



Sussex County Council Public/Media Packet

**MEETING:
February 11, 2014**

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



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Sussex County Council

AGENDA

FEBRUARY 11, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Discussion of Planning & Zoning Process
2. Administrator's Report

Gina Jennings, Finance Director

1. Insurance Procurement Process
2. Financial Report for the Second Quarter ending December 31, 2013

Julie Cooper, Project Engineer

1. Greenwood Library, SC Project 07-05
 - A. Change Order No. 5

10:30 A.M. – Public Hearing

Community Development Block Grants



Grant Requests

1. Indian River High School for IR Soccer Boosters to purchase championship rings.
2. Town of Georgetown for purchase or construction of a stage.
3. Town of Laurel for Laurel Heritage Museum building repairs.

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

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 February 4, 2014 at 5:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 4, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 4, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

Mr. Wilson was absent as he was attending a conference in California.

**Call to
Order**

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

Mr. Vincent called the meeting to order.

**M 063 14
Amend
and
Approve
Agenda**

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

Motion Adopted: 4 Yeas, 1 Absent.

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

Minutes

The minutes of January 28, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**FOOD BANK OF DELAWARE, MILFORD, DELAWARE.
RE: Letter in appreciation of Council's grant.**

**CNS, INC. (COMMERCIAL NEWSPAPER SERVICE), NAMPA, IDAHO.
RE: Letter in appreciation of Council's sponsorship of Sussex Technical High School's sports poster.**

**COVERDALE CROSSROADS COMMUNITY COUNCIL, BRIDGEVILLE,
DELAWARE.
RE: Letter in appreciation of Council's grant.**

**THE ARC OF DELAWARE, WILMINGTON, DELAWARE.
RE: Letter in appreciation of Council's grant.**

**Corre-
spondence
(continued)**

**COMMUNITY FOOD PANTRY, SELBYVILLE, DELAWARE.
RE: Letter in appreciation of Council's grant.**

Mrs. Deaver shared the following correspondence:

**JIM AND ELAINE FUNK, PORT LEWES UNIT OWNERS IN LEWES.
RE: A copy of a letter sent to the Delaware Office Alcoholic Beverage Control
Commissioner regarding opposition to a variance which would allow live
amplified entertainment on the Delaware River Bay Authority's patio where
alcoholic beverages may be present.**

**Recogni-
tion of
Caroling
on The
Circle
Food Drive
Participants**

**The Council recognized the following participants that helped the County in
the Caroling on The Circle Food Drive for 2013.**

Colonial East, L.P.	1,200 items
Long Neck Elementary School	1,206 items
Fuqua, Yori and Willard	1,250 items
Milton Elementary School	2,160 items
First State Manufactured Housing Association of Delaware	2,500 items
Delaware Manufactured Home Owners Association	3,034 items
PATS Aircraft Systems, LLC	9,005 items
Beacon Middle School	600 items
Georgetown Elementary School	500 items
Georgetown Middle School	650 items
H. O. Brittingham Elementary School	730 items
Little Einstein Preschool	275 items
Mariner Middle School	530 items
Millsboro Middle School	575 items
Sussex County Association of REALTORS®	850 items

**Mr. Lawson recognized Mark Roethel for donating the pod that is used for
storing the food items as they are collected during the month of December.**

(continued) Mr. Lawson announced that 27,888 items of food were raised for the food pantries.

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

trator's
Report

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

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will hold a special meeting on Tuesday, February 11, at 9:30 a.m. at the Sussex County West Administrative Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

2. Delaware State Police Activity Report – December 2013

Per the attached Delaware State Police activity report for December, there were 3,443 total traffic arrests and 1,286 total criminal arrests. Of that 1,286, 484 were felony and 802 were misdemeanor criminal arrests. Of the total hours on duty spent, 41 percent were spent on criminal investigations.

3. Sussex County Emergency Operations Center Call Statistics – December 2013 and Year-End Totals

Attached please find the call statistics for the Fire and Ambulance Callboard for the month of December and 2013 overall. There were 13,186 total calls handled in the month of December. Of those 9-1-1 calls in December, 77 percent were made from wireless phones.

In 2013, there was a small decrease in the number of 9-1-1 calls handled, as opposed to an increase in the number of incidents dispatched. 9-1-1 calls decreased from 107,388 in 2012 to 106,058 in 2013, but the number of cellular generated 9-1-1 calls increased from 81,211 in 2012 to 81,777 in 2013.

Total incidents dispatched increased from 29,350 in 2012 to 30,148 in 2013. Of the 30,148 incidents dispatched, 4,638 were fire incidents and 25,510 were EMS incidents.

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

Legislative
Update

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

Senate Bill No. 6 – “AN ACT TO AMEND TITLE 19 OF THE DELAWARE CODE RELATING TO THE MINIMUM WAGE”.

**Legislative
Update
(continued)**

Synopsis: This Act would increase the minimum wage to not less than \$8.00 per hour effective July 1, 2013, and not less than \$8.75 per hour effective July 1, 2014. If the federal minimum wage becomes higher than the Delaware minimum wage, the Delaware minimum wage would increase by \$1.00 above the federal minimum wage. In addition, effective July 1, 2014, the minimum wage would increase by a percentage equal to the percentage of Cost of Living Adjustment (COLA) as determined periodically under the federal Social Security Act, with the increase in the hourly rate being effective 90 days after the effective date of the corresponding increase in federal Social Security benefits.

This Bill was signed into law by the Governor on January 30, 2014.

House Bill No. 167 – “AN ACT TO AMEND TITLES 19 AND 29 OF THE DELAWARE CODE WITH REGARD TO EMPLOYMENT PRACTICES” (also known as “ban the box” bill)

Synopsis: This Bill would prohibit a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It would permit inquiry and consideration of criminal background after the conditional offer has been made. The Bill specifies that once a background check is conducted, an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background check. Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are excluded from these provisions. The Bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.

This Bill has passed the House and is currently assigned to the Senate Industrial Relations Committee.

Karen Brewington, Director of Human Resources, advised that this is the same practice that the County currently follows. She explained that for anyone that an offer of employment is extended to, there is a condition of employment pending a criminal background check and a drug and alcohol test.

Mrs. Brewington stated that she met with Mr. Lawson and Mr. Godwin and they discussed the proposed legislation and that their recommendation is that the County is in favor of this Bill as it relates to not disqualify a person from applying for a position or interviewing for a position (if they qualify for that position). However, it is their recommendation to strike the language in the legislation that relates to the 10 year and 5 year time periods.

**Legislative
Update
(continued)**

The Council stated its position to oppose the proposed legislation; however, it was noted that, if Mr. Godwin sees the legislation is moving forward, the Council supports an amendment to the Bill removing the 10 year and 5 year restrictions.

Senate Bill No. 159 – “AN ACT TO AMEND TITLE 17 OF THE DELAWARE CODE RELATING TO OUTDOOR ADVERTISING AND SIGNAGE”

Synopsis: This legislation provides clarification with respect to the placement, installation and maintenance of gateway signs to boundaries of political subdivisions and established non-incorporated areas of the State. (Signs would be put up by DeIDOT.)

This Bill has passed the Senate.

Lawrence Lank, Director of Planning and Zoning, stated that he does not have a problem with the proposal.

House Bill No. 243 – “AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO AGRICULTURAL LEASES”

Synopsis: Currently possession actions involving rental of residential or commercial property fall within the exclusive jurisdiction of the Justice of the Peace Court. There is no clear statement of jurisdiction for agricultural leases, though the possession issues are similar. This legislation provides that the Justice of the Peace Court has exclusive jurisdiction over agricultural lease matters and requires that service of process for any such action shall be provided by either personal service or certified mail, return receipt requested.

Mr. Godwin noted that this legislation will place agricultural leases under the Justice of the Peace Court where all other leases are.

House Bill No. 159 – “AN ACT TO AMEND TITLE 15 OF THE DELAWARE CODE RELATING TO ELECTIONS”

Synopsis: This Bill prohibits a person from running as a candidate for more than one state, county or municipal office in the same election.

At the January 28th Council meeting, it was the consensus of the majority of the Council members to support this legislation.

This Bill has passed the House and was released from the Senate Administrative Services Committee on January 30th.

Legislative Update (continued) Mr. Godwin advised that the General Assembly is now out of session until March 18th.

Mr. Godwin reported that on Tuesday, February 11th, he will be attending the Wetlands Advisory Committee meeting.

Wastewater Agreement Mr. Godwin presented a wastewater agreement for consideration.

M 064 14 Execute Wastewater Agreement A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 733-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Tyre Farm, LLC, for wastewater facilities to be constructed in Barrington Park – Phase 3 (AKA – Coventry at Barrington Park), located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

Rules Mr. Moore read the rules of procedure of zoning hearings.

Public Hearing/ C/U No. 1975 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 AUTO REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Conditional Use No. 1975) filed on behalf of Ronald and Susan Berwick. (Tax Map I.D. 3-30-15.00-20.01)

The Planning and Zoning Commission held a Public Hearing on this application on January 9, 2014 at which time action was deferred. On January 23, 2014, the Commission recommended that the application be approved with 11 conditions.

(See the minutes of the Planning and Zoning Commission dated January 9 and 23, 2014.)

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

The Council found that the applicants, Ronald and Susan Berwick, were in attendance. Mr. Berwick stated that they are trying to lease the property out and their lessee may be interested in buying it; that they are trying to get their estate in order; that the lessee wishes to lease the property for an

**Public
Hearing/
C/U
No. 1975
(continued)**

auto mechanic shop; that they have a lease with the lessee with a condition that the Conditional Use is approved; and that the site was previously the site of an auto repair shop with a few cars for sale.

Ed Rothling (Lessee) of Milton stated that he is interested in a used car sales and mechanic business; that there may be 15 cars or less; and that any noise will be for the compressor and contained within the building;

Mr. Cole expressed concern with the number of cars (up to 15) that may be placed on the site for sale.

In response to questions, Mr. Lank stated that the Code requires that the display of vehicles will be at least 25 feet from the property line; that the display area does not have to be paved; and that the driveway/parking area for the shop will have to be paved if required customer parking exceeds 10 vehicles.

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

**M 065 14
Adopt
Ordinance
No. 2336
(C/U
No. 1975)**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Ordinance No. 2336 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO REPAIR AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES, MORE OR LESS” (Conditional Use No. 1975) filed on behalf of Ronald and Susan Berwick, with the following conditions:

- A. The hours of operation shall be from 8:00 a.m. to 6:00 p.m. Monday through Saturday.**
- B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
- C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.**
- D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.**
- E. All repairs shall be performed indoors. No automobile parts shall be stored outside.**
- F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.**
- G. No more than 15 cars shall be displayed for sale on the site at any one time. No more than 5 additional vehicles may be parked outside the building in preparation for the sales lot.**
- H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.**
- I. No more than 5 vehicles waiting for service or parts may be parked outside.**

**M 065 14
Adopt
Ordinance
No. 2336
(C/U
No. 1975)
(continued)**

J. The site shall be subject to all DelDOT entrance and roadway requirements.

K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 4 Yeas, 1 Absent.

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

**IBRWF
Expansion
Phase 2B/
Solids
Handling
Rebid/
Contract
12-17**

Michael Izzo, County Engineer, presented the bid results and the proposed bid award for the Inland Bays Regional Wastewater Facility Expansion (IBRWF) Phase 2B, Solids Handling Rebid, Contract 12-17. He explained that this is for the scope of work which will start the process of constructing new sludge handling facilities; this is the first step of moving towards a Class A sludge. Currently, it is a liquid sludge at the Inland Bays facility and they want to move to a dry sludge.

Mr. Izzo reported that bids were originally opened on June 19, 2013 but due to higher than expected costs, all bids were rejected at that time. The Council gave the Engineering Department direction to take steps to increase the bidder pool since only two bids were received. To that end, the Department reached out to approximately 20 general contractors. Additionally, the Department met with the two contractors who originally bid the project and as a result, the County received a number of value engineering proposals. By incorporating those suggestions into the bid package, a reduction of \$122,000 was received compared to previous bids.

Mr. Izzo noted that only 2 bids were received when the project was rebid:

Bearing Construction, Inc. Sudlersville, Maryland	\$3,017,850.00
Daisy Construction Newport, Delaware	\$3,407,850.00

(The previous low bid was \$3,140,450.00.)

Mr. Izzo noted that although only two bids were received, five packets were picked up. He also noted that two of the companies (JJID and Daisey) combined their bid. Mr. Izzo reported that JJID had bid the project back in June and the combination of them going together was \$300,000 higher than what they bid in June.

Mr. Phillips questioned the fact that the Engineer's Estimate was not listed on the Bid Results information sheet. In response to the question, Mr. Izzo stated that the Engineer's Estimate for the project is \$2,750,000.00.

**IBRWF
Expansion/
Phase 2B
Solids
Handling
Rebid/
Contract
12-17
(continued)**

Mr. Izzo noted that the County has \$850,000 in USDA grant funding that can be used towards the project; however, the funding must be expended by September 30, 2014.

Mr. Phillips questioned the delay in rebidding the project; questioned why the project is now a rush; stated that there are still contractors that wish to bid on the contract; stated that the engineer's estimate was not previously provided which is a staple of bids that Council considers; stated that the estimate is conveniently missing this time; expressed concern that the project came in at \$250,000.00 over the Engineer's Estimate and therefore, it seems it would be worth the effort to rebid the contract; and questioned the new information regarding the JJID and Daisey bids (first bid process).

Mr. Izzo responded that a flexible start date was set up for the contractors; that Bearing said that they would be ready to start on May 1st; that there was not a rush to award the project; that the Engineering Department would like to start getting organized for the project especially since they have met with USDA regarding the grant funding and its expiration date; that he did provide information relative to the previous bid; that he would be sure to provide the engineer's estimate in future bid results; and he questioned who the interested contractor is. Mr. Izzo stated that his recommendation is to award the contract. He noted that if the Council wishes, the contract can be rebid.

That there are limited times during the year when liquid sludge can be applied.

Mrs. Deaver stated for the record that she objects to Mr. Phillips' comments to the County Engineer that the engineer's estimate was conveniently missing.

**M 066 14
Award
Bid/
IBRWF
Expansion/
Phase 2B/
Solids
Handling
Rebid**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, that Sussex County Project 12-17, Inland Bays Regional Wastewater Facility Expansion, Phase 2B, Solids Handling Rebid, be awarded to Bearing Construction at the base bid amount of \$3,017,850.00 pending funding agency approval.

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

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

**Angola
North
Expansion
Area
Extension**

John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the Angola North Expansion Area. The Engineering Department recently completed a planning study for the area based on a Resolution that was presented and approved by the County Council on May 25, 2010, where they used a planning study grant from the then Cleanwater

of the
Angola
North
Expansion
Area
(continued)

Advisory Council and contracted with CABA Associates to complete the plan. The plan has been reviewed and there are multiple projects in the area in various stages of design, i.e. Pelican Landing and the Boat Hole at Love Creek; there is also an existing commercial parcel which is Peddlers Village that is interested in a regional option for dealing with their future wastewater disposal needs. In addition, the Engineering Department has received a request from the existing subdivision known as Love Creek Woods for the County to explore the cost and possibility of providing County sewer service for their community. Additionally, the Department has had several inquiries throughout the years for Fox Hollow and some reports of failing septic systems there. Mr. Ashman stated that, with Council's approval, a Public Hearing will be scheduled.

M 067 14
Prepare
and Post
Notices/
Extension
of the
Angola
North
Expansion
Area

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Angola Neck Sanitary Sewer District to include the area known as Angola North, as presented.

Motion Adopted: 4 Yeas, 1 Absent.

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

Goslee
Creek
Planning
Study
Grant

John Ashman, Director of Utility Planning, presented a request to submit a Regional Wastewater Planning Area Grant application to the Water Infrastructure Advisory Council to assist in funding the Goslee Creek Planning Study. Mr. Ashman stated that, as presented on January 14th, there are multiple projects in the area in various stages of design that are interested in a regional option of dealing with their future wastewater and treatment and disposal. Mr. Ashman noted that the County Council approved the proposal from Whitman, Requardt & Associates in the amount of \$167,215.00 to perform the planning study as part of the North Coastal Contract and the study will confirm the size of the drainage basin, what new projects and/or existing homes can be served and how they can be served, and includes a plan for how these parcels will be served with estimated costs for the infrastructure to provide that service. The grant monies that they would be applying for are based on a 50 percent match; the maximum is \$150,000. Mr. Ashman noted that the Department is applying for \$83,607.50.

M 068 14
Adopt
R 001 14
Grant
Request/
Goslee
Creek
M 068 14

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Resolution No. R 001 14 entitled "A RESOLUTION TO SUBMIT A REQUEST FOR A REGIONAL WASTEWATER PLANNING GRANT TO THE WATER INFRASTRUCTURE ADVISORY COUNCIL FOR MATCHING FUNDS TO FINANCE A PLANNING STUDY FOR THE GOSLEE CREEK PLANNING AREA".

Motion Adopted: 4 Yeas, 1 Absent.

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

**Potential
Closure of
FAA
Navigation
Aid**

Jim Hickin, Airport Manager, updated the Council on a FAA proposal to decommission a navigation aid used by the Sussex County Airport which he believes will have a negative impact on the airport. He stated that the FAA owns and operates the Waterloo VOR, a ground based navigation aid (a radio transmitter) located in the Broadkill Beach area. The facility has structural problems caused by recent flooding and the FAA would like to close it for financial reasons. However, the VOR provides navigation guidance for instrument approaches to the County Airport's main runway. These approach procedures would go away and pilots would be required to use the satellite-based approaches (GPS) to the runway. Unfortunately, not all aircraft have GPS capability. These aircraft would not be able to land at the airport during low visibility conditions.

Mr. Hickin noted that there is a consensus of the Airport Advisory Committee to oppose the closure.

The FAA is asking the public for comments regarding the proposed closure; comments are due by Friday, February 14th. Mr. Hickin stated that he has prepared a letter of response and that the proposed letter was included in Council's packets. He stated that the letter will be mailed unless the Council directs otherwise.

The Council agreed that letters should also be sent to the County's congressional delegation to solicit their help and support and to let them know the importance of this issue and the impact it would have on the County's Airport.

Mr. Cole suggested that the County find out additional information including what the costs are and that possibly, the County may be able to find some funding to repair/maintain the VOR.

Mr. Phillips left the room and did not participate in the Old Business portion of the Agenda.

**Old
Business
(C/Z
No. 1739)**

Under Old Business, the Council considered the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,150 SQUARE FEET, MORE OR LESS" (Change of Zone No. 1739) filed on behalf of Vance Phillips (Tax Map I.D. 3-32-1.08-39.00).

**Old
Business
(C/Z
No. 1739)
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on December 12, 2013 at which time action was deferred. On January 9, 2014, the Commission recommended that the application be approved. (Commissioner Ross did not participate in the Public Hearing or the vote on the application.)

The County Council held a Public Hearing on this application on January 7, 2014 at which time action was deferred pending a recommendation from the Commission.

The Council discussed the application.

**M 069 14
Adopt
Ordinance
No. 2337
(C/Z
No. 1739)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2337 entitled AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 16,150 SQUARE FEET, MORE OR LESS” (Change of Zone No. 1739) filed on behalf of Vance Phillips.

Motion Adopted: 3 Yeas, 2 Absent.

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

Mr. Phillips rejoined the meeting.

**Grant
Requests**

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

**Request
for Funding
for
Displaced
Seniors**

Mrs. Jennings reported on the first request; a request for funds to help low income seniors that have been displaced from their homes. The total cost for relocation, transitional housing, utilities and replacement of lost possessions is expected to exceed \$40,000. The grant request is for \$15,000. Susan Kent from Love, Inc. of Mid-Delmarva and Amy Walls from Discover Bank were in attendance to provide information on the request. On January 21st, eighteen residents of Hampton Circle, an affordable senior rental housing development in Seaford, were forced from their homes due to a small fire and water damage to their units from the sprinkler system. Many community partners and stakeholders have come together to meet the critical housing needs of this vulnerable group.

**M 070 14
Emergency
Housing
Fund
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$15,000.00 from the County’s Emergency Housing Fund to Love, Inc. of Mid-Delmarva for emergency transitional housing expenses.

Motion Adopted: 4 Yeas, 1 Absent.

**M 071 14
(continued)** **Vote by Roll Call:** **Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Absent;
Mr. Vincent, Yea**

**M 072 14
Council-
manic
Grant** **A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00
(\$375.00 from Mr. Wilson’s Councilmanic Grant Account and \$125.00 from
Mr. Phillips’ Councilmanic Grant Account) to New Coverdale Outreach
Mission for building repairs.**

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

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

**M 073 14
Council-
manic
Grant** **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00
(\$100.00 from each Councilmanic Grant Account) to Big Brothers Big
Sisters of Delaware for Bowl for Kids’ Sake.**

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

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

**Additional
Business** **Under Additional Business, Dan Kramer of Greenwood commented on
Council’s grants to churches.**

**Mrs. Deaver asked that the following be placed on the next Council agenda:
Planning and Zoning process.**

**Mr. Cole asked who the contact would be for calls regarding funding for
temporary housing for the homeless. It was noted that, although the
Community Development and Housing Department is primarily for housing
rehabilitation, calls can be directed to that office.**

**M 073 14
Recess
and Go
Into
Executive
Session** **At 11:49 a.m., a Motion was made by Mr. Phillips, seconded by Mrs.
Deaver, to recess and go into Executive Session for the purpose of discussing
issues relating to pending/potential litigation and land acquisition.**

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

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

**Executive
Session** **At 11:56 a.m., an Executive Session of the Sussex County Council was held
in the Council’s Caucus Room to discuss issues relating to pending/potential
litigation and land acquisition.**

The Executive Session concluded at 12:10 p.m.

M 074 14
Reconvene
Regular
Session

At 12:12 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: 4 Yeas, 1 Absent.

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

E/S
Action

Mr. Moore stated that, in Executive Session, the Council discussed litigation, land acquisition, legal strategies and updates.

M 075 14
Execute
Contract
for
Purchase
of Real
Estate

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to execute a contract with amendments for the purchase of real estate from Party “A”.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 076 14
Adjourn

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 12:19 p.m.

Motion Adopted: 4 Yeas, 1 Absent.

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

Respectfully submitted,

Robin A. Griffith
Clerk of the Council

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F

gjennings@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM:

TO: The Honorable Michael H. Vincent
President, Sussex County Council

The Honorable Samuel R. Wilson, Jr.
Vice President, Sussex County Council

The Honorable George B. Cole
Sussex County Councilman

The Honorable Joan R. Deaver
Sussex County Councilwoman

The Honorable Vance Phillips
Sussex County Councilman

FROM: Gina A. Jennings
Finance Director

RE: **COUNTY INSURANCE PROCUREMENT PROCESS**

DATE: February 7, 2014

At the February 11, 2014 Council meeting, I will be discussing the timing and process of our insurance procurement and the role our consultant plays in our insurance needs. This will be “informational only” and no action is required by Council. The insurance bids will be brought back to Council for recommendation and approval in June.

Every three years, the County rebids its insurance package with the help of our consultant, Insurance Buyers’ Council, Inc. (IBC). This process includes our vast insurance needs that include: automobile, general liability, law enforcement, public officials, employment practices, workers compensation, umbrella, property, boiler & machinery, outfall pipeline, crime, and airport.

Our consultant will provide the following services so that the County may prepare a competitive proposal and make recommendation to Council:

1. Gather comprehensive property records and updated loss information
2. Prepare the RFP
3. Analyze the responses
4. Provide written analysis with coverage and cost comparisons
5. Make recommendations

If you have any concerns or questions, please call.

GAJ/nc



R. Scott Agar, CPCU, ARM
Vice President
Principal Consultant
tel: 410-666-0500 ext. 207
email: sagar@consultibc.com

January 16, 2014

Ms. Gina Jennings
Finance Director
Sussex County
Administrative Office Building
2 The Circle
P.O. Box 589
Georgetown, DE 19947

RE: IBC Services
Competitive Proposal Procedure

Dear Ms. Jennings:

Per our telephone conversation on Tuesday, we agreed to submit a proposal for conducting a competitive proposal procedure on the County's behalf. We have been conducting these procedures for Sussex County since 1983 and look forward to the opportunity to once again assist you.

We propose that this procedure consist of two projects. Due to the County's continued operational growth and changes, we are proposing to conduct a 1 day risk management audit of the County's exposures. The audit interviews assist us in keeping current with changes in the County's operations and exposures and serves to bring risk management into focus for County staff. As we use the information gathered in the audit not just for the management of the competitive proposal procedure, but any subsequent consulting work as well, we feel this should be a separate project in and of itself.

In the audit project, we will identify and analyze your property and liability insurable exposures to accomplish the following:

- A. Interviews with you and other personnel to update our records on your property and liability insurable exposures;
- B. Gather information to prepare comprehensive property and liability insurance specifications; and
- C. Discuss with you your goals and objectives for the competitive proposal procedure and your ongoing risk management program.

We estimate that this will take 1 day on-site and one day of preparation. While it is anticipated that this will be conducted under our continuous service agreement currently in place, we would agree to limit the fee chargeable for this project to \$2,800 plus expenses outlined on Exhibit II. The audit fee in 2011 was \$2,725.

While a risk management audit is recommended, we do not require the audit be conducted in order to prepare the RFP. We can prepare the RFP based on information on file as well as the property, mobile equipment, auto and driver schedules referenced later in this proposal.

Once the audit is completed (or waived) we would commence the second phase, the competitive proposal procedure process. In this project, we will prepare a Request for Insurance Proposals (RFP), supervise the competitive quotation procedure and review the proposals.

In preparation of the RFP, we will contact your producer (Pratt) to obtain additional technical information concerning your policies including updated loss information. A draft RFP will then be prepared for your review and approval. Once approved, the RFP would be made available on the County's website to interested producers and insurers. The RFP will contain requests for alternate coverages, limits and retentions based on our exposure analysis and your needs and objectives.

Following the distribution of the RFP, we will recommend insurer assignments on your behalf, wherein each interested producer will be instructed to submit a producer questionnaire that lists, in order of preference, five insurers per line of coverage from which it intends to solicit proposals. Together with you, we will then assign insurers to the producers in as equitable a manner as possible, but at your sole discretion. This will preclude any one producer from monopolizing the property and liability insurance marketplace.

We will supervise the competitive quotation procedure from the standpoint of being available to answer any technical questions that may arise concerning the intent of the terms outlined in the RFP. The County will be responsible for coordinating insurer and producer on-site inspections and interviews, verification of underwriting data and completing all applications.

Following our review of all the proposals received, we will provide you with a written analysis together with coverage and cost comparison exhibits and specific recommendations concerning the placement of insurance to be effective July 1, 2014.

Our analysis of the quotations would be based on the following criteria:

- Scope of coverage;
- Insurer financial rating;
- Insurer, producer and (if applicable) third party administrator services; and
- Reasonably anticipated net cost.

We will then be available to personally discuss our recommendations with you and the County Council. Delivery and discussion of the recommendation letter and exhibits will complete the services to be performed under this project. Our timeline for the procedure is outlined in Exhibit II

I will be the Principal Consultant for both projects. Additional professional staff will be involved in the actual preparation of the RFP and the analysis of the proposals.

Our fee for the competitive proposal procedure in 2008 and 2011 were \$17,950 and \$19,600 respectively. However, in 2011 we were 50% over fee for the process due in part to multiple loss sensitive workers compensation rating plan proposals requiring more extensive cost estimate analysis, challenging loss experience and reduced involvement in the day to day insurance affairs of the County. In addition to loss sensitive workers compensation proposals, recent adverse loss experience for public officials' liability could further complicate our review. For these reasons, we are proposing a fee of \$25,500 for conducting the competitive proposal procedure process, plus any necessary expenses. Expenses that would be charged in addition to our professional fees are specified in Exhibit II.

This fee is contingent on utilizing the property statement of values, vehicle, mobile equipment and driver listings maintained by Ms. Barry and Ms. Thompson, as provided. It is also contingent on the RFP seeking proposals for your existing property and liability insurance, other than individual public official bonds. Adding coverages to the RFP may necessitate an additional fee. This fee does not include consideration of "self-insurance" of your workers compensation obligations (applying to the Department of Labor to be a self-

January 16, 2014
Page 3

insured) as this would require an increased fee. We propose that a portion of the fee would be billed monthly based on time incurred in the prior month, with any balance of the maximum billed at the completion of the project.

The proposed fee contemplates no more than five complete property and liability insurance proposals. In the event that more than five proposals are received, IBC reserves the right to charge for our analysis and recommendations concerning any proposals in excess of five at \$150 per hour. In the last three competitive proposal procedures, you have not received more than three complete submissions. We will contact you for prior approval before analyzing more than five proposals.

We certainly hope that our proposed terms are satisfactory to you. If you have any questions, please do not hesitate to contact us. We look forward to continuing our service on your behalf.

Very truly yours,

A handwritten signature in black ink, appearing to read 'R. Scott Agar', with a long horizontal stroke extending to the right.

R. Scott Agar, CPCU, ARM
Vice President, Principal Consultant

RSA/wrc

Encl.

cc: Louise Thompson
Adam P. Sielicki, Jr.

EXHIBIT I - PROPOSED TIMETABLE

TASK	DEADLINE
Conduct audit by:	ASAP
Prepare draft RFP by:	February 13, 2014 4
RFP Finalized by:	February 19, 2014
Request producer questionnaires by:	March 11, 2014
Allocate insurers:	March 14, 2014
Proposals due:	May 23, 2014
Analysis due:	June 13, 2014
Coverage bound no later than:	June 30, 2014
Coverage effective:	July 1, 2014

EXHIBIT II - SCHEDULE OF BILLABLE EXPENSES

In addition to the Professional Fees, the following expenses will be billed:

1. Automobile travel expenses incurred for trips beyond a thirty (30) mile radius of IBC's office (hereinafter referred to as the Metropolitan Baltimore Area) will be charged at the amount of the allowable business deduction permitted by the Internal Revenue Service, per mile actually traveled;
2. All toll and parking expenses incurred;
3. Other means of travel will be billed at the actual expenses incurred;
4. For each day which requires an overnight stay away from the Metropolitan Baltimore Area, a flat per diem charge of \$70, plus actual hotel expenses;
5. For each day at a location more than 75 miles away from the IBC's office, not requiring an overnight stay, a flat per diem charge of \$45;
6. Copying and related expenses for delivery of more than three reports and/or sets of specifications; and
7. Any other expenses incurred on behalf of the County, including but not limited to Federal Express, UPS, etc. Address.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

TO: The Honorable Michael H. Vincent
President, Sussex County Council

The Honorable Samuel R. Wilson, Jr.
Vice President, Sussex County Council

The Honorable George B. Cole
Sussex County Councilman

The Honorable Joan R. Deaver
Sussex County Councilwoman

The Honorable Vance Phillips
Sussex County Councilman

FROM: Gina A. Jennings
Finance Director

RE: **FINANCIAL REPORT FOR THE QUARTER ENDING
DECEMBER 31, 2013**

DATE: February 7, 2014

Attached is the unaudited Estimated Revenue and Expense Report for the quarter ending December 31, 2013, which I will be presenting to Council on Tuesday, February 11, 2014.

GAJ/kac

Attachment

Sussex County Council
Unaudited Revenue and Expense Report
As of December 31, 2013

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
REVENUES				
TAXES				
Property tax *	\$ 6,886,390.50	\$ 13,772,781.00	\$ 6,886,390.50	0.00%
TOTAL TAXES	6,886,390.50	13,772,781.00	6,886,390.50	0.00%
REALTY TRANSFER TAX	11,621,642.41	16,000,000.00	8,000,000.00	45.27%
SERVICES - BUILDING AND CONSTRUCTION				
Fire service fee (pass through)	637,873.40	900,000.00	450,000.00	41.75%
Building permit and zoning fee	826,969.31	1,315,000.00	657,500.00	25.77%
Building inspections	712,550.73	856,000.00	428,000.00	66.48%
Private road - review/inspection	140,495.08	250,000.00	125,000.00	12.40%
Water and sewer - review/inspection	-	4,400.00	2,200.00	-100.00%
Mobile home placement tax (pass through)	40,085.90	74,000.00	37,000.00	8.34%
TOTAL SERVICES - BUILDING AND CONSTRUCTION	2,357,974.42	3,399,400.00	1,699,700.00	38.73%
SERVICES - GOVERNMENTAL FEES				
General government fee (911 system fee)	279,818.28	559,630.00	279,815.00	0.00%
Dog licensing	19,074.45	72,000.00	36,000.00	-47.02%
Other department fees	29,838.19	20,000.00	10,000.00	198.38%
TOTAL SERVICES - GOVERNMENTAL FEES	328,730.92	651,630.00	325,815.00	0.89%
INTERGOVERNMENTAL				
Federal capital grants			-	100.00%
State operating grants	2,029,796.62	4,351,073.00	2,175,536.50	-6.70%
State capital grants	8,074.16	-	-	100.00%
Other grants			-	#DIV/0!
TOTAL INTERGOVERNMENTAL	2,465,616.65	6,386,223.00	3,193,111.50	-22.78%
CONSTITUTIONAL OFFICES				
Clerk of the peace	134,696.06	115,000.00	57,500.00	134.25%
Recorder of deeds	1,782,895.92	3,370,000.00	1,685,000.00	5.81%
Register of wills	413,722.22	1,000,000.00	500,000.00	-17.26%
Sheriff	1,296,087.51	2,010,000.00	1,005,000.00	28.96%
TOTAL CONSTITUTIONAL OFFICES	3,627,401.71	6,495,000.00	3,247,500.00	11.70%
RENT				
Airport fuel sales	4,500.33	17,000.00	8,500.00	-47.05%
Industrial airpark rent	312,025.79	411,032.00	205,516.00	51.83%
Land rent	5,156.67	3,710.00	1,855.00	177.99%
Emergency operations center (SUSCOM)	17,500.00	17,500.00	8,750.00	100.00%
Miscellaneous rentals	10,085.76	16,000.00	8,000.00	26.07%
TOTAL RENT	349,268.55	465,242.00	232,621.00	50.14%
MISCELLANEOUS				
Investment earnings	252,448.90	170,000.00	85,000.00	197.00%
Fines	11,870.60	24,000.00	12,000.00	-1.08%
Prothonotary	1,650.93	2,000.00	1,000.00	65.09%
Project income - community development	292,517.21	-	-	100.00%
Other charges	98,542.75	192,340.00	96,170.00	2.47%
Appropriated project reserves	-	2,278,232.00	1,139,116.00	0.00%
TOTAL MISCELLANEOUS	657,030.39	2,666,572.00	1,333,286.00	-50.72%
Transfers in from sewer and water	-	300,000.00	150,000.00	-100.00%
TOTAL REVENUES	\$ 28,294,055.55	\$ 50,136,848.00	\$ 25,068,424.00	12.87%
* Accruals				

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

Sussex County Council
Unaudited Revenue and Expense Report
As of December 31, 2013

EXPENDITURES	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
General Government				
County council	\$ 253,343.32	\$ 512,422.00	\$ 256,211.00	-1.12%
County administration	256,590.15	1,708,230.00	854,115.00	-69.96%
Legal	158,969.04	335,000.00	167,500.00	-5.09%
Finance	1,047,537.91	1,882,751.00	941,375.50	11.28%
Assessment	762,228.36	1,444,031.00	722,015.50	5.57%
Building code	289,927.27	633,517.00	316,758.50	-8.47%
Mapping	378,431.82	700,011.00	350,005.50	8.12%
Human resources	265,871.21	676,082.00	338,041.00	-21.35%
General employment and retirement	599,573.31	850,258.00	425,129.00	41.03%
Boards and Commissions	30,734.02	76,372.00	38,186.00	-19.51%
Building and grounds	559,957.90	1,361,318.00	680,659.00	-17.73%
Security	234,704.49	485,228.00	242,614.00	-3.26%
Data processing	154,974.89	350,482.00	175,241.00	-11.56%
Information Technology	560,997.32	1,152,777.00	576,388.50	-2.67%
Constable	113,540.46	247,251.00	123,625.50	-8.16%
Constable - dog control	308,539.27	721,991.00	360,995.50	-14.53%
Grant-in-aid programs	4,651,793.00	7,479,615.00	3,739,807.50	24.39%
Planning and zoning	549,421.93	1,223,945.00	611,972.50	-10.22%
Paramedic	6,722,932.82	13,416,335.00	6,708,167.50	0.22%
Emergency operations center administration	226,488.29	519,928.00	259,964.00	-12.88%
Emergency operations center dispatchers	1,217,371.47	2,059,850.00	1,029,925.00	18.20%
Communications	181,246.10	470,178.00	235,089.00	-22.90%
Local emergency plan program	38,990.81	82,506.00	41,253.00	-5.48%
Economic development	47,683.83	112,213.00	56,106.50	-15.01%
Industrial airpark	272,789.65	517,260.00	258,630.00	5.47%
Community development	692,851.40	2,109,959.00	1,054,979.50	-34.33%
Engineering - administration	588,788.20	1,245,957.00	622,978.50	-5.49%
Engineering - public works	312,347.08	568,835.00	284,417.50	9.82%
Engineering - solid waste	24,158.92	150,000.00	75,000.00	-67.79%
Records management	70,675.59	159,147.00	79,573.50	-11.18%
Library	1,934,215.20	3,929,012.00	1,964,506.00	-1.54%
Marriage Bureau	50,523.25	169,267.00	84,633.50	-40.30%
Recorder of deeds	519,603.98	1,147,759.00	573,879.50	-9.46%
Register of wills	250,844.38	491,531.00	245,765.50	2.07%
Sheriff	310,087.89	645,830.00	322,915.00	-3.97%
Interfund transfers	250,000.00	500,000.00	250,000.00	0.00%
TOTAL EXPENDITURES	24,888,734.53	50,136,848.00	25,068,424.00	-0.72%
EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES	3,405,321.02	-	-	

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.

Sussex County Council
Unaudited Revenue and Expense Report
As of December 31, 2013

	YTD Actual	Budgeted Amounts		% Over (Under) Budget YTD
		Annual	YTD	
CAPITAL IMPROVEMENT REVENUES				
Federal airport grant	1,071,720.93	2,803,500.00	1,401,750.00	-23.54%
State airport grant	-	155,750.00	77,875.00	-100.00%
State library grant	714,091.43	1,000,000.00	500,000.00	42.82%
Reimbursements and refunds		-	-	100.00%
Investment earnings	37,733.20	14,000.00	7,000.00	439.05%
Operating Transfers	250,000.00	500,000.00	250,000.00	
Appropriated reserves	-	5,279,770.00	2,639,885.00	-100.00%
TOTAL CAPITAL IMPROVEMENT REVENUES	2,241,047.23	9,873,020.00	4,936,510.00	-54.60%
CAPITAL IMPROVEMENT EXPENDITURES				
General government	495,831.94	1,186,000.00	593,000.00	-16.39%
Paramedics	2,113.54	400,000.00	200,000.00	-98.94%
Engineering	-	625,000.00	312,500.00	-100.00%
Library	1,265,830.76	2,246,370.00	1,123,185.00	12.70%
Airpark	2,254,910.47	5,415,650.00	2,707,825.00	-16.73%
TOTAL CAPITAL IMPROVEMENT EXPENDITURES	4,018,686.71	9,873,020.00	4,936,510.00	-18.59%
EXCESS (DEFICIT) OF REVENUES OVER EXPENDITURES	(1,777,639.48)	-	-	

Note: This report has been prepared using the best available data. It is however, preliminary in nature and subject to change pending formal audit.



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE

1. Project Name: **GREENWOOD LIBRARY**
2. Sussex County Contract No. 07-05
3. Change Order No. 5
4. Date Change Order Initiated 02/03/2014
5.
 - a. Original Contract Sum \$2,768,572.00
 - b. Net Change by Previous Change Orders \$10,758.76
 - c. Contract Sum Prior to Change Order \$2,779,330.76
 - d. Requested Change \$1,622.50
 - e. Net Change (No. of days) -
 - f. New Contract Amount \$2,780,953.26
6. Sussex County Contact Person Michael A. Izzo, P.E.
Telephone (302) 855-7718

B. REASONS FOR CHANGE ORDER

1. Differing Site Conditions
2. Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion

7. Other (explain below)

C. BRIEF DESCRIPTION OF CHANGE ORDER

New yard drain added between railroad tracks and building entrance plaza to prevent ponding and water flow across main entrance to library.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

1. Richard Y. Johnson & Son, Inc., Project General Contractor

 _____
Signature Date 2/5/14

Jesse L. Dixon
Representative's Name in Block Letters

2. Sussex County Engineer

Signature Date

3. Davis, Bowen & Friedel, Inc., Project Consultant

Signature Date

P.O. Box 105
 LINCOLN, DELAWARE 19960
 (302) 422-3732
 (302)422-4696 fax

Change Order Proposal 25

Job Phone	Date	January 28, 2014
Job Location:		
Greenwood Public Library		
Greenwood, Delaware		
Job Number:	Architect:	
DBF # 1897B003	Davis, Bowen & Friedel, Inc.	

TO:

Sussex County
2 The Circle
Georgetown, Delaware 19947

We hereby submit specifications and estimates for:

Yard Drain proposal	
See attached Gateway Construction Quote	\$1,475.00
RYJ (10% OH&P)	\$ 147.50
Total:	\$1,622.50

For the Sum of: <u>One Thousand Six Hundred & Twenty-Two Dollars 50/100</u> <u>\$1,622.50</u>
All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard industry practices. Any alteration or deviation from the above specifications involving extra cost will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. This proposal may be withdraw by us if not accepted within Thirty (30) days.
Accepted By: _____
Date: _____ <u>Jesse Dixon – Project Manager</u>

Change Order

Gateway Construction Inc.
3527 Forrest Ave.
Dover, De 19904
(302) 672-7942

Date: 01/07/14
Owner: Greenwood Public Library
Contractor: Gateway Construction Inc.
Project name: Greenwood Public Library
Change order number: 003

Original contract date: 10/01/2012

You are directed to make the following changes in this contract:

For Greenwood Public Library "Yard Drain" as drawn out and described by Chris Cullen of Davis, Bowen & Friedel, Inc. See attachments for basis of design for the "yard drain". Similar materials to be used.

Break down of equipment and parts as follows:

All pipe, fittings, parts and basin	\$400.00
Labor (\$75/hr at 8hrs)	\$600.00
Machines – mini excavator (\$95/hr at 5hrs)	\$475.00

The original contract sum was:	\$417,200.00
Net amount of previous change orders:	\$1,428.00
Total original contract amount plus or minus net change orders:	\$417,628.00
Total amount of this change order:	\$1,475.00
The new contract amount including this change order will be:	\$419,103.00
The contract time will be changed by the following number of days:	(0) Days

Contractor:

Gateway Construction Inc.

Company name
3527 Forrest Ave.

Address
Dover, DE 19904

City, State, Zip
01/07/14

Date

Signature

Owner:

Greenwood Public Library

Name
100 Mill Street

Address
Greenwood, DE

City, State, Zip
01/07/14

Date

Signature

Julie Cooper

From: Chris Cullen <clc@dbfinc.com>
Sent: Friday, December 20, 2013 10:12 AM
To: Jesse Dixon
Cc: Julie Cooper
Subject: GPL "Yard Drain"
Attachments: nds_rndgrates_techspec_aug2012 (2).pdf; round-grate-with-sewer-and-drain-elbow-corrugated.pdf; round-grate-with-spee-d-basin-corrugated (2).pdf; Building Drainage Revision (3).pdf

Please provide a cost proposal for the work described below.

Add an 8" x 8" 45 degree wye and an additional 15 linear feet of 8" HDPE pipe. The area behind the plaza and building will need to be shaped to provide positive drainage. See Building Drainage Revision (3) for layout.

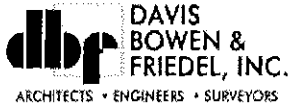
See the other attached pdf's as a basis of design for the "yard drain". ADS makes similar materials and connections. Gateway can use either the Spee-D connection or the elbow. They both work. Gateway also has the flexibility to adjust the slopes as necessary to make the connections work. Currently pipes are sloped at 3.33% and this can be reduced to 2%.

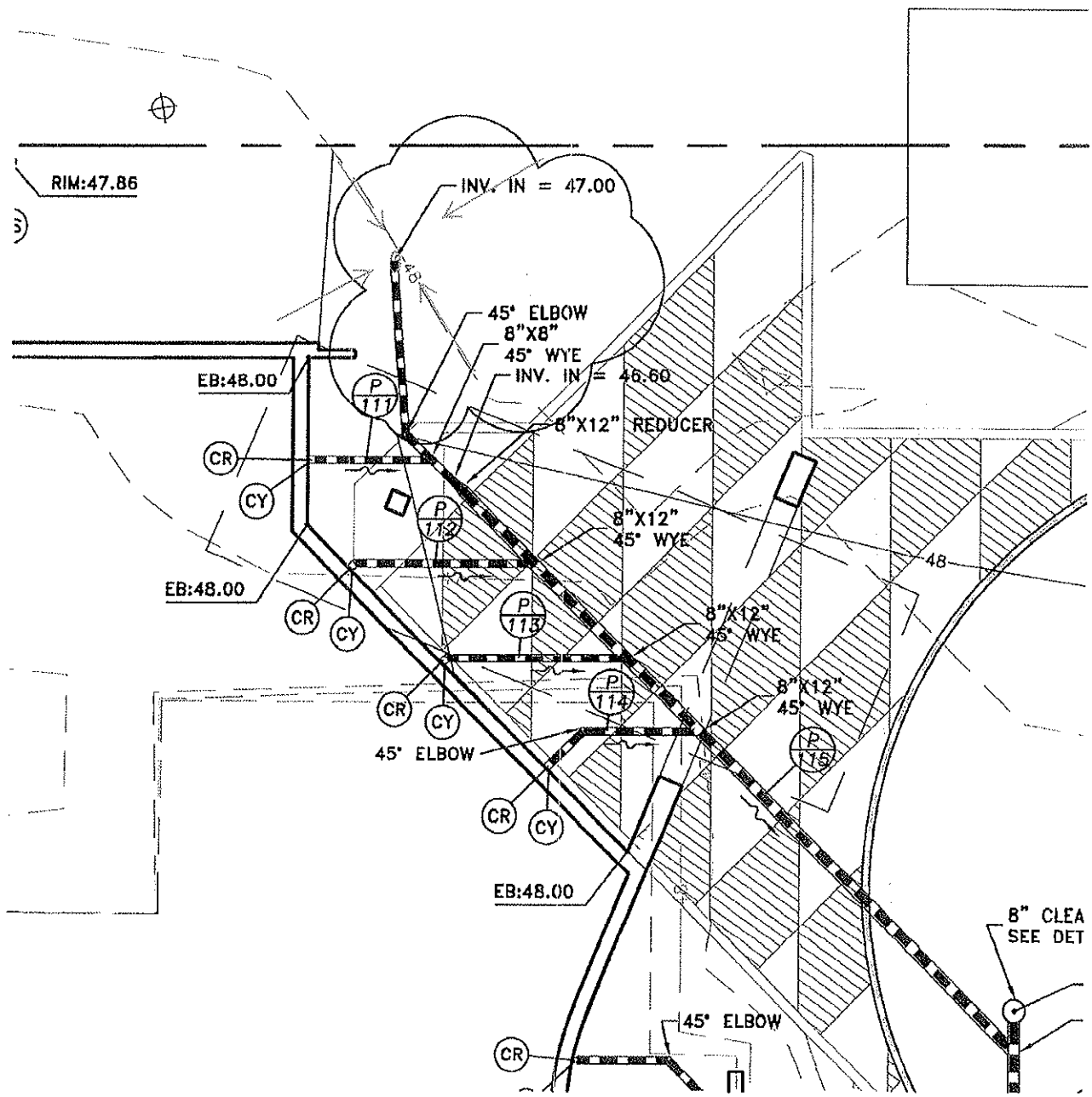
Thank you,

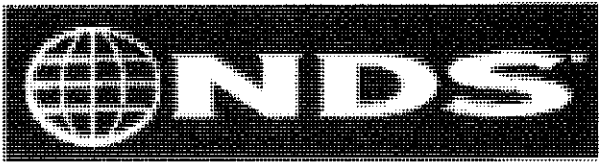
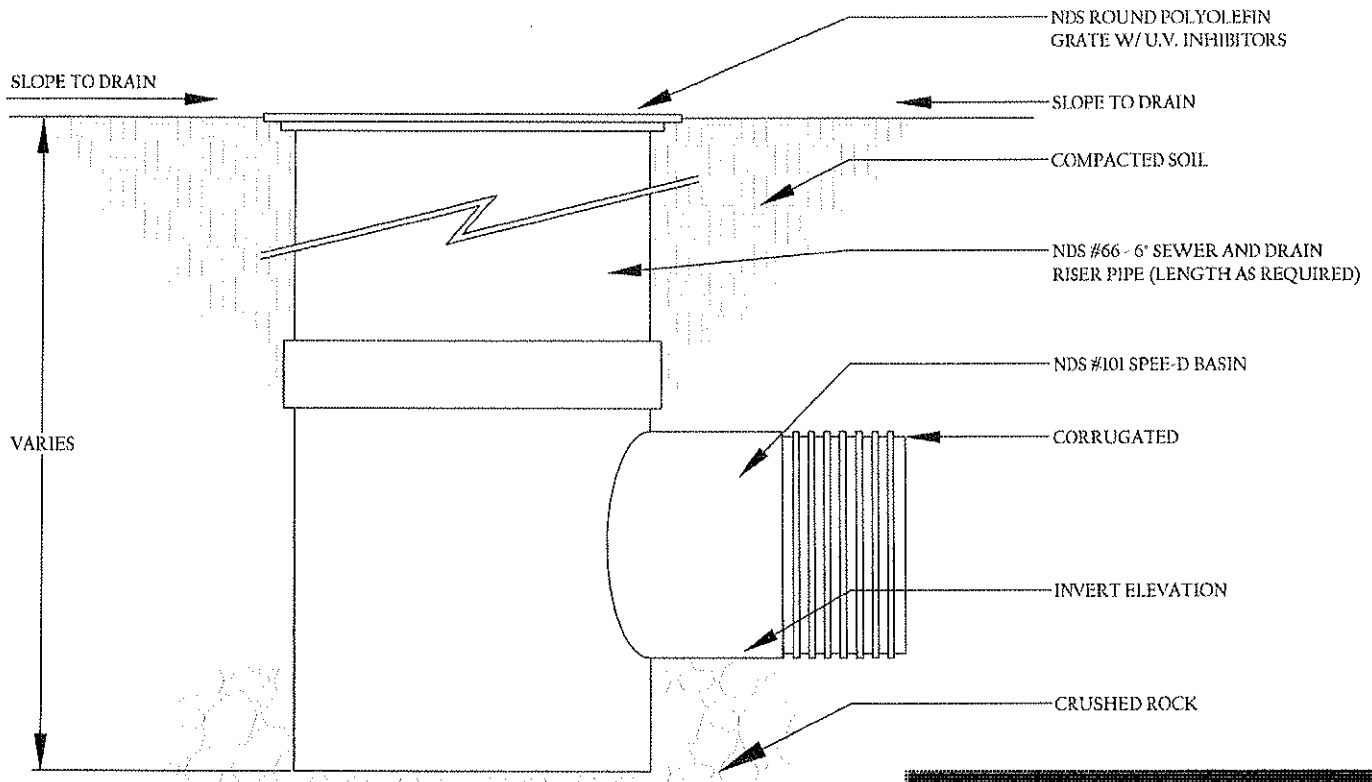
Christopher Lee Cullen AIA | Associate | Salisbury Office

One Plaza East, Suite 200 | Salisbury, MD 21801 | www.dbfinc.com

Office: 410-543-9091 | Fax: 410-543-4172 | Email: clc@dbfinc.com





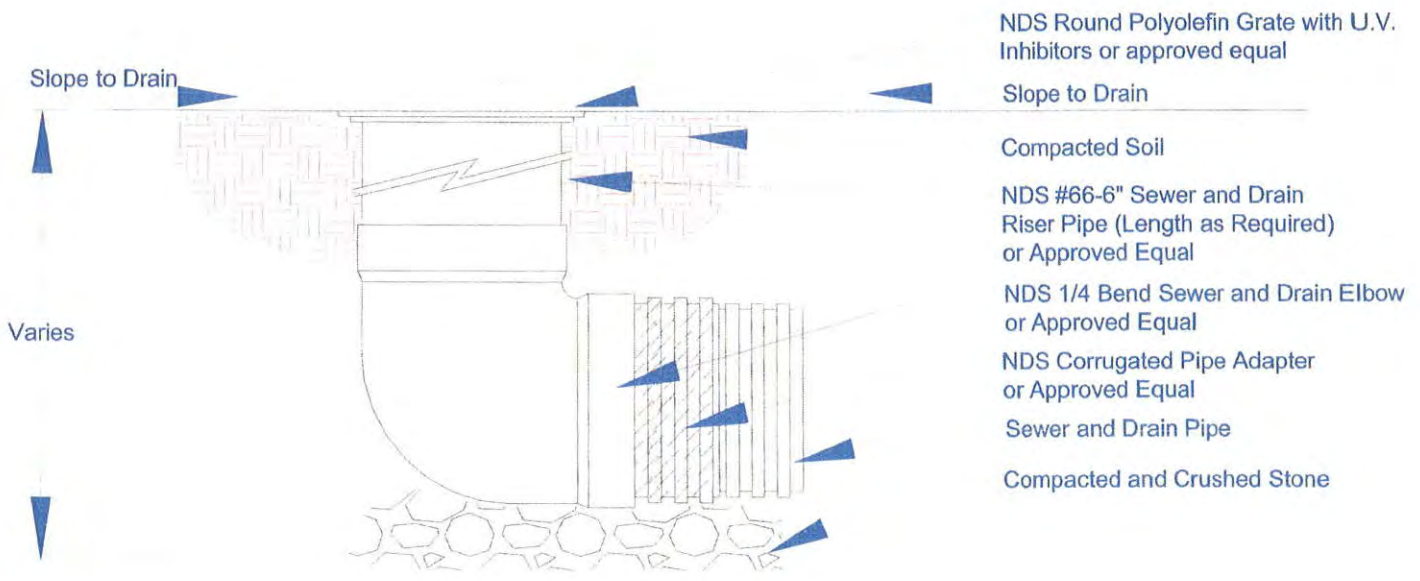


TECHNICAL SERVICES
 1-888-825-4716
 techservice@ndspro.com

NDS ROUND GRATE WITH NDS SPEE-D BASIN

CORRUGATED

N.T.S.

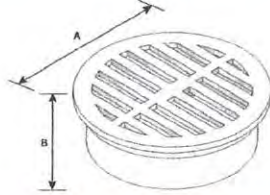


NDS ROUND GRATE WITH SEWER & DRAIN ELBOW



NOT TO SCALE

Round Grates



Dimension Key

A: Diameter	E: GPM
B: Height	F: Load rating
C: Grate opening width	G: Weight
D: Open surface area	H: Fits

Part Number	A	B	C	D	E	F	G	H
14	3 9/16	1 5/8	3/16	2.6 sq. in.	3.41	A	.15	3" S&D pipe, 3" S&D fittings, 3" corrugated pipe, 3" triple wall pipe
15	3 9/16	1 5/8	3/16	2.6 sq. in.	3.41	A	.15	3" S&D pipe, 3" S&D fittings, 3" corrugated pipe, 3" triple wall pipe
16	3 9/16	1 5/8	3/16	2.6 sq. in.	3.41	A	.15	3" S&D pipe, 3" S&D fittings, 3" corrugated pipe, 3" triple wall pipe
16P	3 9/16	1 5/8	3/16	2.6 sq. in.	3.41	A	.15	3" S&D pipe, 3" S&D fittings, 3" corrugated pipe, 3" triple wall pipe
16S	3 9/16	1 5/8	3/16	2.6 sq. in.	3.41	A	.15	3" S&D pipe, 3" S&D fittings, 3" corrugated pipe, 3" triple wall pipe
11	4 5/8	1 1/2	1/4	3.85 sq. in.	5.04	A	.2	4" S&D pipe, 4" S&D fittings, 4" corrugated pipe, 4" triple wall pipe
12	4 5/8	1 1/2	1/4	3.85 sq. in.	5.04	A	.2	4" S&D pipe, 4" S&D fittings, 4" corrugated pipe, 4" triple wall pipe
13	4 5/8	1 1/2	1/4	3.85 sq. in.	5.04	A	.2	4" S&D pipe, 4" S&D fittings, 4" corrugated pipe, 4" triple wall pipe
13P	4 5/8	1 1/2	1/4	3.85 sq. in.	5.04	A	.2	4" S&D pipe, 4" S&D fittings, 4" corrugated pipe, 4" triple wall pipe
13S	4 5/8	1 1/2	1/4	3.85 sq. in.	5.04	A	.2	4" S&D pipe, 4" S&D fittings, 4" corrugated pipe, 4" triple wall pipe
40	6 3/4	2 3/8	5/16	9.1 sq. in.	11.92	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
50	6 3/4	2 3/8	5/16	9.1 sq. in.	11.92	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
60	6 3/4	2 3/8	5/16	9.1 sq. in.	11.92	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
60S	6 3/4	2 3/8	5/16	9.1 sq. in.	11.92	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
10	7 3/4	2 1/2	5/16	11.5 sq. in.	15.07	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
20	7 3/4	2 1/2	5/16	11.5 sq. in.	15.07	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
30	7 3/4	2 1/2	5/16	11.5 sq. in.	15.07	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
30S	7 3/4	2 1/2	5/16	11.5 sq. in.	15.07	A	.8	Spee-D basin, 6" S&D pipe, 6" S&D fittings, 6" corrugated pipe
1040	9 3/4	2 3/4	5/16	17.46 sq. in.	22.87	A	1.5	8" S&D pipe, 8" S&D fittings, 8" corrugated pipe
1050	9 3/4	2 3/4	5/16	17.46 sq. in.	22.87	A	1.5	8" S&D pipe, 8" S&D fittings, 8" corrugated pipe
1060	9 3/4	2 3/4	5/16	17.46 sq. in.	22.87	A	1.5	8" S&D pipe, 8" S&D fittings, 8" corrugated pipe
1060S	9 3/4	2 3/4	5/16	17.46 sq. in.	22.87	A	1.5	8" S&D pipe, 8" S&D fittings, 8" corrugated pipe
1240	14 3/16	3 5/8	9/16	46.00 Sq. in.	60.26	B	3.35	12" S&D pipe, 12" corrugated pipe
1250	14 3/16	3 5/8	9/16	46.00 Sq. in.	60.26	B	3.35	12" S&D pipe, 12" corrugated pipe
1260	14 3/16	3 5/8	9/16	46.00 Sq. in.	60.26	B	3.35	12" S&D pipe, 12" corrugated pipe
1511	17	4 1/2	1 1/4	85.6 Sq. in.	112.14	A	6.15	15" S&D pipe, 15" S&D fittings, 15" corrugated pipe"
1512	17	4 1/2	1 1/4	85.6 Sq. in.	112.14	A	6.15	15" S&D pipe, 15" S&D fittings, 15" corrugated pipe"

Load Recommendation Guide



Class A

- Loads of 1-60 psi.
- Recommended for pedestrians, bicycles and wheel chair traffic.



Class B

- Loads of 61-175 psi.
- Recommended for medium-duty pneumatic tire traffic, autos and light trucks at speeds less than 20 m.p.h.

Note: Some installations may require a concrete collar to meet load rating. Loads are based on encasing product in concrete. Product must be installed using NDS instructions.



NDS Customer Service

851 N. Harvard Ave, Lindsay, CA 93247
 Phone: (800) 726-1994 • (559) 562-9888
 Fax: (800) 726-1998 • (559) 562-4488

www.NDSPRO.com

BRAD D. WHALEY
DIRECTOR OF COMMUNITY
DEVELOPMENT & HOUSING
(302) 855-7777 T
(302) 854-5397 F
bwhaley@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

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

FROM: Brad D. Whaley

RE: **2014 CDBG Application**

DATE: February 6, 2014

During Tuesday's Council meeting, I will be presenting the County's Community Development Block Grant (CDBG) application request for the 2014 CDBG grant year. My department has held public hearings at all of the towns/cities listed and the projects represent their requests.

For the rural communities, I have attended 10 Strong Community meetings throughout the County. These meetings are sponsored by First State Community Action Agency and allow me to hear the concerns of the area residents. Additionally, I have consulted my CDBG Advisory Committee for guidance and approval for selecting these targeted rural areas.

Attached is the proposed application request for your review.



**STATE OF DELAWARE
DELAWARE STATE HOUSING AUTHORITY
DELAWARE CDBG PROGRAM-PROJECT
COST SUMMARY**

**CONTRACT PERIOD FROM: JULY 1, 2014 TO JUNE 30, 2015
SUMMARY OF PROGRAM ACTIVITIES**

PROGRAM ACTIVITIES	PROGRAMS	CDBG PROGRAM FUNDS	LOCAL MATCH	OTHER FUNDS	TOTAL REQUESTED
Blades	(5) Rehab	\$80,000.00			\$80,000.00
Bridgeville	(8) Rehab	\$140,000.00			\$140,000.00
Bridgeville	(3) Demo	\$36,000.00			\$36,000.00
Dagsboro	(5) Rehab	\$80,000.00			\$80,000.00
Delmar	(5) Rehab	\$80,000.00			\$80,000.00
Ellendale	(5) Rehab	\$80,000.00			\$80,000.00
Frankford	(5) Rehab	\$80,000.00			\$80,000.00
Greenwood	(5) Rehab	\$80,000.00			\$80,000.00
Georgetown	Infrastructure	\$76,510.00	\$32,790.00		\$109,300.00
Georgetown	(6) Rehab	\$105,000.00			\$105,000.00
Laurel	(8) Rehab	\$140,000.00			\$140,000.00
Milford	(6) Rehab	\$105,000.00			\$105,000.00
Milton	(6) Rehab	\$105,000.00			\$105,000.00
Seaford	(8) Rehab	\$140,000.00			\$140,000.00
Selbyville	(6) Rehab	\$105,000.00			\$105,000.00
Scattered Rehab	(20) Rehab	\$380,000.00		\$20,000.00	\$400,000.00
Scattered Demo	(4) Demo	\$24,000.00			\$24,000.00
Scattered Emergency Rehab	(14) Rehab	\$84,000.00			\$84,000.00
Scattered Hookups	(20) Hookups	\$50,000.00			\$50,000.00
Cool Springs	(5) Rehab	\$80,000.00			\$80,000.00
Mount Joy	(5) Rehab	\$80,000.00			\$80,000.00
Rural Ellendale	(5) Rehab	\$80,000.00			\$80,000.00
Rural Millsboro/Dagsboro	(5) Rehab	\$80,000.00			\$80,000.00
West Rehoboth	(5) Rehab	\$80,000.00			\$80,000.00
TOTALS		\$2,370,510.00	\$32,790.00	\$20,000.00	\$2,423,300.00

TOTAL PROJECTS: 1 Infrastructure 137 Rehabs 7 Demos 20 Hookups

ADMINISTRATION	PROGRAM FUNDS	LOCAL MATCH FUNDS	OTHER FUNDS	TOTAL REQUESTED
Salaries	\$152,000.00	\$68,875.00	\$5,000.00	\$225,875.00
Other Employment Costs	\$0.00	\$135,299.00	\$0.00	\$135,299.00
Travel	\$10,000.00	\$0.00	\$0.00	\$10,000.00
ADMINISTRATION COSTS	\$162,000.00	\$204,174.00	\$5,000.00	\$371,174.00
TOTAL PROGRAM COSTS	\$2,532,510.00	\$236,964.00	\$25,000.00	\$2,794,474.00



INDIAN RIVER SOCCER BOOSTERS

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

Mr. Cole:

VANCE

The Indian River Soccer Boosters are proud to announce that the Indian River High School Soccer Team has won the Division II Delaware State Championship for the Fall 2013 season. The IR Soccer Team has had a long tradition of success, but this is the first team to bring home a State Title.

To commemorate their accomplishment, the IR Soccer Boosters are proposing to purchase championship rings for the players and coaches. However, we need the help of our community, parents and fans to complete the purchase. The ring costs for 27 players and coaches is approximately \$4,725.00. We are respectfully asking for your donation to help make the purchase possible. Please consider making a donation, these players deserve something special to remember their great season!

We sincerely appreciate the long support that you have provided through the years. Please direct any questions to me at 302-539-7855 or dtsmmitchell@verizon.net

Thank you for all that you do!

Tammy Mitchell

Tammy Mitchell
President

Donations can be mailed to:

Indian River Soccer Boosters
34568 Persimmon Pl.
Frankford, DE 19945

TOWN OF GEORGETOWN

MAYOR
AND
COUNCIL



TOWN HALL
39 THE CIRCLE
GEORGETOWN, DE 19947

January 2, 2014

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

Dear Todd,

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

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

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

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

Sincerely,

Mike Wyatt
Mayor

Sue Barlow
Councilwoman, Ward 2

Linda Dennis
Councilwoman, Ward 4

Steve Hartstein
Councilman, Ward 1

Bill West
Councilman, Ward 3

Gene Dvornick
Town Manager

The Town of Laurel

INCORPORATED 1883
OFFICE OF MAYOR & COUNCIL

201 MECHANIC STREET
LAUREL, DELAWARE 19956-0210
(302) 875-2277
(302) 875-2451 FAX

January 23, 2014

Mr. Michael Vincent
President, Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, DE 19947

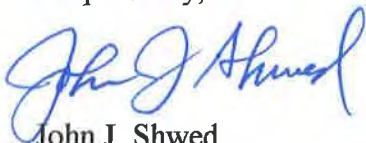
Dear President Mike,

Doug Marvil, President of the Laurel Historical Society, has joined me in writing this request to you and Sussex County Councilman Vance Phillips. The Laurel Heritage Museum located in the renovated old Laurel train station is a joint project of the Town of Laurel and the Laurel Historical Society. The Town assists with the operation of this building by paying for the utility operating costs. The Laurel Historical Society operates the museum and generates operational and maintenance fund from grants and donations. The Museum also houses the Laurel Chamber of Commerce office. This allows visitors to visit the museum daily. The Town and the Laurel Historical Society have received many favorable comments from visitors about the quality of the exhibits. Visitors are also able to pick up information about tourist attractions in the Laurel area.

The old yellow paint on the building wood trim needs to be repainted. Since the paint, which is peeling in many places, is lead based the painting contractor needs to be certified in the handling of lead based paint. The Laurel Historical Society has located a craftsman with the right skills and certification. His estimate is approximately \$15,000. The Laurel Historical Society has raised about \$5,000 towards this job, leaving a balance of \$10,000 before the work can be completed. The Town is still struggling to recover from the great recession of 2008 and is not in a position to donate money now in addition to paying the utilities for the building operation.

We respectfully request financial assistance from Sussex County through you and Councilman Phillips to help the Laurel Historical Society achieve the \$10,000 it needs to do the work. Whenever you are in the area please stop by the old train museum and see for yourself how badly the old paint is peeling. We appreciate any help you can give the Town and the Laurel Historical Society with this fund raising effort. If you have questions please call 302-841-4007.

Respectfully,



John J. Shwed
Mayor
Town of Laurel



Doug Marvil
President
Laurel Historical Society

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR ANTIQUE AUTO SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.18 ACRES, MORE OR LESS (Tax Map I.D. 532-19.00-54.07, part of)

WHEREAS, on the 24th day of January 2014, a conditional use application, denominated Conditional Use No. 1982 was filed on behalf of Gary L. Ennis – Southern Delaware Classic Cars, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1982 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1982 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 Little Creek Hundred, Sussex County, Delaware, and lying southeast of Road 502 (Old Racetrack Road) 290.4 feet southwest of Route 54 (a.k.a. Route 76 and Delmar Road) and being more particularly described as follows:

BEGINNING at a concrete monument on the southeasterly right-of-way of Road 502 (Old Racetrack Road), a corner for these subject lands and lands, now or formerly, of

Warren O. and Rose E. Owens; thence north 52°00'40" east 300.00 feet along the southeasterly right-of-way of Road 502 to an iron pipe; thence south 47°54'18" east 287.72 feet along and across lands of Gary L. Ennis to a point; thence south 36°37'19" west 286.35 feet across lands of Gary L. Ennis to a point; and thence north 49°32'15" west 366.84 feet along aforementioned Owens lands to the point and place of beginning, and containing 2.18 acres, more or less as plotted by Miller Lewis, Inc.

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

PROPOSED

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A FOOD VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.6 ACRES, MORE OR LESS (Tax Map I.D. 134-12.00-330.01)

WHEREAS, on the 28th day of January 2014, a conditional use application, denominated Conditional Use No. 1983 was filed on behalf of Gerald W. and Emily W. Hocker; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1983 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1983 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 at the southeast corner of the intersection of Route 17 and Route 26 and being more particularly described in Deed Book 2361, Page 133, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 9.6 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.

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A LANDSCAPING BUSINESS AND SUPPLY AREA TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.17 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of February 2014, a conditional use application, denominated Conditional Use No. 1984 was filed on behalf of Burton Realty Long Neck, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1984 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article X, Subsection 115-71, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1984 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying west of Route 24 (John J. Williams Highway) 460 feet north of Route 5 (Indian Mission Road) and being more particularly described in Deed Book 2597, Page 95, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.17 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.