



Sussex County Council Public/Media Packet

**MEETING:
FEBRUARY 19, 2013**

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

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



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Sussex County Council

AGENDA

February 19, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

2. Administrator's Report

Susan Webb, Finance Director

1. Investment Portfolio Analysis

2. Collateral Policy

Hal Godwin, Deputy County Administrator

1. Wastewater Agreements

A. Fairway Village – Phase 4A

B. Fairway Village – Phase 4B

C. Fairway Village – Phase 4C

D. Vincent Overlook – Phase 3A



10:30 A.M. - Public Hearing

Community Development Block Grants

Julie Cooper, Project Engineer

1. Oak Crest Farms Project

A. Request for Matching Grant for Stormwater Retrofit

Grant Requests

- 1. Laurel Youth Sports Basketball for operating expenses.**
- 2. Ducks Unlimited, Nanticoke Chapter for conservation of wetlands.**
- 3. Delaware River & Bay Lighthouse Foundation for restoration and maintenance of Harbor of Refuge.**
- 4. Lewes Public Library for operating expenses.**
- 5. Sussex Preparatory Academy to help establish high school facility.**
- 6. Delaware Police Chiefs' Council for meeting expenses.**
- 7. Delaware Blue Hens Select 11U Baseball for tournament 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 Items

1:30 P.M. - Public Hearings

Conditional Use No. 1955 filed on behalf of State of Delaware (DelDOT)

“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 (land lying north of Newton Road (Road 404A) and east of the railroad) (Tax Map I.D. 5-30-16.00-11.01)

Change of Zone No. 1725 filed on behalf of Jack Lingo Asset Management, LLC
“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 74 ACRES, MORE OR LESS” (land lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284) (Tax Map I.D. 3-34-12.00-16.00, Part Of)

Conditional Use No. 1951 filed on behalf of Jack Lingo Asset Management, LLC
“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV RESORT AND CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 162.424 ACRES, MORE OR LESS” (land lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284) (Tax Map I.D. 3-34-12.00-16.00, Part of)

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 12, 2013 at 4:30 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 5, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 5, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
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 057 13
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to amend the Agenda by deleting "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**

Minutes

The minutes of January 29, 2013 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

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

**DelDOT
Presentation**

Natalie Barnhart, Chief Engineer, Delaware Department of Transportation, updated the Council on DelDOT's SR 1 Corridor projects. She noted three specific projects:

SR 1 Safety Improvement Projects

SR 1, SR 30 grade separated intersection project (Milford)

**SR 1 Pedestrian Improvement Project - Rehoboth Canal to north of
Five Points (Lewes/Rehoboth)**

**DelDOT
Presentation
(continued)**

**Plantations Road/Cedar Grove Road/Postal Lane Realignment Project,
Lewes**

SR1 Traffic Safety Improvements

**SR 1 and Cave Neck Road
SR 1 and Kings Highway
SR 1 and Median Crossover at Bay Crossing
SR 1 and Dickinson Avenue
Traffic Signal Rebuild Program
Indian River Inlet Bridge
Fenwick Island Pedestrian Signals
SR 1 and Minos Conaway Road
SR 1 and Fred Hudson Road (Road 360)
SR 1 and SR 16**

SR 1 Bicycle Safety Study and Improvements for SR 1 from Five Points to SR1A

The Department conducted a study which investigated the crash patterns involving cyclists along SR 1/Coastal Highway between US9/SR404 (Five Points) and SR 1A (Rehoboth). The study concluded that based on the crash data from October 2009 to October 2012, the majority of crashes are related to wrong way driving on the part of the cyclist. DelDOT recently received a request from Sussex Cyclists to improve bicycle facilities along the corridor. DelDOT will be convening a working group to identify potential solutions.

Ms. Barhart outlined other Sussex County projects that are either (1) in construction or going to construction in 2013 or (2) in design or conceptual stage:

In Construction or Going To Construction in 2013:

- **SR 1 at SR 30, Grade Separation**
- **US 9 Intersection Improvements (includes the intersection at Gravel Hill Road, Hudson/Fisher Roads, and Dairy Farm/Sweetbriar/Log Cabin Hill Roads**
- **Indian River Inlet Bridge – Roadway Approach and Demolition**
- **SR 26 Detour Routes Project**
- **SR 26 Mainline Project – Advance Utility Relocation**

In Design or Conceptual Stage

- **SR 26, Atlantic Avenue, Clarksville to Assawoman Canal**
- **SR 24, Mulberry Knoll Road to SR 1**
- **SR 24, Love Creek to Mulberry Knoll Road**
- **SR 24 at SR 5 / SR 23**

**DelDOT
Presentation
(continued)**

- **SR 24, Mount Joy Road to Bay Farm Road**
- **SR 24 at Camp Arrowhead Road and Angola Road**
- **SR 24 at Banks Road**
- **SR 404 at SR 18 Intersection**
- **Iron Branch Road / State Street (Millsboro)**
- **Park Avenue**
- **US 9 and SR 5 Intersection Improvement**
- **Plantation Road / Cedar Grove Road / Postal Lane**
- **Patriots Way, Avenue of Honor to Stockley Branch**
- **SR 1, Rehoboth Canal to North of Five Points Pedestrian Improvements**
- **US 113 North / South Study**
- **US 113 Intersection Improvements (includes the intersections at Handy / Dagsboro Roads, Hardscrabble / Betts Ponds Roads, Sheep Pen Road / Patriots Way, and Staytonville / Fleatown Roads)**
- **US 113 at Millsboro Towne Square / 1st Street**
- **US 113 at SR 16 Grade Separated Intersection**
- **Zoar Road / Speedway Road / Bethesda Road Intersection Improvement**
- **US 113 at Alms House Road / Wood Branch Road / Kruger Road Intersection Improvement**
- **US 13 Seaford, Intersection Improvements (includes the intersections at Tharp / Herring Run Roads, Stein Highway, Middleford Road, Concord Road, and Oneals / Bethel Concord Road)**

Ms. Barnhart noted that there are other projects in Sussex County that are being worked on by various DelDOT departments, such as bridge projects, TE projects, and maintenance projects. In addition, there are other projects in Sussex County that are listed in the CTP but funding is not available for design to begin for several years, so they are not included in this list.

**Board of
Assessment
Review**

Mr. Lawson advised that Julie Rigby's term on the Board of Assessment Review will expire in February 2013 and Ms. Rigby has agreed to serve another term. Mr. Lawson noted that the Board of Assessment Review meets in March each year to consider assessment appeals.

**M 058 13
Approve
Reappoint-
ment/
Board of
Assessment
Review**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that the Sussex County Council approves the appointment of Julie Rigby to the Sussex County Board of Assessment Review, effective February 1, 2013, for a term of five years.

Motion Adopted: 5 Yeas.

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

**FY 2012
Surplus
Discussion
and Recom-
mentation**

Mr. Lawson reported that, at the January 22nd Council meeting, the Council focused on three options to allocate the FY 2012 budget surplus: (1) the 11 independent libraries, (2) the Community Development and Housing (CD&H) Department's emergency housing repair program, and (3) the Sussex Conservation District. At the January 22nd meeting, the Council asked the Administrative/Finance staff to consider the recommendations of Council regarding the use of the surplus funding and to come back to the Council with a proposal within 30 days.

Mr. Lawson reported that, after careful consideration, it is recommended that the Council approve the surplus funds of \$854,029 to be allocated as follows: (1) \$350,000 for the 11 independent libraries, (2) \$150,000 for the emergency housing repair program, and (3) any surplus balance shall be returned to the County's General Fund. Mr. Lawson recommended waiting to consider funding for the Sussex Conservation District during the FY 2014 budget process.

Mr. Lawson reported that he asked the Sussex County Library Advisory Board to analyze their needs and to determine an appropriate distribution of funds. The Board voted to approve the following recommendations:

Milford	3.5 %
Lewes	3.5 %
Selbyville	7.0 %
Rehoboth	7.0 %
Millsboro	7.0 %
Georgetown	7.0 %
Bridgeville	7.0 %
Frankford	11.0 %
Delmar	11.0 %
Seaford	17.0 %
Laurel	17.0 %

These funds would be used by the independent libraries to facilitate their critical needs to improve or expand their library services.

Mr. Lawson stated that the second option was to provide funding to the Community Development and Housing (CD&H) emergency housing repair program which focuses on heating, plumbing, electrical, roofing, handicapped ramps, and structural problems for eligible County residents in critical need. Repairs range from \$500.00 to \$7,500.00 and are completed by local contractors. Currently, CD&H has over 1,250 residents on their waiting list and this funding would be used immediately.

Mr. Lawson stated that, after careful consideration, it is recommended that the Council approve surplus funds of \$854,029 to be allocated as follows: \$350,000 to the independent libraries, \$150,000 to the emergency housing and repair program, and any surplus balance to be returned to the County's general fund. Mr. Lawson recommended waiting to consider

(continued) funding for the Sussex Conservation District during the FY 2014 budget process.

M 059 13 A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the
Approve Sussex County Council approves the surplus funds of \$854,029 to be
Allocation allocated as follows: \$350,000 to the 11 independent libraries, including:
Of Surplus Milford – 3.5%, Lewes – 3.5%, Selbyville, 7%, Rehoboth – 7%, Millsboro –
Funds 7%, Georgetown – 7%, Bridgeville – 7%, Frankford – 11%, Delmar – 11%,
Seaford – 17%, and Laurel – 17%; and \$150,000 to the emergency housing
and repair program; and any surplus balance to be returned to the
County's general fund.

Motion Adopted: 5 Yeas.

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

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Waters Run –
Phase 1A and Waters Run – Phase 1B received Substantial
Completion effective January 29, 2013.

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

Financial Mrs. Webb presented the Financial Report for the Six Months Ending
Report December 31, 2012 (unaudited estimated revenue and expense report).

Discussion/ The Council discussed regulations relating to signs, flags (including feather
Sign flags), banners, etc. and directed Lawrence Lank, Director of Planning and
Regulations Zoning, to research sign regulations of other counties and to submit a
recommendation to the Council on how to address this issue.

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

M 060 13 A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$2,500.00
Council- (\$1,250.00 each from Mr. Cole's and Mr. Phillips' Councilmanic Grant
manic Accounts) to the Lower Sussex Little League for operating expenses.
Grant

Motion Adopted: 5 Yeas.

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

**M 061 13
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the City of Seaford for the Nanticoke Riverfest.

Motion Adopted: 5 Yeas.

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

**Additional
Business**

Under Additional Business, Mr. Lawson recommended the cancellation of the February 12th Council meeting due to a light schedule.

**M 062 13
Cancel
Feb. 12th
Council
Meeting**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to cancel the February 12th Council meeting, per the recommendation of the County Administrator.

Motion Adopted: 5 Yeas.

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

**M 063 13
Go Into
Executive
Session**

At 11:16 a.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to personnel, pending/potential litigation, and land acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 11:20 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 issues relating to personnel, pending/potential litigation, and land acquisition. The Executive Session concluded at 12:00 Noon.

**M 064 13
Reconvene
Regular
Session**

At 12:01 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, 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**

**M 065 13
Recess**

At 12:02 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to 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 066 13
Reconvene**

At 1:34 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to reconvene.

Motion Adopted: 3 Yeas, 2 Absent.

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

[Mr. Vincent was not present for the afternoon session.]

Vince Robertson, Assistant County Attorney, served as Legal Counsel.

**Public
Hearing/
C/U
No. 1950**

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 AND A GENERAL RESIDENTIAL DISTRICT FOR PARKING COMMERCIAL TRACTOR TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.59 ACRES, MORE OR LESS” (Conditional Use No. 1950) filed on behalf of Erlin I. Rivera.

The Planning and Zoning Commission held a Public Hearing on this application on January 10, 2013 at which time the Commission deferred action. On January 24, 2013, the Commission deferred action again.

See the minutes of the Planning and Zoning Commission dated January 10 and 24, 2013.

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

The Council found that Erlin Rivera, Applicant, was present with Douglas Williams with G. W. Stephens and Associates. Mr. Williams stated that his firm heard from Mr. Rivera regarding a notice received from DeIDOT requesting a commercial entrance permit; that the final copies are currently in for review at DeIDOT and may actually be approved; that the Conditional Use application was submitted to address the issue of non-compliance; that Mr. Rivera’s financial livelihood depends on this parcel; that he operates a trucking business; that he has been operating the

**Public
Hearing/
C/U
No. 1950
(continued)**

business for 10 to 12 months; that there are no more than 8 or 10 trailers on the property at a time; that he owns the tractors and hauls trailers for several local poultry firms; that the site is located in a residential area; that there are no structures on the site; and that no maintenance is performed on site.

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

Mr. Cole suggested that the Applicant come up with conditions of approval that would be agreeable to the Applicant and that might appease the neighbors.

(Mrs. Deaver joined the meeting during the public hearing and she stated that she would listen to the proceedings prior to the Council voting on the application.)

**M 067 13
Defer
Action on
C/U
No. 1950**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to defer action on Conditional Use No. 1950 filed on behalf of Erlin I. Rivera and to leave the record open for two weeks for the Applicant to submit proposed conditions, after which the record will remain open for an additional two weeks for responses/comments to the submitted proposed conditions.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
C/U
No. 1953**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.88 ACRES, MORE OR LESS” (Conditional Use No. 1953) filed on behalf of Thomas Milspaw.

The Planning and Zoning Commission held a Public Hearing on this application on January 10, 2013 at which time the Commission deferred action. On January 24, 2013, the Commission recommended that the application be approved with the following conditions:

- 1. Only two (2) units shall be permitted, and they shall be located within the existing structure as shown on the Preliminary Site Plan, as well as the Final Site Plan.**
- 2. The units shall be occupied by the Applicant, Thomas Milspaw, and by his brother-in-law. In the event that they no longer occupy a unit on the property as their residence, this Conditional Use shall terminate automatically.**
- 3. The Final Site Plan shall be subject to the review and approval of the**

**Public
Hearing/
C/U
No. 1953
(continued)**

Planning and Zoning Commission and that the Final Site Plan shall identify who will occupy each unit as permitted by this recommendation.

See the minutes of the Planning and Zoning Commission dated January 10 and 24, 2013.

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

Thomas Milspaw was present and he stated that he proposes to build a pole building type structure with an apartment on each end; that he was advised by the County that a multi-family use was not a permitted use; that his brother-in-law is handicapped and has sold his dwelling on a neighboring property and is in need of a residence; that the units are not intended to be rentals, but for family use; that the structure was originally designed with two units in concept and was approved by DNREC with one septic system and two drain fields (installed in 2003); and that he owns the house with 400 feet of this building.

The Applicant was requested to submit a copy of the DNREC permit to the County.

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

**M 068 13
Adopt
Ordinance
No. 2292
(C/U
No. 1953)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2292 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MULTI-FAMILY DWELLING STRUCTURE (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 7.88 ACRES, MORE OR LESS" (Conditional Use No. 1953) filed on behalf of Thomas Milspaw with the following conditions:

- 1. Only two (2) units shall be permitted and they shall be located within the existing structure as shown on the Preliminary Site Plan, as well as the Final Site Plan.**
- 2. The units shall be occupied by the Applicant, Thomas Milspaw, and by his brother-in-law. In the event that they no longer occupy a unit on the property as their residence, this Conditional Use shall terminate automatically.**
- 3. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission and that the Final Site Plan shall identify who will occupy each unit as permitted by this recommendation.**
- 4. A copy of the DNREC septic approval shall be provided by the Applicant and referencing two units.**

**M 068 13
(continued)**

Motion Adopted: 4 Yeas, 1 Absent.

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

**Public
Hearing/
C/U
No. 1954**

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 COMMERCIAL\RETAIL SHOP (HANDCRAFTED FURNITURE\GIFTS AND ANTIQUES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.306 ACRES, MORE OR LESS” (Conditional Use No. 1954) filed on behalf of Robert A. Hermanson.

The Planning and Zoning Commission held a Public Hearing on this application on January 10, 2013 at which time the Commission deferred action. On January 24, 2013, the Commission recommended that the application be approved with the following conditions:

- 1. The use shall be limited to the sale of furniture, gifts, antiques and similar items.**
- 2. The hours of operation shall be Monday through Saturday, with hours of operation of 10:00 a.m. to 6:00 p.m. with no Sunday hours.**
- 3. One lighted sign no larger than 32 square feet per side shall be permitted.**
- 4. The areas to be used for any outdoor displays shall be clearly shown on the Final Site Plan.**
- 5. Areas designated for parking shall be shown on the Final Site Plan and shall be clearly marked on the site.**
- 6. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

See the minutes of the Planning and Zoning Commission dated January 10 and 24, 2013.

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

Robert Hermanson was present and stated that he proposes a small shop to sell things that he makes and some things other local crafters make, and to sell antiques that he refinishes; and that he does not propose to have any employees. Mr. Hermanson reviewed the survey of the property.

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

M 069 13

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to Adopt Ordinance No. 2293 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL

**M 069 13
Adopt
Ordinance
No. 2293
(C/U
No. 1954)
(continued)**

RESIDENTIAL DISTRICT FOR COMMERCIAL\RETAIL SHOP (HANDCRAFTED FURNITURE\GIFTS AND ANTIQUES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.306 ACRES, MORE OR LESS” (Conditional Use No. 1954) filed on behalf of Robert A. Hermanson, with the following conditions:

- 1. The use shall be limited to the sale of furniture, gifts, antiques and similar items.**
- 2. The hours of operation shall be Monday through Saturday, with hours of operation of 10:00 a.m. to 6:00 p.m. with no Sunday hours.**
- 3. One lighted sign no larger than 32 square feet per side shall be permitted.**
- 4. The areas to be used for any outdoor displays shall be clearly shown on the Final Site Plan.**
- 5. Areas designated for parking shall be shown on the Final Site Plan and shall be clearly marked on the site.**
- 6. The Final Site Plan shall be subject to the review and approval of the 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, Yea;
Mr. Vincent, Absent**

Mr. Phillips left the meeting.

**Conflict
of Interest**

Mr. Cole stated that he would not be participating in the next Public Hearing due to a potential conflict of interest.

**Public
Hearing/
C/Z
No. 1724**

A Public Hearing was opened on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 8.05 ACRES, MORE OR LESS” (Change of Zone No. 1724) filed on behalf of Central Storage @ Harbeson, LLC.

**M 070 13
Recess/
Public
Hearing
on C/Z
No. 1724/
Lack of
Voting
Quorum**

At this time during the Public Hearing, due to the lack of 3 members in attendance able to vote on the application, a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess (2:12 p.m.).

Motion Adopted: 3 Yeas, 2 Absent.

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

**M 071 13
Reopen
Public
Hearing
on C/Z
No. 1724**

At 2:28 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of recess and to reopen the Public Hearing on Change of Zone No. 1724.

Motion Adopted: 3 Yeas, 2 Absent.

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

**Lack of
Voting
Quorum**

Mr. Robertson announced that due to the lack of a quorum of members to consider/vote on the application, it was necessary to table the Public Hearing.

**M 072 13
Table
Public
Hearing
on C/Z
No. 1724**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Public Hearing on Change of Zone No. 1724 be tabled on this date and continued until Tuesday, February 26, 2013 at 10:30 a.m.

Motion Adopted: 3 Yeas, 2 Absent.

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

**M 073 13
Adjourn**

At 2:29 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn.

Motion Adopted: 3 Yeas, 2 Absent.

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

Respectfully submitted,

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

SUSAN M. WEBB, CPA
FINANCE DIRECTOR



Sussex County

ADMINISTRATIVE OFFICE BUILDING
2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
TEL: 302-855-7741
FAX: 302-855-7749
E-MAIL: smwebb@sussexcountyde.gov

MEMORANDUM:

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

FROM: Susan M. Webb, CPA *SMW*
Finance Director

RE: **SUSSEX COUNTY INVESTMENT PORTFOLIO**

DATE: February 14, 2013

At the February 19, 2012 Council meeting, Dominick D'Eramo, CFA, Director of Fixed Income with the Wilmington Trust Company, will be discussing our investment portfolio (Sussex County – Reserve Liquidity Account). Attached is the information he will be discussing.

The attached information includes:

1. Investment Highlights
 - a. Influences on our Portfolio
 - b. Market Performance
 - c. Investment Trends
 - d. Market Forecasts

2. Sussex County Reserve Liquidity Account
 - a. Investments
 - b. Earnings Annual Income – EAI

As you may recall, this investment portfolio was opened in October 2012. We amended our Investment Policy to reflect the current market by trying to gain a higher rate of return on our funds with minimal risk, as well as to take advantage of having a pooled cash approach with our funds. I am pleased with how this has taken shape.

SMW/nc

Attachments

xc: Todd F. Lawson
Gina A. Jennings
Christine T. Barry

Investment Detail

Account: 102906-000 SUSSEX COUNTY RESERVE LIQUIDITY ACCT

Account Level Detail Combined Principal and Income

As of Date 02/11/2013

Description	Quantity	Maturity Date	Call Date	Market Value	% MV	Unit MV	Federal Tax Cost	Unit Tax Cost	EAI	YTM @ Purchase (%)
WILMINGTON US GOVERNMENT MONEY MARKET FUND CLASS SELECT	18,601.4300			18,601.43	0.03	1.0000	18,601.43	1.0000	1.88	0.010
FEDERAL HOME LOAN BANK DTD 09/27/2012 0.300% 06/27/2014 CALLABLE	1,285,000.0000	06/27/2014	03/27/2013	1,285,282.70	1.84	100.0220	1,285,000.00	100.0000	3,855.00	0.300
FEDERAL FARM CREDIT BANK DTD 10/02/2012 0.280% 09/02/2014 CALLABLE	3,250,000.0000	09/02/2014	02/20/2013	3,250,065.00	4.65	100.0020	3,247,725.00	99.9300	9,100.00	0.317
FEDERAL HOME LOAN MORTGAGE CORP DTD 08/27/2012 0.350% 12/05/2014 NON CALLABLE	2,000,000.0000	12/05/2014		2,002,480.00	2.87	100.1240	2,000,000.00	100.0000	7,000.00	0.350
FEDERAL HOME LOAN BANK DTD 01/08/2013 0.320% 01/08/2015 CALLABLE	1,000,000.0000	01/08/2015	07/08/2013	1,000,330.00	1.43	100.0330	1,000,000.00	100.0000	3,200.00	0.320
FEDERAL FARM CREDIT BANK DTD 10/09/2012 0.300% 01/09/2015 CALLABLE	3,250,000.0000	01/09/2015	02/20/2013	3,250,065.00	4.65	100.0020	3,246,750.00	99.9000	9,750.00	0.345
FEDERAL NATIONAL MORTGAGE ASSN DTD 04/30/2012 0.600% 04/30/2015 CALLABLE	50,000.0000	04/30/2015	04/30/2013	50,040.50	0.07	100.0810	50,000.00	100.0000	300.00	0.600
FEDERAL NATIONAL MORTGAGE ASSN DTD 04/19/2012 0.500% 05/27/2015 NON CALLABLE	2,000,000.0000	05/27/2015		2,007,300.00	2.87	100.3650	2,003,362.00	100.1681	10,000.00	0.435
FEDERAL FARM CREDIT BANK DTD 12/26/2012 0.375% 06/26/2015 CALLABLE	1,000,000.0000	06/26/2015	03/26/2013	999,830.00	1.43	99.9830	1,000,000.00	100.0000	3,750.00	0.375
FEDERAL HOME LOAN BANK DTD 10/16/2012 0.500% 10/16/2015 CALLABLE	3,725,000.0000	10/16/2015	01/06/2013	3,725,149.00	5.33	100.0040	3,724,813.75	99.9950	18,625.00	0.502
FEDERAL FARM CREDIT BANK DTD 10/22/2012 0.410% 10/22/2015 CALLABLE	3,000,000.0000	10/22/2015	10/22/2013	2,997,510.00	4.29	99.9170	2,999,062.50	99.9688	12,300.00	0.420
FEDERAL FARM CREDIT BANK DTD 10/11/2012 0.470% 01/11/2016 CALLABLE	2,500,000.0000	01/11/2016	02/20/2013	2,498,300.00	3.58	99.9320	2,497,500.00	99.9000	11,750.00	0.501
FEDERAL HOME LOAN MORTGAGE CORP DTD 01/11/2013 0.500% 01/11/2016 CALLABLE	1,000,000.0000	01/11/2016	07/11/2013	1,001,050.00	1.43	100.1050	999,950.00	99.9950	5,000.00	0.502

Investment Detail

Account: 102906-000 SUSSEX COUNTY RESERVE LIQUIDITY ACCT

Account Level Detail Combined Principal and Income

As of Date 02/11/2013

Description	Quantity	Maturity Date	Call Date	Market Value	% MV	Unit MV	Federal Tax Cost	Unit Tax Cost	EAI	YTM @ Purchase (%)
FEDERAL HOME LOAN BANK DTD 08/08/2012 0.620% 02/08/2016 CALLABLE	845,000.0000	02/08/2016	02/20/2013	845,042.25	1.21	100.0050	845,000.00	100.0000	5,239.00	0.620
FEDERAL FARM CREDIT BANK DTD 10/24/2012 0.620% 10/24/2016 CALLABLE	2,000,000.0000	10/24/2016	10/24/2013	2,002,400.00	2.87	100.1200	1,996,500.00	99.8250	12,400.00	0.664
FEDERAL NATIONAL MORTGAGE ASSN DTD 10/25/2012 0.605% 10/25/2016 CALLABLE	3,250,000.0000	10/25/2016	10/25/2013	3,243,857.50	4.65	99.8110	3,250,000.00	100.0000	19,662.50	0.605
FEDERAL FARM CREDIT BANK DTD 11/29/2012 0.640% 11/29/2016 CALLABLE	1,000,000.0000	11/29/2016	11/29/2013	997,750.00	1.43	99.7750	999,380.00	99.9380	6,400.00	0.656
FEDERAL NATIONAL MORTGAGE ASSN DTD 01/30/2013 0.750% 01/30/2017 CALLABLE	1,000,000.0000	01/30/2017	07/30/2013	998,510.00	1.43	99.8510	1,000,000.00	100.0000	7,500.00	0.750
FEDERAL HOME LOAN BANK DTD 10/17/2012 0.800% 04/17/2017 CALLABLE	3,250,000.0000	04/17/2017	01/17/2013	3,238,982.50	4.64	99.6610	3,249,675.00	99.9900	26,000.00	0.802
FEDERAL NATIONAL MORTGAGE ASSN DTD 10/24/2012 0.720% 04/24/2017 CALLABLE	405,000.0000	04/24/2017	10/24/2013	403,400.25	0.58	99.6050	405,000.00	100.0000	2,916.00	0.720
FEDERAL FARM CREDIT BANK DTD 08/15/2012 0.900% 05/15/2017 CALLABLE	1,500,000.0000	05/15/2017	02/20/2013	1,495,425.00	2.14	99.6950	1,500,000.00	100.0000	13,500.00	0.900
FEDERAL FARM CREDIT BANK DTD 10/11/2012 0.820% 07/11/2017 CALLABLE	3,250,000.0000	07/11/2017	02/20/2013	3,239,145.00	4.64	99.6660	3,250,000.00	100.0000	26,650.00	0.820
FEDERAL HOME LOAN BANK DTD 10/24/2012 0.850% 07/24/2017 CALLABLE	3,180,000.0000	07/24/2017	02/20/2013	3,171,127.80	4.54	99.7210	3,180,000.00	100.0000	27,030.00	0.850
FEDERAL FARM CREDIT BANK DTD 10/18/2012 0.870% 10/18/2017 CALLABLE	2,000,000.0000	10/18/2017	10/18/2013	1,997,620.00	2.86	99.8810	1,999,000.00	99.9500	17,400.00	0.880
FEDERAL NATIONAL MORTGAGE ASSN DTD 10/25/2012 0.900% 10/25/2017 CALLABLE	3,250,000.0000	10/25/2017	10/25/2013	3,236,935.00	4.64	99.5980	3,245,125.00	99.8500	29,250.00	0.931
FEDERAL HOME LOAN BANK DTD 11/09/2012 1.000% 11/09/2017 CALLABLE	2,000,000.0000	11/09/2017	05/09/2013	2,003,020.00	2.87	100.1510	1,999,400.00	99.9700	20,000.00	1.006
FEDERAL FARM CREDIT BANK DTD 10/02/2012 1.020% 01/02/2018 CALLABLE	3,250,000.0000	01/02/2018	02/20/2013	3,241,127.50	4.64	99.7270	3,249,187.50	99.9750	33,150.00	1.025



**WILMINGTON
TRUST**

Sussex County Reserve Liquidity Account

February 19, 2013

Dominick J. D'Eramo, CFA
Director Fixed Income Management
302-651-8962
Dderamo@wilmingtontrust.com

Investment highlights as of December 31, 2012

The major asset class weights of our Growth and Income Strategy as of December 31 are: 55.5% stocks, 39.5% nominal bonds / cash equivalents, and 5.0% inflation hedges.

On balance, we are very close to neutral for equities and somewhat offensively positioned within fixed income across our strategies. As we enter 2013, the price-to-expected earnings multiple on the S&P 500 Index is 13.1x and the consensus top-down earnings growth estimate for the year is 5.0%. Unless global investment surprises to the upside, very low U.S. real disposable income growth is likely to cap the earnings growth rate. Material further equity advances, by way of multiple expansion, are unlikely until solid growth plans underpin fiscal policies. In terms of our aggregate risk profile, our neutral position in equities should be considered together with our commitment to non-core bonds, including speculative-grade floating-rate notes and corporate bonds, and developed international and emerging market bonds. These non-core bonds have exhibited lower volatility than equities amid global banking and sovereign debt concerns and they have produced relatively high levels of income in a low-yield environment.

Fourth-quarter capital markets performance was mostly positive for the major asset classes. For U.S. equities, returns were mostly positive, with mid caps outperforming both mega caps and small caps. Value outperformed growth across the market capitalization spectrum. International equities significantly outperformed their U.S. counterparts, with large caps in developed markets faring better than both small caps in developed markets and the emerging markets. In

developed international markets, large-cap value stocks outperformed large-cap growth stocks. Within the fixed income categories, dollar-denominated emerging market debt and the speculative-grade fixed and floating-rate categories outpaced the Barclays Capital U.S. Aggregate Bond Index. Investment-grade and non-investment grade municipals both posted very favorable results (see asset class performance summary on page 4).

Japanese and Italian elections; regional secession efforts in Spain. Japanese elections in late December returned the Liberal Democratic Party (LDP) to power, after several years of rule by the Democratic Party of Japan (DPJ). LDP Prime Minister Shinzo Abe has promised to revive economic growth and end price deflation. There is now speculation that the Abe cabinet might remove or restrict the independence of the Bank of Japan. The yen has significantly depreciated already. Yen policy could also add a new irritant to the relationship with China, which is already strained by island disputes. Italian elections are scheduled for February 24–25. Recent polling suggests that the center-left coalition, led by the Democratic Party, may win. However, a center-right alliance between Silvio Berlusconi and the Northern League may achieve second place, squeezing Mario Monti's pro-reform center coalition into third place. Much can happen in Italian politics over the next few weeks; stay tuned. In the meantime, the newly elected pro-secessionist governments in Catalonia and the Basque region are quietly laying the groundwork for referenda on independence from Spain. If Spanish Prime Minister Mariano Rajoy pursues fiscal adjustment too aggressively, he risks speeding up the timetable for such referenda.

This material is for information purposes only and is not intended as an offer, recommendation, or determination that any investment strategy is suitable for a specific investor. Opinions, estimates, and projections constitute the judgment of Wilmington Trust and are subject to change without notice.

Investment highlights as of December 31, 2012 continued

Entering 4Q earnings season. As of January 4, 2013, 21 companies in the S&P 500 Index had reported their earnings. In aggregate, reported earnings were 1% above estimates, while reported revenues were in line with estimates. The negative for this earnings season is the considerable drop since October 1 in the overall growth estimates for both the fourth quarter of 2012 and the first quarter of 2013. 4Q estimates have fallen from 9.9% to 2.8%, while 1Q 2013 estimates have slipped from 7.1% to 3.8%.

Bottom-up analysts' consensus estimate of the 4Q earnings growth rate of S&P 500 Index companies is 2.8%. The estimated revenue growth rate is 1.9%. Of 137 companies that "pre-announced" their fourth quarter earnings, 98 were negative and 27 were positive, resulting in a 3.6 negatives/positives ratio. The 3.6 compares to a since-1995 series average of 2.4 and last year's fourth quarter reading (at this point in time) of 3.5.

Bottom-up fundamental analysts' annual earnings expectations of \$102.74 for 2012 and \$113.28 for 2013 are down considerably from July 31, 2011 peak levels of \$113.76 and \$125.92, respectively. Earnings growth expectations for the fourth quarter of 2012 and the first two quarters of 2013 are currently 3%, 5%, and 9%, respectively, which indicate that earnings growth is expected to accelerate in the fourth quarter of 2012 in order to achieve the 5.0% rate that the bottom-up analysts expect for year-over-year growth.

Our forecast for the level of the S&P 500 Index at the end of December 2013 is bounded by 1469 and 1526. We forecast calendar year 2013 S&P 500 earnings of \$106.00, which would represent 5.0% growth from our 2012 forecast of \$101.00, and a very conservative 3.3% increase from the current (12/31/12) 2012 consensus level of \$102.66. Our early 2014 earnings estimate is \$113.42, a 7.0% increase from 2013. Part two of the U.S. fiscal debate is likely to take steam out of economic momentum in the early months of 2013. Significant European debt rollovers, necessary bank recapitalizations, austerity, and deleveraging could provide opportunities to purchase equities at lower levels before investors gain confidence that pro-growth global economic policies are forthcoming. Our earnings estimates may prove to be conservative but recognize the benefits of globalization and operating leverage for many S&P 500 companies. Our forward multiple range of 13.0–13.5x is lower than what should be expected given current inflation and interest rates, but we account for the ongoing euro zone solvency crisis and simultaneous fiscal austerity—and the absence of capital formation policies—in many developed countries. A global dearth of political leadership and investors' skepticism about the economic recovery and financial markets may also be constraining multiple expansion.

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A fine year for all financial assets save cash, commodities

Stocks rise despite modest U.S. economic growth, European recession, Chinese slowdown

Asset class performance as of December 31, 2012

	TOTAL RETURNS						VOLATILITY
	1 month	3 months	1 year	3 years	5 years	10 years	5 years
Small caps in developed int'l stock markets (MSCI EAFE Small Cap (Net) Index)	4.1	6.0	20.0	7.2	-0.9	11.9	25.2
Emerging market debt (JP Morgan Emerging Markets Bond Index)	0.9	3.3	18.5	12.9	10.5	11.6	10.7
S&P Municipal Bond High Yield Index	0.3	3.7	18.4	11.8	6.4	7.0	11.0
Emerging stock markets (MSCI Emerging Markets (Net) Index)	4.9	5.6	18.2	4.7	-0.9	16.5	29.0
Real estate-related securities (FTSE NAREIT Equity REITs Index)	3.8	2.6	18.1	17.8	5.5	11.6	32.6
Large caps in developed int'l stock markets (MSCI EAFE (Net) Index)	3.2	6.6	17.3	3.6	-3.7	8.2	23.5
Overall U.S. stock market (Russell 3000 Index)	1.2	0.3	16.4	11.2	2.0	7.7	19.8
Small-cap U.S. stocks (Russell 2000 Index)	3.6	1.9	16.4	12.3	3.6	9.7	24.6
Large-cap U.S. stocks (S&P 500 Index)	0.9	-0.4	16.0	10.9	1.7	7.1	19.0
Speculative-grade corp. bonds (Barclays Capital U.S. High Yield Corporate Index)	1.6	3.3	15.8	11.9	10.3	10.6	14.1
Floating-rate notes (Credit Suisse Leveraged Loan Index)	0.7	1.5	9.4	7.0	4.8	5.5	10.4
Investment-grade municipal bonds (S&P Municipal Bond Index)	-1.3	0.7	7.4	6.8	5.8	5.2	5.7
Inflation-linked bonds (Barclays Capital World Government ILB Index (Hedged))	-0.0	1.8	5.6	7.3	6.2	6.1	5.8
Directional hedge funds (HFRI Fund of Funds Composite Index)	1.6	1.8	5.2	1.6	-1.7	3.7	6.4
Investment-grade taxable bonds (Barclays Capital U.S. Aggregate Bond Index)	-0.1	0.2	4.2	6.2	6.0	5.2	3.5
International bonds (Citigroup World Broad Inv.-Grade Bond Index ex U.S.)	-0.4	-0.7	4.1	3.8	4.9	6.6	9.9
Absolute return hedge funds (HFRI Fund of Funds Conservative Index)	0.7	1.3	3.9	1.7	-1.5	2.8	5.4
Cash equivalents (Merrill Lynch U.S. 3-Month Treasury Bill Index)	0.0	0.0	0.1	0.1	0.5	1.8	0.3
Inflation (Consumer Price Index, all urban consumers, all items)	0.0	-0.2	1.7	2.1	1.8	2.4	1.4
Commodity-related securities (Dow Jones-UBS Commodity Index)	-2.6	-6.3	-1.1	0.1	-5.2	4.1	22.0

Hedge fund returns are preliminary and subject to change. All total returns are stated in nominal terms; the municipal bond results have not been adjusted for tax equivalency. Periods over one year are annualized. Volatility is represented by the standard deviation of monthly returns. Investing involves risk and you may incur a profit or a loss. Past performance is no guarantee of future results.

Source of chart data: Hedge Fund Research Inc. (hedge fund returns); Morningstar (all other asset class returns); U.S. Labor Department (Consumer Price Index levels); Wilmington Trust Investment Advisors (periodic changes in CPI)

Global markets: Two competing perspectives



-
- Ample liquidity: Extraordinarily stimulative, “whatever it takes” mentality of U.S. and European monetary authorities
 - Global growth story intact: Emerging markets continue to lead global economic activity, despite recent deceleration
 - Markets are normalizing as severe tail risks recede
 - Vast U.S. natural gas discoveries support future power consumption needs, current economic activity
 - Valuations attractive given interest rates and inflation, but government interventions distort market signals
 - Healthy corporate free cash flow yields
 - Opportunities remain in select equity and fixed income sub-asset classes
- Emphasis on fiscal austerity over structural reforms create vulnerability to recession
 - Federal Reserve’s unconventional policies supportive of asset prices but leading to policy uncertainties and questionable economic benefit
 - Euro zone fiscal union plans do not address fundamental economic competitive positioning of European peripherals
 - Geopolitical risks affect capital formation: Emergence of global “hotspots” and shifting balance of power to Asia-Pacific region
 - Government is center stage, creating angst among market-oriented business people and investors; entitlement reform not addressed
 - Multi-decade accretion of leverage will not be unwound quickly
 - Job losses and an uncommonly weak current economic expansion plus tight credit translates to a recessionary environment for a segment of U.S. consumers
 - Regulatory uncertainty frustrates / subdues “animal spirits”
 - Exceptionally low short-term interest rates a signal of perceived business risk and lack of investment opportunities

Forecasts constitute the informed judgments and opinions of Wilmington Trust about potential factors influencing future capital market performance and are subject to change without notice. Such forecasts are subject to a broad range of assumptions. Actual events or results may differ from underlying estimates or assumptions, which are subject to various risks and uncertainties. No assurance can be given as to actual future market results or the results of individual investment strategies.

Source: Wilmington Trust Investment Advisors

Investment trends / themes for 2013: U.S. fixed income

We believe the Federal Reserve will seek to hold fixed income yields in place. Investors appear comfortable with 10-year U.S. Treasury yields of 1.4–1.8%. Yield carry supports return projections of 1.0–2.0% for investment-grade bonds, with higher yielding bonds returning 4.0–5.0%.

1. Federal Reserve and other central bank actions continue to suppress sovereign yields.

To help blunt the impact of fiscal austerity, we believe the U.S., European, and U.K. central banks will exert every effort to keep yields for 10-year sovereign bonds negative in real (inflation-adjusted) terms in 2013. As a consequence, investors seeking real yields, rather than an ultra-safe place to park cash, will be forced to look in fixed income credit sectors or equities. With central banks aggressively suppressing yields, it is unlikely that the “bond bubble,” as it is sometimes characterized, will burst in 2013.

2. Issuance of U.S. corporate investment-grade bonds is likely to expand.

In late 2012, companies delayed borrowing, as they awaited resolution of macro issues. As 2013 progresses, we expect companies to respond to low borrowing costs by re-leveraging their balance sheets to conduct share repurchases, pay dividends, and build cash for future capital investments. Investors may have a fresh flow of opportunities to find nominal investment-grade yields that are higher than those of Treasuries.

3. Investors are favoring high-yield loans over high-yield bonds as more loans come to market.

With yields on high-yield bonds and high-yield loans both at historically low levels, investors are favoring high-yield loans for their senior position on the capital structure and their much shorter durations. Furthermore, investors are attracted to the rate floors in some loans. After a dry spell, the supply of high-yield loans appears to be increasing. Default rates on both high-yield bonds and loans are in low single digits.

4. Municipal bond investors are monitoring potential federal budget deal impacts.

There are concerns that the federal income tax exemption for municipal bonds may be capped or eliminated. Also, there is a concern that the federal government might withdraw some fiscal transfers. Beyond these concerns, state (and most local) finances are continuing to improve, and some municipalities are addressing pension liabilities.

5. Investor interest in residential mortgage-backed securities (RMBS) is rising as the housing market improves.

With the U.S. housing market recovering slowly, some investors are cautiously re-entering the RMBS market. RMBS provide yields that are slightly higher than those of Treasuries, with (arguably) the same risk level. Of course, RMBS investors are monitoring prospects that the budget deal might include a mortgage interest deduction cap.

Source: Wilmington Trust Investment Advisors

Our Forecasts for Key Economic Indicators

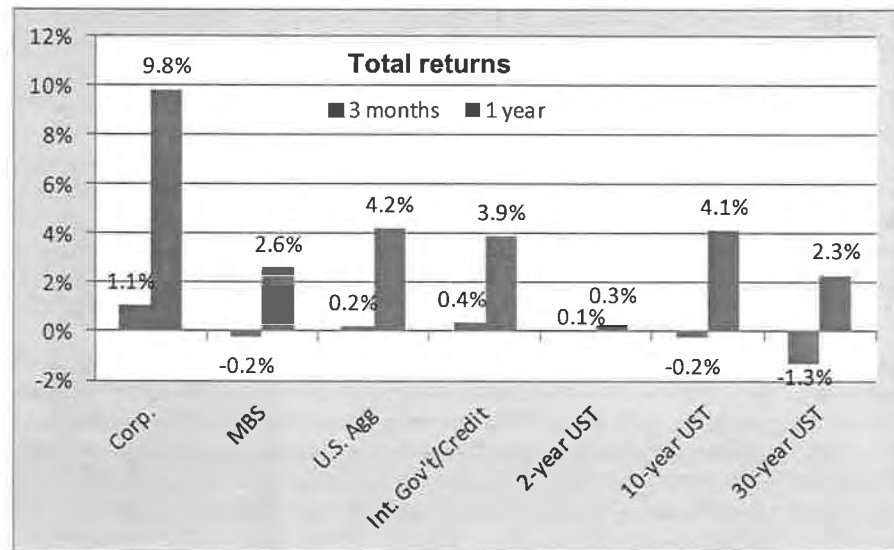
	1Q 2013	2Q 2013	3Q 2013	4Q 2013	Full Year '13
Real Gross Domestic Product: Distortions in the 4Q '12 results will likely lead to some corrections in Q1 '13 which has enabled us to push our estimates up. Improvement in the second half is still expected although growth will remain below long term trends and current consensus estimates.	1.9–2.1%	1.8-2.0%	2.0–2.3%	2.1–2.4%	2.1%
Consensus Estimate	1.5%	2.1%	2.5%		2.0%
Consumer Price Index (year-to-year): Inflation readings will remain contained but pressures could build if economy strengthens significantly.	1.5-1.7%	1.7-1.9%	1.7-1.9%	1.7-1.9%	1.7%
Consensus Estimate	1.7%	2.0%	2.0%		1.9%
Yield of 10-year U.S. Treasury note: Treasury yields likely to be range-bound due to Fed quantitative easing. Some upward drift seems likely as economy improves in 2H '13.	1.7–2.0%	1.8–2.2%	1.8–2.2%	1.9–2.3%	
Consensus Estimate	1.8%	1.9%	2.1%	2.2%	

Opinions, estimates, and projections constitute the judgment of Wilmington Trust and are subject to change without notice.

Sources: Bloomberg (for consensus estimates); Wilmington Trust Investment Advisors

Taxable bond review

Performance as of December 31, 2012



Excess returns vs. Treasuries, in basis points (100 bps = 1.00%)						
	U.S. Aggregate	MBS	U.S. agency	Asset-backed securities	Commercial MBS	Investment-grade corporate
4Q 2012	27	-23	11	19	118	121
2012	226	91	97	246	841	734
2011	-114	-106	19	52	47	-367
2010	171	225	72	169	1,501	229
2009	746	495	238	2,496	2,960	2,276

Sources: Barclays Capital.

The excess returns of the sectors reflect outperformance or underperformance versus the Barclays Capital U.S. Treasury Index. Past performance is no guarantee of future results. Additional index information is provided on the "Asset class performance" page.

U.S. Treasury yields rose slightly during the fourth quarter, as economic growth improved, the elections passed, and the European debt crisis continued to subside. Short-term bonds continued to benefit from accommodative Fed policy. The 2-year Treasury yield increased only 2 basis points, to a year-end yield of 0.25%. The yield curve steepened during the quarter as the 30-year Treasury yield rose by 13 basis points to yield 2.95%, producing a -1.29% quarterly total return. For most of the year interest rates remained range bound. They finished 2012 very close to their year-opening levels. For example, the 5-year Treasury yield closed the year at a yield of 0.72%, 11 basis points below where it started the year. The 5-year portion of the yield curve was its best performing segment on a duration-neutral basis, returning 2.29% for 2012.

The corporate sector produced 121 basis points of excess return for the quarter and 734 basis points for the year. It was the second best year for corporate bonds as measured by excess return, only exceeded by 2009. Corporates continued to benefit from a growing economy, accommodative Fed policy, and the insatiable search for yield. Credit fundamentals remain strong as corporations are flush with cash. The best performing sector during 2012 was finance, with 1252 basis points of excess returns as banks rebounded from 2011. Bank asset quality and profits both grew as loan demand increased. Utilities also had a good year, producing 467 basis points of excess return.

According to Barclays Capital, 2012 was a record year for issuance. Investment-grade issuance topped \$1 trillion as issuers took advantage of very low rates and investors' demand for yield. The average investment-grade risk premium declined from 217 basis points at the start of the year to 131 basis points at year-end.

The mortgage-backed securities (MBS) sector underperformed for the quarter, as investors took profits as risk premiums reached record low levels in September in response to the Fed's buying of MBS. Also contributing to the underperformance was increased issuance resulting from record low mortgage rates and an improving housing market. For the year the sector provided 91 basis points of excess return as the Fed continued to purchase \$45 billion of MBS per month, in addition to reinvesting pay downs and monthly interest payments.

SUSAN M. WEBB, CPA
FINANCE DIRECTOR




Sussex County

ADMINISTRATIVE OFFICE BUILDING
2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
TEL: 302-855-7741
FAX: 302-855-7749
E-MAIL: smwebb@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 Phillips

FROM: Susan M. Webb, CPA 
Finance Director

RE: **SUSSEX COUNTY COLLATERAL POLICY**

DATE: February 14, 2013

At the February 19, 2013 Council meeting, I will be discussing our County collateral policy. Collateralization of public deposits/funds is essential for every government to do. The safety of public funds is one of Finance's foremost objective in cash management. We collateralize deposits through the pledging of appropriate securities as a safeguard. We follow the GFOA (Government Finance Officers Association) best practices and recommendations for our collateral policy.

I will be making a recommendation to change our collateral policy by allowing banks the option to use the Federal Home Loan Bank of New York (FHLB NY) Letters of Credit as collateral for us.

A Letter of Credit is a credit instrument issued by a financial institution guaranteeing payment on behalf of its customer to a beneficiary. The FHLB NY Letters of Credit has a triple-A credit rating. According to Moody's Investors Service, a triple-A-rating is judged to be the best quality and carry the smallest degree of investment risk. The State of Delaware and most municipalities also use these Letters of Credit as a collateral option.

The Federal Home Loan Mortgage Corporation is a government-sponsored entity, commonly called a government agency. This is unlike U. S. treasuries and GNMA's issued by the Government National Mortgage Association, which are direct obligations of the U. S. government and backed by their full faith and credit.

While Dominick D'Eramo is here reporting on the investment portfolio, he will also be able to speak about this issue.

SMW/nc

xc: Todd F. Lawson
Gina A. Jennings
Christine T. Barry



FHLBNY LETTER OF CREDIT (L/C)

Form a Strategic Alliance with an FHLBNY L/C

The sought-after idea of collateralizing your municipal deposits at your local community lender with a triple-A-rated Letter of Credit is now a reality through the Federal Home Loan Bank of New York's (FHLBNY) L/C program. In the past, some institutions did not have this alternate way to collateralize municipal deposits. Now several states have amended their laws to permit these institutions to utilize an FHLBNY L/C as eligible collateral.

What is an FHLBNY L/C?

An L/C is a credit instrument issued by a financial institution guaranteeing payment on behalf of its customer to a beneficiary, normally to a third party but sometimes to the institution's customer, for a stated period of time and when certain conditions are met.

An FHLBNY L/C substitutes the issuing institution's credit for the credit of the FHLBNY. The FHLBNY L/C has a triple-A counter party credit rating. According to Moody's Investors Service, a triple-A-rating is judged to be the best quality and carry the smallest degree of investment risk.

Benefits of Accepting an FHLBNY L/C:

- » **No cost to you** – The L/C is paid for by the FHLBNY member institution, not the municipality
- » **Immediate pay out** – In the unlikely event of a default in performance by the member institution, municipalities get paid promptly, as opposed to selling securities to the market
- » **Efficient operational process** – The L/C eliminates the need for the depository institution to match securities and monitor margin calls, which reduces operational expenses
- » **Immediate pay on submission of proper draw certificate** – Municipalities will receive on the day of the transaction, a one page L/C via fax with the original transmitted via an overnight delivery service

How to Request an FHLBNY L/C:

Only members of the FHLBNY can request a L/C from the FHLBNY, so you must work with your depository institution. With over 330 members, it's a good chance that your current depository institution is an FHLBNY member.

A complete listing of FHLBNY members can be found on our website at www.fhlbny.com/members under *Membership List*.

For more information on this tri-party agreement and the benefits it offers, contact us at (212) 441-6700.

Check out the L/C section on our website at www.fhlbny.com/lc.



The information provided by the Federal Home Loan Bank of New York (FHLBNY) in this communication is set forth for informational purposes only. The information should not be construed as an opinion, recommendation or solicitation regarding the use of any financial strategy and it is not intended to be used for the sale of any financial instrument. All customers are advised to consult their own independent due diligence before making any financial decisions. Please note that the past performance of any FHLBNY service or product should not be viewed as a guarantee of future results. Also, the information presented here and the services or products provided by the FHLBNY may change at any time without notice.

**Sussex County
Engineering Department**

MICHAEL A. IZZO, P.E.
County Engineer



2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
Administration 302-855-7718
Airport & Industrial Park 302-855-7774
Environmental Services 302-855-7730
Public Works 302-855-7703
Records Management 302-854-5033
Utility Engineering 302-855-7717
Utility Permits 302-855-7719
Utility Planning 302-855-1299

Fax: 302-855-7799

January 30, 2013

FACT SHEET

**SUSSEX COUNTY PROJECT 81-04
FAIRWAY VILLAGE - PHASE 4A
AGREEMENT NO. 844 - 3**

DEVELOPER:

Mr. Louis Capano, III
Fairway Cap, LLC
105 Foulk Road
Wilmington, DE 19803

LOCATION:

Town of Ocean View, County Road 84 and County
Road 368.

SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

7 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$33,775.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
11/30/06

Department Of Natural Resources Plan Approval
12/15/06

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 5
Construction Admin And Construction Inspection Cost – \$3,162.30
Proposed Construction Cost – \$21,082.00

//west-fs1/Engineering/99110/agr_num844/agr_num844-3/UCD_Construction_Fact_Sheet_3.rtf
01/30/2013

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 19, 2013

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 844-3 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FAIRWAY CAP, L.L.C.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "(FAIRWAY VILLAGE – PHASE 4A)", LOCATED IN BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 844-3

TODD LAWSON
COUNTY ADMINISTRATOR

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
ENVIRONMENTAL SERVICES (302) 855-7730
PUBLIC WORKS (302) 855-7703
RECORDS MANAGEMENT (302) 854-5033
UTILITY ENGINEERING (302) 855-7717
UTILITY PERMITS (302) 855-7719
UTILITY PLANNING (302) 855-1299
FAX (302) 855-7799



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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 31, 2013

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
FAIRWAY VILLAGE - PHASE 4B
AGREEMENT NO. 844 - 4

DEVELOPER:

Mr. Louis Capano, III
Fairway Cap, LLC
105 Foulk Road
Wilmington, DE 19803

LOCATION:

Town of Ocean View, County Road 84 and County
Road 368.

SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

14 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$67,550.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
11/30/06

Department Of Natural Resources Plan Approval
12/15/06

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 10
Construction Admin And Construction Inspection Cost – \$6,039.60
Proposed Construction Cost – \$40,264.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 19, 2013

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 844-4 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "ESTATES OF FAIRWAY VILLAGE, L.L.C.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "(FAIRWAY VILLAGE – PHASE 4B)", LOCATED IN BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 844-4

TODD LAWSON
COUNTY ADMINISTRATOR

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 31, 2013

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
FAIRWAY VILLAGE - PHASE 4C
AGREEMENT NO. 844 - 5

DEVELOPER:

Mr. Louis Capano, III
Fairway Cap, LLC
105 Foulk Road
Wilmington, DE 19803

LOCATION:

Town of Ocean View, County Road 84 and County
Road 368.

SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

16 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$77,200.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
11/30/06

Department Of Natural Resources Plan Approval
12/15/06

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 16
Construction Admin And Construction Inspection Cost – \$7,734.90
Proposed Construction Cost – \$51,566.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 19, 2013

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 844-5 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FAIRWAY CAP, L.L.C.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "(FAIRWAY VILLAGE – PHASE 4C)", LOCATED IN BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 844-5

TODD LAWSON
COUNTY ADMINISTRATOR

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

January 31, 2013

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
VINCENT OVERLOOK - PHASE 3A
AGREEMENT NO. 843 - 3

DEVELOPER:

Mr. Louis J. Capano, III
Vincent Overlook, LLC
105 Foulk Road
Wilmington, DE 19803

LOCATION:

Intersection of CR 88 & CR 261

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

18 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$84,870.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/18/05

Department Of Natural Resources Plan Approval
11/30/05

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 20
Construction Admin And Construction Inspection Cost – \$6,886.54
Proposed Construction Cost – \$45,910.25

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
UTILITY ENGINEERING	(302) 855-7717
UTILITY PERMITS	(302) 855-7719
UTILITY PLANNING	(302) 855-1299
FAX	(302) 855-7799



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 19, 2013

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 843-3 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "VINCENT OVERLOOK, L.L.C.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "(VINCENT OVERLOOK – PHASE 3A)", LOCATED IN WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 843-3

TODD LAWSON
COUNTY ADMINISTRATOR

RESOLUTION NO. R

WHEREAS, the Sussex County Council recognizes the importance of fair housing for the citizens of Sussex County; and

WHEREAS, the Sussex County Council supports the goals of the Federal Fair Housing Law;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council heartily encourages all parties involved in the renting, selling or financing of housing in Sussex County to insure that no person shall, on the grounds of race, color, national origin, religion, creed, sex, marital status, familial status, age, sexual orientation or disability be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED that the Sussex County Council, when acting as Administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with applying for the Community Development Block Grant funding.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF FEBRUARY 2013.

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

RESOLUTION NO. R

ENDORISING PROJECTS TO BE SUBMITTED TO THE DELAWARE STATE HOUSING AUTHORITY FOR FUNDING FROM THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND AUTHORIZING TODD F. LAWSON, COUNTY ADMINISTRATOR, TO SUBMIT APPLICATIONS

WHEREAS, The Sussex County Council resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants for the State of Delaware Community Development Block Grant Program; and

WHEREAS, Sussex County has met the application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and Procedures) citizen participation requirements; and

WHEREAS, Sussex County is eligible to submit applications for such grants through the Delaware State Housing Authority as stated in the FY 2013 Delaware Community Development Block Grant Program Policies and Procedures Manual in the earmarked amount of \$1,100,000.00; and

WHEREAS, the County Administrator, Todd F. Lawson, is hereby authorized to certify that matching funds in excess of \$162,000.00 which have been identified as supporting its projects as set out within its application will be made available upon the approval of the projects by the Delaware State Housing Authority.

NOW, THEREFORE, BE IT RESOLVED that after holding public reviews and a public hearing on the projects to be included in the application to the Delaware State Housing Authority for Community Development Block Grant funds, the Sussex County Council approves the following projects:

Municipality Applications:

Blades (Rehab):	\$ 80,000.00
Blades (Demo):	\$ 15,000.00
Bridgeville (Rehab):	\$140,000.00
Bridgeville (Demo):	\$ 36,000.00
Delmar (Rehab):	\$105,000.00
Ellendale (Rehab):	\$ 80,000.00
Frankford (Rehab):	\$ 80,000.00
Greenwood (Rehab):	\$ 80,000.00
Georgetown (Infrastructure.):	\$103,460.00
Georgetown (Rehab):	\$105,000.00
Laurel (Rehab):	\$140,000.00
Milford (Rehab):	\$140,000.00
Milton (Rehab):	\$105,000.00
Seaford (Rehab):	\$140,000.00
Selbyville (Rehab):	\$140,000.00

County Application:

Scattered Rehab:	\$328,000.00
Scattered Demo:	\$ 46,000.00
Planning Study:	\$ 30,000.00
Scattered Emergency:	\$ 84,000.00
Scattered Hookups:	\$ 50,000.00
Cool Spring (Rehab):	\$ 80,000.00
Coverdale (Rehab):	\$ 80,000.00
Mount Joy (Rehab):	\$ 80,000.00
Rural Selbyville (Rehab):	\$ 80,000.00
West Rehoboth (Rehab):	\$ 80,000.00
Administration Funds:	\$162,000.00

BE IT FURTHER RESOLVED by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the above-mentioned projects to the State of Delaware Housing Authority for funding.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 19TH DAY OF FEBRUARY 2013.

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

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

CONTRACT PERIOD FROM: JULY 1, 2013 TO JUNE 30, 2014
SUMMARY OF PROGRAM ACTIVITIES

PROGRAM ACTIVITIES	PROGRAMS	CDBG PROGRAM FUNDS	LOCAL MATCH FUNDS	OTHER FUNDS	TOTAL REQUESTED
Blades Rehab	(5) Rehab	\$80,000.00			\$80,000.00
Blades Demo	(2) Demo	\$15,000.00			\$15,000.00
Bridgeville	(8) Rehab	\$140,000.00			\$140,000.00
Bridgeville Demo	(3) Demo	\$36,000.00			\$36,000.00
Delmar Rehab	(6) Rehab	\$105,000.00			\$105,000.00
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	Infrast.	\$103,460.00	\$44,340.00		\$147,800.00
Georgetown	(6) Rehab	\$105,000.00			\$105,000.00
Laurel	(8) Rehab	\$140,000.00			\$140,000.00
Milford	(8) Rehab	\$140,000.00			\$140,000.00
Milton	(6) Rehab	\$105,000.00			\$105,000.00
Seaford	(8) Rehab	\$140,000.00			\$140,000.00
Selbyville	(8) Rehab	\$140,000.00			\$140,000.00
Scattered Rehab	(20) Rehab	\$328,000.00		\$ 20,000.00	\$348,000.00
SC Planning Study		\$ 30,000.00			\$ 30,000.00
Scattered Demo	(8) Demo	\$ 46,000.00			\$ 46,000.00
Scattered Emergency Rehab	(14) Rehab	\$ 84,000.00			\$ 84,000.00
Scattered Hookup	(20) Hook-ups	\$ 50,000.00			\$ 50,000.00
Cool Spring	(5) Rehab	\$ 80,000.00			\$ 80,000.00
Coverdale	(5) Rehab	\$ 80,000.00			\$ 80,000.00
Mount Joy	(5) Rehab	\$ 80,000.00			\$ 80,000.00
Rural Selbyville	(5) Rehab	\$ 80,000.00			\$ 80,000.00
West Rehoboth	(5) Rehab	\$ 80,000.00			\$ 80,000.00
TOTALS		\$2,427,460.00	\$44,340.00	\$20,000.00	\$2,491,800.00

TOTAL PROJECTS: Rehabs 137 Hookups 20 Infrastructure 1 Demo 13

ADMINISTRATION	CDBG PROGRAM FUNDS	LOCAL MATCH FUNDS	OTHER FUNDS	TOTAL REQUESTED
Salaries	\$152,000	\$66,984.00	\$ -0-	\$218,984.00
Other Employment Costs	0	\$140,216.00	\$ -0-	\$140,216.00
Travel	\$10,000.00	0	\$ -0-	\$10,000.00
Contractual Services	0	\$20,900.00	\$ -0-	\$20,900.00
Supplies & Materials	0	\$2,500.00	\$ -0-	\$2,500.00
Total Administration Costs	\$162,000.00	\$230,600.00		\$392,600.00
Total Program Costs	\$2,589,460.00	\$274,940.00	\$20,000.00	\$2,884,400.00

RESOLUTION

TO SUBMIT A REQUEST FOR A SURFACE WATER MATCHING PLANNING GRANT TO THE DELAWARE CLEAN WATER ADVISORY COUNCIL TO FINANCE THE PLANNING PORTION OF THE OAK CREST FARMS STORMWATER RETROFIT PROJECT.

WHEREAS, the Sussex County Council proposes to plan and engineer the OAK CREST FARMS STORMWATER RETROFIT PROJECT; and

WHEREAS, Sussex County has entered into a contract with Merestone Consultants, Inc., for consulting engineering services for the OAK CREST FARMS STORMWATER RETROFIT PROJECT; and

WHEREAS, the Delaware Clean Water Advisory Council offers matching grants to assist in financing planning and engineering for projects which are consistent with Sussex County's Comprehensive Plan and the surface water strategies of DNREC and the Sussex Conservation District; and

NOW, THEREFORE,

BE IT RESOLVED THAT the Sussex County Council of Sussex County, Delaware, hereby directs the Engineering Department to submit an application to the Clean Water Advisory Council for up to \$21,000 in matching funds to assist in financing the OAK CREST FARMS STORMWATER RETROFIT PROJECT.

February 19, 2013



LAUREL YOUTH SPORTS BASKETBALL 2013
C/O Jeff or Marie Gordy
10021 Cedar St
Laurel, De 19956
302-258-3467 or 302-258-3468

Dear Honorable Phillips and Honorable Vincent

The 2013 season is getting ready to start up and Laurel Youth Sports Basketball is looking for donations, to offset the cost of running the league.

Laurel youth sports Basketball has approximately 190 boys and girls, ages 7-13 that participate in our program. And as everyone knows the cost of running a league is very expensive we need all the help we can get. This year more than ever.

Keeping the Laurel Children off the street and playing sports is so important to us.

Any questions please feel free to contact Jeff or Marie Gordy.

Thank you for your support,

Jeff and Marie Gordy



Nanticoke Chapter
P.O. Box 357
Seaford, DE 19973

February 4, 2013

The Honorable Michael H. Vincent
President
Sussex County Council
P.O. Box 429
Georgetown, DE 19947

Dear Councilman Vincent (Mike):

On behalf of Ducks Unlimited, Nanticoke Chapter, I would like to request a grant in the amount of \$1000 to Ducks Unlimited.

The donation will be used for Ducks Unlimited's Conservation of Wetlands efforts here in Sussex County to be used for conservation in the Nanticoke River Watershed.

DU's Conservation Focus

1. Restore and protect ecological functions of coastal watersheds.
2. Work toward long-term protection of already restored areas.
3. Concentrate conservation activities within targeted watersheds to restore buffers, via wetland restoration, to provide clean water.
4. Provide technical assistance and landowner education.
5. Identify and prioritize key research and evaluation needs.
6. Establish outreach programs on the importance of wetland values.

Thanks again for your support.

Sincerely,

Mark S. Hardesty
Treasurer Nanticoke Chapter
Ducks Unlimited
(302)236-1010 Cell



Delaware River & Bay Lighthouse Foundation, Inc.

P.O. Box 708, Lewes, DE 19958

• 302-644-7046 •

www.delawarebaylights.org

December 5, 2012

Dear Friend,

As 2012 comes to a close, it's time again to ask for your continued support. As you know, Delaware River & Bay Lighthouse Foundation's mission is to educate our community along with restoration and maintenance of Harbor of Refuge. These goals can only be accomplished through our outreach programs and fundraising initiatives.

Over the past few years, we have experienced several severe storms that have rendered the dock unusable. Our main goal for the upcoming year 2013 is to get the dock functional for restoration and tours. We do have dedicated funds for this project, but we expect at least a \$7000 shortfall to cover the repairs.

We are asking our members to help overcome this challenge through a tax deductible contribution before the end of the calendar year. Your check can be mailed to the address above in our letterhead.

We truly appreciate your ongoing membership and financial support. It is important that we continue to work toward our educational goal and restoration of Harbor of Refuge so we can resume our tours again.

Sincerely,

Red Mouliniér

President, DRBLHF



December 5, 2012

Dear Councilwoman Deaver:

Libraries are so much more than just a place to check out a book. Libraries are places that reflect a community's intellectual and cultural identity, and nowhere is this truer than at the Lewes Public Library.

Whether you're bringing children to story time, attending a computer class, or checking out one of the millions of titles available through the statewide catalog, our community has access to a wide variety of information services through the library.

The library is proud to serve as the community's information hub. Computer classes and tech nights keep people up-to-date with technology. Other programs, including book groups, financial and health literacy seminars, and craft programs, bring members of the community together to share their knowledge, skills, and passions.

Your contribution to the Lewes Public Library strengthens your community and your neighbors. We provide a safe, quiet environment for a child who is eager to learn. We give a young adult access to information and a computer to search for employment opportunities. We provide a retired couple with a wealth of books to read, movies to watch, as well as educational and entertaining programs to attend.

As the area's population continues to increase, we know the library must fulfill diverse new requests, while continuing to offer traditional services. In the past year, 150,000 people visited the library, borrowing 180,000 items, using our computers 16,000 times, and attending over 500 programs on a variety of topics.

Our current annual operating budget is nearly \$475,000. And while the state, county and city support almost half of our budget, the greater Lewes community makes up the difference.

We rely on thousands of volunteer hours and your financial support to help us fulfill our mission. Our goal is to provide access to a wide variety of educational, informational, and recreational materials and encourage a lifelong love of reading and learning. **Please consider a gift to help us achieve our mission.**

It is with your assistance that we are able to continue offering collections and programming to enrich the lives of all members of our community. Thank you in advance for your generosity.

Sincerely,

J. E. Hale, M.D., Vice President
Lewes Public Library Board of Commissioners

SUSSEX PREPARATORY ACADEMY

Campaign Office | PO Box 693, Lewes, Delaware 19958
135 Second Street, Lewes, Delaware 19958
Phone | (302) 644-0108 Fax | (302) 644-8856

December 20, 2012

Council Person Joan Deaver
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

Dear Council Person Deaver:

High school students in Sussex County need more educational choice.

I am writing to ask your support for Sussex County's first charter high school – an expansion of the highly successful Sussex Academy of Arts & Sciences (SAAS) middle school in Georgetown, DE. SAAS is our County's only charter school.

The objective of this new high school will be to prepare and qualify our students for acceptance and success at top quality colleges and universities. (Please see the enclosed proposal for more information.)

I am respectfully requesting a \$3,000 donation from your 2013 discretionary fund to help establish this grade 6-12 facility. As you may know, while state funds support the operations of charters (which are public schools), no state money is available for facility construction or renovation.

Our plan is to "swap" facilities between SAAS and Delmarva Christian High School, thereby benefitting both organizations. The difference in appraised value, and the cost of completing the DCHS facility, requires raising \$15.5 million. Details regarding this exchange are found in the enclosed flyer.

Because the amount needed is significant, we are asking each Sussex County Council-person for a donation of this same amount, totaling \$15,000. County Administrator Lawson is copied on these letters in the event a presentation before Council may be required.

Thank you for your kind consideration of this request.


Michael Rawl
Campaign Manager

cc: Todd Lawson

School Office | 2177 Sussex Pines Road, Georgetown, Delaware 19947
Phone | (302) 856-3636 Fax | (302) 856-3376



DELAWARE POLICE CHIEFS' COUNCIL, INC.

400 SOUTH QUEEN STREET, DOVER, DELAWARE 19904



Telephone: (302) 739-5411 Fax: (302) 736-7146

January 29, 2013

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Lewes

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Martin W. Johnson, III
Coordinator

Donna M. Mills
Executive Assistant

John F. Brady, Esq.
Legal Advisor

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

Dear Mr. Vincent:

This is a request for your assistance in providing partial reimbursement for expenses to permit Mr. Martin Johnson our Local Police Coordinator, for attending a meeting of the Committee of Executive Directors, International Association of Chiefs of Police Training Conference in Nashville, Tennessee from March 8 -12, 2013. The directors' meeting is held in conjunction with the State Association of Chiefs of Police (SACOP).

The Delaware Police Chiefs' Council is assisting local departments in meeting professional policing standards to qualify them for state accreditation. Accreditation, in addition to a wealth of other workshops on innovations in policing and management of state associations, will be discussed and promoted at this meeting. A key to attending is being able to first hand identify those issues and trainers we should bring to Delaware.

The General Assembly appropriation for local police coordination falls short of providing full funding for our operations which in part, provides technical and management assistance of Sussex County police departments. 25 of the 43 departments consist of less than 15 officers; and 18 of these departments are within Sussex County. The bulk of Martin's time is spent on behalf of small departments.

Attendance at out-of-state training programs is difficult without supplemental funding. Your assistance in helping by providing \$500.00 of the anticipated costs would be extremely helpful in meeting our objectives of maximizing the effectiveness of local departments.

Thank you for your consideration in this matter.

Sincerely,



Chief Jeffrey Horvath
Chairman



Martin W. Johnson, III
Executive Director/Coordinator

JH: dmm

Cc: Mr. Todd Lawson
County Administrator

Ms. Susan Webb
Finance Director

Delaware Blue Hens Select Baseball

2013



Honorable Sam Wilson,

I am sending you this letter to inquire about funding to assist with the endeavors of Delaware Blue Hens Select 11U Baseball. I was hoping you could advise if Sussex County offers any type of assistance for such a group as ours. We are comprised of 11 year old boys from all over Sussex County, that compete in travel baseball tournaments. Primarily we play at the Sports At The Beach complex, however we have also played at Georgetown Little League's fall tournament as well as a tournament at the Lower Sussex Complex.

Our boys have made great efforts to raise money to pay for tournament fees, insurance, uniforms and equipment costs. That is in addition to the money each player's family has to pay out of pocket.

Our team is a non-profit organization and none of the coaches are compensated. All monies raised or donated go directly to the team and the boys. The team has a goal of traveling to Cooperstown, NY in 2014, to play in a week long tournament. Our team has chosen to play locally, this season, to keep costs down in the hopes to raise enough money to travel to Cooperstown in 2014.

Any direction or assistance that you could provide would be greatly appreciated, as we strive to represent Sussex County on the baseball field in the future. I have also enclosed a form that tells more about the Blue Hens Select Baseball. Thank you for your time. Feel free to contact us at anytime to answer any questions.

Sincerely,

Ed Joyce Manager 302-542-9864
Penuel Barrett Coach 302-228-9615

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, INVOLVING TWO (2) PARCELS; CONTAINING 1.10 ACRE, MORE OR LESS (Tax Map I.D. 2-32-12.00 Parcel 107.00 and 106.02 (Part of)

WHEREAS, on the 6th day of February 2013, a zoning application, denominated Change of Zone No. 1727 was filed on behalf of Louis D. O'Neal; 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 Change of Zone No. 1727 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 has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying north of Road 466 (Sycamore Road) and east of U.S. Route 13 and being more particularly described as follows:

TRACT #1

BEGINNING at a pipe on the easterly right-of-way of U.S. Route 13, a corner for these lands and lands, now or formerly, of Myrtle Mumford, and being 350 feet north of Road 466; thence north 73°10'47" east 298.35 feet along said Mumford lands to a pipe; thence

south 16°49'13" east 126.98 feet along said Mumford lands to a pipe; thence south 60°27'03" 100.24 feet along lands, now or formerly of Martin Cady to a pipe; thence north 15°47'28" west 99.09 feet along other lands of Louis D. O'Neal to a point; thence south 73°10'43" west 202.35 feet along other lands of Louis D. O'Neal to a point on the easterly right-of-way of U.S. Route 13, thence north 16°49'13" west 50.00 feet along said right-of-way to the point and place of beginning, and containing 0.53 acre, more or less, per survey by Gene R. Littleton & Associates.

TRACT #2

BEGINNING at a concrete monument on the northerly right-of-way of Road 466, a corner for these lands and other lands of Louis D. O'Neal; thence north 15°36'00" west 206.02 feet along said O'Neal lands to a pipe; thence north 60°20'00" east 100.00 feet along said O'Neal lands to a pipe; thence south 29°39'20" east 199.97 feet along lands of Sussex County Council to a concrete monument on the northerly right-of-way of Road 466; thence south 60°20'00" west 150.00 feet along the northerly right-of-way of Road 466 to the point and place of beginning, and containing 0.57 acre, more or less, per survey by Theodore B. Simpler.

Tract #1 and Tract #2 total 1.10 acre, more or less.

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

PUBLIC HEARINGS
February 19, 2013

This is to certify that on January 24, 2013 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed application for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that these applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

C/U #1955 – application of **STATE OF DELAWARE (DELDOT)** to consider the 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, lying north of Newton Road (Route 404A) and east of railroad (Tax Map I.D. 5-30-16.000-11.01).

Mr. Robertson advised the Commission that he would not be participating in the discussion or consideration of this application.

The Commission found that the Applicants submitted a site plan with their application for consideration. The site plan depicts the location of a crew operations building, scales, fuel island, truck and mower sheds, salt barn, shop, material storage areas, and drives.

The Commission found that the County Engineering Department Utility Planning Division submitted comments on January 11, 2013 which reference that the site is located in the Western Sussex Planning Area #1; that an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Edwin Tennefoss was present on behalf of DelDOT and stated in his presentation that the parcel is located just north of Bridgeville and is proposed to be utilized for a DelDOT maintenance yard to replace the current yard site north of Seaford; that the current site is out of date and has some flooding issues; that they did submit an application to the Preliminary

Land Use Service (PLUS) review; that landscaping and fencing is proposed; that the entrance to the site is already in place; that they would like to erect a lighted sign at the entrance; that they have no objection to a limitation on signage; that dumpsters will be provided; that the entire maintenance yard will be screened; that the entrance will be gated; that approximately 20 employees will be working from the facility; that adequate space is available for parking for employees; that two of the spaces will be handicapped spaces; that the use will be operational Monday through Friday, and for emergency use only (i.e. snow removal); that they are proposing two truck sheds for approximately 10 trucks; that across Route 404A near the entrance is an industrial/commercial area; and that the location is more centralized in the service area than the current Seaford maintenance yard.

The Commission found that there were no parties present in support of or in opposition to this application.

At the conclusion of the public hearings, the Commission discussed this application.

Mr. Smith stated that he would move that the Commission recommend approval of C/U #1955 for the State of Delaware (DelDOT) for a maintenance yard based upon the record and for the following reasons:

- 1) The Applicant stated that the need is of a public nature and promotes the health, safety and general welfare of the public. No parties appeared in opposition.
- 2) The Application with the following conditions placed upon it will not have an adverse impact on traffic or the surrounding properties:
 - A. The entrance shall be secured by a gate when the maintenance yard is not in use.
 - B. One lighted sign, not to exceed 48 square feet per side shall be permitted.
 - C. Any dumpster pads shall be screened from view and shown on the Final Site Plan.
 - D. Days and hours of operation shall be Monday through Friday, 7:00 a.m. to 3:00 p.m., except as emergency conditions dictate.
 - E. Any security lighting shall be downward focused so as to not impact neighboring properties.
 - F. Areas designated for parking shall be shown on the Final Site Plan and shall be clearly marked on the site.
 - G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

C/Z #1725 – application of **JACK LINGO ASSET MANAGEMENT, LLC** to amend the Comprehensive Zoning Map from GR General Residential District to AR-1 Agricultural Residential District, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 74 acres, more or less, lying southwest of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284)(Tax Map I.D. 3-34-12.00-16.00 Part of).

C/U #1951 – application of **JACK LINGO ASSET MANAGEMENT, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a rv resort and campground, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 162.424 acres, more or less, lying southeast of Ward Road (Road 283A) and southeast of Cedar Grove Road (Road 283) 2,400 feet southwest of Mulberry Knoll Road (Road 284)(Tax Map I.D. 3-34-12.00-16.00, Part of).

It was noted that the applications were being combined for the purpose of the public hearing so that the records did not have to be duplicated, and that the Commission would make a decision on each application independently.

Mr. Lank advised those parties present that the Applicants had provided an Exhibit Booklet on January 14, 2013 for consideration, and that the Commission had previously been provided a copy of the Exhibit Booklet. The Exhibit Booklet contains copies of the Preliminary Land Use Service (PLUS) comments and DelDOT comments.

The Commission found that the County Engineering Department Utility Planning Division had provided comments, in the form of a memorandum, on January 11, 2013 and referenced that the site is located in the Goslee Creek Planning Area; that wastewater capacity is available based on certain conditions; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,715.00 per Equivalent Dwelling Unit (EDU); that sewer service has not been extended to the Goslee Creek Planning Area; that the project is capable of being annexed into the West Rehoboth Expansion Area; that conformity to the North Coastal Planning Study will be required; that the project is located in the Goslee Creek Planning Area for sewer service, but the developer must construct regional infrastructure to connect to an approved connection point; that the developer's engineer has undertaken a planning study to determine the scope of regional sewer infrastructure needs; that the report proposes several options for connection and is being reviewed by the County Engineering Department; that the County requires design and construction of the collection and transmission system to meet County sewer standards and specifications; that a sewer concept plan must be submitted for review and approval prior to design of the sewer system and prior to requesting annexation into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that a checklist for preparing concept plans is attached to the memorandum; that a list of steps for completing a district expansion is also attached; and that a concept plan is required.

Mr. Lank advised the Commission that he reviewed the file at the close of business earlier today and that the Department had received nine (9) letters in support of this application; 528 signatures on petitions in opposition to the application; and 111 letters/emails in opposition to the application. Mr. Lank added that an additional 2 letters and petitions containing an additional 89 signatures were received just prior to the meeting. The letters/emails and petitions were signed by parties living in Harts Landing, along Ward Road, in Sandy Brae, in Henlopen Landing, in The Plantations, in Bay Front, in Briarwood Estates, in Webb's Landing, in the Retreat at Love Creek, and other projects and locations in the general area.

The Commission found that Nick Hammonds, Project Manager, was present on behalf of Jack Lingo Asset Management, LLC, with Gene Bayard, Attorney with Morris, James, Wilson, Halbrook and Bayard, P.A., Ring Lardner, Professional Engineer, D.J. Hughes, Professional Engineer, and Michael Wigley, Architect, of Davis, Bowen & Friedel, Inc. and that they stated in their presentations and in response to questions raised by the Commission that the property has been owned by the Townsend family for many years; that the property is located in a Tidewater Utilities franchise area; that the property is located in a County regional sewer district; that the developers will be building all of the required infrastructure; that the site contains approximately 162 acres of a 324 acre tract owned by J.G. Townsend, Jr. & Company; that they are proposing to change 74 acres from GR General Residential to AR-1 Agricultural Residential; that the GR portion of the property is capable of being subdivided into approximately 322 single family lots for manufactured homes, modular homes or dwellings; that the AR portion of the property is capable of being subdivided into approximately 191 single family lots; that a RV park/campground is needed in the area; that a study was performed in the area and there is a demand for campsites; that the majority of the site is wooded; that Love Creek is actually an amenity/attraction for the proposed park; that Davis, Bowen & Friedel, Inc. have prepared and revised the site plan of the layout of the project; that a national RV park designer reviewed the site and the plans and made comments on the design; that the developers held a public meeting on December 27, 2012 to present the project to area residents to obtain comments; that approximately 80 parties attended the public meeting and raised several issues, primarily traffic issues; that an RV park generates less traffic than residential development; that the project is being planned as a destination spot which creates even less traffic trips than a subdivision; that they originally intended to access from Ward Road and have since revised the plans to access from Cedar Grove Road; that concerns were expressed about the distance the proposed cabins are from dwelling that exist on lands of other ownership and that they have relocated the cabins; that there will be no to minimal impacts on wetlands; that the Exhibit Booklet contains a series of maps, i.e. flood plain map, wetlands map, sewer district map, zoning map, State Strategies map, and map of the Environmental Sensitive Developing District Overlay Zone; that according to the State Strategies the site is located in Level 2 and 3 growth areas; that a wetlands delineation has been performed and is now being prepared for submittal to the State and Corps. of Engineers; that a timber cruise has been completed to establish a minimization of tree removal; that a review of the Federal and State Endangered Species listing indicates that none were found or reported on the site; that the Beers Atlas of 1868 indicates that a dwelling existed on the site, but no structures have been found; that any archaeological features found on the site will be preserved; that there are no known Indian burial sites on the site; that there are no historical sites referenced on the site that are included on the National Registry; that the soils on the site are well drained and there should be no issues relating to stormwater management of the site; that they are proposing a 50-foot wide buffer from all wetlands; that they attended the PLUS review and have responded to the comments received from PLUS; that those comments and responses are included in the Exhibit Booklet; that they have provided an Environmental Assessment and Public Facility Evaluation Report in the Exhibit Booklet; that the entrance and welcome center with related parking have been relocated to an entrance on Cedar Grove Road; that the project will provide sites for towable campers and RVs; that the site is almost entirely wooded which can provide a natural buffer; that fencing and landscape screening will also be provided; that all camping sites will be a minimum of 400 feet from any residence off-site; that

the buffers to be provided will also include a 50-foot buffer from property lines and a 100-foot buffer from any public road; that the sites will have all necessary hook-ups, i.e. water, sewer, electric; that the minimum size of a camping site per Code is 2,000 square feet, and that they are proposing approximately 3,000 square feet per site; that they intend to preserve as many trees as possible; that the layout proposed creates some thru lots for convenience of the RVs; that the stormwater management ponds are being designed as water features and will allow for recreational amenities, i.e. paddle boats; that trails and paths will be provided for interconnection throughout the park; that the amenities include pools, a general store, bathhouses, playgrounds, picnic pavilions, a fitness club, an amphitheater/chapel, a canoe/kayak launch and outfitter, and a dock/bar; that the amphitheater is approximately 1,300 feet from Ward Road; that the amenities are proposed for guest of the campground only; that security will be provided 24 hours/7 days per week; that no marina or boat ramp is proposed for motorized boats; that it is their intent to provide all of these facilities for the benefit of the campers only, not outsiders; that ponds will be stocked with fish; that access to the campground will be gated; that the main entry road will be paved; that all streets within the campground area will be gravel; that the layout provides for 21 acres of roads, 42 acres of RV lots, 3 acres of premium RV lots, 5 acres for stormwater management, 30 acres of wetlands, and approximately 50 acres of residual lands; that approximately 90 acres of land will be left undisturbed; that DelDOT did not require a traffic impact study when they filed their application; that DelDOT stated in their May 17, 2012 letter that the Department was agreeable to the County accepting the application and considering it without the use of a traffic impact study; that the campground would generate enough traffic to warrant a traffic impact study and the Department will require the completion of a traffic impact study as a condition for plan approval; that the results of a traffic impact study are not, in the view of the Department, necessary for the County's consideration of the application; that a traffic impact study was completed on January 11, 2013 and that DelDOT's response time normally takes 60 days from receipt; that they prepared a report for comparison on "Existing Zoning Potential per DelDOT Methodology", "Proposed Land Use per Conditional Use Conceptual Plan", and "Proposed Land Use Compared to Existing Zoning Potential"; that the anticipated improvements required by DelDOT include a 310-foot left turn lane, 1,500 feet of resurfacing with 11 foot wide lanes with 5-foot shoulders, and participation in some signalization at other intersections; that they reviewed the history of some of the campgrounds in the area; that Three Seasons Campground was open from 1978 to 2006; that prior to 1978 there was minimal development activity in the Rehoboth Beach Yacht and Country Club community; that after the campground was opened the community has grown to approximately 900 dwellings; that Treasure Beach Campground, near Fenwick Island, and Holly Lake Campground, near Route 24, are fully developed; that if negative impacts on property values would have been anticipated those projects would not have developed; that they feel that they have complied with the Comprehensive Land Use Plan and the Zoning Code, including the Environmentally Sensitive Developing District Overlay Zone; that the use will be a benefit to tourism; that the use will be seasonal and will not impact schools; that they fully intend to comply with all DelDOT requirements; that the use is less environmentally impacting than a subdivision; that a subdivision will generate more traffic than a campground; that 628 sites are proposed; that they are planning on developing the project in three (3) phases; that phase 1 is planned to contain 159 RV sites, 39 Premium RV sites, and 20 cabins; that phase 2 is planned to contain 40 RV sites and 29 cabins; that phase 3 is planned to contain 278 RV sites, 33 cabins, and 30 tent sites; that they

intend to develop the majority of the amenities with the first phase; that they are planning on seasonal rentals, rather than daily rentals; that the cabins will be self-sustaining, either site built or modular units containing approximately 600 square feet; that rules and regulations will include a limitation on the number of people that can stay in a cabin; that the original project submitted to DelDOT contained 400 sites, and the recent traffic impact study references the intended 628 sites; that the proposed bridge over wetlands will be subject to the Corps. of Engineers; that the success of the project will be determined by the market; that the seasonal schedule will be from mid-April to October; that they are proposing an area for RV storage; that some RVs will be stored in the storage area or removed from the site; that they would prefer that the RVs be removed to allow them to winterize the campground; that the welcome center will be a part of phase 1; and that the signalization of the intersection of Plantation Road, Postal Lane, and Cedar Grove Road is scheduled to start in the Spring of 2014 and for completed by the Fall of 2015.

The Commission found that the Applicants provided a color copy of the site plan and an aerial photograph with a depiction of the RV campground overlay to show the relationship of the project with the area.

Mr. Robertson stated that the Commission has several options to consider, i.e. both applications could be approved, both applications could be denied, the rezoning could be denied, which voids out the Conditional Use, or approve the rezoning and deny the Conditional Use.

Mr. Bayard responded that he would be concerned if the Commission recommended approval of the rezoning and denied the Conditional Use because a grid subdivision would then be a possibility, and that the Commission can stipulate that RVs not be stored on the site off-season.

Mr. Hammonds responded that the camping seasons would be move specifically April 1 to October 31; that check-in for camping and security will relate to the opening of Phase 1; and added that the dock/bar is intended to be small to serve drinks and will not have any food service.

Mr. Hughes responded that, since the traffic impact study was just submitted on January 11, 2013, they should receive DelDOT's response to the traffic impact study by March; and that no improvements are anticipated to be required for Mulberry Knoll Road or Robinsonville Road.

The Commission found that there were no parties present in support of this application.

The Chairman asked if any attorneys were present on behalf of any groups in opposition.

The Commission found that Mary Schrider-Fox, Attorney with Steen, Waehler & Schrider-Fox, P.A. was present on behalf of The Retreat at Love Creek Homeowners Association in opposition to this application and stated that The Retreat is a residential planned community near the proposed campground site; that some of the Association's members and residents from some of the other communities are here to directly express their concerns about and objections to the proposed project; that there are two parts to the applications, a rezoning request and a

Conditional Use request; that the Applicants are seeking to “down zone” a portion of the site from GR to AR-1, which might not be any harm if the Applicant was requesting the change in order to pursue a permitted use under the Zoning Code; that the reason for this rezoning is to develop the RV campground, which will eventually be the daily, weekly or seasonal vacation destination of 516 RV travelers, as well as campers sleeping in tents and some sleeping in camp cabins, for a total of 628 groups of campers of various sorts and sizes; that this is not a permitted use, but one requiring a Conditional Use; that the Applicants proposed use of the property and Conditional Use request are inextricably intertwined with the rezoning; that as the Court in Orchard Homeowners Association v. County Council said, the rezoning the Applicant’s proposed use of the property in question is very relevant to the propriety of the rezoning decision; that without a record as to how the Applicant plans to use the property, the court is not able to determine whether or not the rezoning decision is acceptable under the Comprehensive Plan, under the zoning statutes, and under relevant State law; that what the Applicants want to do with the subject property matters; that this is mentioned because the primary objections to the rezoning are based on the proposed use of the subject property; that Section 6904 of Title 29 of the Delaware Code makes it clear that rezoning decisions shall be in accordance with the Comprehensive Plan and shall be for the purpose of promoting the health, safety, morale, convenience, order, prosperity or welfare of the present and future inhabitants of the County; that some of the specific things that Section 6904 references that must be considered are: the lessening of congestion in the streets, protection of the tax base, and securing safety from fire, flood or other dangers; that Section 6904 also states that reasonable consideration must be given to the character of the particular district involved, the conservation of property values and natural resources, and the general and appropriate trend and character of land, building and population development; that the Comprehensive Plan Future Land Use Map identifies that the property is located in an area slated for Mixed Residential and Low Density with an Environmentally Sensitive Developing Area overlay; that the rezoning will not be in keeping with the Future Land Use Map of the Comprehensive Plan if the rezoning sought is within the Mixed Residential Area; that the Future Land Use Element of the Comprehensive Plan references that the County’s zoning regulations are intended to carry out the Future Land Use Plan; that State law requires that all zoning regulations be in accordance with the Comprehensive Plan; that in Title 9 of the Delaware Code, in both Sections 6951 and 6959, it is clearly stated that the land use maps forming part of the Comprehensive Plan have the force of law and no development shall occur except in conformity with the Land Use Maps; that much of the surrounding area consists of residential developments of various sorts; that the proposed campground is not residential in nature and rather, is a commercial venture designed to attract transient vacationing guests to the area; that when considering the well-being of the present residents in the immediately surrounding area, the pending application causes them great concern about their safety and convenience because of the condition of the existing roads, i.e. narrow, sharp turns, and largely without shoulders, and the idea of them being heavily travelled on a daily basis by hundreds of large RVs; that it causes the residents great concern that their prosperity in terms of their property values and how this kind of commercial venture located so nearby might affect them; that while the pending application may arguably be a good thing for residents of other parts of the County, the residents who are here, in the affected part of the County, disagree; that according to information submitted by the Applicant, the Level of Service for Plantation Road/Cedar Grove Road/Postal Lane intersection has an unacceptable “F” rating; that there are

plans in the coming years to improve this intersection, but in the meantime, there is a known congestion problem which this different type of traffic (large RVs) will exacerbate; that if visitors are seasonal, 600+ daily trips will be made out into the community; that there is also a danger presented by having a campground located so close to so many residential communities in that campfires will be permitted according to the draft rules of the park on file; that campfires go hand in hand with camping and are part of the overall experience, but they make a campground like this unsuitable for a residentially developed area where the consequences could be severe; that the natural resources on and around the property are a concern; that DNREC expressed concerns about the protection of some quite rare animal species and unique habitats; that the Applicants environmental scientists have taken a different view; that the Commission needs to give DNREC's comments and concerns appropriate weight as a State agency that exists for the stated purpose of protecting the environment and our natural resources; that for these reasons the rezoning request is not appropriate and should be denied; that the Comprehensive Plan must be considered when deciding whether or not to grant the Conditional Use; that according to the Future Land Use Element, in Low Density Areas, business development should be confined to businesses addressing the needs of the primary uses of agricultural activities and single family detached homes; that retail and office uses should focus on providing convenience, goods and services to the nearby residents; that in the Environmentally Sensitive Developing Areas, a range of housing types are appropriate, as are retail and offices uses, or light commercial or institutional uses that provide convenient services and that allow people to work close to home; that the pending Conditional Use application does not fit into any of those use categories; that this is not a residential project where there will be residents, it is offering a vacation destination for RV and camping enthusiasts; that any goods and services being provided within the park are being offered for the convenience of the visitors, not the surrounding neighborhoods; that the Section 115-171 of the Zoning Code presents certain problems; that the Section states that conditional uses are to be "essential and desirable for the general convenience and welfare"; that for all of the reasons already stated, this project is for the convenience and welfare of people from other places, for the developer as a commercial venture, but not for the neighborhood in general and the many residents living in the nearby area; that Section 115-172.H. references campgrounds, and in subparagraph (9) thereof it states "All units to be used for the purpose of human habitation shall be tents, travel trailers, recreational vehicles and equipment manufactured specifically for camping purposes."; that the only exception is one structure or manufactured home within the campground area that may be used by the park manager as a residence and/or office; that the proposed 82 cabins for human habitation clearly fall outside the scope of the subparagraph; that it is important to consider whether the proposed amenities are appropriate and in conformity to Section 115-172.H.; that an amphitheater has been proposed, as well as swimming pools and a boat launch with a dock bar, all uses that are recreational, as opposed to retail, in nature; that while Section 115-172.H. permits the existence of small retail businesses in the park, such as a grocery store or an automatic laundry, it is silent with respect to these types of recreational facilities, that are not small retail businesses, being located in the park; that in other conditional use situations in Section 115-172, recreational space or facilities are specifically permitted and the requirements are described; that in the mobile home park context, recreational land is specifically contemplated in Subparagraph G; that in the swimming or tennis club context, outdoor recreational facilities are specifically permitted; that nothing similar is contained in or contemplated by Subparagraph H. for campgrounds; that this

type of project, like others recently proposed by other developers, are simply beyond the scope of the more traditional campground project that is contemplated in 115-172.H.; that for all the reasons stated and most importantly because of this project's non-conformance with the Comprehensive Plan, we hope that the Commission will recommend denial of this application.

The Commission found that Mona Schwartz, a resident and Board Member of Hart's Landing, Jason Beale of the Delaware Nature Society, Paul Hammesfahr, President of the Home Owners Association for The Retreat of Love Creek (The Retreat), Charles Tinacci, a resident of The Retreat, Hollis Provins, a resident of The Retreat, Trista Engle, a resident of Sandy Brae, Dick Snyder, a resident of The Retreat, Billy Westergard, a resident of The Retreat, William Zak, a resident of Briarwood Estates, Ron Lapara, a resident of The Retreat, Sandy Spence, a resident of Sea Woods, Kit Zak, a resident of Briarwood Estates, William Payne, a resident of Webbs Landing, Henry Glowiak, speaking on behalf of the Inland Bays Foundation, Adrienne Crimmins, a resident of The Retreat, Dave Jaeger, a resident of Selbyville, Mable Granke, a resident of Rehoboth Beach, and David Racine, a resident of Mulberry Knoll, were present and spoke in opposition to these applications and expressed concerns about the impact on the quality of life of the residents in the area; that traffic congestion is at a high and that traffic signalization is needed in the area; questioning the occupancy rate of the existing campgrounds in the area; concerned about daily, weekly or seasonal rentals; concerned about the enforcement of laws and regulations; crime issues; the closeness of the dock/bar; concerned about kayakers since Love Creek is not always travelable due to the change of time, water depths, and the narrowness of the Creek; questioning the tax benefit of campsites v. homes; depreciation of property values; concerns about endangered species, i.e. salamanders and tree frogs, being located on or near the site; that the Applicants should consider dedicating the site into conservation easements; that ponds are used for breeding; that the Applicants should work with the State and/or the Delaware Nature Society for purchase of the site; that the residents of the area overwhelmingly object to this project in a residential area; concerns about the size and number of RVs traveling the narrow roadways in the area; noise and light pollution; that the use is not only a destination use, the visitors will still be traveling to stores, shops, and beaches in the area; concerns about historic gravesites in the area; the impact on the emergency services, i.e. fire, police, paramedics; possible impacts on the Beacon School; the lack of consistency; that the use is not in character with the residential area; impacts on Love Creek; archaeological impacts on the site and area; environmental concerns, i.e. loss of wetlands and wildlife habitat; that roads anticipated to be utilized by the visitors are not the same as the roads indicated on a GPS directional system; the lack of adequate roadways to and from the site, and causing further impacts on Route One, Route 24, Plantations Road, and other local roads; safety concerns for motorist due to the blind turns and curves on Cedar Grove Road; the anticipation of traffic jams at intersections; concerns about children safety on school buses in the area; concerns that DelDOT did not require a traffic impact study prior to this application being heard; that traffic patterns are changing; that traffic data referenced relates to 2005; that seasonal crime is a problem; concerns about noise travelling down Love Creek impacting residential areas; that the Applicants representatives referenced that the primary access anticipated to get to the site is from Route One, down Postal Lane, across Plantation Road, to Cedar Grove Road, to the site; the impact on the 100 year flood plain; questioning the use of the remaining acreage of the property; questioning if there is a 400 foot setback from campsites to the homes in Briarwood Estates across Hettie Fisher Glade; that the

Center for the Inland Bays has reported that there is a flourishing bed of tidal grasses growing in Love Creek and that those tidal grasses could be impacted; questioning the amount of impervious surfaces; questioning what green infrastructures will be utilized to reduce the nutrient levels that may impact the waterways, i.e. Nitrogen and Phosphorous; questioning compliance with the Federal Cleanwater Act; that this area of Love Creek is a mudflat at low tide; that Love Creek is not feasible for canoeing and/or kayaking at low tide; that the insect/pests are terrible during warm weather; that campgrounds normally provide camping trails; that the number of proposed sites equal the size of the Town of Lewes; that cyclists will be impacted along local roadways since there are no improved shoulders; that Bald Eagles and other wildlife species will be impacted; that the speed limit along Cedar Grove Road will need to be reduced; that there is no economic benefit to the citizens of the County; that courting and mating Great Blue Herons will be disturbed, thereby impacted; noise concerns since the County does not have a noise ordinance; that restrictions should be increased in the Environmentally Sensitive Developing Area; that additional buffering should be required along Love Creek; that the Center for the Inland Bays Wetlands Health Report Card references that the Inland Bays watershed has lost approximately 60% of its wetlands resources since European settlement; that the Report Card recommends for the health of riverine wetlands: restoring channelized streams to more natural streams and to control invasive species; recommends for the health of flat wetlands; protecting large forest blocks, restore natural distribution of water, and to implement sustainable forest management; recommends for the health of tidal wetlands: the minimization of development adjacent to wetlands, restore natural distribution of water, and to control invasive species; that nutrient levels are still too high for eelgrass; that in 2008, the existence of a previously undocumented meadow of Horned Pond Weed, a bay grass preferring lower salinities, was discovered in upper Love Creek; that Love Creek is one of the largest tributaries of the Inland Bays; that the Corps. of Engineers and the Center for the Inland Bays recommend larger buffers; that air quality effects waterways; that there is no wetland delineation on file; that a Love Creek Nature Area should be established to protect the area around and along Love Creek; that this application is a threat to the Inland Bays; questioning where run-off will go, i.e. on-site or into Love Creek; that having only one entrance is a safety concern; that this application is the second of three application to be considered in one year, and questioning the possible impact on the County; concerns about traffic on Mulberry Knoll Road; that the County only designed the sewer district out 50 years; that there could be a major impact on the aquifers in the area; that DelDOT has no plans for improvements to secondary roads; and that this type of project should not be considered until all infrastructure is in place, i.e. roads, sewer, water.

It is noted that William Payne, Dennis Fisher, Kit Zak, David Jaeger, William Zak, Sandra Spence, Hollis Provins, and Jason Beale of the Delaware Nature Society provided written comments relating to their presentations in opposition to these applications.

At the conclusion of the public hearings, the Chairman asked for a show of hands for those parties present in support of these applications and those parties present in opposition to these applications. There were no parties, other than the representatives of the applications, present in support. There were, at least, 110 parties present in opposition. It was noted that some parties had already left prior to the conclusion of the public hearings.

The Commission discussed these applications.

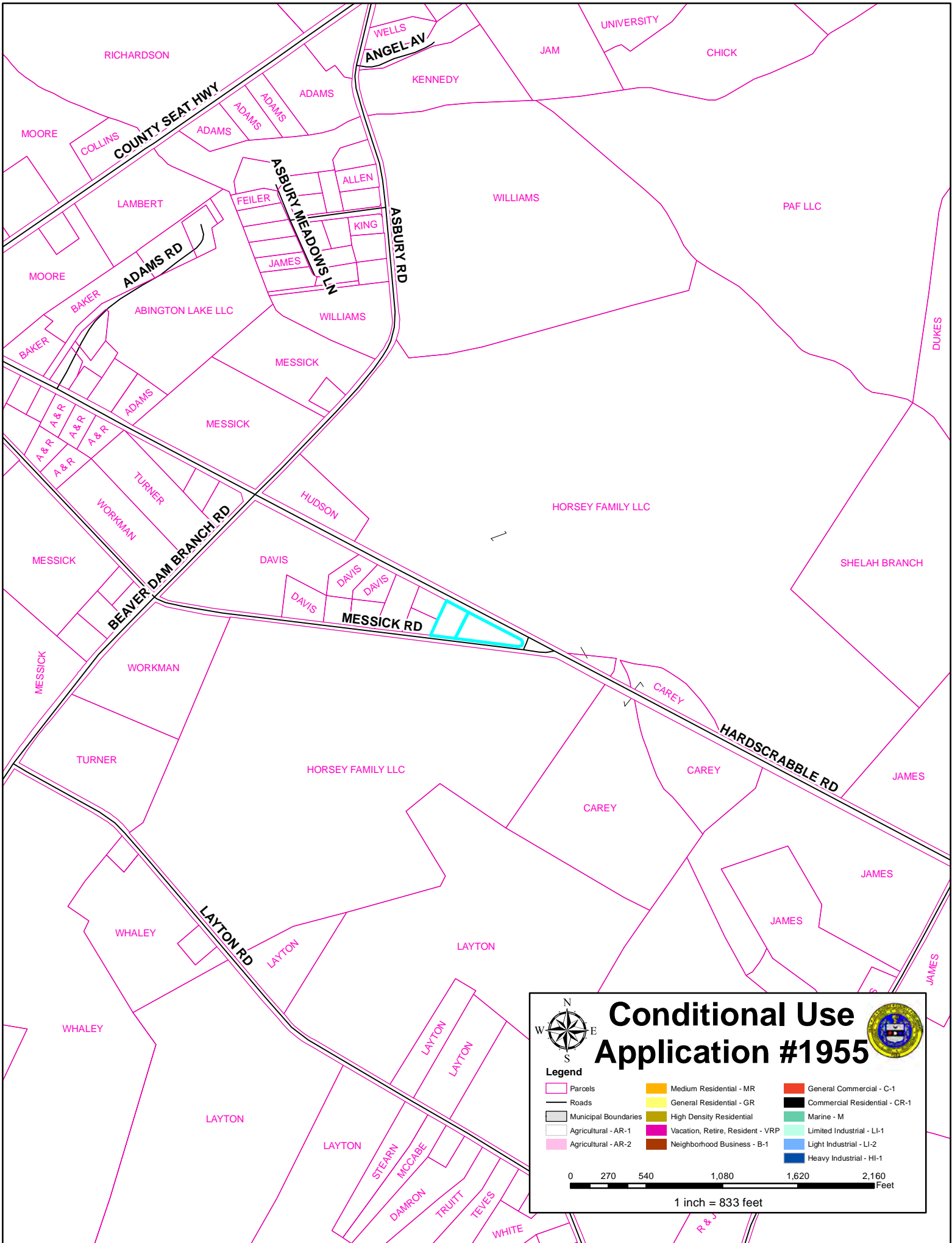
Mr. Robertson stated that the Commission can leave the record open for a response from DelDOT on the traffic impact study submitted to DelDOT by the Applicants.

In reference to C/Z #1725:

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration and to leave the record open for 15 days after the announcement of the receipt of DelDOT comments on the traffic impact study and any other written comments.
Motion carried 5 – 0.

In reference to C/U #11951:

Motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration and to leave the record open for 15 days after the announcement of the receipt of DelDOT comments on the traffic impact study and any other written comments.
Motion carried 5 – 0.



RICHARDSON

WELLS
ANGEL AV

UNIVERSITY

JAM

CHICK

KENNEDY

ADAMS
ADAMS
ADAMS

COUNTY SEAT HWY

MOORE
COLLINS

LAMBERT

ASBURY MEADOWS LN
FEILER
ALLEN
KING
JAMES

WILLIAMS

PAF LLC

ADAMS RD

MOORE

ASBURY RD

BAKER

ABINGTON LAKE LLC

WILLIAMS

MESSICK

MESSICK

TURNER

HUDSON

HORSEY FAMILY LLC

BEAVER DAM BRANCH RD

MESSICK

DAVIS

MESSICK RD

SHELAH BRANCH

MESSICK

WORKMAN

CAREY

HARDSCRABBLE RD

TURNER

HORSEY FAMILY LLC

CAREY

JAMES

WHALEY

LAYTON RD

LAYTON

CAREY

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STEARN
MCCABE

DAMRON
TRUITT

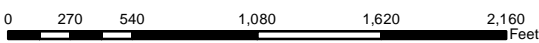
TEVES
WHITE



Conditional Use Application #1955

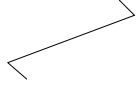


<ul style="list-style-type: none"> Parcels Roads Municipal Boundaries Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: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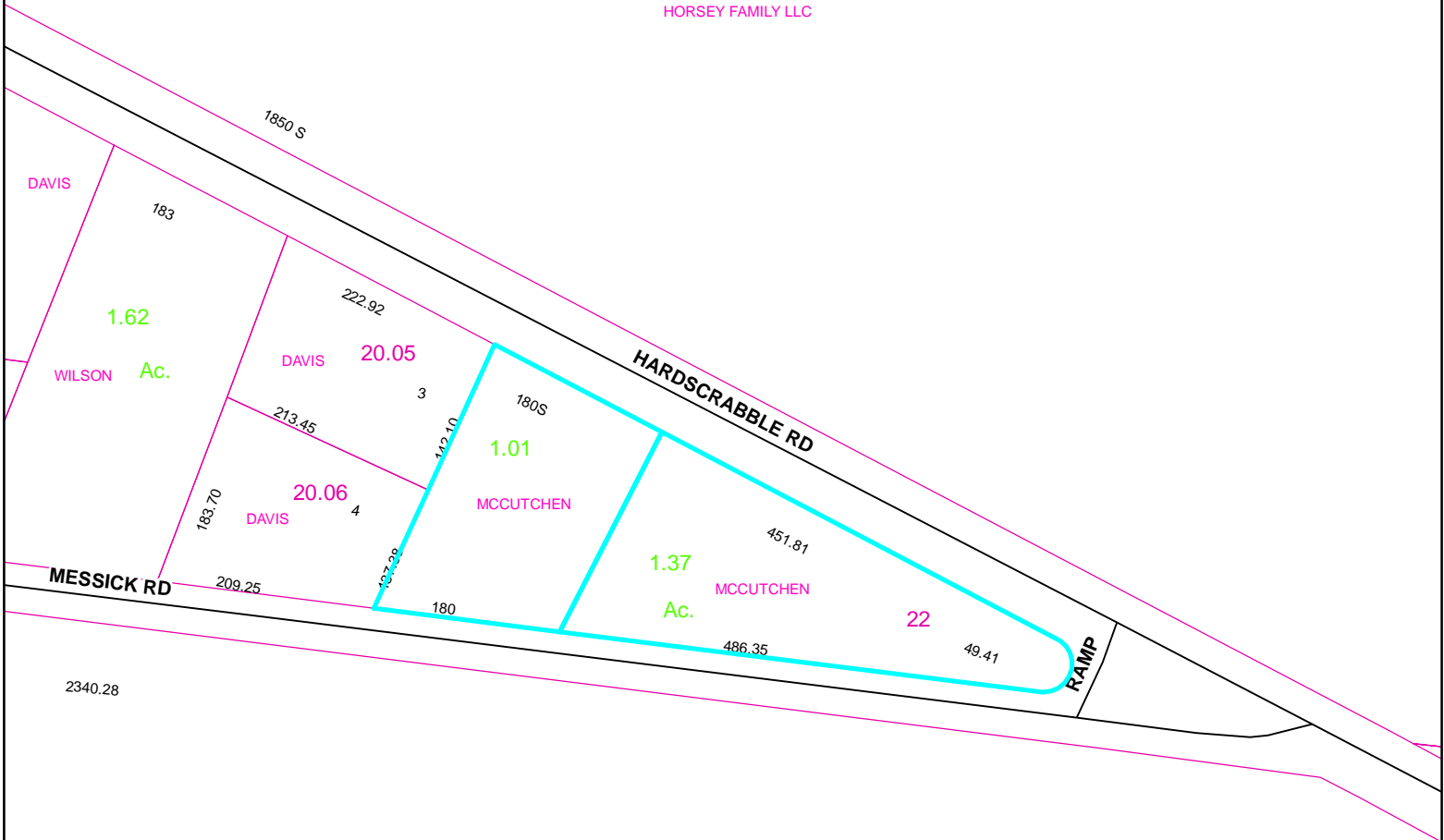


0 270 540 1,080 1,620 2,160 Feet

1 inch = 833 feet



HORSEY FAMILY LLC



HORSEY FAMILY LLC

Conditional Use Application #1955

Legend

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

0 50 100 200 300 400
Feet

1 inch = 167 feet

CAREY



HORSEY FAMILY LLC

DAVIS

1.62

WILSON Ac.

DAVIS

20.05

DAVIS

20.06

MCCUTCHEN

1.01

HARDCRABBLE RD

MESSICK RD

1.37

Ac.

MCCUTCHEN

22

RAMP

HORSEY FAMILY LLC

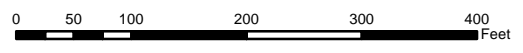


Conditional Use Application #1955

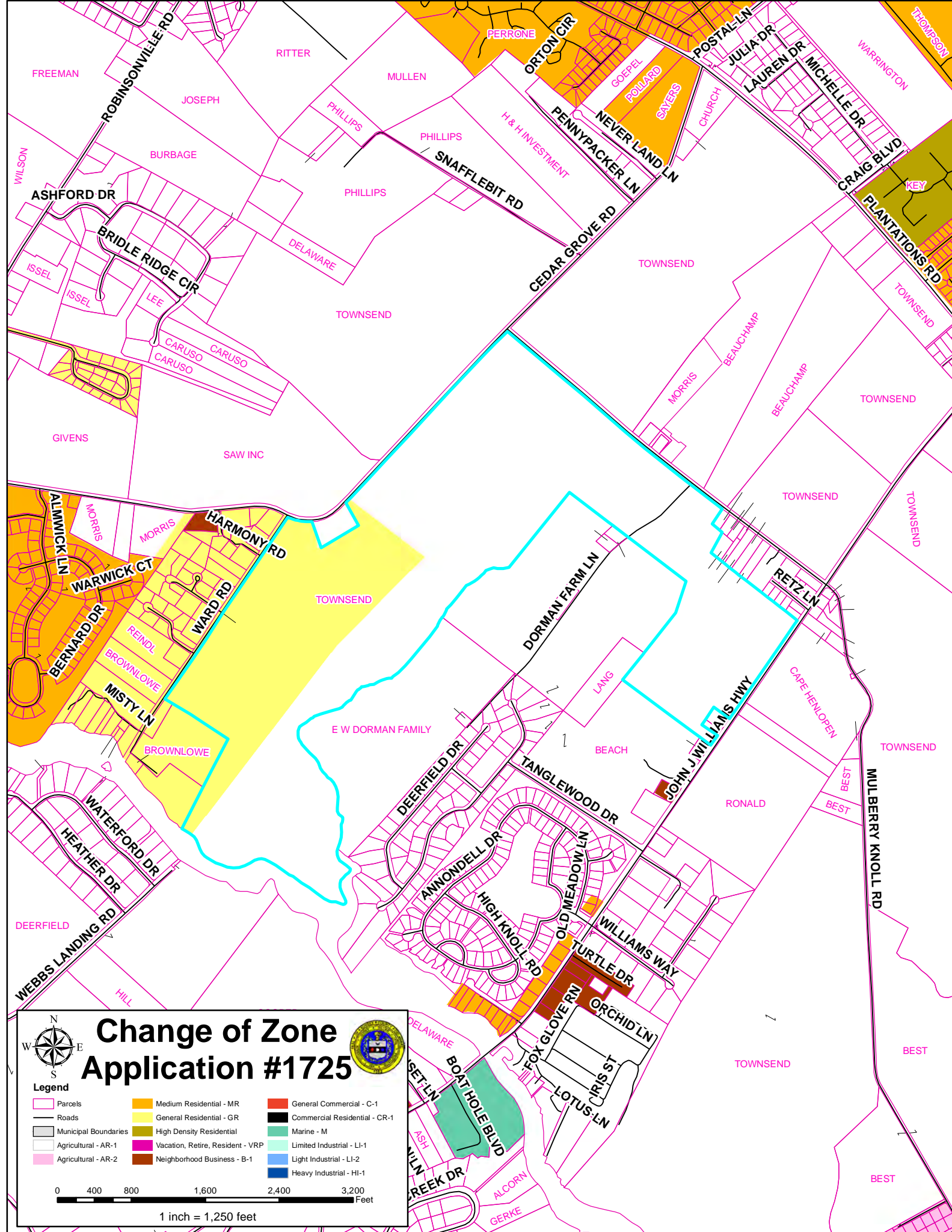


Legend

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



1 inch = 167 feet

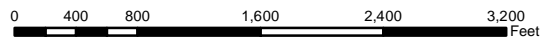


Change of Zone Application #1725

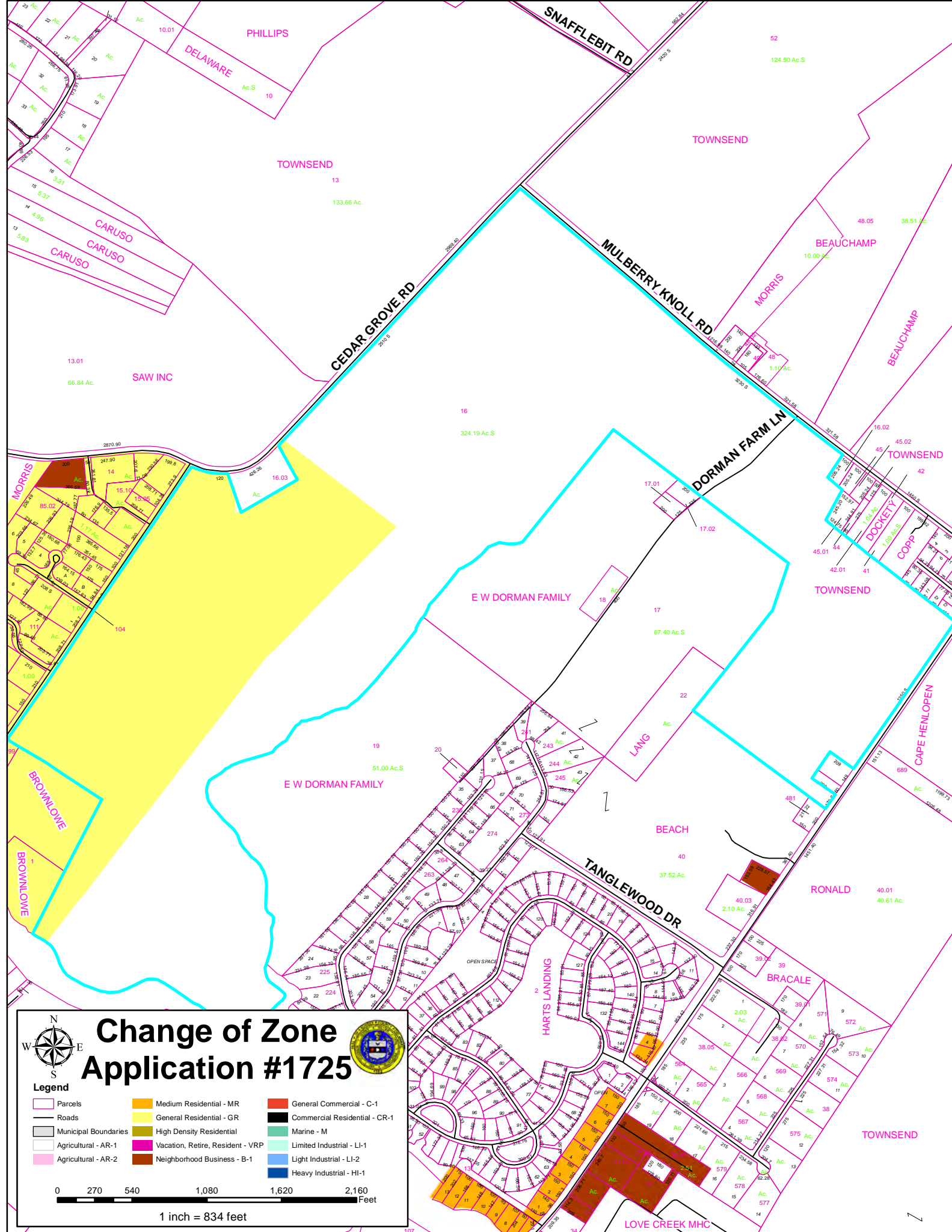


Legend

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



1 inch = 1,250 feet

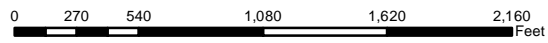


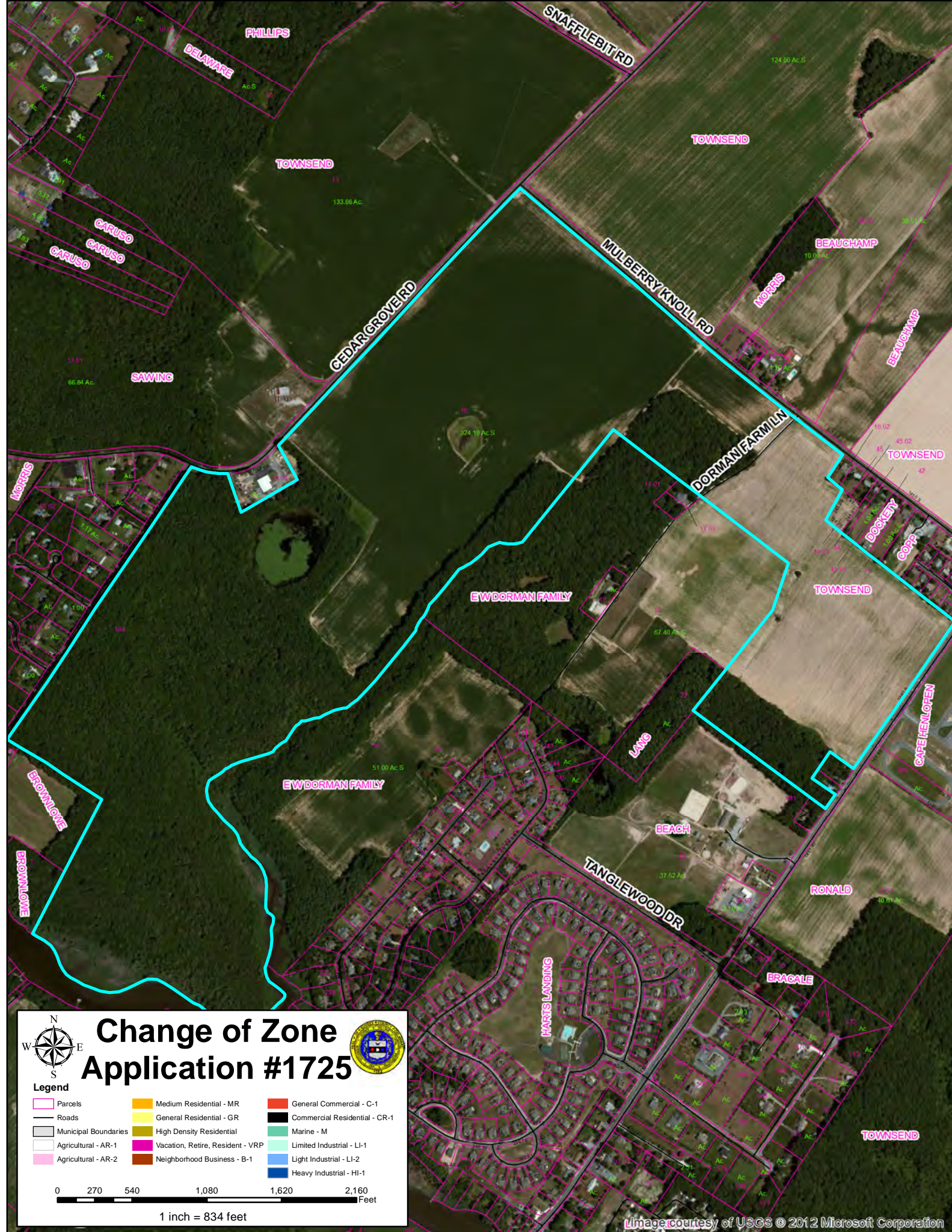
Change of Zone Application #1725



Legend

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

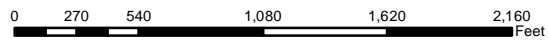




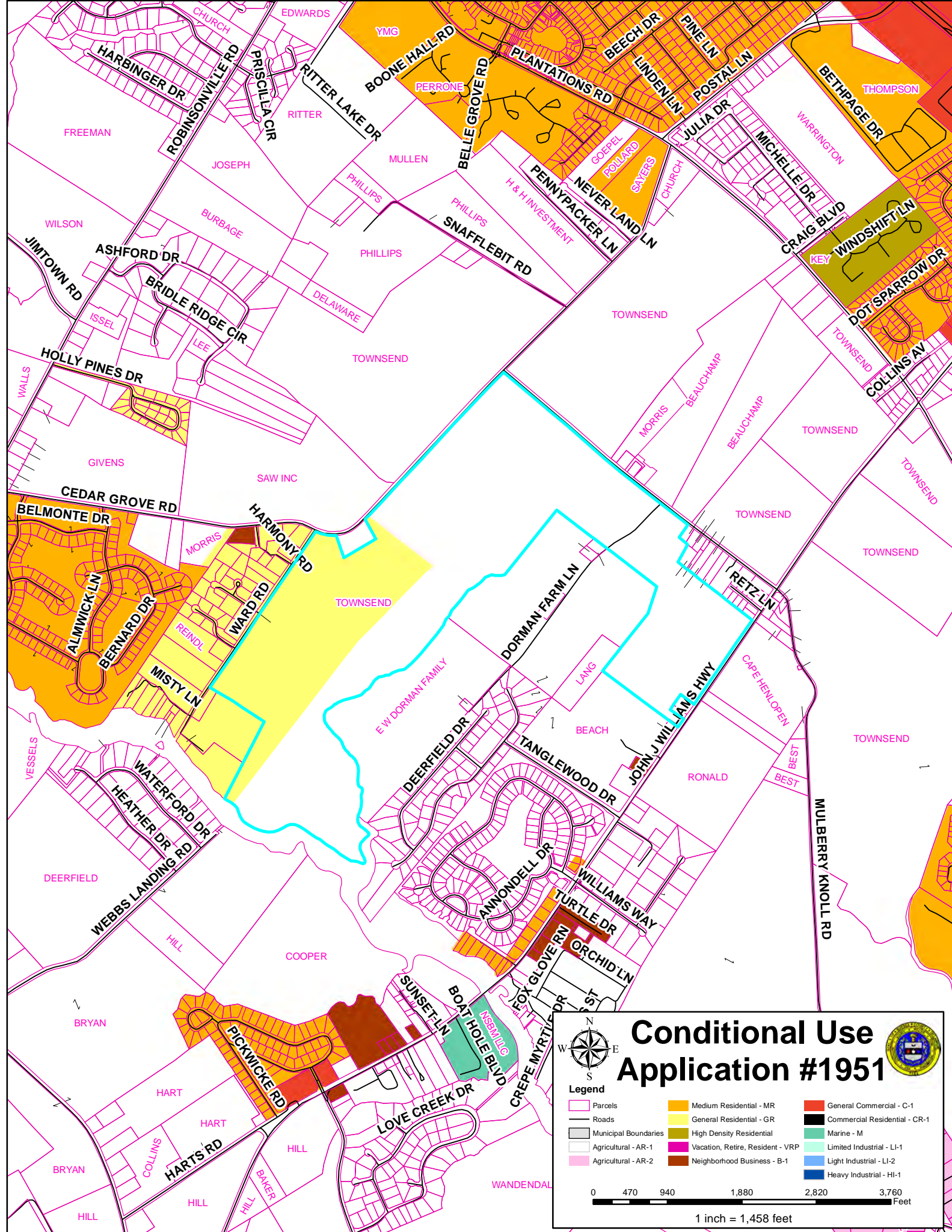
Change of Zone Application #1725



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



1 inch = 834 feet



Conditional Use Application #1951

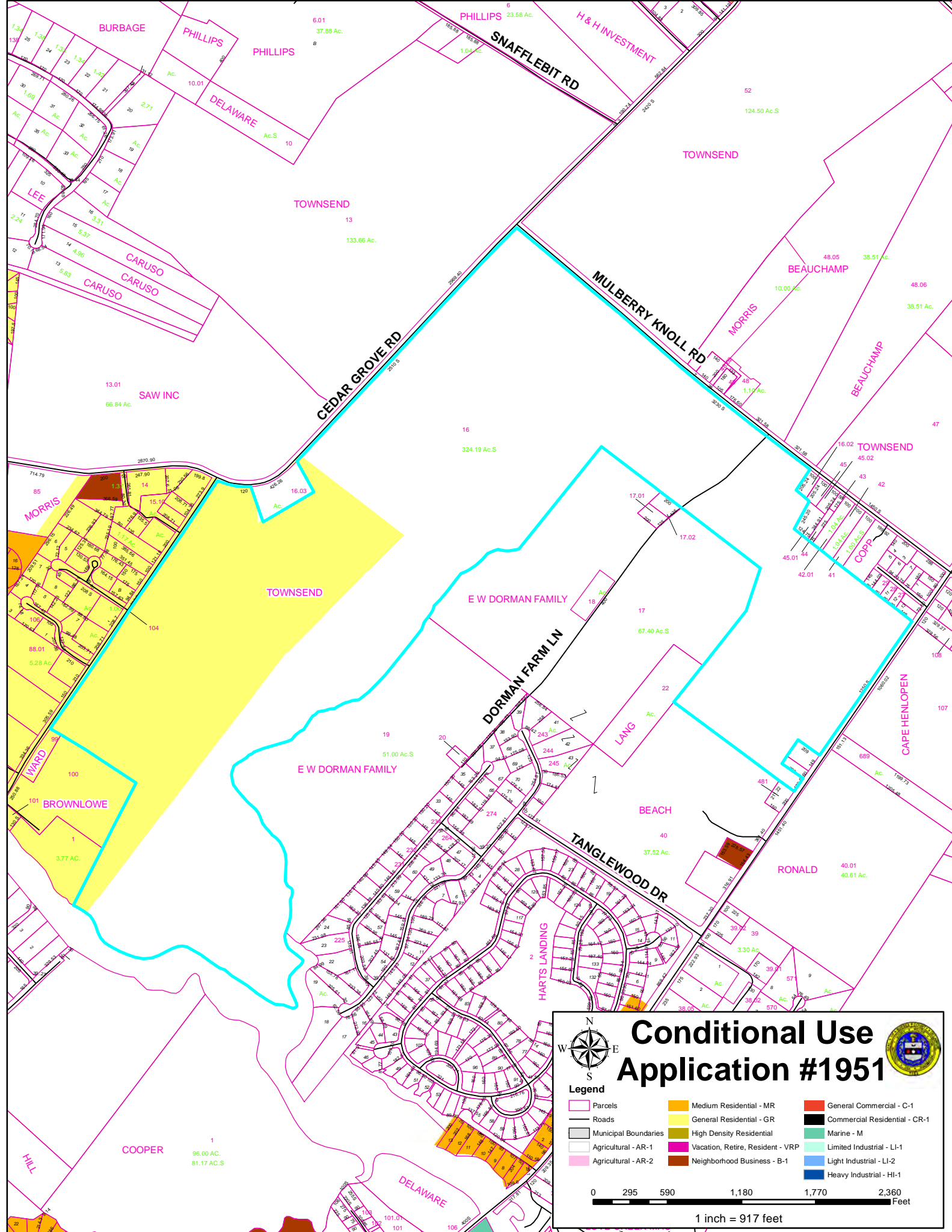



Legend

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

0 470 940 1,880 2,820 3,760 Feet


1 inch = 1,458 feet





W N E
S

Conditional Use Application #1951



Legend

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

0 295 590 1,180 1,770 2,360 Feet

1 inch = 917 feet

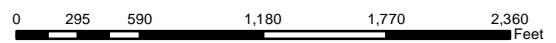


Conditional Use Application #1951

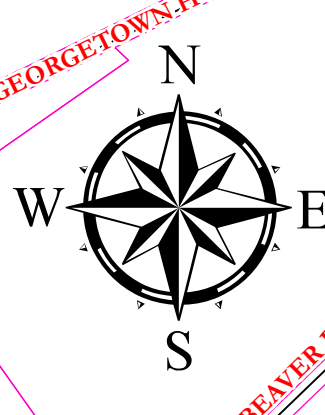
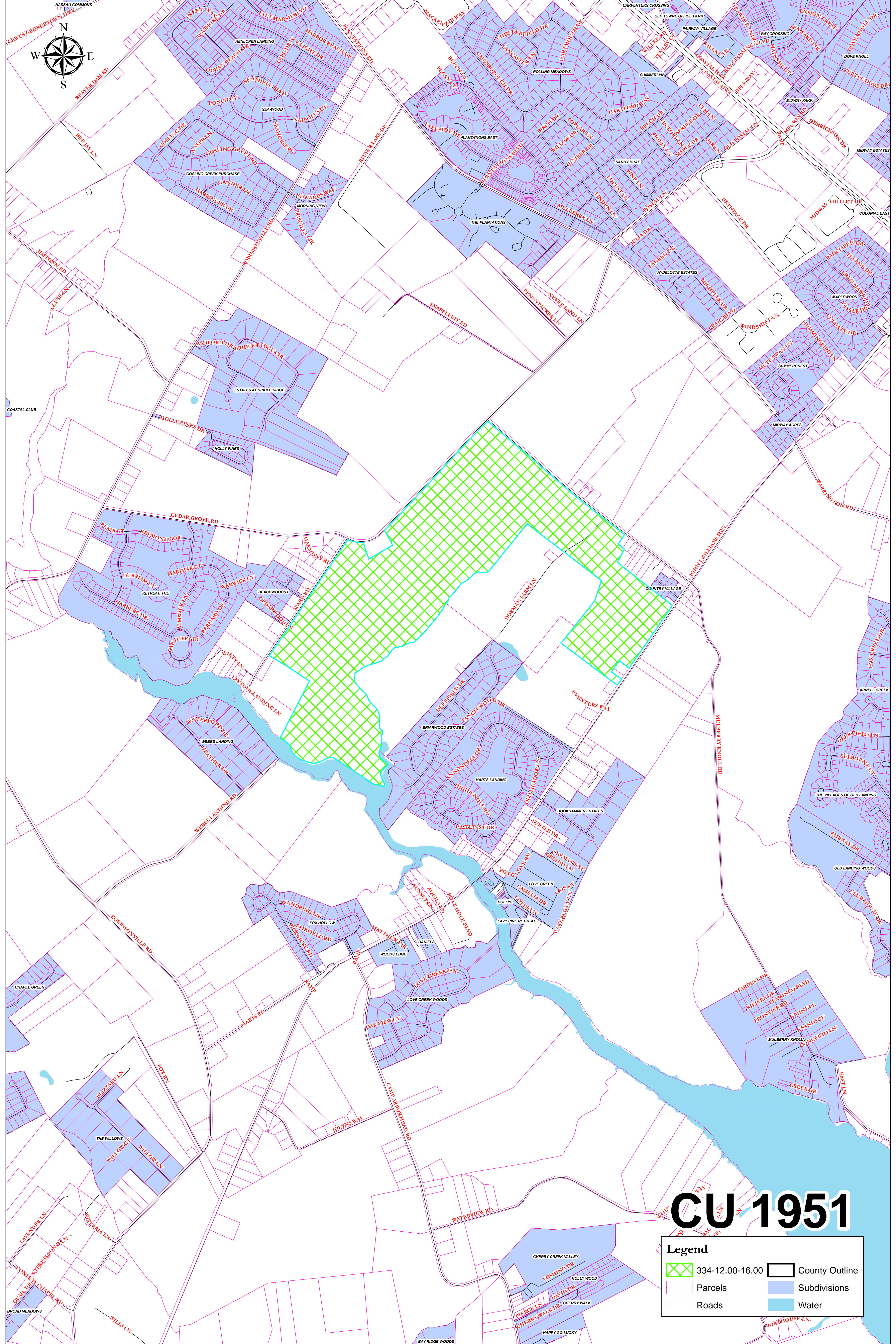


Legend







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



1 inch = 917 feet



CU 1951

Legend	
	334-12.00-16.00
	Parcels
	Subdivisions
	County Outline
	Water
	Roads