



Sussex County Council Public/Media Packet

**MEETING:
APRIL 9, 2013**

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



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Sussex County Council

A G E N D A

APRIL 9, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Patti Grimes – The Freeman Stage at Bayside – Program Update

Todd Lawson, County Administrator

1. Recognition of Employee of the First Quarter – Lisa Walls
2. Administrator's Report

Susan Webb, Finance Director

1. 2013-2014 Health Insurance Renewal

Hal Godwin, Deputy County Administrator

1. Wastewater Agreements
 - A. Breakwater Estates, Phase 4
 - B. Senators, Phase 1C
 - C. Senators, Phase 1D
2. Legislative Update



Eddy Parker, Director of Assessment

1. Discussion and Possible Introduction of a Proposed Ordinance relating to lot maintenance.

Michael Izzo, County Engineer

1. Summercrest - Letter of Credit Agreement

Steven Hudson, Director of Technical Engineering

1. 2013 State Retail Supply Contract for Electricity
 - A. Memorandum of Agreement
2. Emergency Operations Center Supplemental Cooling System
 - A. Change Order No. 1

Grant Requests

1. Lewes Rehoboth Canal Improvement Association to develop and construct a docking facility.
2. The Jefferson School for a scholarship fundraiser.
3. Del-Mar-Va Council Boy Scouts of America for camp scholarships.
4. Greater Laurel Chamber of Commerce for the Broad Creek Byway Bike Tour.
5. Kristi's Kats for cat rescue operating expenses.
6. Indian River Senior Center for event 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

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on April 2, 2013 at 3:40 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, MARCH 26, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 26, 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
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 137 13
Amend
and
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Job Applicants' Qualifications" under "Executive Session"; to amend the order of the Agenda by moving "Executive Session" and "Possible Action on Executive Session Items" immediately following "Recognition of Caroling on The Circle Food Drive Participants"; 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**

**Recognition/
Caroling
on The
Circle
Food
Drive**

The Council extended its thanks and appreciation to all of the participants of the Caroling on The Circle Food Drive; 33,038 food items were collected over several months from a number of organizations throughout the County. Mr. Lawson recognized the participants, many of whom were in attendance on this date:

Beacon Middle School	300
Colonial East, L.P.	900
Delaware Manufactured Home Owners Association	2,943
First State Manufactured Housing Association	3,080
Fuqua, Yori and Willard, P.A.	1,516
General Public	882

Recognition/ Caroling on The Circle Food Drive (continued)	Georgetown Elementary School	275
	Georgetown Middle School	854
	H. O. Brittingham Elementary School	469
	Howard T. Ennis School	176
	Little Einstein Preschool	148
	Long Neck Elementary School	2,032
	Milton Elementary School	4,000
	North Georgetown Elementary School	429
	PATS Aircraft Systems	9,034
	Punkin Chunkin Association	1,500
	Sussex Academy of Arts and Sciences	730
	Sussex County Association of Realtors	900
	Sussex County Council	1,500
	Sussex County Employees	965
	Sussex Technical High School	480

M 138 13 **At 10:18 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, 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 10:20 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 10:53 a.m.**

M 139 13 **At 10:55 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

There was no action necessary on Executive Session items.

Minutes **The minutes of March 19, 2013 were approved by consent.**

**Corre-
spondence** **Mr. Moore read the following correspondence:**

Corre-
spondence
(continued)

FRANKFORD PUBLIC LIBRARY, FRANKFORD, DELAWARE.

RE: Letter in appreciation of the Council's funding in the amount of \$40,000.

SEAFORD LIBRARY AND CULTURAL CENTER, SEAFORD, DELAWARE.

RE: Letter in appreciation of the Council's approval to provide funding to the eleven independent libraries.

Nanticoke
River
Watershed
Con-
servancy
Presen-
tation

Marlene Mervine, President of the Nanticoke River Watershed Conservancy, gave a presentation on the Conservancy's objectives and projects. Ms. Mervine stated that the Conservancy is a citizen-based land conservation organization dedicated to the preservation of the natural qualities of the watershed. The objective of the organization is to promote protection and balanced use of the watershed's natural resources in both Delaware and Maryland. The organization's mission is to identify and promote and actively seek protection of lands with natural, aesthetic, and historic significance and to monitor those and force the protection of those lands for future generations. Ms. Mervine stated that the organization solicits and acquires sites within the watershed; the organization's holdings include 400 acres of ecologically significant habitat in the Nanticoke Watershed. Of the fourteen sites acquired, 3 allow public access; the sites are protected by fee simple acquisitions with easements or with conservation easements. Ms. Mervine stated that the Conservancy would like to increase its land acquisitions and easements and enhance the managed sites for wildlife. She stated that they have 5 land acquisitions currently in the process and that lack of funding is an issue. Ms. Mervine asked that the Council to give consideration to providing funding for the Nanticoke River Watershed Conservancy.

Adminis-
trator's
Report

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

1. **Substantial Completion**

Per the attached Engineering Department Fact Sheet, Barrington Park – Phase 2 (a/k/a Coventry at Barrington Park) received Substantial Completion effective March 19, 2013.

2. **Stockley Center Initiative**

The public is invited to participate in a meeting to discuss the Stockley Center Initiative from 2:30 p.m. to 4:00 p.m. tomorrow, March 27th, in the Sussex County Council Chambers, 2 The Circle, Georgetown.

While the Stockley Center continues to serve the needs of some Delaware residents with developmental disabilities, for more than a year a diverse group of community members has been looking at potential uses of the Center's state land and facilities to improve the health and well-being of Sussex County residents.

**Administrator's
Report
(continued)**

Tomorrow's meeting is an opportunity for the public to provide input to the working group who has been tasked to develop a plan to help the State realize the full potential of the Stockley Center and its surrounding property on behalf of the people of Sussex County. The public is encouraged to attend.

3. Easter Holiday

County offices will be closed on Friday, March 29, in honor of Good Friday. Offices will reopen on Monday, April 1, at 8:30 a.m. The County Council will not meet on April 2. The next Council meeting will be held on Tuesday, April 9, 2013.

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

**Pension
Fund
and
OPEB
Plans
Update**

Mrs. Webb discussed the County's Pension Plan and OPEB (Other Post Employment Benefits) Plan, the minutes of the February 21, 2013 Pension Committee meeting, the recommendations of the Pension Committee, and the Investment Performance Report as of December 31, 2012.

The Pension Fund realized investment returns for the fourth quarter of 2012 of \$237,000, a return of .73 percent (gross) and .66 percent (net – of all management fees). For 2012, a gain of \$3.8 million was realized, or a return of 10 percent (gross) and 9.7 percent (net). This compares to 2011 when a gain of \$3.2 million was realized.

Wilmington Trust had strong returns versus their benchmark, but lagged compared to most managers due to the constraints placed on them by the County. Fidelity had strong returns. DuPont Capital had average returns. The State of Delaware performed below their benchmark for the fourth quarter and year although they have outperformed for the past three years. Mrs. Webb noted that no fund outperforms every year and the County looks for consistency when rating investment managers.

Mrs. Webb referenced equities and noted that, overall, 23 percent is an actual and 22 percent is the benchmark. Further, in the fixed income portion, 3 percent is the actual and 2.7 percent is the benchmark.

Mrs. Webb reported that for 2012 the OPEB Fund had a \$1.9 million gain (net), or an 8.9 percent return (gross) and 8.4 percent (net); this compares to 4.5 percent in 2011. In the fixed income portion, the County lagged behind other same sized plans due to their conservative investment approach.

Mrs. Webb presented the recommendations of the Pension Committee:

- **OPEB Investment Policy Statement** – Amend the Domestic Fixed Income guidelines to reflect that a minimum of 50 percent of the portfolio must be invested in U.S. Governments, Securities,

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

Treasuries, and Agencies; Corporate Bonds must have a minimum rating of A3/A at the time of purchase; no Corporate Bonds may be purchased below the A3/A rating; the average duration will be no greater than 25 percent of the benchmark and no less than 50 percent of the benchmark; and to change the manager's benchmark to Barclay's Intermediate Government/Credit Index.

- **PENSION FUND** – Amend the Wilmington Trust Investment Management Agreement to reflect a minimum of 50 percent of the portfolio must be invested in U.S. Governments, Securities, Treasuries, and Agencies; Corporate Bonds must have a minimum rating of A3/A at the time of purchase; no Corporate Bonds may be purchased below the A3/A rating; the average duration will be no greater than 25 percent of the benchmark and no less than 50 percent of the benchmark; and to change the manager's benchmark to Barclay's Intermediate Government/Credit Index.

Mr. Cole suggested that the County create a new pension package for new employees. Mr. Lawson and Ms. Webb responded that staff has been looking at this possibility and putting together a package for the Council's review.

**M 140 13
Amend
Wilmington
Trust
Investment
Manager
Agreement
and the
OPEB
Investment
Policy
Statement**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based on the recommendation of Sussex County Pension Fund Committee, for both the Pension Fund and the OPEB Fund, to amend the Wilmington Trust Investment Manager Agreement and the OPEB Investment Policy Statement to reflect that a minimum of 50 percent of the portfolio must be invested in U.S. Governments, Securities, Treasuries, and Agencies; Corporate Bonds must have a minimum rating of A3/A at the time of purchase; the average duration will be no greater than 25 percent of the benchmark and no less than 50 percent of the benchmark; and to change the manager's benchmark to Barclay's Intermediate Government/Credit Index.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Wastewater
Agreement**

Hal Godwin, Deputy County Administrator, presented a Wastewater Agreement for the Council's consideration.

**M 141 13
Approve
Wastewater
Agreement/
Americana
Bayside**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 672-1, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Carl M. Freeman Communities, for wastewater facilities to be constructed in

M 141 13 **Americana Bayside – DelDOT Segment 3, located in the Fenwick Island**
(continued) **Sanitary Sewer District.**

Motion Adopted: 5 Yeas.

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

Legislative **Hal Godwin, Deputy County Administrator, presented the following**
Update **Delaware General Assembly legislative update:**

House Bill No. 14 – AN ACT TO AMEND TITLE 30 OF THE
DELAWARE CODE RELATING TO PERSONAL INCOME TAX

Synopsis: This Bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.

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

Synopsis: This Bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently, millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect. Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.

Mr. Godwin reported that the Council supported this legislation last year and it nearly passed. The County has requested it again this year and it has been introduced and released from Committee as of 3/13/13. Mr. Godwin stated that he is optimistic that this Bill should pass through both houses of the General Assembly this session.

House Bill No. 44 – AN ACT TO AMEND TITLE 25 OF THE
DELAWARE CODE RELATING TO PROPERTY

Synopsis: This Bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.

Mr. Godwin stated that this legislation would circumvent local zoning laws.

(continued) **Bill Not Yet Introduced** – This Act is the first leg of a constitutional amendment that will remove the offices of the Clerks of the Peace from the State Constitution and remove the requirement to elect the Clerks of the Peace.

**Discussion/
Pilot
Program
for Certain
Land Use
Activities** The Council discussed the possibility of a pilot program for certain land use activities prior to application approval. Mr. Moore cautioned the Council that any discussions at this meeting would be involving only future uses as opposed to a specific use. Lawrence Lank, Director of Planning and Zoning, stated that he does not recall any pilot programs approved by the County in the past.

Mr. Cole questioned why the County should be involved in approving pilot programs and he suggested that the County stay out of it. Mr. Moore commented on the opportunities at the University of Delaware experimental farm. Mr. Moore stated that he did not know how the County would set parameters for a draft ordinance on pilot programs.

Following the discussion, no action was taken on the matter.

**Update/
County's
Settlement
Require-
ments
with HUD
& DOJ** Brandy Nauman, Fair Housing Compliance Officer, provided an update on the progress of the County's settlement requirements with HUD and the Department of Justice (DOJ). She stated that she, along with Stephanie Hansen, Attorney; Todd Lawson; and Brad Whaley have been working on several items that are due to HUD and DOJ at the end of March:

Affordable Housing Strategies for Consideration Memo - Evaluated impediments to Fair Housing choices in Sussex County for the years of 1998, 2003, and 2011 and compiled an outline of the County's path forward and plan to approach each impediment. Action plan will be submitted to HUD and DSHA for review within the next week.

It was noted that Council is not required to take action on the strategies; recommending strategies is required by the HUD Voluntary Compliance Agreement.

Sussex County Affordable and Fair Housing Marketing Plan - As required by the Consent Decree from DOJ, Sussex County Affordable and Fair Housing Marketing Plan has been drafted and distributed to the Council members. The Plan outlines the Fair Housing Act and how to proceed if a person feels their rights have been violated, the County's Fair Housing efforts to date, and a description of the County's proposed outreach efforts.

Ongoing updates will be given to Council. Mrs. Nauman stated that with the Council's approval, the Affordable and Fair Housing Marketing Plan will be sent to DOJ for their review and input.

M 142 13 A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council approves the Sussex County Affordable and Fair Housing

M 142 13
Approve
Affordable
& Fair
Housing
Marketing
Plan

Marketing Plan, as presented, for the purpose of satisfying the Consent Decree.

Motion Adopted: 5 Yeas.

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

**Update/
County's
Settlement
Require-
ments
with HUD
& DOJ**

Moderately Priced Housing Unit (MPHU) Draft Ordinance Amendment - Mrs. Nauman reported that HUD has asked the County to amend its Moderately Priced Housing Unit (MPHU) Ordinance to expand the income guidelines. Currently, the program is available to persons that are between 80 and 125 percent of the area median income. The proposed amendment, which was previously distributed to the Council would expand the program to include persons that are between 50 and 125 percent of area median income. This proposed change is a requirement of both the HUD Voluntary Consent Agreement and the DOJ Consent Decree.

**Introduction
of Proposed
Ordinance**

Mr. Cole introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 72, ARTICLE I, OF THE CODE OF SUSSEX COUNTY BY AMENDING THE DEFINITION AND APPLICATION OF "MODERATE INCOME" USED TO DETERMINE ELIGIBILITY FOR MODERATELY PRICED HOUSING UNITS". The Proposed Ordinance will be advertised for Public Hearing.

Mrs. Nauman stated that HUD has asked that a few successful models of affordable housing strategies be presented to the Council that could couple with the County's existing affordable housing policies and programs to broaden their impact. Ms. Nauman presented six of them for the Council's consideration:

- 1. Expand the County's Fair Housing Policy to include an Anti-NIMBY Policy**
- 2. Inclusionary Zoning:**
 - a. Option 1: Amend the existing Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRIP) Ordinances from voluntary participation to mandatory in Levels 1 & 2.**
 - b. Option 2: Amend the existing Moderately Priced Housing Unit (MPHU) and Sussex County Rental Program (SCRIP) Ordinances to improve bonuses and incentives offered to developers.**
 - 1. Waive or reduce impact/permitting fees for affordable units or;**
 - 2. Defer payment of impact/permitting fees for affordable units until developer receives Certificate of Occupancy or;**
 - 3. Allow for design flexibility of affordable units (i.e. setbacks, variances)**

**Update/
County's
Settlement
Require-
ments
with HUD
& DOJ
(continued)**

3. **Training – Offer periodic fair housing training to municipal officials/staff, lenders, and realtors.**
4. **Foreclosed Subdivisions – Identify projects for developers to purchase foreclosed subdivisions for the provision of affordable housing.**
5. **Affordable Housing Outreach**
 - a. **The County will consider drafting a letter to affordable housing developers supporting affordable housing located in areas identified by DSHA as appropriate for affordable housing.**
 - b. **Develop a team of County employees from various departments (i.e. CD&H, P&Z, Economic Development, Administration) to connect affordable housing developers with existing incentive programs available from the State and non-profit organizations.**
6. **Brownfields**
 - a. **County would agree to explore the possibility that Brownfields redevelopment in the County may provide a mechanism to develop additional affordable housing.**

In regard to Brownfields, Stephanie Hansen, Attorney, commented that the University of Delaware (UD) recently released a report regarding brownfields. A group at UD was tasked with looking at social impacts from brownfields redevelopment and the key finding in their report was the addition of safe and affordable housing. Ms. Hansen noted that the Council may want to take a closer look at the results of the report and see if it would have any applicability to Sussex County.

Mrs. Nauman noted that these strategies are for discussion and consideration at this time.

**SR 26,
Phase III,
Millville
Sanitary
Sewer
District
Expansion**

John Ashman, Director of Utility Planning, reported on the SR26, Phase III, Millville Sanitary Sewer District Expansion.

At the March 26th Council meeting, the Council considered the boundaries of the proposed expansion and on that date, Mr. Ashman presented some options for the inclusion of additional properties (properties in “donut hole” areas and the Wingate Court subdivision). On March 26th, the Council directed Engineering staff to attempt to notify the owners of properties that the County is considering adding to determine interest, if any.

Mr. Ashman reported that letters were sent out and based on the responses (and lack of responses) received, the Engineering Department is recommending the inclusion of the Wingate Court subdivision and the property north of Wingate Court, but not the properties in “donut hole” areas.

Mr. Ashman presented a Proposed Resolution which outlines a description of the boundaries, as presented.

M 143 13
Adopt
R 004 13

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Resolution No. R 004 13 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT TO INCLUDE PARCELS OF LAND ALONG ATLANTIC AVENUE, ROUTE 26, BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

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

**William Briedis/
Lease
Amendment**

Jim Hickin, Airport Manager, presented a proposed Lease Amendment for the Council’s consideration. William Briedis currently leases Lot 20B in the Sussex County Industrial Park and he has requested approval to add his son’s name (Jason) to the Lease.

M 144 13
Approve
Lease
Amend-
**ment/
William**
Briedis

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, that the Sussex County Council approves the Second Addendum to the Lease Agreement with William Briedis, adding Jason William Briedis as an additional lessee.

Motion Adopted: 5 Yeas.

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

**Georgetown Air
Services/
Lease
Amendment**

Jim Hickin, Airport Manager, presented a proposed Lease Amendment for the Council’s consideration. Georgetown Air Services (GAS) leases the old terminal building and the land containing the fuel farm to operate its Fixed Base Operation (FBO). This lease covers fuel sales, hangar rental and flight line servicing operations. The original term of the lease expires May 1, 2013 and GAS has exercised the first of two five year options of the lease; however, the lease is not clear about the amount of rent due during the option period. Mr. Hickin reported that the purpose of the amendment is to clarify the amount of rent due during the option period. It proposes that rent be based on total fuel sales for 2012 and the current rent, i.e., if GASD sells the same amount of fuel in 2013 that they did in 2012, the rent will remain the same. If they sell more, the rent will be higher; if they sell less, the rent will be lower. The amendment also sets the rent amount based on .09 cents per gallon of monthly fuel sales with a lower limit of \$750.00 per month to cover the County’s costs for utilities and building maintenance in the event of low fuels sales. Also, additional rent in the form of a fuel flowage fee is also charged each month (\$0.3/gal for AVGAS and \$.08/gal for jet fuel). Appropriate audit protections are also added to the lease. The current rent is \$19,980 a year.

**M 145 13
Approve
Lease
Amend-
ment/
Georgetown
Air
Services**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, that the Sussex County Council authorizes the Council President to execute the Fourth Amendment to the Lease Agreement to establish and operate a General Aviation Support Service Facility for Sussex County Airport, Georgetown, Delaware, with Georgetown Air Services, as presented.

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 146 13
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$200.00 (\$100.00 each from Mr. Phillips' and Mr. Vincent's Councilmanic Grant Accounts) to the Huntington's Disease Society of America for the Team Hope Walk.

Motion Adopted: 5 Yeas.

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

**M 147 13
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$900.00 (\$150.00 from Mr. Cole's, Mr. Phillips', Mr. Wilson's and Mr. Vincent's Councilmanic Grant Accounts and \$300.00 from Mrs. Deaver's Councilmanic Grant Account) to the League of Women Voters of Sussex County for printing costs for the "They Represent You" pamphlet.

(DENIED)

Motion Denied: 3 Nays, 2 Yeas.

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

**M 148 13
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$900.00 (\$450.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the League of Women Voters of Sussex County for printing costs for the "They Represent You" pamphlet.

Motion Adopted: 5 Yeas.

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

M 149 13
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$200.00 (\$100.00 each from Mr. Wilson's and Mr. Phillips' Councilmanic Grant Accounts) to the Sussex Central High School Softball Boosters to sponsor a billboard sign.

Motion Adopted: 5 Yeas.

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

M 150 13
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$2,000.00 from Mrs. Deaver's Councilmanic Grant Account to the Lewes Historical Society for the Annual Chautauqua Tent Show.

Motion Adopted: 5 Yeas.

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

M 151 13
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$2,000.00 from Mr. Cole's Councilmanic Grant Account to the Cape Henlopen Senior Center for building repairs.

Motion Adopted: 5 Yeas.

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

M 152 13
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to Big Brothers Big Sisters of Delaware for their annual fundraiser.

Motion Adopted: 5 Yeas.

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

M 153 13
Council-
manic
Grant

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$250.00 (\$50.00 from each Councilmanic Grant Account) to Delaware Storm U12 Travel Softball Team for tournament expenses.

Motion Adopted: 5 Yeas.

- M 153 13**
(continued)
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 154 13**
Council-
manic
Grant
- A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to the Georgetown Little League for operating expenses.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 155 13**
Council-
manic
Grant
- A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to give \$500.00 (\$250.00 each from Mr. Wilson's and Mrs. Deaver's Councilmanic Grant Accounts) to the Milford Senior High School to sponsor an After Prom Party.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 156 13**
Council-
manic
Grant
- A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the Sussex County Health Promotion Coalition for SHORE Camp operating expenses.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- M 157 13**
Council-
manic
Grant
- A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$375.00 from Mrs. Deaver's Councilmanic Grant Account to the Lewes-Rehoboth Rotary Club for 2013 Trail Guide Book publication expenses.
- Motion Adopted:** 5 Yeas.
- Vote by Roll Call:** Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea
- Request**
Tabled
- The grant request from Prevent Child Abuse Delaware was tabled for the purpose of obtaining additional information.

Introduction of Proposed Zoning Ordinances **Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS” (Tax Map I.D. 2-34-25.00-31.00, 31.02, 31.04), Conditional Use No. 1963, filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey’s Landing Park, Inc.**

Mr. Phillips introduced 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 INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.81829 ACRES, MORE OR LESS (Tax Map I.D. 2-34-23.00-Part of Parcels 260.00 and 269.18), Change of Zone No. 1728, filed on behalf of Lighthouse Carillon, LLC.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 50.83 ACRES, MORE OR LESS (Tax Map I.D. 2-34-25.00-31.01, 31.02 & 31.04), Change of Zone No. 1729, filed on behalf of Ida C. Faucett, Faucett Heirs, LLC and Massey’s Landing Park, Inc.

The Proposed Ordinances will be advertised for Public Hearing.

Additional Business **Under Additional Business, Dan Kramer commented on the distribution of funds through Councilmanic Grants.**

M 158 13 Recess **At 12:19 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, 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 159 13 Reconvene **At 1:35 p.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to reconvene.**

Motion Adopted: 3 Yeas, 2 Absent.

**M 159 13
(continued)**

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

**Attorney/
Statement
Attorney/
Statement
(continued)**

[For the record, Everett Moore, County Attorney, stated that he or his law firm (Moore & Rutt) have previously represented both applicants before the Council on this date; however, upon review of the applications, he stated that there appears to be no conflict and that he nor his law firm have worked on these applications.]

**Public
Hearing/
C/Z
No. 1726**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 7.57 ACRES, MORE OR LESS” (Change of Zone No. 1726) filed on behalf of Robert M. & Sandra E. Davidson.

The Planning and Zoning Commission held a Public Hearing on this application on February 28, 2013 at which time the Commission recommended that the application be approved.

(See the minutes of the Planning and Zoning Commission dated February 28, 2013.)

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

The Council found that Robert Davidson was present with Douglas Barry, Professional Engineer with Pennoni Associates, Inc. Mr. Barry stated that the application is for a rezoning so that the Applicant does not have to apply for every expansion of his existing Conditional Use; that in 1997, the Applicant secured a Conditional Use approval to conduct commercial operations on the site; that there were conditions of approval that are prohibiting the Applicant from fully utilizing his grounds (specifically, (1) the storage buildings must be set back at least 350 feet from Route 9, (2) no storage building can exceed 2,400 square feet in size, and (3) no storage of houses on the property; that, sometimes, the Applicant has a client that needs a house moved but it needs to be temporarily stored and the Applicant cannot currently store a house on the property; that the Applicant has no immediate intent on developing the property outside of minor expansions to the existing storage buildings on the site that support his home moving business; that there are several business and commercial uses in the area; that according to State Strategies, the site is located in an Investment Level 3 Area; that according to the Comprehensive Land Use Plan, the site is located in a Developing Area; that a Traffic Impact Study was not required; and that the wetlands will not be disturbed.

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

**M 160 13
Adopt
Ordinance
No. 2298
(C/Z
No. 1726)**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to Adopt Ordinance No. 2298 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 7.57 ACRES, MORE OR LESS” (Change of Zone No. 1726) filed on behalf of Robert M. & Sandra E. Davidson.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
C/U
No. 1958**

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 WAREHOUSING AND RELOCATION OF A HELICOPTER PAD AS EXTENSION TO CONDITIONAL USE NO. 1679 (OFFICE AND WAREHOUSING) AND CONDITIONAL USE NO. 1858 (HELICOPTER LANDING SITE, PRIVATE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 8.46 ACRES, MORE OR LESS” (Conditional Use No. 1958) filed on behalf of Omar Road, LLC.

The Planning and Zoning Commission held a Public Hearing on this application on February 28, 2013 at which time the Commission recommended that the application be approved with the following conditions:

1. The Conditional use shall be subject to the existing conditions of Conditional Use No. 1679 (office and warehousing) and Conditional Use No. 1858 (helicopter landing site, private).
2. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

(See the minutes of the Planning and Zoning Commission dated February 28, 2013.)

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

The Council found that George Herker was present with Ron Sutton, Professional Engineer with Civil Engineering Associates, LLC. Mr. Sutton stated that additional warehousing is proposed to allow for the expansion of Mr. Herker’s landscaping business; that the Applicant wishes to expand the business; that the purpose of the application is to construct a new warehouse; that in the process of constructing the warehouse, the helicopter pad will have

(continued) to be relocated because the warehouse would be on top of the helicopter pad; that it is a minor relocation; and the Applicant understands that the conditions still apply.

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

**M 161 13
Adopt
Ordinance
No. 2299
(C/U
No. 1958)**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2299 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR WAREHOUSING AND RELOCATION OF A HELICOPTER PAD AS EXTENSION TO CONDITIONAL USE NO. 1679 (OFFICE AND WAREHOUSING) AND CONDITIONAL USE NO. 1858 (HELICOPTER LANDING SITE, PRIVATE) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 8.46 ACRES, MORE OR LESS” (Conditional Use No. 1958) filed on behalf of Omar Road, LLC, with the following conditions:

1. The Conditional use shall be subject to the existing conditions of Conditional Use No. 1679 (office and warehousing) and Conditional Use No. 1858 (helicopter landing site, private).
2. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

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

**M 162 13
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to adjourn at 2:10 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**

Respectfully submitted,

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

SUSAN M. WEBB, CPA
FINANCE DIRECTOR
(302) 855-7741 T
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swebb@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

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

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

RE: **HEALTH INSURANCE RENEWAL RECOMMENDATIONS**

DATE: April 4, 2013

On Tuesday, April 9, we will discuss our County health insurance. The following topics will be discussed:

1. Renewal of our stop/loss insurance – This insurance covers our claims above our self-insurance limits and is renewed every year.
2. Possible cost savings to our health insurance plan:
 - (a) Spousal coordination of benefits
 - (b) Birthday rule
3. Discussion on the future impact of the Affordable Care Act and its impact on Sussex County.

This discussion will be presented by the Finance Department, Human Resources Department, and a representative from Integra, our claims administrator.

SMW/sww

Sussex County Government
Quote Analysis for 2013-2014 Contract Year

Renewal



Plan Information

	Projected	Actual	Option 11a	Option 7a	Option 13a	Option 10a
1 Plan Description	\$100K Agg Spec; \$350K Laser; Agg Run-In limit \$1,377,340	\$100K Agg Spec; \$350K Laser; Agg Run-In limit \$1,377,340	\$100K Agg Spec, \$350K Laser, HPN	\$100K Agg Spec, \$700K Laser, HPN; Agg Run-In limit \$1,344,646	\$100K Agg Spec; HPN	\$100K Agg Spec; \$400K Laser, HPN; Revised 3/13/13
2 Stop Loss Carrier	Companion Life	Companion Life	Companion Life	Standard Security	Weapon Insurance	Unlimited
3 Specific Contract	12/24	12/24	12/24	12/18	12/24	12/24
4 Benefits Included	Med/Rx	Med/Rx	Med/Rx	Med/Rx	Med/Rx	Med/Rx
5 Contract Deductible	\$285K	\$285K	\$285K	\$285K	\$285K	\$285K
6 Maximum	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited	Unlimited
7 Run-in Limitations	None	None	None	None	None	None
8 Aggregating Specific	\$100,000.00	None	\$100,000.00	\$100,000.00	\$100,000.00	\$100,000.00
9 Laser Risk	\$65,000	\$65,000	\$65,000	\$115,000	None	\$115,000
10 Aggregate Contract	24/12	24/12	24/12	24/12	24/12	24/12
11 Benefits Included	Med	Med	Med	Med	Med	Med

Fixed Costs (Annual)

12 Life Product	N/A	N/A	N/A	N/A	N/A	N/A
13 Contract Premiums	\$283,258	\$283,258	\$246,720	\$243,669	\$248,485	\$253,437
14 Administrative Fees	\$268,013	\$268,013	\$289,013	\$289,013	\$289,013	\$289,013
15 PPO, Web & Health Advocate Fees	\$61,800	\$61,800	\$142,503	\$142,503	\$142,503	\$142,503
16 Run-In Administration	N/A	N/A	N/A	N/A	N/A	N/A
17 Run-Out Administration	N/A	N/A	N/A	N/A	N/A	N/A
18 Total Annual Fixed Costs	\$613,071	\$613,071	\$678,236	\$675,185	\$680,001	\$684,953
19 Fixed Cost Increase			\$65,165	\$62,114	\$66,930	\$71,882

Projected Plan Costs (Annual)

20 Fixed Costs (from above)	\$613,071	\$613,071	\$678,236	\$675,185	\$680,001	\$684,953
21 Projected Non-Retiree Medical Claims	\$6,405,840	\$6,678,208	\$6,743,824	\$6,743,824	\$6,743,824	\$6,743,824
22 Projected Laser Risk	\$48,762	\$0	\$48,762	\$311,328	\$0	\$86,272
23 Projected Aggregating Specific Claims	\$75,019	\$0	\$75,019	\$75,019	\$75,019	\$75,019
24 Projected Retiree Med/Rx Claims	\$849,779	\$590,243	\$614,867	\$614,867	\$614,867	\$614,867
25 Projected Non-Retiree Rx Claims	\$1,881,616	\$1,781,024	\$1,827,252	\$1,827,252	\$1,827,252	\$1,827,252
26 Total Annual Projected Costs	\$9,874,087	\$9,682,546	\$9,987,960	\$10,247,474	\$9,940,963	\$10,032,186
27 % Increase in Projected Costs		2.14%	1.15%	3.78%	0.68%	1.60%
28 Projected Cost Increase		\$221,541	\$113,873	\$373,387	\$66,976	\$158,099
29 Projected Cost Increase PERM		\$27	\$14	\$47	\$8	\$20

Maximum Plan Costs (Annual)

30 Fixed Costs (from above)	\$613,071	\$613,071	\$678,236	\$675,185	\$680,001	\$684,953
31 Maximum Projected Non-Retiree Medical Claims	\$9,098,342	\$6,678,208	\$8,589,553	\$8,337,849	\$8,598,775	\$8,916,386
32 Maximum Laser Risk	\$65,000	\$0	\$65,000	\$415,000	\$0	\$115,000
33 Maximum Aggregating Specific Claims	\$100,000	\$0	\$100,000	\$100,000	\$100,000	\$100,000
34 Maximum Projected Retiree Med/Rx Claims	\$934,747	\$590,243	\$645,610	\$645,610	\$645,610	\$645,610
35 Maximum Projected Non-Retiree Rx Claims	\$2,352,020	\$1,781,024	\$2,284,064	\$2,284,064	\$2,284,064	\$2,284,064
36 Total Annual Maximum Costs	\$13,163,181	\$9,662,546	\$12,362,464	\$12,457,709	\$12,308,451	\$12,746,014
37 % Increase in Maximum Costs		26.59%	-6.08%	-5.38%	-6.49%	-3.17%
38 Maximum Cost Increase		\$3,500,635	\$800,717	\$705,472	\$854,730	\$417,167
39 Maximum Cost Increase PERM		\$444	\$102	\$89	\$108	\$53



Recommendations

- Spousal Coordination of Benefits
 - Employee's spouse must take other coverage if it is available
 - Can stay on the County's, but the County is secondary
 - Hardship exemption
- Birthday Rule
 - Dependents must have primary coverage under the parent's insurance whose birthday comes first in the calendar year

Sussex County Government: HPN Silver Plan

Coverage Period: 05/01/2013 – 04/30/2014

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | Plan Type: PPO



This is only a summary. If you want more detail about your coverage and costs, you can get the complete terms in the policy or plan document at www.integratpa.com or by calling 1-800-959-3518.

Important Questions	Answers	Why this Matters:
What is the overall deductible ?	For Participating Providers \$500 person/ \$1,000 family For Non-Participating Providers \$1,000 person/ \$2,000 family	You must pay all the costs up to the deductible amount before this plan begins to pay for covered services you use. Deductible Year starts over January 1. Deductible does not apply to HPN.
Are there other deductibles for specific services?	There are no other specific deductibles .	You don't have to meet deductibles for specific services, but see the chart starting on page 2 for other costs for services this plan covers.
Is there an out-of-pocket limit on my expenses?	Yes. For Participating Providers \$2,000 person/ \$4,000 family For Non-Participating Providers \$4,000 person/ \$8,000 family	The out-of-pocket limit is the most you could pay during a coverage period (usually one year) for your share of the cost of covered services. This limit helps you plan for health care expenses.
What is not included in the out-of-pocket limit ?	Premiums, balance-billed charges, and health care this plan doesn't cover. Drug Co-payments & Co-insurance or Non-Compliance Pre Cert Penalties.	Even though you pay these expenses, they don't count toward the out-of-pocket limit .
Is there an overall annual limit on what the plan pays?	This year, the plan will reimburse medical expenses Unlimited .	This amount may vary each year. Any amounts not paid by the plan will either be paid by you or the group medical plan.
Does this plan use a network of providers ?	Yes.	If you use an in-network doctor or other health care provider , this plan will pay some or all of the costs of covered services. Be aware, your in-network doctor or hospital may use an out-of-network provider for some services. Plans use the term in-network, preferred , or participating for providers in their network . See the chart starting on page 2 for how this plan pays different kinds of providers .
Do I need a referral to see a specialist ?	No.	You can see the specialist you choose without permission from this plan.
Are there services this plan doesn't cover?	Yes.	Some of the services this plan doesn't cover are listed on page 4. See your policy or plan document for additional information about excluded services .

Questions: Call 1-800-959-3518 or visit us at www.integratpa.com. If you aren't clear about any of the bolded terms used in this form, see the Glossary. You can view the Glossary at www.integratpa.com or call 1-800-959-3518 to request a copy.

Sussex County Government: HPN Silver Plan

Coverage Period: 05/01/2013 – 04/30/2014

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | Plan Type: PPO



- **Co-payments** are fixed dollar amounts (for example, \$15) you pay for covered health care, usually when you receive the service.
- **Co-insurance** is *your* share of the costs of a covered service, calculated as a percent of the **allowed amount** for the service. For example, if the plan's **allowed amount** for an overnight hospital stay is \$1,000, your **co-insurance** payment of 20% would be \$200. This may change if you haven't met your **deductible**.
- The amount the plan pays for covered services is based on the **allowed amount**. If an out-of-network **provider** charges more than the **allowed amount**, you may have to pay the difference. For example, if an out-of-network hospital charges \$1,500 for an overnight stay and the **allowed amount** is \$1,000, you may have to pay the \$500 difference. (This is called **balance billing**.)
- This plan may encourage you to use in-network **providers** by charging you lower **deductibles** and **co-insurance** amounts.

Common Medical Event	Services You May Need	Your cost if you use an	Your cost if you use an	Limitations & Exceptions
		In-network Provider	Out-of-network Provider	
If you visit a health care provider's office or clinic	Primary care visit to treat an injury or illness	For HPN: \$25 copayment For Other PPO Providers: \$25 copayment + 10% coinsurance	30% coinsurance	---none---
	Specialist visit	For HPN: \$25 copayment For Other PPO Providers: \$25 copayment + 10% coinsurance	30% coinsurance	---none---
	Other practitioner office visit	For HPN: \$25 copayment For Other PPO Providers: \$25 copayment + 10% coinsurance	30% coinsurance	---none---
	Preventive care/screening/immunization	For HPN: No Charge For Other PPO Providers: \$25 copayment	30% coinsurance	---none---
If you have a test	Diagnostic test (x-ray, blood work)	For Labs: HPN (Including LabCorp and PRMC Off Site Labs): \$20 copayment For other PPO Providers: 20% coinsurance For X-Rays: HPN: \$25 copayment For other PPO Providers: 10% coinsurance	30% coinsurance	---none---

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Sussex County Government: HPN Silver Plan

Coverage Period: 05/01/2013 – 04/30/2014

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | Plan Type: PPO

Common Medical Event	Services You May Need	Your cost if you use an In-network Provider	Your cost if you use an Out-of-network Provider	Limitations & Exceptions
	Imaging (CT/PET scans, MRIs)	For HPN (Including One Call Medical): \$50 copayment For other PPO Providers: 20% coinsurance	30% coinsurance	---none---
If you need drugs to treat your illness or condition	Generic drugs	\$10 copayment per prescription for 30 Day Retail. \$20 copayment per prescription for 90 Day Mail Order	N/A	
More information about prescription drug coverage is available at	Preferred brand drugs	\$25 copayment per prescription for 30 Day Retail. \$50 copayment per prescription for 90 Day Mail Order	N/A	
www.integratpa.com or by calling 1-800-959-3518.	Non-preferred brand drugs	\$35 copayment per prescription for 30 Day Retail. \$70 copayment per prescription for 90 Day Mail Order	N/A	
	Specialty drugs	\$35 copayment per prescription for 30 Day Retail.	N/A	No 90 Day Mail Order
If you have outpatient surgery	Hospital or Ambulatory Surgery Center	For HPN: \$125 co-payment For Other PPO Providers: 10% coinsurance	30% coinsurance	Pre-authorization required. Failure to pre-authorize will result in a \$150.00 penalty.
	Doctor Office	For HPN: \$75 co-payment For Other PPO Providers: 10% coinsurance	30% coinsurance	---none---
If you need immediate medical attention	Emergency room services	For HPN: \$100 co-payment For Other PPO Providers: \$125 copayment + 10% coinsurance	\$125 copayment + 10% coinsurance	For Non Emergency Use: 50% coinsurance (In or Out of Network)
	Emergency medical transportation	For HPN: \$50 co-payment For Other PPO Providers:10% coinsurance	10% coinsurance	---none---

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Sussex County Government: HPN Silver Plan

Coverage Period: 05/01/2013 – 04/30/2014

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | **Plan Type:** PPO

Common Medical Event	Services You May Need	Your cost if you use an	Your cost if you use an	Limitations & Exceptions
		In-network Provider	Out-of-network Provider	
	Urgent care	For HPN: \$25 co-payment For Other PPO Providers: \$25 copayment + 10% coinsurance	\$25 copayment + 10% coinsurance	---none---
If you have a hospital stay	Facility fee (e.g., hospital room)	For HPN: \$200 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	Semi Private Room Pre-authorization required. Failure to pre-authorize will result in a \$150.00 penalty.
	Surgeon fee	For HPN: \$125 co-payment For Other PPO Providers: 10% coinsurance	30% coinsurance	---none---
If you have mental health, behavioral health, or substance abuse needs	Mental/Behavioral health outpatient services	For HPN: \$25 copayment For Other PPO Providers: \$25 copayment + 10% coinsurance	30% coinsurance	---none---
	Mental/Behavioral health inpatient services	For HPN: \$200 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	---none---
	Substance use disorder outpatient services	For HPN: \$25 copayment For Other PPO Providers: \$25 copayment + 10% coinsurance	30% coinsurance	---none---
	Substance use disorder inpatient services	For HPN: \$200 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	---none---
If you are pregnant	Prenatal and postnatal care	For HPN: \$25 co-payment For Other PPO Providers: \$25 copayment + 10% coinsurance	30% coinsurance	---none---
	Delivery and all inpatient services	For HPN: \$200 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	---none---
If you need help recovering or have other special health needs	Home health care	For HPN: \$25 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	Coverage is limited to 100 visits per Plan Year.

Questions: Call 1-800-959-3518 or visit us at www.integratpa.com. If you aren't clear about any of the bolded terms used in this form, see the Glossary. You can view the Glossary at www.integratpa.com or call 1-800-959-3518 to request a copy.

Sussex County Government: HPN Silver Plan

Coverage Period: 05/01/2013 – 04/30/2014

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | Plan Type: PPO

Common Medical Event	Services You May Need	Your cost if you use an In-network Provider	Your cost if you use an Out-of-network Provider	Limitations & Exceptions
	In Patient Rehabilitation services	For HPN: \$200 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	Coverage is limited to 100 Days per Plan Year. Pre-authorization required. Failure to pre-authorize will result in a \$150.00 penalty.
	Habilitation services	For HPN: \$25 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	---none---
	Skilled nursing care	For HPN: \$200 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	Coverage is limited to 100 Days per Plan Year.
	Durable medical equipment	For HPN: \$50 co-payment For Other PPO Providers:10% coinsurance	30% coinsurance	---none---
	Hospice services	For HPN: \$25 co-payment For Other PPO Providers: 10% coinsurance	30% coinsurance	---none---
If your child needs dental or eye care	Eye exam (preventive)	N/A	N/A	No coverage
	Glasses	N/A	N/A	No coverage
	Dental check-up	N/A	N/A	No coverage

Questions: Call 1-800-959-3518 or visit us at www.integratpa.com. If you aren't clear about any of the bolded terms used in this form, see the Glossary. You can view the Glossary at www.integratpa.com or call 1-800-959-3518 to request a copy.

Sussex County Government: HPN Silver Plan

Coverage Period: 05/01/2013 – 04/30/2014

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | **Plan Type:** PPO

Excluded Services & Other Covered Services:

Services Your Plan Does NOT Cover (This isn't a complete list. Check your policy or plan document for other **excluded services**.)

- | | | |
|-----------------------|--|----------------------------|
| • Acupuncture | • Infertility treatment | • Routine eye care (Adult) |
| • Bariatric surgery | • Long-term care | • Routine foot care |
| • Cosmetic surgery | • Glasses | • Weight loss programs |
| • Dental care (Adult) | • Non-emergency care when traveling outside the U.S. | |
| • Hearing aids | • Private-duty nursing | |

Other Covered Services (This isn't a complete list. Check your policy or plan document for other covered services and your costs for these services.)

- | | |
|---------------------|-------------------------|
| • Chiropractic care | • Habilitation services |
|---------------------|-------------------------|

Your Rights to Continue Coverage:

If you lose coverage under the plan, then, depending upon the circumstances, Federal and State laws may provide protections that allow you to keep health coverage. Any such rights may be limited in duration and will require you to pay a **premium**, which may be significantly higher than the premium you pay while covered under the plan. Other limitations on your rights to continue coverage may also apply.

For more information on your rights to continue coverage, contact the plan at 1-800-959-3518. You may also contact your state insurance department, the U.S. Department of Labor, Employee Benefits Security Administration at 1-866-444-3272 or www.dol.gov/ebsa, or the U.S. Department of Health and Human Services at 1-877-267-2323 x61565 or www.cciio.cms.gov.

Your Grievance and Appeals Rights:

If you have a complaint or are dissatisfied with a denial of coverage for claims under your plan, you may be able to **appeal** or file a **grievance**. For questions about your rights, this notice, or assistance, you can contact:

- Your health plan at 1-800-959-3518, or the Department of Labor's Employee Benefits Security Administration at 1-866-444-EBSA (3272) or www.dol.gov/ebsa/healthscarereform.

Delaware: Additionally, a consumer assistance program can help you file your appeal. Contact Delaware Department of Insurance 841 Silver Lake Blvd, Dover, DE 19904, (800) 282-8611, consumer@state.de.us. A list of states with Consumer Assistance Programs is available at www.dol.gov/ebsa/healthreform and <http://cciio.cms.gov/programs/consumer/capgrants/index.html>

To see examples of how this plan might cover costs for a sample medical situation, see the next page.

Questions: Call 1-800-959-3518 or visit us at www.integratpa.com. If you aren't clear about any of the bolded terms used in this form, see the Glossary. You can view the Glossary at www.integratpa.com or call 1-800-959-3518 to request a copy.

Sussex County Government: HPN Silver Plan

Coverage Period: 05/01/2013 – 04/30/2014

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | **Plan Type:** PPO

About these Coverage Examples:

These examples show how this plan might cover medical care in given situations. Use these examples to see, in general, how much financial protection a sample patient might get if they are covered under different plans.



This is not a cost estimator.

Don't use these examples to estimate your actual costs under this plan. The actual care you receive will be different from these examples, and the cost of that care will also be different.

See the next page for important information about these examples.

Having a baby (normal delivery)

- **Amount owed to providers:** \$7,540
- **Plan pays** \$6,970
- **Patient pays** \$570

Sample care costs:

Hospital charges (mother)	\$2,700
Routine obstetric care	\$2,100
Hospital charges (baby)	\$900
Anesthesia	\$900
Laboratory tests	\$500
Prescriptions	\$200
Radiology	\$200
Vaccines, other preventive	\$40
Total	\$7,540

Patient pays:

Deductibles	\$100
Co-pays	\$470
Co-insurance	\$0
Limits or exclusions	\$0
Total	\$570

Managing type 2 diabetes (routine maintenance of a well-controlled condition)

- **Amount owed to providers:** \$5,400
- **Plan pays** \$4,410
- **Patient pays** \$990

Sample care costs:

Prescriptions	\$2,900
Medical Equipment and Supplies	\$1,300
Office Visits and Procedures	\$700
Education	\$300
Laboratory tests	\$100
Vaccines, other preventive	\$100
Total	\$5,400

Patient pays:

Deductibles	\$100
Co-pays	\$810
Co-insurance	\$0
Limits or exclusions	\$80
Total	\$990

Summary of Benefits and Coverage: What this Plan Covers & What it Costs

Coverage for: Employee, Employee & Spouse, Employee & Children and Family | Plan Type: PPO

Questions and answers about the Coverage Examples:

What are some of the assumptions behind the Coverage Examples?

- Costs don't include [premiums](#).
- Sample care costs are based on national averages supplied by the U.S. Department of Health and Human Services, and aren't specific to a particular geographic area or health plan.
- The patient's condition was not an excluded or preexisting condition.
- All services and treatments started and ended in the same coverage period.
- There are no other medical expenses for any member covered under this plan.
- Out-of-pocket expenses are based only on treating the condition in the example.
- The patient received all care from in-network [providers](#). If the patient had received care from out-of-network [providers](#), costs would have been higher.

What does a Coverage Example show?

For each treatment situation, the Coverage Example helps you see how [deductibles](#), [co-payments](#), and [co-insurance](#) can add up. It also helps you see what expenses might be left up to you to pay because the service or treatment isn't covered or payment is limited.

Does the Coverage Example predict my own care needs?

- ✗ **No.** Treatments shown are just examples. The care you would receive for this condition could be different based on your doctor's advice, your age, how serious your condition is, and many other factors.

Does the Coverage Example predict my future expenses?

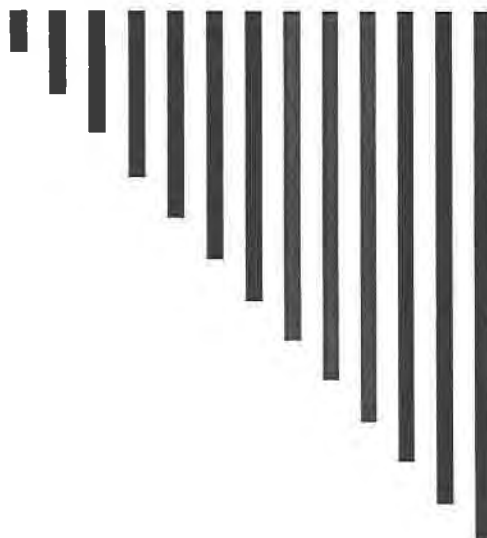
- ✗ **No.** Coverage Examples are **not** cost estimators. You can't use the examples to estimate costs for an actual condition. They are for comparative purposes only. Your own costs will be different depending on the care you receive, the prices your [providers](#) charge, and the reimbursement your health plan allows.

Can I use Coverage Examples to compare plans?

- ✓ **Yes.** When you look at the Summary of Benefits and Coverage for other plans, you'll find the same Coverage Examples. When you compare plans, check the "Patient Pays" box in each example. The smaller that number, the more coverage the plan provides.

Are there other costs I should consider when comparing plans?

- ✓ **Yes.** An important cost is the [premium](#) you pay. Generally, the lower your [premium](#), the more you'll pay in out-of-pocket costs, such as [co-payments](#), [deductibles](#), and [co-insurance](#). You should also consider contributions to accounts such as health savings accounts (HSAs), flexible spending arrangements (FSAs) or health reimbursement accounts (HRAs) that help you pay out-of-pocket expenses.



How the Affordable Care Act will Impact Sussex County Government

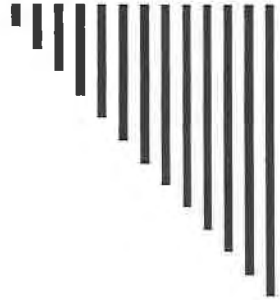


April 9, 2013



Where are we now?

- ☐ Dependents under the age of 26 are eligible to stay on their parents health plan
- ☐ No pre-existing conditions for dependents under the age of 19
- ☐ Benefit plans are prohibited from having lifetime maximums
- ☐ Preventive Care Coverage at 100%
- ☐ Women's health preventive care coverage - First renewal after August 1, 2012
- ☐ W-2 requirement



Patient-Centered Outcomes Research Institute Fees (PCORI)

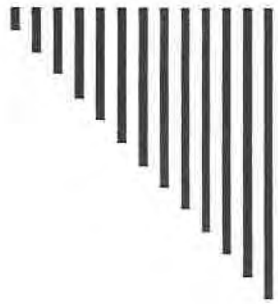
- ☐ July 31st 2013 – Fees due for plan years ending on or after October 1, 2012 & will end for plan years ending after October 1, 2019
- ☐ The fee is paid by Sussex County to the IRS
- ☐ Payment to the IRS is due on July 31, 2013
- ☐ Amount to be Paid:
 - \$1 per covered person for 2013 - \$1200
 - \$2 per covered person for 2014 - \$2400
- ☐ The regulations do not exclude retirees only health plans



Tax on Plans to Fund Temporary Reinsurance Programs

Contribution by fully insured and self-funded group health plans to help stabilize premiums in the exchange during the first 3 years.

- Fully Insured & Self-Funded plans must comply
- To fund the reinsurance program established by the states or the federal government if the state does not have an exchange program
- \$25 Billion to be collected between 2014 & 2016
 - \$20 Billion for payments for reinsurance
 - \$ 5 Billion for general treasury fund



Tax on Plans to Fund Temporary Reinsurance Programs

- ☐ Contribution is required for each covered individual.
- ☐ Integra will collect the funds from Sussex County and pay the tax
- ☐ The amount confirmed is: **\$63 per covered person per year.**
- ☐ Sussex County is not exempt
- ☐ The annual cost to the County - \$75,600



2nd Wave of the ACA

Plan years beginning on or after January 1, 2014:

- Plans will be required to offer **essential health benefits**- ambulatory & emergency services, hospitalization, maternity & newborn care, mental health and substance services, prescription drugs, rehabilitation and habilitative services and devices, lab services, preventive and wellness services, pediatric services including oral and vision care and chronic disease management.



2nd Wave of the ACA

- ☐ No pre-existing condition exclusions
- ☐ No annual dollar limit on essential health benefits
- ☐ Wellness Rewards
 - January 1, 2014 Employers will be permitted to vary premiums up to 30% for participating in wellness programs
- ☐ Must provide affordable coverage - Cost charged by employer to employee (contribution) for **self-only coverage** (not dependent coverage if have family coverage) cannot exceed 9.5% of an employee's household income – *\$95 a month for employee only coverage*



Employer Penalty

- Applies for **any month** in which:
 - **All** full time employees & dependents are **not** offered minimum essential coverage
 - **One** of those full time employees purchases insurance in an exchange and receives a subsidy or tax credit
 - Annual Penalty = \$2,000 multiplied by the number of full time employees of controlled group minus 30 -- penalty is determined monthly!
 - Example John owns 3 gas stations for a total of 75 full time employees $75 - 30 = 45$ employees X \$2,000 or a tax penalty of \$90,000



Excise Tax

- ACA imposes an annual 40% excise tax on plans with premiums exceeding \$10,200 for individuals or \$27,500 for a family (not including vision and dental benefits) starting in 2018.
- Sussex County's insurance plan was valued at \$25,194 for family and \$8,398 for individual in 2012. The value is driven by the number of covered lives on the plan.
- Assuming a 4% increase every year until 2018, the County would be taxed \$1,750 for each family coverage. The County has about 140 employees with family coverage - \$245,000



Recommendations

- Spousal Coordination of Benefits
 - Employee's spouse must take other coverage if it is available
 - Can stay on the County's, but the County is secondary
 - Hardship exemption
- Birthday Rule
 - Dependents must have primary coverage under the parent's insurance whose birthday comes first in the calendar year

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

March 21, 2013

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BREAKWATER ESTATES - PHASE 4
AGREEMENT NO. 895 - 2

DEVELOPER:

Mr. Ben Gordy
Breakwater, L.L.C.
55 Cascade Lane, Suite A

Rehoboth, DE 19971

LOCATION:

Phase 4 consists of; 12 townhomes units #25A thru 25F; and 26A thru 26F; 3 triplexes, units #37A thru 37C; and 26 duplexes, units 27A & B thru 30A & B; 32A & B thru 36A & B; and 38A & B thru 40A & B.

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

39 townhouses and duplexes

SYSTEM CONNECTION CHARGES:

\$94,300.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
02/21/06

Department Of Natural Resources Plan Approval
03/22/06

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 20

Construction Admin And Construction Inspection Cost – \$7,715.63

Proposed Construction Cost – \$51,437.50

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
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BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 9, 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. 895-2 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "BREAKWATER, LLC", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "BREAKWATER ESTATES-PHASE 4 ", LOCATED IN THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 895-2

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
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Sussex County

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

March 21, 2013

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SENATORS - PHASE 1C
AGREEMENT NO. 766 - 5

DEVELOPER:

Mr. Jack Lingo
Senators Lewes, LP
246 Rehoboth Avenue
Rehoboth Beach, De 19971

LOCATION:

West side of Gills Neck Road.

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

40 single family lots

SYSTEM CONNECTION CHARGES:

\$188,600.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
01/22/10

Department Of Natural Resources Plan Approval
06/07/10

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 210
Construction Admin And Construction Inspection Cost – \$74,410.73
Proposed Construction Cost – \$496,071.50

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

April 9, 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. 766-5 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SENATORS LEWES, LP", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "SENATORS – PHASE 1C", LOCATED IN THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 766-5

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

March 21, 2013



Sussex County

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SENATORS - PHASE 1D
AGREEMENT NO. 766 - 6

DEVELOPER:

Mr. Jack Lingo
Senators Lewes, LP
246 Rehoboth Avenue
Rehoboth Beach, De 19971

LOCATION:

West side of Gills Neck Road.

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

22 single family lots

SYSTEM CONNECTION CHARGES:

\$103,730.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
01/22/10

Department Of Natural Resources Plan Approval
06/07/10

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30
Construction Admin And Construction Inspection Cost – \$7,555.88
Proposed Construction Cost – \$50,372.50

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
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COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 9, 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. 766-6 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SENATORS LEWES, LP", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "SENATORS – PHASE 1D", LOCATED IN THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 766-6

TODD LAWSON
COUNTY ADMINISTRATOR



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator

April 9, 2013

Bill No.	Description and Purpose	Action
2013 BILLS		
HB 14	This bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.	FYI
HB 27	This bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect. Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.	We supported this legislation last year and it nearly passed. We requested it again this year and it has been introduced and released from Committee as of 3/13/13.
HB 44	This bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.	This legislation would circumvent local zoning laws.

House Bill No Number	This Act is the first leg of a constitutional amendment that will remove the offices of Clerks of the Peace from the State Constitution and remove the requirement to elect the Clerks of the Peace	Bill not introduced yet, item for our discussion
HB 63	This bill is the first leg of a constitutional amendment that forever guarantees the right of farmers to engage in modern farming and ranching practices.	
Senate Bill No Number	This Bill allows Delaware residents 65 years of age and older to qualify for the "Senior School Property Tax Credit Program" upon entering into a payment plan for the taxes due.	This maybe contrary to our Clean Hands Act
Senate Bill No Number	This Bill provides for property tax exemption for the dwelling of military veterans who are disabled and for their spouses, if the veteran is deceased.	



SPONSOR: Rep. Carson & Sen. Ennis
Reps. Briggs King, Kenton, Miro, Outten, Paradee,
Peterman, Ramone, D. Short, Spiegelman; Sens. Hall-
Long, Hocker, Pettyjohn

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 14

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO PERSONAL INCOME TAX.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §1110, Title 30 of the Delaware Code by making insertions as shown by underlining as follows:

(d) For tax years after December 31, 2012 a resident shall be allowed an exemption on all income and/or capital gains received from the sale or granting of an agricultural lands preservation easement pursuant to Chapter 9, Title 3 of this Code or from the sale or granting of an easement through any county, state or federal program in which land is preserved for agricultural purposes.

SYNOPSIS

This bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.

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Briggs King Kenton Miro Outten Paradee
Peterman Ramone D. Short Spiegelman Sens.
Hall-Long Hocker Pettyjohn**CoSponsors:** { NONE... }**Introduced on :** 01/10/2013**Long Title:** AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO
PERSONAL INCOME TAX.**Synopsis:** This bill provides that any income and/or capital gain received from easements
preserving agricultural land shall not be taxed for purposes of Delaware
personal income taxes.**Current Status:** House Appropriations Committee **On** 01/24/2013**Full text of
Legislation:** [Legis.html](#)
(in HTML format)[Email this Bill to a
friend](#)**Full text of
Legislation:** [Legis.Docx](#) (Microsoft Word is required to view this document.)
(in MS Word
format)**Fiscal Notes/Fee Impact:** F/N (Complete)**Amendments:** [HA 1 to HB 14 - PWB](#)**Committee Reports:** House Committee Report 01/23/13 F=0 M=7 U=3---->
Fiscal Notes: Fiscal Note----->
Actions History:Jan 24, 2013 - Assigned to Appropriations Committee in House
Jan 23, 2013 - Reported Out of Committee (REVENUE & FINANCE) in House
with 7 On Its Merits, 3 Unfavorable
Jan 22, 2013 - Amendment HA 1 - Introduced and Placed With Bill
Jan 10, 2013 - Introduced and Assigned to Revenue & Finance Committee in
House

Bill Search:

Session ▾



SPONSOR: Rep. D. Short & Rep. Scott & Sen. Pettyjohn;
 Reps. Briggs King, Dukes, Gray, Kenton, Miro, Smyk,
 Spiegelman, Wilson, Baumbach, Bolden, Carson, Q.
 Johnson, Keeley, Potter; Sens. Lavelle, Hocker, Lopez,
 Peterson, Simpson, Sokola, Townsend

HOUSE OF REPRESENTATIVES
 147th GENERAL ASSEMBLY

HOUSE BILL NO. 27

AN ACT TO AMEND TITLE 30 OF THE DELAWARE CODE RELATING TO STATE TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 545(b)(1), Title 30 of the Delaware Code by making insertions as shown by underlining as follows:

(b) Definitions. -- For purposes of this section:

(1) "Claimant agency" means:

a. Any department or agency of the State, including the University of Delaware, Delaware State University and Delaware Technical and Community College, ~~but not school districts of this state,~~ with respect to any debt owed to it and any political subdivision or school district of this State, with respect to property taxes owed to it; and

SYNOPSIS

This bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect.

Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.

governing the time, place, size, number or manner of those displays. Unless the declaration provides otherwise during the first 2 years of the period of declarant control, no rule may prohibit the right of a unit owner to display a "For Sale" sign, measuring up to 12 inches by 18 inches (12"/" x 18"/"), on the exterior wall of the unit owner's unit or the limited common elements appurtenant to that unit. Unless the declaration provides otherwise, the "For Sale" sign shall be entitled "For Sale" and may contain such information as accurately describes the unit and any applicable names, addresses and phone numbers of the person or persons who are offering the unit for sale.

SYNOPSIS

This bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.



SPONSOR: Rep. Atkins

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 44

AN ACT TO AMEND TITLE 25 OF THE DELAWARE CODE RELATING TO PROPERTY.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend § 316, Title 25 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 316. Display of flags.

No restriction shall be enforceable with respect to real property which prohibits or limits the ability of a property owner or tenant to display the flag of the United States of America on a pole attached to the exterior of the property's building or structure or on a flagpole located within the property's boundaries, provided such flag's measurement does not exceed 3 feet by 5 feet; and such flagpole does not exceed 25 feet in height and conforms to all setback requirements.

Section 2. Amend § 2242, Title 25 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 2242. Display of flags.

Any unit owner shall have the right to display the flag of the United States of America, measuring up to 3 feet by 5 feet, on a pole attached to the exterior wall of the unit or the common elements proximate to the unit, provided such display conforms with § 316 of this title. This right may not be impaired by any state or private regulation or by any agreement, covenant or restriction whatsoever, including removal of property from the provisions of this chapter under subchapter VI of this chapter.

Unit owners may effect regulations consistent with this section.

Section 3. Amend § 81-320(c), Title 25 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 81-320. Rules.

(c) A rule regulating display of the flag of the United States must be consistent with federal law; and § 316 of this title, but the rule may not prohibit the right of a unit owner to display the flag of the United States, measuring up to 3 feet by 5 feet, on a pole attached to the exterior wall of that unit owner's unit or the limited common elements appurtenant to

23 that unit. Unless the declaration otherwise provides, no rule may prohibit the display on a unit or on a limited common
24 element adjoining a unit of a flag of this State, or signs regarding candidates for public office or ballot questions, but the
25 association may adopt rules governing the time, place, size, number or manner of those displays. Unless the declaration
26 provides otherwise during the first 2 years of the period of declarant control, no rule may prohibit the right of a unit owner
27 to display a "For Sale" sign, measuring up to 12 inches by 18 inches (12"/" x 18"/"), on the exterior wall of the unit owner's
28 unit or the limited common elements appurtenant to that unit. Unless the declaration provides otherwise, the "For Sale" sign
29 shall be entitled "For Sale" and may contain such information as accurately describes the unit and any applicable names,
30 addresses and phone numbers of the person or persons who are offering the unit for sale.

SYNOPSIS

This bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.



SPONSOR: Rep. Hudson

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO.

AN ACT PROPOSING AN AMENDMENT TO ARTICLE III, SECTION 22 OF THE DELAWARE CONSTITUTION OF 1897, AS AMENDED, RELATING TO CLERKS OF THE PEACE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to each house thereof concurring therein):

1 Section 1. Amend § 22, Article III of the Delaware Constitution of 1897, as amended, by making deletions as
2 shown by strikethrough as follows:

3 Section 22. The terms of office of ~~Clerks of the Peace~~, Registers of Wills, Recorders, and Sheriffs shall be 4
4 years. These officers shall be chosen by the qualified electors of the respective counties at general elections, and be
5 commissioned by the Governor.

6 Section 2. This Act shall be effective upon the end of the term of office for each Clerk of the Peace that has been
7 elected prior to this act.

SYNOPSIS

This Act is the first leg of a constitutional amendment that will remove the offices of Clerks of the Peace from the State Constitution and remove the requirement to elect the Clerks of the Peace.



SPONSOR: Rep. Atkins & Sen. Ennis

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 63

AN ACT PROPOSING AN AMENDMENT TO ARTICLE I OF THE CONSTITUTION RELATING TO
AGRICULTURE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members elected to
each house thereof concurring therein):

Section 1. Amend Article I of the Constitution of the State of Delaware by making insertions as shown by underlining as
follows:

§21. Right to engage in agriculture.

The right of farmers and ranchers to engage in modern farming and ranching practices shall be forever guaranteed in this
state. No law shall be enacted which abridges the right of farmers and ranchers to employ agricultural technology, modern
livestock production and ranching practices.

SYNOPSIS

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



SPONSOR: Sen. Peterson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

- 1 Section 1. Amend §1917(4) d. of Title 14 of the Delaware Code by making insertions as shown by underlining and
2 deletions as shown by strikethrough as follows:
- 3 Right to claim credit under this subsection shall be withdrawn for the subsequent tax year from any taxpayer who
4 has not paid in full or entered into a payment plan to pay in full such taxpayer's property tax bill by the end of the tax year
5 for which a credit was reported for that taxpayer to the Secretary of Finance by the receiver of taxes and county treasurer.
6 Taxpayers who fail to pay in full their property tax bill by the end of the tax year for which a credit was reported for that
7 taxpayer to the Secretary of Finance by the receiver of taxes and county treasurer may qualify for credits under this
8 subsection in subsequent tax years upon the payment in full or upon entering into a payment plan for the payment in full of
9 property taxes and penalties owed prior to the beginning of the subsequent tax year.

SYNOPSIS

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

Author: Senator Peterson



SPONSOR: Sen. Peterson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO.

AN ACT TO AMEND TITLE 9 OF THE DELAWARE CODE RELATING TO DISABLED VETERANS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 9 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

§8157. Qualifications and amount of exemption.

(a) Every person, a resident of this State who is an eligible disabled veteran of military service residing in a dwelling house owned by the person which is a constituent part of the person's real property, shall be entitled, on proper claim being made therefor, to exemption from taxation on the real property. Nothing in this subchapter shall be construed to apply to ditch taxes and sewer taxes.

(b) An eligible disabled veteran is one who meets this criteria:

- a. Served during a specified wartime period, with at least 14 days service in a combat zone.
- b. Received an honorable discharge or under honorable conditions.
- c. Rated 100 percent permanent service-connected by the VA. The 100 percent rating cannot be temporary or as a result of hospitalization, surgery or recuperation.
- d. And one of the following criteria:
 - i. The veteran had to be rated 100 percent permanent VA service-connected prior to death. A spouse is not eligible if the veteran was rated less than 100 percent permanent service-connected, but died of that service- connected disability.
 - ii. The veteran died in active service during wartime in any branch of the United States Armed Forces.

(c) The surviving spouse of an eligible disabled veteran of military service shall be entitled, on proper claim made therefor, to exemption from taxation on the real property, if the surviving spouse meets the following criteria:

- a. The surviving spouse has not remarried; and

22 b. The eligible disabled veteran of military service received the real property tax exemption prior to
23 death; or

24 c. The eligible disabled veteran of military service would have been granted the exemption if the
25 application had been filed prior to death.

26 §8158. Application for exemption.

27 (a) No exemption from taxation on the valuation of real property as provided in this subchapter shall be allowed
28 except on written application therefor, which application shall be on a form prescribed by the governing bodies of the
29 respective counties and provided for the use of the claimants under this subchapter by the governing body of the taxing
30 district in which such claim is to be filed.

31 (b) An application for exemption under this subchapter shall be filed with the assessor of the taxing district by a
32 date determined by the taxing district, which shall not be earlier than 45 days prior to the last date of the pre tax year.

33 § 8159. Contents of application.

34 Every fact essential to support a claim for exemption under this subchapter shall exist on September 1 of the pretax year.

35 Every application by a claimant therefor shall establish that the applicant was, on September 1 of the pretax year:

36 (1) A resident of this State for the period required;

37 (2) An eligible disabled veteran of military service;

38 (3) The owner of a dwelling house which is a constituent part of the real property for which such exemption is
39 claimed;

40 (4) Residing in said dwelling house.

41 § 8160. Allowance of exemption.

42 If an application is approved by the assessor, the assessor shall allow an exemption from taxation against the assessed
43 valuation of the real property assessed to the claimant in the amount of the claim approved by the assessor.

44 § 8161. Continuance of exemption.

45 Any assessor may, at any time, require the filing of a new application or such proof as the assessor shall deem necessary to
46 establish the right of a claimant to continued exemption. A claimant shall inform the assessor of any change in the
47 assessor's status or property which may affect the assessor's right to continuance of exemption.

48 § 8162. Tenants in common or joint tenants.

49 (a) Where title to property on which an exemption is claimed is held by claimant and another or others, either as
50 tenants in common or as joint tenants, claimant shall not be allowed an exemption against the claimant's interest in said
51 property in excess of the assessed valuation of the claimant's proportionate share in said property, which proportionate

52 share, for the purposes of this subchapter, shall be deemed to be equal to that of each of the other tenants, unless it is shown
53 that the interests in question are not equal, in which event claimant's proportionate share shall be as shown.

54 (b) Nothing in this subchapter shall preclude more than 1 tenant, whether title be held in common or joint tenancy,
55 from claiming exemption against the property so held, but no more than the equivalent of 1 full exemption in regard to such
56 property shall be allowed in any year, and in any case in which the claimants cannot agree as to the apportionment thereof,
57 the exemption shall be apportioned between or among them in proportion to their interest. Property held by husband and
58 wife, as tenants by the entirety, shall be deemed wholly owned by each tenant, but not more than 1 exemption in regard to
59 such property shall be allowed in any year.

60 (c) Right to claim exemption under this subchapter shall extend to property the title to which is held by a
61 partnership to the extent of the claimant's interest as a partner therein, and by a guardian, trustee, committee, conservator or
62 other fiduciary for any person who would otherwise be entitled to claim exemption under this subchapter, but not to
63 property the title to which is held by a corporation.

64 § 8163. Rules and regulations.

65 The Department of Finance of New Castle County or Board of Assessments for Kent County or Board of Assessments for
66 Sussex County may promulgate such rules and regulations and prescribe such forms as they shall deem necessary to
67 implement this subchapter. They may, in their discretion, eliminate the necessity for sworn application, in which event all
68 declarations by the claimant shall be considered as if made under oath and the claimants, as to false declarations, shall be
69 subject to the penalties as provided by law for perjury.

70 § 8164. Oaths.

71 Each assessor and collector and his or her duly designated assistants may take and administer the oath, where required, on
72 any claim for exemption under this subchapter and no charge shall be made for the taking of any affidavit or the preparation
73 of any form required by this subchapter.

74 § 8165. Appeals.

75 An aggrieved taxpayer may appeal from the disposition of an exemption claim under this subchapter in the same manner as
76 is provided for appeals from assessments generally.

SYNOPSIS

This Bill provides for property tax exemption for the dwelling of military veterans who are disabled and for their spouses, if the veteran is deceased.

Author: Senator Peterson

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL CHAPTER 80, "LOT MAINTENANCE," § 80-3 IN ITS ENTIRETY AND AMEND CHAPTER 115, ARTICLE XXV, "SUPPLEMENTARY REGULATIONS," §§ 115-191.4 AND 115-191.5 OF THE CODE OF SUSSEX COUNTY BY INCLUDING IN § 115-191.4 MINIMUM STANDARDS FOR LOT MAINTENANCE PERTAINING TO PROHIBITED ACCUMULATIONS OF OVERGROWN GRASS AND WEEDS AND TO INCLUDING FAILURE TO COMPLY WITH THE MINIMUM LOT MAINTENANCE STANDARDS PROHIBITING OVERGROWN GRASS AND WEEDS IN THE PENALTY AND ENFORCEMENT PROVISIONS OF § 115-191.5.

WHEREAS, Sussex County Code, Chapter 80 currently establishes minimum standards for lot maintenance with respect to prohibited growth, but does not address the penalties and enforcement procedures violations thereof; and

WHEREAS, Sussex County Code, Chapter 115, Article XXV, "Supplementary Regulations," §§ 115-191.4 and 115-191.5 govern "Prohibited accumulations;" and

WHEREAS, this Ordinance shall move the standards for prohibited grass and weed growth currently contained in Sussex County Code, Chapter 80 to Sussex County Code, Chapter 115, Article XXV, § 115-191.4 and shall expand the definition of prohibited growths and accumulations to include grass and weeds greater than 12 inches in height; and

WHEREAS, this Ordinance shall further create penalties and enforcement procedures for the violation of the aforesaid Sussex County Code, Chapter 115, Article XXV, § 115-191.4 by including prohibited grass and weed growth in the existing enforcement provision in Sussex County Code, Chapter 115, Article XXV, § 115-191.5 as set forth herein;

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 80, “Lot Maintenance,” § 80-3, by repealing it in its entirety and deleting the underlined language contained in brackets below as follows:

[§ 80-3 Prohibited growths and accumulations.

A. No person, being the owner or possessor of land or improved premises, shall permit grasses to grow more than 12 inches high.

B. No person, being the owner or possessor of land or improved premises, shall permit grasses or weeds to grow so as to create a nuisance detrimental to adjoining property or to the health or safety of other persons.

C. (Reserved)

D. For purposes of this section:

(1) Weeds do not include ornamental shrubs and trees.]

Section 2. Amend Sussex County Code, Chapter 115, Article XXV, § 115-191.4, Prohibited accumulations, by adding the underlined language as follows:

§ 115-191.4 Prohibited accumulations.

The purpose of this section is to prevent the accumulation of overgrown grass and weeds, rubbish, trash or waste material so as to create an unsightly condition and/or a nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that

could endanger the health and safety of the owner, possessor or other persons. In that regard:

A. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes shall permit refuse, rubbish, trash or other waste material to be placed or to accumulate upon such lands or premises.

B. No person, being the owner or possessor of improved or unimproved lands or premises that are not used for bona fide agricultural purposes, shall permit grasses or weeds to grow more than twelve (12) inches high upon such lands or premises.

C. For the purposes of this section:

(1) "Waste material" does not include materials accumulated in an orderly fashion for useful purposes, such as firewood, compost piles and building materials in good condition, topsoil and earthfill, except that the accumulation of such material in a haphazard, disorderly or unsightly fashion shall be prima facie evidence of waste and/or a nuisance and/or a detriment to the use and/or value of adjoining property and/or to the health and/or safety of other persons or themselves.

(2) "Weeds" do not include ornamental shrubs and trees.

Section 3. Amend Sussex County Code, Chapter 115, Article XXV, § 115-191.5, Removal by County; recovery of County expenses, by adding the underlined language as follows:

§ 115-191.5 Removal by County; recovery of County expenses.

A. If, within 10 days after due notice by the Director of Planning and Zoning or his designee to the owner or possessor of land or improved premises, weeds, grasses, refuse, rubbish, trash or other waste materials in violation of this section are not removed, the Director or his designee may contract with a third party subcontractor who will cause such weeds, grasses, refuse, rubbish, trash or other waste materials to be removed and may incur any expense in the removal thereof.

B. Any expense of removal incurred by the Director or his designee shall be paid by the owner or possessor of the land or improved premises within 15 days after notice thereof given in compliance with the provisions of § 115-191.1A(1) through (3). If such amount is not paid

within such time period, such amount, together with a penalty of 10% of such expense and interest on such expenses at 10% per annum, shall be assessed against the land or improved premises and shall, until paid, constitute a lien against such land or improved premises in favor of the County on the filing in the Office of the Recorder of Deeds by the Director of Finance of a certificate of lien setting forth the amount of such expense, including all penalties and interest accrued thereon and the per diem rate of increase in interest thereafter.

C. In addition to any other remedy, the County may file and maintain a civil action for the recovery of such expense of removal and the penalty and interest accrued against the owner or possessor and shall be awarded reasonable attorney's fees and costs of the action by any court having proper jurisdiction over the subject matter.

D. No civil liability shall attach to any act of any contractor or County employee engaged in carrying out the provisions of this section or any of its subsections.

Section 4. Effective Date. This Ordinance shall become effective on immediately upon its passage.

Synopsis

This Ordinance repeals Sussex County Code, Chapter 80, § 80-3 in its entirety. This Ordinance also creates the minimum standards for lot maintenance pertaining to prohibited growth of grass and weeds and the penalties and enforcement procedures for failure to comply with the minimum standards of lot maintenance by amending Sussex County Code, Chapter 115, §§ 115-191.4 and 115-191.5.

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

AGREEMENT

THIS AGREEMENT, made this _____ day of March A. D. 2013,

BY AND BETWEEN, Sussex County, a political subdivision of the State of Delaware, hereinafter called the “County” and; Beacon Summercrest, L.L.C., hereinafter called the “Developer” and; Summercrest Maintenance Corp., hereinafter called “HOA”.

WITNESSETH:

WHEREAS, the “Developer” has acquired the development rights of a subdivision identified as Summercrest (the “Development”);

WHEREAS, the Sussex County Council has called in the security for the Development and has funds available to complete the outstanding work items;

WHEREAS, The HOA will ultimately assume ownership of the roads, amenities and common area;

NOW THEREFORE, the parties hereby agree as follows:

1. The County agrees to delay the performance of the outstanding work items covered under M&B Bank LOC #SB9500260001 for roads, stormwater management facilities and amenities until September 2014.
2. When the County has completed the work items included in No. 1 above, the County shall supply notice of said completion to the Developer and HOA. The Developer shall within 90-days of the receipt of notice transfer ownership of the Roads and Right-of-Way (3-34 12-00 57.05) to HOA. Prior to the transfer of ownership, the Developer agrees to re-record the record plan for the project to establish the roads as being “Dedicated to Public Use-Privately Maintained”.
3. The Developer shall take immediate action to have a building inspection performed upon the clubhouse, parking area, tennis court, fences, swimming pool and irrigation system by an independent third party inspector. If any deficiencies are found, the Developer shall take action to have said deficiencies corrected within 30-days of receiving the report from the inspection agent.
4. For all properties to be transferred by Developer to the HOA, the Developer shall take immediate action to verify that no encumbrances

exist, all taxes are paid and all mortgages on the Clubhouse & Pool are satisfied.

5. When the work items described in Nos. 3 and 4 have been satisfied, the Developer shall take immediate action to transfer ownership of Open Space/Recreation Area (3-34 12.00 57-04) to HOA, including but not limited to the common area containing the clubhouse, pool, tennis courts, storm water pond. Developer shall perform all work items to complete the transfer by or before May 31, 2013.
6. The Developer shall perform regular grass mowing of the vacant lots and model home lots under its control.
7. The Developer agrees to share 40% of Street Lighting and Landscaping expenses in 2013, totaling \$13,200. The Developer will pay 50% at the execution of the contract and 50% on May 31, 2013. Starting in 2014, the Developer agrees to pay a pro-rated amount where Developer's pro-rata share is based upon the number of lots that Developer owns.
8. Upon execution of this agreement, the County agrees to issue building construction permits without restriction to the Developer. If Developer violates any requirement of this agreement or fails to meet a specified date, the County reserves the right to hold building permits or a Certificate of Occupancy until said violation is corrected or said work item is complete.
9. All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware. This agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all of the parties hereto.

This agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.

IN WITNESS WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

FOR SUSSEX COUNTY:

President, Sussex County Council

(DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

SEAL

FOR BEACON SUMMERCREST, L.L.C:

(DATE)

WITNESS:

SEAL

FOR SUMMERCREST HOA:

(DATE)

WITNESS:

MEMORANDUM OF AGREEMENT
BETWEEN
SUSSEX COUNTY COUNCIL
AND
THE STATE OF DELAWARE
FOR THE PROCUREMENT OF ELECTRICITY SUPPLY

OUTLINE-

1. Sussex County Council first entered into the Aggregation Partnership through a MOA in 2006.
2. The Current Contract expires on June 30, 2013.
3. Only Delmarva Power Accounts are Eligible, approx. 180 Accounts.
4. The MOA allows the State of Delaware Department of Management and Budget, to Bid and Procure Retail Electricity Supply on our behalf.
5. The State of DE has contracted a Broker, Affinity Energy Management.
6. The Date to respond to the MOA is April 5, extended for SC until April 11.
7. This is a new MOA, and the Term will be based on the best value achieved through Bidding Process.
8. Any member can opt out of the MOA with 90 days prior notice.
9. The Aggregation Partnership is advantageous to Sussex County as we will be partnered with much larger Electricity users, affording us a better rate than Brokering on our own.
10. The Estimated Cost Savings to Sussex County, through this process, should be greater than \$65,000.00 annually.
11. This equals approximately a 4% savings on the annual \$1.65 Million Dollar Expense.

**SC PROJECT 12-03
SUSSEX COUNTY ENG. DEPT.
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: EOC SUPPLEMENTAL COOLING SYSTEM
2. Sussex County Contract No. 12-03
3. Change Order No. 1
4. Date Change Order Initiated - 4/9/13
5.
 - a. Original Contract Sum \$476,685.00
 - b. Net Change by Previous Change Orders \$0.00
 - c. Contract Sum Prior to Change Order \$476,685.00
 - d. Requested Change +\$ 2,503.84
 - e. Net Change (No. of days) 6
 - f. New Contract Amount \$479,188.84
5. Contact Person STEVEN L. HUDSON
Telephone No. 302-855-7372

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change

- ☐ 5. Overrun/Underrun in Quantity
- ☐ 6. Factors Affecting Time of Completion
- ☒ 7. Other (explain below)

SEE ATTACHMENT

C. BRIEF DESCRIPTION OF CHANGE ORDER:

SEE ATTACHMENT

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?:

Yes ☒ No

E. APPROVALS

1. _____ Date
GILLIS GILKERSON, Inc.
2. _____ Date
County Engineer
3. _____ Date
President, Sussex County Council
Sussex County Council

	EMERGENCY OPERATIONS CENTER SC 12-03					
	CHANGE ORDER # 1					
	COR #	DATE	DESCRIPTION	EXPLANATION	DAYS	COST
1	3109-1	02/12/13	TIME EXT./RAIN 2/8+2/11	Weather	2	
2	3109-2	02/19/13	TIME EXT./TEMP BELOW 32 2/18/2013	Weather	1	
3	3109-3	02/21/13	TIME EXT./TEMP BELOW 32 2/20+21/2013	Weather	2	
4	3109-4	02/26/13	MODIFIED FOOTER FROM DWG. PER GEO-TECH	Soil Conditions		\$1,155.41
5	3109-5	02/27/13	INSTALL NEW WALL HYDRANT	Existing was Damaged		\$265.07
6	3109-6	03/04/13	REPAIR DAMAGED COUNTERPOISE CABLE/ MOVE SEC CAM.	Un-Marked Cable		\$318.09
7	3109-7	03/06/13	TIME EXT./RAIN 3/6/13	Weather	1	
8	3109-8	03/14/13	INSTALL INSUL. IN VOID OF PRE-CAST ROOF	Bldg. Addition Tie In/Match		\$252.80
9	3109-9	03/22/13	ADDITION BLOCK COURSE NEEDED TO MATCH EXISTING	Bldg. Addition Tie In/Match		\$512.47
			New Project Completion Date: June 10, 2013			
			TOTAL:		6	\$2,503.84



Lewes Rehoboth Canal Improvement Association

The Honorable George Cole
Sussex County Council
P.O. Box 589
Georgetown, Delaware 19947

March 21, 2013

Dear Councilman Cole,

As I am sure you are aware, there is an on-going effort to construct a dock on the Lewes-Rehoboth Canal just to west of the Rehoboth Beach Museum. This effort has been spearheaded by the Lewes Rehoboth Canal Improvement Association of which we are both members. The board of directors is made up of individuals representing a variety of local organizations and businesses.

It is the intention of our group to provide facilities for enhanced recreational use of the canal. Additionally, our group is working hand in hand with a local "water-taxi" service that is presently providing shuttle service between Dewey Beach and Lewes as well as nature tours all along the canal. Our projected plans for the dock facility at the museum, which have been formally presented to the City of Rehoboth Beach have incorporated not only the opportunity for accessing the water from the Rehoboth location, but the opportunity for visitors to access the municipalities of Lewes, Rehoboth and Dewey while avoiding the heavy summer automobile traffic of Route 1.

We have received an overwhelming amount of support from these communities and of the local tourism organizations in Sussex County. The Board of directors and the membership of the Rehoboth Historical Society have voiced their approval and look forward to the enhancement to its facility and the City. Additionally, the State of Delaware Economic Development office has viewed our concept and plans and their response has been very positive.

We are very excited about the possibility of constructing the dock in Rehoboth. Presently, we are working with the City on a geotechnical analysis of the east side bank of the canal in order to make sure of our plans' viability from a structural perspective. Once the analysis has been completed, we will be going back to the city for its final approval and then start our formalized capital program.

With that fundraising in mind, we are formally asking that you, as our County Representative, consider the grant of \$5,000 from the County to help with our plans to develop and construct a docking facility at the bank of the canal, west of the museum. If you would like to have an in person presentation of our plans and intentions, we would be happy to meet with you at your convenience.

Best regards,

Pat Coluzzi

President
Lewes-Rehoboth Canal
Improvement Association

Paul Kuhns

President
Rehoboth Beach Historical Society
LRCIA Board Member



February 19, 2013

The Sussex County Council
2 The Circle
Georgetown, DE 19947

Dear Honorable Council Members:

The Jefferson School is asking for your support once again for our "Run for the Roses" 5K crossfit/run/walk to benefit the Chad Spicer Memorial Scholarship Program to be held on the grounds of The Jefferson School on May 4, 2013. The event raises money for the scholarship fund which benefits and opens up opportunities to attend the school for children across Sussex County.

Thanks to its financial aid program, the school serves children from all income levels – providing a flexible, intentionally challenging, and relevant learning environment that is notable for its small multi-aged classes and its cooperative learning philosophy. Having quality educational options is critical as more families move to Sussex County and this successful day school needs broad-based community support to thrive (to learn more about this remarkable school visit www.JeffersonSchool.com).

We are respectfully requesting a grant amount of \$750.00.

Sincerely,



Constance Hendricks
Head of School

The Jefferson School 5K Committee Chairs:
Nancy Berg & Stephanie Lynch

The Jefferson School is a 501 (c)(3) non-profit organization. Tax ID# 51-0334723
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The Jefferson School.



DEL-MAR-VA COUNCIL
BOY SCOUTS OF AMERICA®

March 22, 2013

The Honorable Mr. Vincent President
Sussex County Council
2 The Circle, P.O. Box 58
Georgetown, DE 19947

Dear County Council President Vincent,

The Scout Camping program of the Del-Mar-Va Council provides Scouts one of the finest opportunities to grow and mature, for the first time perhaps spend time away from home, in his relations with others, in his mastery of building confidence and self respect, and in sharing and cooperating in a camp community.

Providing a topnotch Scout camping experience for the more than 6,000 Scouts who attend one of the Scout Camps owned by the Del-Mar-Va Council is a never-ending challenge. Keeping the camper fee within reach of all Scouts is a commitment that requires the assistance of those who recognize the importance of a summer camping experience.

In 2012 there were 32 youth that received over of \$3,000 dollars of assistance in Sussex County. This year that need for assistance has already increased as we continue to work with leaders to ensure that all families in need get this assistance. Outdoor activities are one of the main reasons that young men join the Boy Scouts. Outdoor programs, a key component of the core values of the scouting program, provides the opportunity for these young men to gain experience in leadership, citizenship and life skills.

I write to you to ask for the Sussex County Council to consider of a gift of \$2,000 to fund Sussex Scouting Camp Scholarships. As we continue to shape character in young people we will award a camp scholarship up to fifty percent on the cost of the program to ensure that the young person is responsible for helping pay their way. We need your financial assistance as Scouting seeks to extend a helping hand to the youth who will be our community leaders tomorrow.

Thank you for your consideration of support to the Del-Mar-Va Council and the young men and their families that otherwise wouldn't be able to participate in these quality program opportunities. For more information about Scouting in Sussex County, questions, or concerns please contact me at 302-531-5222 or mmelton@dmvc.org

Sincerely,

Micah Melton

District Executive – Sussex County
100 W. 10th Street, Suite 915
Wilmington, DE 19801
302-622-3300 or 800-766-7268
Fax: 302-622-3308
www.delmarvacouncil.org

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March 4, 2013

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

Dear Mike:

I am writing this letter on behalf of the Greater Laurel Chamber of Commerce. The Chamber is requesting a donation in the amount of Five Hundred Dollars (\$500.00).

These funds would be used for expenses of our annual Broad Creek Byway Bike Tour to be held June 1, 2013 in Laurel, DE. Last year we drew participants from Pennsylvania, Virginia, New Jersey, Washington DC., Maryland and of course all over Delaware. These riders learned about Sussex County and spent their Hard earned dollars in our beautiful County.

Last year was our first year and we had around 100-riders. This for a first year was a real good number. All the riders were pleased with the route they road and said they would return to ride again. They also said they expect us to triple the riders this year.

We hope that you see that this event is worthwhile the funds we are requesting in bringing visitors and business into Sussex County. Thank you for your consideration and time.

Respectively Submitted,

Don Dykes
Executive Director

Located at: 215 Mechanic St., P. O. Box 696, Laurel DE 19956
Phone (302) 875-9319, Fax (302) 875-5908

Visit us on the web @ laurelchamber.com

E-mail us at info@laurelchamber.com



Kristi's Kats, Inc.
25320 John Drive
Georgetown, DE 19947
E-mail: info@kristiskats.com
Web: www.kristiskats.com
Phone: (302) 381-3731

March 1, 2013

Sussex County Council
Attn: Robin
PO Box 589
Georgetown, DE 19947

Dear Members of the Sussex County Council,

I am writing to you today to request funds to help support my non-profit cat rescue, located in Georgetown. I am requesting \$1,000 to put towards food, medicine, and general care for the cats in my facility.

I began cat rescue almost 3 years ago and have been supporting it out of my own pocket. Kristi's Kats, Inc. (KKI) works with cats of all ages, but KKI is especially interested in helping cats that are not considered perfect - missing limbs, damaged eyes, breathing issues, age, etc find their forever homes. Additionally, the rescue attempts to help local residents with spay/neuter of pets and feral cats, as well as helping those who are disadvantaged with food and vet care in emergency situations. KKI has an account with Petfinder.com and a website. Late last year, I officially organized the rescue and received my non-profit status from the State of Delaware in November. On Thursday, February 28, I received my 501(c)(3) recognition from the federal government.

I hope that you can see your way to providing some help to this valuable community resource.

Sincerely,

Kristi Idnurm, President
Kristi's Kats, Inc.

March 25, 2013

Mr. Vance Phillips
PO Box 589
Georgetown, DE 19947

Dear Mr. Phillips:

On May 8, 2013 The Indian River Senior Center is holding an event to honor our veterans. We will have a luncheon and some special guests.

Would it be possible for County Council to contribute to help with the cost of this event as we will be providing lunch and making donations to guest speakers?

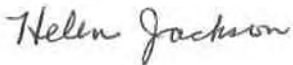
The Sussex County Council is always welcome to visit us. We serve lunch and have entertainment on Wednesdays so that is a good day to visit.

Look forward to seeing you there on May 8.

If you have any questions or need more information please call 934-9614 and I will be glad to answer them.

Thank you for your continued support.

Regards,

A handwritten signature in cursive script that reads "Helen Jackson".

Helen Jackson, Secretary
357 Peachtree Lane
Millsboro, DE 19966
sillhelen@yahoo.com