENT; _____, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL

BE IT RESOLVED by the Sussex County Council that accounts of the Sussex County Council be open or kept with the Sussex County Federal Credit Union for deposit in said Bank to the credit of Sussex County Council from time to time of any and all moneys, checks, drafts, notes, acceptances, or other evidences of indebtedness, whether belonging to the Sussex County Council or otherwise, which may or hereafter come into its possession; and

BE IT FURTHER RESOLVED by the Sussex County Council that the Sussex County Federal Credit Union be and is hereby authorized to make payment from the funds on deposit with it and according to the checks, drafts, notes or acceptances of the Sussex County Council signed by any two of the following individuals:

_____ – President

_____ – Vice President

Susan M. Webb – Finance Director

and a signature may be a facsimile, resembling the facsimile specimens filed with the Sussex County Federal Credit Union by the Clerk of the Sussex County Council, provided one live signature is on check or withdrawal; and

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be January 8, 2013.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R --- 13 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF JANUARY 2013.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

RESOLUTION NO. R --- 13

AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH M & T BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF _____, PRESIDENT; _____, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR PROVIDED CHECK OR WITHDRAWAL IS LESS THAN OR EQUAL TO \$5,000 AND BEARING THE SIGNATURES OF ANY TWO OF _____, PRESIDENT; _____, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL GREATER THAN \$5,000

BE IT RESOLVED by the Sussex County Council that:

Account No. 9849367744 - Sussex County Council
Operating

account of the Sussex County Council be open or kept with M & T Bank for deposit in said Bank to the credit of Sussex County Council from time to time of any and all moneys, checks, drafts, notes, acceptances, including the deposit of funds by electronic means, or other evidences of indebtedness, whether belonging to the Sussex County Council or otherwise, which may or hereafter come into its possession; and

BE IT FURTHER RESOLVED by the Sussex County Council that M & T Bank be and is hereby authorized to make payment from the funds on deposit with it and according to the checks, drafts, notes or acceptances or the withdrawal of funds by electronic means, of the Sussex County Council signed by any two of the facsimile signatures, resembling the facsimile specimens filed with M & T Bank by the Clerk of the Sussex County Council, of the following individuals:

- _____ – President
- _____ – Vice President
- Susan M. Webb – Finance Director

provided the checks, drafts, notes or acceptances or the withdrawal of funds by electronic means is less than or equal to \$5,000 and provided the checks, drafts, notes or acceptances or the withdrawal of funds by electronic means is greater than \$5,000, a signature may be a facsimile, provided one live signature is on check or withdrawal; and

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be January 8, 2013.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R --- 13 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF JANUARY 2013.

ROBIN A. GRIFFITH
CLERK OF THE COUNCIL

RESOLUTION NO. R --- 13

AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH M & T BANK BEARING THE FACSIMILE SIGNATURES OF ANY TWO OF _____, PRESIDENT; _____, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR

BE IT RESOLVED by the Sussex County Council that:

**Account No. 23952696 - Sussex County Council
Payroll Account**

account of the Sussex County Council be open or kept with M & T Bank for deposit in said Bank to the credit of Sussex County Council from time to time of any and all moneys, checks, drafts, notes, acceptances, including the deposit of funds by electronic means, or other evidences of indebtedness, whether belonging to the Sussex County Council or otherwise, which may or hereafter come into its possession; and

BE IT FURTHER RESOLVED by the Sussex County Council that M & T Bank be and is hereby authorized to make payment from the funds on deposit with it and according to the checks, drafts, notes or acceptances or the withdrawal of funds by electronic means, of the Sussex County Council signed by any two of the facsimile signatures, resembling the facsimile specimens filed with M & T Bank by the Clerk of the Sussex County Council, of the following individuals:

_____ – President

_____ – Vice President

Susan M. Webb – Finance Director

and;

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be January 8, 2013.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R --- 13 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF JANUARY 2013.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

RESOLUTION NO. R --- 13

AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH M & T BANK BEARING THE SIGNATURES OF ANY TWO OF _____, PRESIDENT; _____, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL

BE IT RESOLVED by the Sussex County Council that:

- Account No. 9857297825 - Sussex County Council
Airport Improvements**
- Account No. 9849367967 - Sussex County Council
CDBG**
- Account No. _____ - Sussex County Council
Employee Pension Plan Money Market**
- Account No. 9849367777 - Sussex County Council
Escrow**
- Account No. 30165047 - Sussex County Council
Escrow FBO Reserves
Development Corporation**
- Account No. 9849367785 - Sussex County Council
HOME**
- Account No. 9849367793 - Sussex County Council
HPG**
- Account No. 9849367801 - Sussex County Council
HRLP**
- Account No. 9849367819 - Sussex County Council
NSP**
- Account No. 15004205907536 - Sussex County Council
Operating Money Market**
- Account No. _____ - Sussex County Council
Post Employment Benefit Plan
Money Market**
- Account No. 26006457 - Sussex County Council
Treasury Division, Escrow**
- Account No. 9849367827 - Sussex County Council
Treasury Division, Mortgage Escrow**
- Account No. 22213156 - Sussex County Council
Treasury Division, Temporary Holding**
- Account No. 9849367843 - Sussex County Council
Utility Division, Temporary Holding**
- Account No. 26902797 - Sussex County Council
Utility Division, West Rehoboth
Sewer Temporary Holding**

- Account No. 15004205907544 - Sussex County Council
West Rehoboth Connection Fees**
- Account No. 28383061 - Sussex County Council
West Rehoboth Sewer County Reserve**
- Account No. 26903009 - Sussex County Council
West Rehoboth Sewer Operating
Reserve Fund**
- Account No. 29178364 - Sussex County Council
West Rehoboth Sewer Revenue**

accounts of the Sussex County Council be open or kept with M & T Bank for deposit in said Bank to the credit of Sussex County Council from time to time of any and all moneys, checks, drafts, notes, acceptances, including the deposit of funds by electronic means, or other evidences of indebtedness, whether belonging to the Sussex County Council or otherwise, which may or hereafter come into its possession; and

BE IT FURTHER RESOLVED by the Sussex County Council that M & T Bank be and is hereby authorized to make payment from the funds on deposit with it and according to the checks, drafts, notes or acceptances or the withdrawal of funds by electronic means, of the Sussex County Council signed by any two of the following individuals:

- _____ – President
- _____ – Vice President
- Susan M. Webb – Finance Director**

and a signature may be a facsimile, resembling the facsimile specimens filed with M & T Bank by the Clerk of the Sussex County Council, provided one live signature is on check or withdrawal; and

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be January 8, 2013.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R --- 13 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF JANUARY 2013.

**ROBIN A. GRIFFITH
 CLERK OF THE COUNCIL**

RESOLUTION NO. R --- 13

AUTHORIZING THE PAYMENT FROM FUNDS OF THE SUSSEX COUNTY COUNCIL ON DEPOSIT WITH THE WILMINGTON SAVINGS FUND SOCIETY, FSB BEARING THE SIGNATURES OF ANY TWO OF _____, PRESIDENT; _____, VICE PRESIDENT; OR SUSAN M. WEBB, FINANCE DIRECTOR; AND A SIGNATURE MAY BE A FACSIMILE PROVIDED ONE LIVE SIGNATURE IS ON CHECK OR WITHDRAWAL

BE IT RESOLVED by the Sussex County Council that accounts of the Sussex County Council be open or kept with the Wilmington Savings Fund Society, FSB for deposit in said Bank to the credit of Sussex County Council from time to time of any and all moneys, checks, drafts, notes, acceptances, or other evidences of indebtedness, whether belonging to the Sussex County Council or otherwise, which may or hereafter come into its possession; and

BE IT FURTHER RESOLVED by the Sussex County Council that the Wilmington Savings Fund Society, FSB be and is hereby authorized to make payment from the funds on deposit with it and according to the checks, drafts, notes or acceptances of the Sussex County Council signed by any two of the following individuals:

_____ – President

_____ – Vice President

Susan M. Webb – Finance Director

and a signature may be a facsimile, resembling the facsimile specimens filed with the Wilmington Savings Fund Society, FSB by the Clerk of the Sussex County Council, provided one live signature is on check or withdrawal; and

BE IT FURTHER RESOLVED that the effective date of this Resolution shall be January 8, 2013.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R --- 13 ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 8TH DAY OF JANUARY 2013.

**ROBIN A. GRIFFITH
CLERK OF THE COUNCIL**

STATE OF DELAWARE
 DEPARTMENT OF NATURAL
 RESOURCES AND ENVIRONMENTAL CONTROL
 DIVISION OF WATER RESOURCES
 FINANCIAL ASSISTANCE BRANCH

CHANGE ORDER NO: 1
 DATE: November 12, 2012

STATE: Delaware

SEPARATELY OR JOINTLY FUNDED PROJECT

COUNTY: Sussex

CONTRACT CHANGE ORDER

CONTRACT FOR: Oak Orchard Sanitary Sewer Expansion Project – Contract #09-10

OWNER: Sussex County

To: Underground Utilities Corporation, 711 Commerce Road, Linden, NJ 07036
 (Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE in Contract Price
o Final Balancing Change Order per attached spreadsheet	\$ 348,638.83	
TOTALS	\$ 348,638.83	
NET CHANGE IN CONTRACT PRICE	\$ 348,638.83	

JUSTIFICATION: Explain (~~Differing Site Conditions~~) (~~Errors or Omissions in Drawings or Specifications~~) (~~Changes in Regulatory Requirements~~) (~~Design Changes~~) (~~Over-run or Under-run in Quantities~~) (~~Factors Affecting Time of Completion~~) (Other: Describe below)
Closeout Change Order – Quantity Adjustments (see attached spreadsheet)

The original amount of the Contract:
Six million, two hundred twenty nine thousand, five hundred and 00/100 Dollars (\$6,229,500.00)

The amount of the Contract as adjusted by all previously approved Change Orders:
Zero and 00/100 Dollars (\$ 0.00)

The amount of the Contract will be (~~Decreased~~) (~~Increased~~) through this Change Order by the sum of:
Three Hundred Forty Eight thousand, six hundred thirty eight and 83/100 Dollars (\$ -348,638.83)

The Contract Total including this and all previous Change Orders will be:
Five million, eight hundred eighty thousand, eight hundred sixty-one and 17/100 Dollars (\$ 5,880,861.17)

The Contract Period provided for completion will be (~~Increased~~) (~~Decreased~~) (~~Unchanged~~) by: Calendar Days

Page 2
CONTRACT CHANGE ORDER FORM
CHANGE ORDER NO. 1

This document will become a supplement to the contract and all provisions will apply hereto.

Requested: _____ (Date)
(Owner: Sussex County)

Recommended: Vincent Luciani _____ 11/12/12 (Date)
(Owner's Engineer: George, Miles & Buhr, LLC)

Accepted: Fred J. Gaudin _____ 11/19/12 (Date)
(Contractor: Underground Utilities Corporation)

Approved: _____ (Date)
(Funding Agency: (Department of Natural Resources and Environmental Control))

Approved: _____ (Date)
(Funding Agency: (United States Department of Agriculture, Rural Development))

After all five (5) copies of the Change Order have been signed and dated by authorized representatives of all the applicable parties in the spaces provided above, transmit one (1) copy to each party as listed below.

- () Contractor's Copy (Underground Utilities Corporation)
- () Borrower/Grantee's Copy (Sussex County)
- () Architect/Engineer's Copy (George, Miles & Buhr, LLC)
- () Funding Agency's Copy (DNREC - FAB)
- () Funding Agency's Copy (USDA)

Oak Orchard Sanitary Sewer District Expansion Area #1
 Project No.09-10
 Sussex County, Delaware
 George, Miles Buhr, LLC
 Final Balancing Change Order

Description	Size or Depth	Unit	Quantity	Contract Amount		As-Built Qty.	A6-Built Amt.	Adjustment
				Unit Price	Item Total	Quantity	Item Total	
Oak Orchard Sanitary Sewer District Expansion Area #1 (OOSDEA #1) Contract 1 and PS #326 and PS #327								
Mobilization	-	LS	1	288,360.00	\$288,360.00	1	\$288,360.00	\$0.00
Pump Station # 326	-	LS	1	640,000.00	\$640,000.00	1.00	\$640,000.00	\$0.00
Pump Station # 327	-	LS	1	235,000.00	\$235,000.00	1.00	\$235,000.00	\$0.00
Furnish and Install Force Main	2"	LF	592	30.00	\$17,760.00	635	\$19,050.00	\$1,290.00
Furnish and Install Force Main	12"	LF	4,624	75.00	\$346,800.00	4,606	\$345,450.00	-\$1,350.00
Furnish and Install Force Main	16"	LF	967	145.00	\$143,115.00	972	\$140,940.00	-\$2,175.00
Furnish and Install Force Main	18"	LF	395	150.00	\$59,250.00	404	\$60,600.00	\$1,350.00
Furnish and Install PVC Gravity Sewer	8"	LF	20,352	90.00	\$1,831,680.00	20,041	\$1,803,680.00	-\$27,990.00
Furnish and Install PVC Gravity Sewer	10"	LF	1,162	100.00	\$118,200.00	1,164	\$116,400.00	-\$1,800.00
Furnish and Install PVC Gravity Sewer	12"	LF	920	105.00	\$96,600.00	920	\$96,600.00	\$0.00
Furnish and Install PVC Gravity Sewer	15"	LF	2,636	170.00	\$448,120.00	2,636	\$448,120.00	\$0.00
Furnish and Install Precast Manholes Complete and in Place	4'	VF	900	175.00	\$157,500.00	825.70	\$144,497.50	-\$13,002.50
Furnish and Install Precast Manholes Complete and in Place	5'	VF	76	190.00	\$14,440.00	71.86	\$13,653.40	-\$786.60
Furnish and Install Manhole Frames and Covers	-	EA	92	450.00	\$41,400.00	88	\$39,600.00	-\$1,800.00
Furnish and Install Drop Connection	8"	EA	7	400.00	\$2,800.00	2	\$800.00	-\$2,000.00
Furnish and Install PVC Lateral	6"	LF	7,525	30.00	\$225,750.00	8,103.60	\$243,108.00	\$17,358.00
Furnish and Install PVC Lateral	8"	LF	65	200.00	\$13,000.00	20	\$4,000.00	-\$9,000.00
Furnish and Install House Lateral Cleanouts	6"	EA	277	450.00	\$124,650.00	253	\$113,850.00	-\$10,800.00
Furnish and Install House Lateral Cleanouts	8"	EA	4	700.00	\$2,800.00	2	\$1,400.00	-\$1,400.00
Furnish and Install PVC WYE Branches	8"x6"	EA	265	50.00	\$13,250.00	226	\$11,300.00	-\$1,950.00
Furnish and Install PVC WYE Branches	15"x8"	EA	12	250.00	\$3,000.00	12	\$3,000.00	\$0.00
Furnish and Install PVC WYE Branches	15"x8"	EA	4	300.00	\$1,200.00	2	\$600.00	-\$600.00
Furnish and Install Combination Air Vacuum Valve and Manhole	12"	EA	1	11,000.00	\$11,000.00	1	\$11,000.00	\$0.00
Furnish and Install Combination Air Vacuum Valve and Manhole	16"	EA	1	12,000.00	\$12,000.00	1	\$12,000.00	\$0.00
Furnish and Install Force Main Isolation Gate Valve	12"	EA	1	7,000.00	\$7,000.00	1	\$7,000.00	\$0.00
Furnish and Install Force Main Isolation Gate Valve	16"	EA	3	11,000.00	\$33,000.00	3	\$33,000.00	\$0.00
Furnish and Install Type C Hot Mix Overlay	1 1/2"	SY	46,950	11.00	\$516,450.00	46,907.80	\$515,985.80	-\$464.20
Furnish and Install Type C Hot Mix Overlay	2"	SY	14,500	12.00	\$174,000.00	1,091.90	\$13,102.80	-\$160,897.20
PART A SUBTOTAL					\$5,578,125.00		\$5,362,107.50	-\$216,017.50
Stipulated Contingent Bid Items								
Contingent Unclassified Excavation	-	CY	900	11.00	\$9,900.00	83	\$913.00	-\$8,987.00
Contingent Borrow Material, Borrow Type "C" (Backfill)	-	CY	9,500	16.00	\$152,000.00	1,985	\$31,760.00	-\$120,240.00
Contingent Aggregate Material, Graded Aggregate Type "B" (Cusher, Burn)	-	Ton	250	21.00	\$5,250.00	0	\$0.00	-\$5,250.00
Contingent Porous Fill Material, Coarse Aggregate No. 57 Stone	-	Ton	2,400	23.00	\$55,200.00	143	\$3,289.00	-\$51,911.00
Contractor Down Time (Main Line Crew)	-	per hour	25	400.00	\$10,000.00	22	\$8,800.00	-\$1,200.00
Contractor Down Time (Lateral Crew)	-	per hour	25	250.00	\$6,250.00	6	\$1,500.00	-\$4,750.00
Furnish and Place 4,000 psi Concrete	-	CY	120	150.00	\$18,000.00	29	\$4,350.00	-\$13,650.00
Replacement of Existing Storm Drain Pipes	-	LF	500	30.00	\$15,000.00	30	\$900.00	-\$14,100.00
Asphalt Adjustment (1)	-	SY	61,450	-	\$50,000.00		\$35,664.55	-\$14,335.45
PART B SUBTOTAL					\$321,600.00		\$87,176.55	-\$234,423.45
Non-Stipulated Contingent Bid Items								
Field Office (beyond the contract duration)	-	Per month	6	4,000.00	\$24,000.00	0	\$0.00	-\$24,000.00
Furnish and Install 8"x8" PVC Wye Branches	8x8	EA	1	275.00	\$275.00	0	\$0.00	-\$275.00
Remobilization for Pump Station and FM Testing	-	LS	1	30,000.00	\$30,000.00	0	\$0.00	-\$30,000.00
PART C SUBTOTAL					\$54,275.00		\$0.00	-\$54,275.00
Bid Alternates								
Furnish and Install Full Road Overlay Type C Hot mix in lieu of Item A-27.2 Type C Hot Mix	2"	SY	29,000	9.50	\$275,500.00	28,818.50	\$273,775.75	-\$1,724.25
PART D SUBTOTAL					\$275,500.00		\$273,775.75	-\$1,724.25
Supplemental Items								
Change Order for Electrical Service at PS #327 & #326	-	-	-	-	\$0.00	-	\$8,801.37	\$8,801.37
Additional Asphalt Paving (Leveling in Capt Grant & Oak Orchard Rd)	-	-	-	-	\$0.00	-	\$149,000.00	\$149,000.00
PART S SUBTOTAL							\$157,801.37	\$157,801.37
TOTALS:					\$6,229,500.00		\$5,880,861.17	-\$348,638.83

SUSSEX COUNTY ANNEX BUILDING RENOVATIONS
Contract No. 12-20
Bid Results

BID OPENING – DECEMBER 19, 2012

	BIDDER	BASE BID	ALTERNATE BID ITEMS	Total Bid
1.	John L. Briggs & Co. Georgetown, DE	\$62,670.00	\$12,560.00	\$75,230.00
2.	Kent Construction Smyrna, DE	\$69,760.00	\$8,799.00	\$78,559.00
3.	Donald E. Reisinger, Inc. West Chester, PA	\$77,410.00	\$12,075.00	\$89,485.00
4.	GGI Builders, Inc. Salisbury, MD 21803	\$89,846.00	\$10,176.00	\$100,022.00
5.	Joshi Construction Company Hockessin, DE	\$88,542.00	\$12,685.00	\$101,227.00
6.	Nason Construction Salisbury, MD 21801	\$93,677.00	\$9,848.00	\$103,525.00
7.	MBM Construction Rehoboth Beach, DE	\$103,561.00	\$10,525.00	\$114,086.00
	<i>ENGINEERS ESTIMATE</i>			\$93,515.00

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 110 OF THE CODE OF SUSSEX COUNTY RELATING TO APPLICATIONS FOR PERMITS UNDER THE INTERIM CODE FOR BUILDING SEWER AND WATER SERVICE PIPE CONNECTIONS.

WHEREAS, Sussex County Code, Chapter 110 currently governs Water and Sewer services within the Sussex County; and

WHEREAS, Sussex County Code, Chapter 110, Article VII governs building sewer and water service pipe connections and Sussex County Code § 110-63(b) requires that applications of permits under this section shall be made in person on application forms; and

WHEREAS, this Ordinance will permit the Sussex County Engineer to prescribe the manner in which applications of permits are submitted including, but not limited to, submission of applications through mail and electronic communications.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 110, Section 110-63(b) deleting the language contained in brackets below and by inserting the language underlined and italicized below as follows:

“B. Application for a permit shall be made [in person and on application forms provided] by an applicant in *the manner and method directed by the Sussex County Engineer.* Such information as required shall be provided to complete the application.”

Section 2. Effective Date. This Ordinance shall become effective upon its adoption by a majority of all members elected to County Council.

Synopsis

This Ordinance allows the Sussex County Engineer to set forth the manner in which applications for permits under the Interim Code for Building Sewer and Water Service Pipe Connections are made.

Deleted text is noted in brackets. Additional text is underlined and in italics.

DRAFT

BUILDING CODE

ANDY WRIGHT
CHIEF OF BUILDING CODE

(302) 855-7860 T
(302) 855-7869 F



Sussex County

DELAWARE
sussexcountyde.gov

TO: Todd F. Lawson
County Administrator

FROM: Andy Wright
Chief of Building Code

DATE: January 4, 2013

RE: Modifying County Code Section 52-18C (Architecture)

In preparation for next week's Council meeting, I wanted to provide you with the following information as it relates to the County's consideration of State Code, Title 24, Chapters 3 and 28.

With the adherence to the State's code, the County would be required to have plans bear a seal, signature and date by a Delaware Architect or Engineer, regardless of occupancy or size.

After reviewing the State Code and discussing the issue with the County attorney and industry stakeholders, Chapter 3 Section 303, subsection (5) has three exemptions to the above mentioned requirement. They are as follows:

- "a. Single and 2-family dwellings, and any sheds, storage buildings and garages incidental to such dwellings;
- b. Farm buildings, including barns, silos, sheds or housing for farm equipment and livestock, provided such structures are designed to be occupied by no more than 10 persons; or
- c. Any alteration, renovation or remodeling of a structure when such alteration, renovation or remodeling does not affect structural or other safety features of the structure and when the work contemplated by the design does not require the issuance of a permit under applicable building codes;"

It is my understanding that exemption (a.) excludes all residential buildings except for apartments/condos. Exemption (b.) excludes all farm and farm related operations except for ones operating solely as a commercial endeavor. Exemption (c.) would be an existing commercial project that had a tenant move out and a new tenant move in that is the same occupancy and doesn't do any work where the County would require a new permit.

Please contact me with any concerns or comments you may have.



ORDINANCE NO. _____

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.

WHEREAS, Sussex County Code, Chapter 52, Section 52-18C. currently does not require that building plans be sealed by a registered or licensed architect or engineer unless the building or structure is 5,000 square feet or greater in size; and

WHEREAS, Sussex County Code, Chapter 52, Section 52-18E. provides that plans and specifications for buildings and structures less than 5,000 square feet in area shall not be required to be developed by an architect or engineer; and

WHEREAS, in order to be in compliance with the Delaware Code, this ordinance shall delete the current language of Section 52-18C. in its entirety and insert new language therein that all building plans and accompanying documents shall meet the requirements of the Delaware Code and shall be sealed by an architect or engineer who is in compliance with the registration and/or licensing provisions of the Delaware Code pertaining to the respective profession; and

WHEREAS, Section 52-18E. shall be deleted in its entirety.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 52, Section 52-18C., Drawing and specifications, by deleting the current language in its entirety and as shown in brackets below:

- [C. All drawings, specifications and accompanying data shall bear the name and address of the designer. In the case of buildings or structures of Group E – Educational, Group I – Institutional, and Group A – Assembly Occupancy, as defined by and regulated by the IBC, and in the case of all buildings and structures of 5,000 square feet or more in area, such designer shall be an architect or engineer legally registered under the laws of any state in the United States regulating the practice of architecture and/or engineering and shall affix his official seal to said drawings, specifications and accompanying data.]

Section 2. Amend Sussex County Code, Chapter 52, Section 52-18C., Drawing and specifications, by inserting the new underlined language as follows:

C. All drawings, specifications and accompanying data shall bear the name and address of the designer. All drawings, specifications and accompanying data submitted for review by the building official and any documents submitted to the building official with a permit application shall meet the requirements of the Delaware Code. Said drawings, specifications and accompanying data shall have affixed upon them the official seal of an architect and/or engineer, and no permit application will be approved unless, for plans sealed by an architect, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications and accompanying data, in compliance with the registration provisions of 24 Del. C. Ch. 3 or, for plans sealed by an engineer, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications and accompanying data, in compliance with the licensing requirement of 24 Del. C. Ch. 28.

Section 3. Amend Sussex County Code, Chapter 52, Section 52-18E., Drawing and specifications, by deleting the current language in its entirety and as shown in brackets below:

[E. Nothing in this section is to be construed as a requirement that an architect or engineer is required to develop drawings and/or specifications of less than five thousand (5,000) square feet in area.]

Section 4. Effective Date. This Ordinance shall become effective on January 1, 2013.

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.

Deleted text is shown in brackets. Additional text is underlined.

PINETOWN CIVIC ASSOCIATION

December 11, 2012

Ms. Susan M. Webb, CPA Finance Director
Sussex County Administrative Office Building
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RE: Sussex County Human Service Grants Funds for Pinetown Civic Association (2872866)

Dear Ms. Webb,

Pinetown Civic Association is a non-profit organization, serve an unincorporated community located in Lewes, Delaware. The Civic Association's mission is to change the mind-set of the families and help them be move toward self-sufficiency and provide a positive learning environment for our youth. The community is a low-income with maturity of the community we senior citizens.

The Civic Association has been existence since 1986. The After School Enrichment Program has been in operation for fifteen (15) years with 10 to 12 youth in attendance.


The After School Enrichment Program will be hosting educational programs such as Homework Power Hour, life skills workshops, special learning projects, nutritional training, and Science 4-H projects. Our focus is sustaining the internet service for the program to assist the youth in looking up information to assist them in their homework projects.

We are requesting \$600.00 assistance, which will for internet service for 12 months. We rely on your support to keep the internet services until we can gain more funding to offset program operation.

This After School Program is being structured by the Civic Association of Pinetown with technical assistance from First State Community Action Agency's Community Development Specialist, Mrs. Michelle A. Johnson. If you have any questions, please feel free to contact Mrs. Johnson at 302-856-7761 ext. 111.

We appreciate any assistance and want to thank you in advance for your time.

Respectfully,



Betty Washington, President

LAUREL LITTLE LEAGUE

P.O. Box 207

Laurel, DE 19956

The Laurel Little League is currently soliciting donations for the 2013 Little League season.

Anything the Sussex County Council can contribute will help us fulfill our goals, we appreciate greatly what you have contributed in the past and we look forward to making the ballpark a great place for the members of our community to attend and a wonderful place for our youth to participate in the Little League Program.

If you have any questions, please contact John Ward @ 302-542-0362.

Thank You,

Laurel Little League

MOUNT JOY CIVIC ASSOCIATION

November 26, 2012

Councilwoman Joan Deaver
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RE: Mt. Joy Civic Association (26-3690303)

Dear Councilwoman Deaver:

Mt. Joy Civic Association's mission is to "bring the community together as a whole in order to provide a safe and healthy environment for the children and families of the community". Our organization is designed to our community to be more self-sufficient. Mt. Joy Civic Association in partnership with First State Community Action Agency would like to host a holiday event in the community for the youth. This event will be a Christmas giveaway to youth of Mt. Joy. We would like to host a Secret Santa Workshop. We are requesting a monetary gift of \$700.00. Your donation will be utilized to purchase the following items:

Gifts
Coats
Shoes
Blankets
Can foods

This event will be structured by Mt Joy Civic Association with technical assistance from Mrs. Michelle Johnson, Community Development Specialist. Please feel free to contact her with your decision or if you have any questions or concerns at 302-856-7761 ext. 111 or President, Thomas Sturgis at 302-381-9791. We appreciate any assistance you can give us to make this happen for the community. Thank you in advance for your time and interest in this matter.

Respectfully,

Apostle Thomas Sturgis
Apostle Thomas Sturgis
President

Mount Joy Civic
Association
25965 Oak Street
Millsboro, DE 19966

Phone: 302-381-9791

Board of Directors

President

*Apostle Thomas
Sturgis*

Vice President

Rev. Fred Hopkins

Treasurer

Wanda Hopkins

Secretary

Helena Harmon

Assistant Secretary

Angela Sample

Sergeant at Arms

Rodney Nocks

Sergeant at Arms

John Bradley

Chaplin

Sarah Mifflin

Committee leader

Lovey Hopkins

Assistant Committee

Leader

Barbra Bailey

clear space theatre company



November 23, 2012

Your support is truly appreciated
Ky

Dear Friend of Clear Space:

As a long term and loyal supporter of Clear Space we are pleased to share with you some exciting news about the company.

The Delaware Division of the Arts (DDOA) has awarded Clear Space a grant of \$40,000 to hire an interim executive director. The DDOA values the contributions Clear Space makes to the community and this grant will enable us to hire a recognized professional to lead Clear Space into the future. However, one of the conditions of the grant is that we raise matching funds to be used for programming and development - areas which every non-profit organization depends upon for support from the community.

To match the grant means we need your continued and enthusiastic support to move forward and build on what we have already accomplished. In eight years we have grown from offering a few acting classes to having our own facility, producing eight main-stage shows every season, and providing arts education classes for performers of all ages through our Arts Institute for which we receive continued praise from students, parents and the community at large. During this time we have become the largest non-profit arts organization in Sussex County.

Consider what Clear Space has done this year alone - productions of BLITHE SPIRIT, CABARET, ANNIE, SHIRLEY VALENTINE, as well as entertainment unique to our region, shows like BROADWAY AT THE BEACH, and THE GRIMM TRAIL. We are also bringing a brand new musical to the stage - A CHRISTMAS CAROL - to inaugurate the 2012 holiday season featuring a large cast of local talent. Clear Space ends their season with the 3rd annual New Year's Eve celebration - SHOWSTOPPERS.

Plans are already well underway for a terrific 2013 season - Agatha Christie's THE MOUSETRAP, Stephen Sondheim's A LITTLE NIGHT MUSIC, Dolly Parton's 9 TO 5: The Musical, LA CAGE AUX FOLLES, THE SOUND OF MUSIC and more.

Thanks to this DDOA grant, and your support in helping us match the grant, we have the opportunity to move forward in exciting new ways.

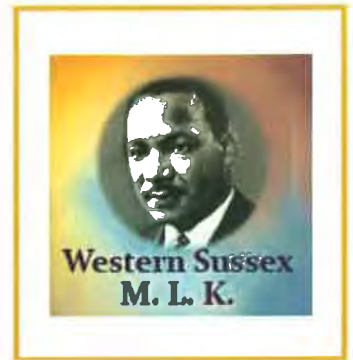
We thank you for joining us in this initiative and ask that you use the enclosed envelope to send your contribution and donor card. Working together will guarantee that Clear Space will continue to bring professional theater and high-quality arts education to our community.

See you at the theater!

Kay Ryan, Chair
Board of Directors

Doug Yetter
Artistic Director

Pat Jones
P. O. Box 687
Seaford, DE 19973
December 3, 2012



Dear *Sussex County Council*

Each January, Americans of diverse backgrounds gather to remember Rev. Martin Luther King, Jr. and his commitment to human rights and non-violence.

The Western Sussex M. L. K. "Rise-N-Shine" Prayer Breakfast is such an occasion.

The 2013 theme is "Everybody Can Be Great, Because Anybody Can Serve".

We come together in fellowship and give special recognition to those who serve their communities. This year we will say, "Thank You" to an extraordinary Eastern Shore resident, the 2013 recipient of our Community Recognition Award, Mr. John Hollis - who has devoted over 30 years of remarkable service.

Your support of this event with a financial contribution of \$500 or more (GOLD), \$250 (SILVER) and \$150 (BRONZE) is important. Your contribution entitles your business or organization to advertising space in our beautiful event program as well as branded placement on our website. GOLD and SILVER sponsorships include reserved seating at this extraordinary event (GOLD / tickets for 8 guests; SILVER / tickets for 4 guests), which takes place at the Heritage Shores Golf and Country Club in Bridgeville, Delaware! In kind sponsors are also listed in our program and on our website.

The keynote speaker this year is Dr. Shawn Joseph, Seaford School District's Superintendent, educator, and author.

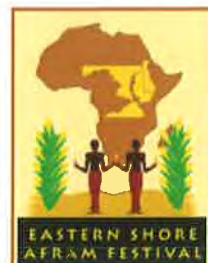
For more information, please visit: <http://www.easternshoreafram.org/MLKPrayerBreakfast.php>;
Call 302-628-1908, or email CouncilwomanPJ@comcast.net.

Sincerely,

A handwritten signature in black ink that reads "Pat A. Jones".

Pat Andrews Jones

2013 EVENT HOST:
Eastern Shore AFRAM Festival Committee
and the MLK "Dream Team"





Delaware ENVIROTHON™
c/o Delaware Association of Conservation Districts
P.O. Box 242
Dover, Delaware 19903-0242
Phone: (302) 741-2600 Fax: (302) 741-0347
Website: www.delawareenvirothon.org

December 21, 2012

Michael Vincent
Sussex County Council
P. O. Box 589
Georgetown, DE 19947

Dear Mr. Vincent:

The 18th season of the Delaware Envirothon has begun. We are excited to be able to train teachers, volunteers, and students in the areas of aquatic ecology, forestry, soils/land-use, wildlife, air quality, and public speaking. The current environmental issue for the 2013 challenge will be "Pastureland Management." The location for the 2012 competition has not yet been finalized; however, we would like for you to mark Thursday, April 25, on your calendar and plan to join us for the awards program. We continue to have Delaware FFA and 4-H teams participate, and this year we are excited to be working with a new team from Glasgow High School. Even more exciting is the fact that the Glasgow team is being led by a former Delaware Envirothon participant.

We are again asking for your support in continuing this outstanding environmental education program. The Delaware Envirothon is sponsored by the Delaware Association of Conservation Districts (DACD) and overseen by a statewide planning committee of natural resource and conservation professionals. DACD is a 501(c)(3) non-profit organization. **Please give us your support by filling out and submitting the form in the enclosed sponsor brochure. If needed, the DACD non-profit tax identification number is 51-0331688.**

The continued support of our financial sponsors enables us to provide training throughout the year, hold the annual Delaware Envirothon competition and send our state champions to represent Delaware in the North American Envirothon competition held each summer. The 2012 Delaware Envirothon champions from the Charter School of Wilmington came in ninth place out of more than 50 teams from the United States and Canada at the 2012 Canon Envirothon held this past July at Susquehanna University in Selinsgrove, PA. Over the past few years Delaware has placed in the top ten, including winning the competition in 2008.

We look forward to hearing from you and thank you on behalf of the following schools/groups who we expect to participate in the 2013 Delaware Envirothon: A.I. DuPont High School, Charter School of Wilmington, Hodgson Vo-Tech High School, St. Elizabeth High School, Glasgow High School, Caesar Rodney High School, Polytech High School, Sussex Technical High School, Appoquinimink High School, Smyrna High School, Milford High School, and Lake Forest High School. Many students who have participated in the Envirothon have completed higher education and pursued natural resource careers. With your support we can continue to inspire these future leaders!

A copy of our 2012 annual report is included for your review. For more information about this wonderful environmental education program you can access our website at www.delawareenvirothon.org or you can call me at 302-739-9135.

Sincerely,

Michelle Jacobs
Chairwoman

Enclosure



ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR RENTAL AND PERSONAL STORAGE UNITS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.148 ACRES, MORE OR LESS

WHEREAS, on the 28th day of December 2012, a conditional use application, denominated Conditional Use No. 1957 was filed on behalf of George R. and Sandra L. Van Fleet; and

WHEREAS, on the ____ day of _____ 2013, 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. 1957 be _____; and

WHEREAS, on the ____ day of _____ 2013, 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. 1957 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying south of Route 54 1,550 feet northeast of Road 387 (Hudson Road) and being more particularly described in Deed Book 2287, Page 184 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.148 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.