



Sussex County Council Public/Media Packet

**MEETING:
June 10, 2014**

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

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



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

Sussex County Council

AGENDA

JUNE 10, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Proclamation – Laurel High School Girls' Softball Team
2. Administrator's Report

Brad Whaley, Director of Community Development & Housing

1. FEMA Grant Update and Discussion

Vince Robertson, Assistant County Attorney

1. Discussion and possible introduction of a Proposed Ordinance relating to the definition of a dwelling and the definition of a family in County Code

Hal Godwin, Deputy County Administrator

1. Legislative Update
2. Wetlands Advisory Committee Update and Possible Action

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer

1. Fair Housing Update



Jim Hickin, Director of Airport & Industrial Park Operations

1. PATS – Lease Amendment, Lot 10

Patti Deptula, Assistant Director of Public Works

1. Sussex Shores Proposed Chapter 96 Sussex Community Improvement Project

Grant Requests

1. Coolspring Civic Association for community event expenses
2. CHEER for the Annual Car-Truck & Bike Show fundraiser
3. Pathways to Success for mentoring and after-school programs
4. City of Milford for the museum fundraising campaign
5. Town of Delmar for a community improvement project

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

Executive Session – Job Applicants’ Qualifications 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.sussexcountycle.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 3, 2014 at 4:20 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, JUNE 3, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 3, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

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

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 248 14
Amend
and
Approve
Agenda**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to amend the Agenda by deleting "Legislative Update" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of May 20, 2014 were approved by consent.

**Procla-
mation/
Home
Ownership**

A Proclamation entitled "Home Ownership Month" was presented to representatives of the Sussex County Association of Realtors (SCAOR). Ruth Briggs King, Executive Vice President of SCAOR, presented an update on home ownership statistics in Sussex County.

**Appoint-
ments**

Mr. Lawson asked the Council to consider appointments to the Board of Adjustment and Planning and Zoning Commission.

**M 249 14
Approve
Appoint-
ments to
P&Z &
BofA**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to reappoint Rodney Smith (District 4) to the Planning and Zoning Commission and Norman "Bud" Rickard (District 4) to the Board of Adjustment, effective June 1, 2014, for a term of 3 years.

Motion Adopted: 5 Yeas.

**M 249 14
(continued)**

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

**Planning
& Zoning
Department**

The Council discussed the future of the Planning and Zoning Department. Mr. Lawson noted that, in the adoption of the FY 2014 Budget, there was a new position within the Planning and Zoning Department and that the position is a senior level position which was included in the budget due to the demands and workload of the office and for succession planning. Mr. Lawson also noted that the title of the position would be Assistant Director of Planning and Zoning or Acting Director of Planning and Zoning; the title is to be determined. Mr. Lawson reported that, to date, there has not been anything done with this vacancy as administration is waiting on Council's direction. A position description was developed and Mr. Lawson read highlights of the description: assist in the overall administration of a comprehensive planning and land development regulation process in accordance with federal, state and local laws; provide input to professional planning, vision, and development advice to the County government; assist in explaining, justifying, and defending departmental programs, policies, and activities; assist in negotiating and resolving sensitive, significant, and controversial issues; and take part in the evaluation of land use proposals for conformity to establish plans and ordinances.

The Council discussed the possibility of advertising and filling the position; comments included a reference to the fact that activity is picking up and the County should get ahead of the curve as the market improves and the fact that the County will have to review the Land Use Plan in a few years. Comments were also made that the person selected to fill the position should be a qualified planner with management skills and should be a qualified successor to the Planning and Zoning Director.

**M 250 14
Begin
Search
Process
for Asst.
P&Z
Director**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to direct the County Administrator to begin the search process for an Assistant Planning and Zoning Director.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Senators – For the Remainder of Phase 1C and Senators – Phase 1D received substantial completion effective May 16, 2014.

**Administrator's
Report
(continued)**

2. Gary J. Hill

It is with sadness that we inform you that County pensioner Gary Hill passed away on Thursday, May 22, 2014. Mr. Hill began his employment with Sussex County in May of 1996 as a Mechanic I at Wolfe Neck and retired as a Mechanic III in June of 2005. We would like to express our condolences to the Hill family.

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

**Industrial
Park
Lease/
Willey**

Jim Hickin, Director of Airport and Industrial Park Operations, presented a proposed Industrial Park lease for Lot E on Rudder Lane with Bob Willey & Sons, Inc. Bob Willey & Sons is a Milton-based propane and heating oil distributor. The firm will use the property to store propane delivered by rail to the Industrial Park. Terms of the lease include: 10 year term with 2 ten year options and 2 five year options; rent is \$15,827 per year; rent to increase by CPI every five years; property to be used for operation of a propane storage facility or any other use which may be permitted by the County; general liability insurance required; sub-letting or assignment of lease requires County approval; tenant is responsible for utility costs; and FAA required provisions.

**M 251 14
Execute
Industrial
Park
Lease/
Willey**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council authorizes the Council President to execute the Lease Agreement with Bob Willey & Sons, Inc. for Lot 27 in the Sussex County Industrial Park, 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**

**Airport
Lease/
Meridian
Aviation/
County
Bank**

Jim Hickin, Director, Airport and Industrial Park Operations, presented a proposed Lease Assignment from Meridian Aviation, LLC to County Bank for Lot E on Rudder Lane. A 6,500 square foot hangar is located on the site; the hangar is owned by the tenant. It was noted that this lease is for the ground, only. Meridian Aviation was assigned this lease in October 2008 by the original lease holder, Allen Family Foods, Inc. Mr. Hickin reported that County Bank has agreed to take possession of the hangar in lieu of foreclosure, contingent on the ability to have the lease assigned to the bank.

Steve Spence was present representing County Bank. Mr. Spence advised that the Bank does not intend to use the hangar and it is actively marketing it and looking for a user. Once a user is found, another reassignment of the lease will need to be considered.

**Airport
Lease
(continued)**

Mr. Hickin noted that the original lease was signed in July 1997. Some of the terms of the lease are as follows: 30 year initial term expires July 31, 2027; two 5-year extensions; rent currently \$2,387.00 per year; assignment or subletting requires written County approval.

**M 252 14
Approve
Airport
Lease
Assignment
from
Meridian
Aviation
to County
Bank**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that the Sussex County Council approves the assignment of the Lease for Lot E on Rudder Lane at the Sussex County Airport from Meridian Aviation, LLC to County Bank, 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**

**Delta
Airport
Con-
sultants/
Agreement
for Pro-
fessional
Services/
Task
Order
No. 1**

Joe Wright, Assistant County Engineer, presented Task Order No. 1 with Delta Airport Consultants, Inc. He reported that Delta was selected and approved by the Council in September 2013 and this represents the first task order that they have been assigned; it also includes the Base Agreement. Mr. Wright reported that Task Order No. 1, in an amount not to exceed \$15,000.00, is to provide professional services to update the Airport's Exhibit A, as required by FAA. Exhibit A, also called an Airport Property Map, is a detailed drawing that depicts the airport property boundary, the various tracts of land that were acquired to develop the airport, and the method of acquisition. In order for Sussex County to apply for any future FAA funds, this Exhibit must be updated and approved by the FAA. Once completed, the Engineering Department is hopeful to begin Task Order No. 2 for design and engineering services for a general aviation apron to accommodate aircraft tie-down space.

**M 253 14
Approve
Agreement/
Delta
Airport
Consultants**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Engineering Department, the Sussex County Council approves the Base Contract Agreement for services with Delta Airport Consultants, Inc. along with Task Order No. 1 to update the Airport's Exhibit A, Airport Property Map, as required by FAA, effective June 3, 2014.

Motion Adopted: 5 Yeas.

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

**Consultant
Selection/
Misc.
Eng.
Services**

Joe Wright, Assistant County Engineer, discussed the selection of consultants for miscellaneous engineering services for a five year period. Mr. Wright outlined the process that the County went through to select the top seven firms (out of the 17 firms that responded to the Request for Proposals). Final selection was based on experience and reputation,

Consultant Selection/ Misc. Eng. Services (continued)

expertise with scope of services outlined in the RFP, capacity to meet requirements, location, demonstrated ability, familiarity with public work and its requirements, distribution of work to individuals and firms and quality of presentation. These criteria are as required by the County's Consultant Selection Procedures and the Delaware Code.

Mr. Wright reported that the final ranking for those shortlisted are as follows:

- 1-George Miles and Buhr (GMB)
- 2-Davis, Bowen and Friedel (DBF)
- 3-Hazen and Sawyer
- 4-RK&K
- 5-EA Engineering, Science and Technology, Inc.
- 6-Pennoni
- 6-KCI
- 8-JMT
- 9-Duffield
- 10-CABE Associates
- 11-Becker Morgan

Mr. Wright reported that the recommendation is to offer consultant contracts to the top seven (7) firms, two of which tied for No. 6. He stated that, with this strong and talented group of consultants, the County will be able to assign work for a wide variety of needs over the five year period. Some firms have expertise in one major area and many offer services in multiple areas, thus allowing us full flexibility depending on peak workload of the County and of the individual firms. Should there be any conflicts of interest which develop with developer work, selection of multiple firms allows for reassignment of work if necessary without a drop in quality of service.

It was noted that, in the last selection of miscellaneous consultants, there were six firms selected and this provided full flexibility throughout the five year term.

**M 254 14
Approve
Selection of
Consultants
for Misc.
Eng.
Services**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Consultant Selection Committee, that the Sussex County Council approves the selection of George Miles and Buhr (GMB), Davis, Bowen and Friedel (DBF), Hazen and Sawyer, RK&K, EA Engineering, Science and Technology, Inc. (EA), KCI, and Pennoni to provide miscellaneous consultant services to include but not limited to survey planning, environmental assessment, engineering design, construction inspection, value engineering, and other services, as needed, for a five year period, effective June 3, 2014.

Motion Adopted: 5 Yeas.

**M 254 14
(continued)**

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

**Route 26
Force
Main
Project/
Contract
Amend-
ment**

Joe Wright, Assistant County Engineer, presented Contract Amendment No. 52 with Whitman, Requardt and Associates, LLP (WRA) for contract administration and inspection of the Route 26 force main relocation. He reported that Route 26 is being widened by DelDOT from the Assawoman Canal to Clarksville over the next two (2) years. Sussex County has existing force main facilities between Assawoman Canal and approximately Central Avenue in Ocean View that are in conflict with proposed storm drainage in approximately nine (9) locations. As required under State Law, DelDOT must reimburse publically owned utility owners who exist within the State right-of-way under franchise agreements and permits, whenever their facilities require adjustments and/or relocations for State needs.

Mr. Wright stated that, under an Agreement between DelDOT and Sussex County, WRA, on behalf of Sussex County, provided design services initially and are following at this time with construction administration and inspection services to coordinate with and protect the interests of Sussex County. Amendment No. 52 provides for professional services over 180 days of the full 900 calendar day duration. Based on the contractor's (George & Lynch) approved schedule, the force main relocation work took place in April and May 2014, will be suspended during summer 2014, will resume in September 2014, and end in January 2015 (weather dependent). Upon completion of the work, Sussex County will bill DelDOT for reimbursement of all professional services. All construction costs paid to George & Lynch are being made directly by DelDOT with no reimbursement from Sussex County.

The total amendment cost for both construction administration and inspection is in the amount of \$130,421. The estimated construction cost for the work is \$1.55 million.

**M 255 14
Approve
Contract
Amend-
ment/
Route 26
Force
Main
Project**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that the Sussex County Council approves Amendment No. 52 with Whitman, Requardt & Associates for construction administration and inspection of the Route 26 Force Main being relocated by DelDOT's contractor, George and Lynch, with full reimbursement of these engineering services from DelDOT upon completion of the work.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Runway
4-22/
Package 1/
Final
Change
Order/
Substantial
Completion/
and
Amendment
No. 14 for
Con-
struction
Phase
Services**

Joe Wright, Assistant County Engineer, and Bob Jones, Project Engineer, presented the Balancing Change Order, Time Extension, and Substantial Completion of Package 1 of the 500' extension of Runway 4-22. The Balancing Change Order, in the amount of \$48,518.01 represents an increase of approximately 1.58% of the original bid value of \$3,072,671.50 for a final cost of \$3,121,189.51. Full documentation of the individual pay items were included in the information provided in Council packets.

Mr. Jones provided an overview of the Change Order and explained the significant effect of poor weather and poor soil conditions on the project costs and time required for completion.

In addition to the Balancing Change Order for payment to the contractor, Mumford & Miller, and associated time extension, Mr. Wright and Mr. Jones presented Amendment No. 14 for construction administration and inspection costs in the amount of \$108,410 to Urban Engineers, Inc.

Mr. Wright explained that the poor weather experienced during the Fall of 2012 and Summer of 2013 led to an extension of time for the construction contractor, likewise, requiring the services of the County's consultant for an extended period. The original agreement provided for services of 230 calendar days starting in August 2012, with two phases of 100 calendar days and 130 calendar days and a winter shutdown period from roughly November 2012 through February 2013. The anticipated completion was August 22, 2013, while the actual substantial completion was September 21, 2013.

The inspection costs included not only Urban Engineers, Inc. but also their sub-consultants, Craig Testing and Duffield Associates, who were required to provide independent material testing of soils, aggregates and asphalt both at the production plant and at the airport site.

In addition to the extended period of construction activity due to poor weather, the anticipated close-out period was extended for punch-list work and extended negotiations to resolve issues with the contractor. Several potential claims involving poor soils and other payment disagreements were ultimately resolved, with County assistance, resulting in the final 1.58% contract cost increase, as opposed to the contractor's initial request that would have exceeded 4% or nearly \$80,000 more than the final cost. While the period required for resolution of outstanding issues added expense to our professional service agreement, savings in contractor payments as well as potential legal expenses more than offset the increase.

It was noted that 90% of the project is funded by the FAA with 5% of the project to be funded by the State and 5% by the County. The County's portion is approximately \$7,500.

**M 256 14
Approvals
for
Extend
Runway
4-22
Package 1
Contract**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that the Balancing Change Order for Sussex County Contract No. 12-06, Extend Runway 4-22 – Package 1, with Mumford & Miller Concrete, Inc. be approved, which increases the contract by the amount of \$48,518.01 for a new contract total of \$3,121,189.51; the contract time is increased by 30 calendar days and Substantial Completion is granted effective September 21, 2013, and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents, all subject to the approval of DelDOT and/or the Federal Aviation Administration. Be it Further Moved, that Contract Amendment No. 14 for Construction Administration and Inspection with Urban Engineers, Inc. on the same contract (12-06) be approved, increasing the contract in the amount of \$108,410 for total compensation of \$454,410.

Motion Adopted: 3 Yeas, 2 Nays.

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

**Grant
Requests**

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

**M 257 14
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$1,000.00 from Mrs. Deaver's Councilmanic Grant Account to 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 258 14
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the Milton Historical Society for a community garden project.

Motion Adopted: 5 Yeas.

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

**M 259 14
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$1,630.00 (\$326.00 from each Councilmanic Grant Account) to the Delaware Police Chiefs' Council for local police coordination.

Motion Adopted: 5 Yeas.

**M 259 14
(continued)**

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

**M 260 14
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 from Mr. Vincent's Councilmanic Grant Account to the Seaford School District for the IB (International Baccalaureate) Program.

Motion Adopted: 5 Yeas.

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

**M 261 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,400.00 (\$700.00 from Mr. Phillips' Councilmanic Grant Account and \$700.00 from Mr. Cole's Councilmanic Grant Account) to the Town of South Bethany for the purchase of AEDs for the Beach Patrol.

Motion Adopted: 5 Yeas.

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

**M 262 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$750.00 from Mr. Phillips' Councilmanic Grant Account to the Town of Fenwick Island for a landscaping project.

Motion Adopted: 5 Yeas.

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

**Grants
Information**

Mrs. Deaver referenced a request for a report on grant funding. It was noted that this information is available as it is public information.

**Grants
Comment**

Mr. Phillips commented on statements that have been made that Council uses tax money to fund grants. He stated that property taxes are only approximately 26% of the County's total revenue and other revenue sources fund 75% of the County's budget, such as the grants.

**Additional
Business**

Under Additional Business, Dr. Eric West, Chairman of the 38th District Democratic Committee, spoke on their observations on the matter of the NAACP grant request that was considered by the Council on May 13, 2014. Also in attendance were Ann Allen and Claire Snyder Hall.

Under Additional Business, Barbara Gerck spoke on a proposed amendment

**Additional
Business
(continued)**

to the regulations for new freestanding cell towers and monopolies. Ms. Gerk submitted her comments in writing.

Under Additional Business, Charles Garrod commented on the matter of the NAACP grant request that was considered by the Council on May 13, 2014.

Under Additional Business, Paul Reiger commented on his complaints regarding violations that take place on the parcel adjacent to his property.

**M 263 14
Go Into
Executive
Session**

At 11:24 a.m., a Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters pertaining to job applicants' qualifications and land acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 11:26 a.m., an Executive Session of the Sussex County Council was held in the Council Caucus Room for the purpose of discussing matters pertaining to job applicants' qualifications and land acquisition. The Executive Session concluded at 12:10 p.m.

**M 264 14
Reconvene**

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

Motion Adopted: 5 Yeas.

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

Action

There was no action on Executive Session matters.

**M 265 14
Adjourn**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 12:13 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

PROCLAMATION

A PROCLAMATION TO HONOR THE LAUREL HIGH SCHOOL GIRLS' SOFTBALL TEAM UPON WINNING THE 2014 DIAA CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Laurel High School girls' softball team for winning the Delaware Interscholastic Athletic Association title as State Champions for the 2014 season; and

WHEREAS, the Laurel High School girls' softball team capped an outstanding season with a championship win over Caravel Academy, winning by a score of 3 to 0 during the state championship game on Saturday, May 31, 2014, ending with a remarkable 19-2 record; and

WHEREAS, the Laurel High School girls' softball team's accomplishment is the second consecutive state title for the Lady Bulldogs; and

WHEREAS, the Laurel High School girls' softball team played as a formidable opponent in facing teams from across Sussex County, throughout the State of Delaware, and in Maryland during the 2014 season, displaying cooperation, consistency, and character above all else; and

WHEREAS, the Laurel High School girls' softball team's accomplishment is a source of tremendous pride for the Laurel School District community and all of Sussex County;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Laurel High School girls' softball team upon winning the 2014 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, June 10, 2014 as a day for all Sussex County residents to honor the team's remarkable achievement.

Michael H. Vincent, President

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



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

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

FROM: Brad Whaley, Community Development & Housing Director

RE: **Mallard Lake FEMA Flood Mitigation Grant**

DATE: June 6, 2014

For over a year the Community Development Office has been working with the residents of the Mallard Lake's community to assist them with obtaining a FEMA Flood Mitigation Grant as a result of damage sustained to the residents' properties from Hurricane Sandy.

This community is located on Route 54, approximately one mile west of Route 1, and Fenwick Island. There are a total of 47 residential buildings composed of 477 condominium units.

All of the buildings were built to the required flood elevation in the 1980's, however due to changes to the base flood elevation, 4 of the buildings are now well below the current level. This insufficient height, combined with a Substantial Damage Claim, totaling over \$1.2 million dollars (which removed their grandfathered classification) from Hurricane Sandy has caused an extreme hardship for the property owners.

In order for Sussex County to remain eligible under the National Flood Insurance Program (NFIP), the County is required to have the buildings brought into compliance with Sussex County Flood Plain Ordinances. This would require the buildings to be elevated to the current base flood elevation level of 7' above mean sea level, which is approximately a 4' elevation for



the Mallard Lake buildings. Additionally, the Flood Insurance for these buildings has increased dramatically, which affects the entire community because they purchase the policy as a group.

Due to their history of flooding, four of the buildings, containing 24 condominium units, have been identified as Repetitive Loss Properties by FEMA. This recent distinction by FEMA places the four buildings in “another category” of FEMA grant assistance that allows a greater federal-local cost share percentage.

As you know, FEMA allows local municipalities that administer FEMA grants to set their own cost share percentage as long as the breakdown does not exceed FEMA’s baseline. Previously, in 2010, the Council approved a cost share percentage for FEMA Flood Mitigation Grants of 50% federal and 50% local, which is lower than the FEMA baseline of 75%-25% respectively. Unless amended, the same cost share percentage would apply to the Repetitive Loss Property with Substantial Damage Claim classification grant program.

Due to the recent distinction of a qualified Repetitive Loss Property by FEMA in Sussex County, combined with the Substantially Damaged Claim, the Mallard Lake’s community and property owners are requesting an amendment to the current 50%-50% cost share established by the Council. The amendment would apply to Repetitive Loss Properties with Substantial Damage Claim classifications only and would not affect the other Flood Mitigation Assistance Grant cost share (50%-50%).

As proposed, the amendment would permit the greatest level of federal assistance for a Repetitive Loss Property as determined by FEMA. Thus, if a property qualifies for 85% federal assistance, the local match would be 15%. The proposed amendment would allow Mallard Lake’s grant application to request the maximum allowable Federal share under this program.

I am scheduled to present an update during Tuesday’s Council meeting. I will be joined by Mr. Michael Powell, Natural Hazards Program Manager with DNREC, who can provide more details into the FEMA grant programs. Mr. Jeff Shockley, Environmental Manager with the County’s Planning and Zoning Department, will also be available to provide information regarding the County’s Flood Plain Ordinances.

If you have any questions, please do not hesitate to ask. Thank you.

cc: Robin Griffith, Clerk of Council
Jeff Shockley, Planning & Zoning
Andy Wright, Building Code

GRIFFIN & HACKETT, P.A.
ATTORNEYS AT LAW

19264 MILLER ROAD, UNIT A
REHOBOTH BEACH, DELAWARE 19971

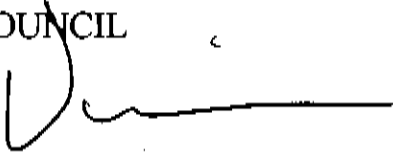
JAMES D. GRIFFIN

VINCENT G. ROBERTSON

(302) 226-8702

FAX: (302) 226-8704
robertson@griffinhackettllaw.com

TO: SUSSEX COUNTY COUNCIL

FROM: VINCE ROBERTSON 

RE: DEFINITIONS OF "DWELLING", "DWELLING, SINGLE FAMILY", "DWELLING, MULTIFAMILY" AND FAMILY

DATE: JUNE 6, 2014

As a result of several factors, including the recent Consent Decree between Sussex County and HUD and a review of federal and state law, it has been determined that the Sussex County Zoning Code needs an update with regard to the definitions of "dwelling" and who can reside in such a unit. Attention was also drawn to this issue in a pending campground rezoning application, where it was observed that the definition of "dwelling" specifically excluded "manufactured homes" in regard to the proximity between campgrounds and "dwellings". The information that led to this proposed change was also discussed at length during the recent Fair Housing Training sessions.

At the outset, it should be pointed out that there was no apparent intention to imply that a manufactured home is not a dwelling under the current Code. They are simply defined differently and dealt with differently throughout the Code. In any event, this proposed change eliminates that confusion, especially as it relates to the proximity of a manufactured home to a campground.¹ At the same time, there are other existing provisions of the Code governing manufactured homes that are unaffected by this change. For example, in the MR Zone, permitted uses include "Detached single family dwellings but not manufactured homes." So, although

¹ This proposed revision would not have any effect on pending applications, including specifically the two pending campground applications.

manufactured homes are dwellings, they are still separated out for certain zoning purposes.

Under State and Federal law, the definition of “family” has given way to a more broad definition of who can live together in a single dwelling. Under principles of fair housing, groups should be entitled to reside together in a single dwelling, including families, single parents with natural, adopted or foster children, a group of people not related by blood or marriage, a licensed group residential facility; elderly and/or disabled people along with their extended family, and so on. Under Federal and State law, as reiterated in the Consent Decree, it is illegal to discriminate against these types of protected classes in the administration of the County’s zoning, land use or building ordinances.

Finally, legal staff has reviewed the proposed Ordinance Amendment to eliminate any unintended consequences. These revisions were also prepared with the cooperation of Brandy Nauman and Brad Whaley, who forwarded them to the Delaware State Housing Authority. The DSHA has approved the proposed wording of “dwelling”, “dwelling, multifamily” and “dwelling, single family”. The Office of State Planning Coordination has commended Sussex County’s efforts with this Ordinance, as well.

The proposed ordinance addresses the following:

- A manufactured home is no longer excluded from being a dwelling. However, under other existing and unaffected provisions of the Code, manufactured housing still has specific provisions that apply (such as minimum property requirements in the AR-1 District; where they are permitted uses, etc.)
- The definition of “Dwelling” is revised to conform to what is contained in Title 42 of the United States Code and also the language of the Consent Decree that Sussex County agreed to.
- “Dwelling, Single Family” is revised to define that only 1 of several listed types of protected groups can reside within a dwelling.
- “Dwelling, Multifamily” is revised to define that 2 or more of several listed types of protected groups can reside within a building.

- The definition of “family” has been eliminated from the Code as a separate item. This definition was previously required to further define what was a single family or multifamily dwelling. Since that information is now supplied within the definition of those specific items, a separate definition of “family” is no longer required for zoning purposes.

I will be available at the June 10, 2014 County Council meeting to address any questions that you may have regarding this issue. Keep in mind that if the proposed Ordinance is introduced, it will have to go through public hearings before both the Planning and Zoning Commission and County Council.

cc: Mr. Todd Lawson
Mr. Lawrence Lank
Mr. Shane Abbott
Mrs. Brandy Nauman
Mr. Brad Whaley
Mr. J. Everett Moore, Esquire
Ms. Stephanie Hansen, Esquire,

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, “DWELLING, MULTIFAMILY” AND “FAMILY”,

WHEREAS, Sussex County Code, Chapter 115, Article I, Sec. 115-4 currently includes definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling, Multifamily” and “Family”; and

WHEREAS, in order to further comply with the Federal Fair Housing Act and State Law, the definitions of “Dwelling”, “Dwelling, Single Family”, “Dwelling Multifamily” and “Family” are being revised to allow more than four unrelated individuals to reside together and affirmatively address protected classes of persons or individuals with disabilities; and

WHEREAS, items that have been deleted are shown in [brackets] and items that have been added are shown underlined.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling” in its entirety, as shown below:

[DWELLING – A building or portion thereof containing cooking and housekeeping facilities, designed or used exclusively for residential occupancy, but not including manufactured homes, hotels, motels, motor lodges boarding- and lodging houses, tourist houses, or similar structures.]

Section 2. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the following:

DWELLING – Any building, structure, or portion thereof which is occupied as, or designed or intended for occupancy as, a residence; and any vacant land which is offered for sale or lease for the construction or location thereon of any such building, structure, or portion thereof. “Dwelling” shall not include hotels, motels, motor lodges, boarding- and lodging houses, tourist houses, or similar structures.

Section 3. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling, Single Family” in its entirety, as shown below:

[DWELLING, SINGLE FAMILY -- A detached dwelling designed for or occupied exclusively by one family.]

Section 4. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the following:

DWELLING, SINGLE FAMILY -- A detached dwelling designed or occupied by not more than one (1) of the following as a single housekeeping unit with single culinary facilities:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children.
2. Two (2) single parents or guardians with any number of their natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a 24 hour-per-day basis.
5. One (1) person or two (2) persons one of whom shall be elderly and/or disabled, and one (1) or both of who own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.
6. For the purpose of this Section, “disabled” or “persons with disabilities” includes any person or persons with a handicap or disability as those terms are defined in the Delaware Fair Housing Act, Title 6, Chapter 46 of the Delaware Code, as may be amended.

Section 5. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Dwelling, Multifamily” in its entirety, as shown below:

[DWELLING, MULTIFAMILY – A dwelling designed for or occupied exclusively by two or more families living independently of each other. “Multiple-family dwellings” shall be considered as apartments, garden apartments, condominiums, duplexes or similar structures.]

Section 6. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by inserting the definition of “Dwelling, Multifamily” as follows:

DWELLING, MULTIFAMILY -- A dwelling designed or occupied exclusively by two (2) or more of the following living independently of each other, each with single culinary facilities:

1. One (1) family, which may consist of one (1) person or two (2) or more persons related by blood or marriage with any number of natural children, foster children, step children or adopted children.
2. Two (2) single parents or guardians with any number of their natural children, foster children, step children or adopted children, functioning as a single housekeeping unit.
3. A group of not more than four (4) persons not necessarily related by blood or marriage functioning as a single housekeeping unit.
4. A group residential facility licensed and approved by the appropriate state agencies serving 10 or fewer persons with disabilities on a 24 hour-per-day basis.
5. One (1) person or two (2) persons one of whom shall be elderly and/or disabled, and one (1) or both of who own the dwelling unit, plus one (1) family, which may consist of one (1) person or two (2) persons related by blood or marriage, and with any number of natural children, foster children, step children or adopted children.
6. For the purpose of this Section, “disabled” or “persons with disabilities” includes any person or persons with a handicap or disability as those terms are defined in the Delaware Fair Housing Act, Title 6, Chapter 46 of the Delaware Code, as may be amended.

“Multi-family dwellings” shall be considered as apartments, garden apartments, condominiums, duplexes or similar structures.

Section 7. Amend Sussex County Code, Chapter 115, Article I, Section 115-4, Definitions, by deleting the definition of “Family” in its entirety, as shown below:

[FAMILY -- An individual or two or more persons who are related by blood or marriage living together and occupying a single housekeeping unit with single culinary facilities or a group of not more than four persons living together by joint agreement and occupying a single housekeeping unit with single

culinary facilities on a non-profit, cost sharing basis. Domestic servants employed and residing on the premises shall be considered as a part of the family.]

Section 8. Effective Date. This Ordinance shall become effective upon its adoption by Sussex County Council.

Draft

SYNOPSIS

This Ordinance amends the definitions of Family, Single Family Dwellings and Multifamily Dwellings to avoid unintended discrimination under State and Federal Law. It confirms that a family may include one or two people living together and not only their natural or adopted children but also step-children and foster children. It also clarifies that children are permitted to reside with legally appointed guardians. It permits licensed and approved residential houses or no more than ten persons with disabilities as defined in the Delaware Fair Housing Act. Lastly, it recognizes that it is appropriate for 2 families to reside in a single unit when the owner(s) of the unit are elderly and/or disabled.

Draft

HAL GODWIN
DEPUTY COUNTY ADMINISTRATOR
(302) 854-5060 T
(302) 855-7749 F
hgodwin@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

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

FROM: Harold F. Godwin
Deputy County Administrator

RE: **TAX CREDIT PROPOSAL**

DATE: June 6, 2014

The Wetlands Advisory Committee (WAC) will vote on a question at their Wednesday, June 11, 2014, meeting. I need your direction on how to vote, for or against.

The Committee proposes to increase available tax credits to owners of property with wetlands from \$50,000 each to \$100,000 each, while retaining the statewide cap of \$1 million per year for this tax credit.

THIS PROPOSAL DOES NOT INCREASE THE TAX CREDIT BURDEN ON THE STATE BUDGET.

Below please find the recommendation from the Wetlands Advisory Committee.

The WAC voted to recommend an amendment and expansion of the tax credits program for protection and preservation of wetland and adjacent natural resource areas. At our last meeting we reviewed proposed implementation measures for the recommendation adopted, which resulted in a withdrawn motion so that the Committee members could review the details with their representative organizations before a vote is taken. The question to be presented to the Committee regarding implementation is as follows:

“The Committee recommends that the existing Delaware Land and Historic Resources Protection Incentive Act of 1999 be amended and expanded as follows:

Memo to Council – Tax Credit Proposal

June 6, 2014

Page 2 of 2.

1. Category I freshwater wetlands and adjacent areas qualify and be identified as a conservation value for the tax incentive program.
2. The tax credit program maintain:
 - A. The existing 40% of Fair Market value limit;
 - B. The existing 5-year carry forward period; and
 - C. The existing Statewide cap of \$1,000,000 per year.
3. The tax credit program be expanded to include:
 - A. An individual maximum credit from \$50,000 to \$100,000; and
 - B. The allowance of transfer of tax credits to third parties.”

I believe this proposal addresses some of the comments and concerns raised, specifically that Category I freshwater wetlands be included and that existing \$1,000,000 Statewide cap remain unchanged so as not to create any new revenue loss exposure to the State.

Thank you for your efforts.

-Mike

F. Michael Parkowski, Esquire
Parkowski, Guerke & Swayze, P.A.
116 West Water Street
P.O. Box 598
Dover, DE 19903
(302) 678-3262
Fax#: (302) 678-1396

pc: Mr. Todd F. Lawson

TITLE 30

State Taxes

Income, Inheritance and Estate Taxes

CHAPTER 18. LAND AND HISTORIC RESOURCE TAX CREDIT

Subchapter I. Land Donated for Conservation or Preservation

§ 1801 Short title.

This subchapter shall be known as the "Delaware Land and Historic Resources Protection Incentives Act of 1999."

72 Del. Laws, c. 254, § 1; 73 Del. Laws, c. 6, § 1.;

§ 1802 Findings and purpose.

(a) The General Assembly finds:

- (1) That the State of Delaware's unique natural resources, wildlife habitats, historic resources and resources of outdoor recreation are a significant benefit to the State and the public;
- (2) That the State of Delaware's unique natural resources and distinctive natural heritage, including habitat for plants, animals and natural communities and historic resources, are being lost at an alarming rate; and
- (3) That much of the State's unique natural resources and habitats and historic resources are found on lands that are privately owned.

(b) The General Assembly desires:

- (1) To encourage private landowners to be stewards of lands that are important habitats or designated natural areas, or that contain significant historic resources;
- (2) To complement existing land conservation acquisition programs under the Delaware Land Protection Act, as set forth in Chapter 75 of Title 7, and historic preservation programs, and not duplicate them and thereby preserve public financial resources and leverage public expenditures; and
- (3) To provide private landowners with incentives to encourage protection of private lands for open space, natural resources, biodiversity conservation, outdoor recreation and historic preservation purposes.

72 Del. Laws, c. 254, § 1.;

§ 1803 Definitions.

The following definitions shall apply to this subchapter:

- (1) "Delaware Heritage program" means the program within the Department of Natural Resources and Environmental Control, Division of Fish and Wildlife, that is responsible for inventory, research, data collection, information management and consultation about Delaware's unique or rare plant and animal species and natural communities and for the maintenance of computerized and manual records of the status and trends of such species and natural communities and habitat location information.
- (2) "Department" means the Department of Natural Resources and Environmental Control.
- (3) "Historic resources" means those structures, improvements, sites or lands that are listed as significant in or eligible for listing in the National Register of Historic Places, either as individual listings or as contribution elements in listed or eligible historic districts.
- (4) "Interest in real property" means any perpetual right in real property, or improvements thereto, or water, including but not limited to a fee simple, easement, partial interest, mineral right, remainder, future interest, or other interest or right concerning the use of property.
- (5) "Land" or "lands" means real property, with or without improvements thereon; right-of-way, water and riparian rights; easements; privileges and all other rights or interests of any kind or description in, relating to or connected with real property.
- (6) "Natural habitat" means those land areas in Delaware that are or may be documented as areas of ecological importance and significance for the protection of unique or rare plants, animals and natural communities. Such areas are or may be comprised of lands that due to their physical or biological features, provide important elements for the protection, maintenance and survival of plants, animals and/or natural communities such as, for example, food, shelter, or living space, and may include, without limitation, breeding, feeding, resting, migratory and overwintering areas. Physical and biological features include, but are not limited to: structure and composition of the vegetation; faunal community; soils; water chemistry and quality; and geologic, hydrologic and microclimatic factors and other ecological processes.
- (7) "Open space" means any open lands characterized by (i) natural and/or scenic beauty, or (ii) whose existing openness, natural condition or present state of use, if retained, would maintain important outdoor recreational areas and wildlife habitat, or would maintain or enhance the conservation of Delaware's natural, historic, or scenic resources.
- (8) "Public or private conservation agency" means any Delaware governmental body or any private not-for-profit charitable corporation or trust authorized to do business in the State and organized and operated for natural resources, land conservation or historic preservation purposes and having tax-exempt status as a public charity under the U.S. Internal Revenue Code of 1986, as amended, and having the power to acquire, hold and maintain land and/or interests in land for such purposes.

72 Del. Laws, 1st Sp. Sess., c. 254, § 1; 73 Del. Laws, c. 6, § 1.;

§ 1804 Tax credit available; land conveyed for conservation and preservation purposes.

- (a) There shall be allowed as a credit against the tax imposed by Chapters 11 and 19 of this title, an amount equal to 40% of the fair market value of any land or interest in land located in Delaware that is conveyed for the purpose of open space, natural resource and/or biodiversity conservation or

historic preservation as an unconditional donation in perpetuity by the landowner/taxpayer to a public or private conservation agency eligible to hold such land and interests therein for conservation or preservation purposes. The fair market value of qualified donations made under this chapter shall be substantiated by a "qualified appraisal" prepared by a "qualified appraiser," as those terms are defined under applicable federal law and regulations governing charitable contributions.

(b) The amount of the credit that may be claimed by a taxpayer shall not exceed \$50,000. In addition, in any 1 tax year the credit used may not exceed the amount of individual or corporate income tax otherwise due. Any portion of the credit that is unused in any 1 tax year may be carried over for a maximum of 5 consecutive tax years following the tax year in which the credit originated, subject to the limitations provided herein, until fully expended.

(c) Qualified donations shall include the conveyance in perpetuity of a fee interest in real property or a less-than-fee interest in real property, such as a conservation easement, pursuant to Chapter 69 of Title 7. Dedications of land for open space for the purpose of fulfilling density requirements to obtain subdivision or building permits shall not be considered as qualified donations under this chapter.

(d) Qualified donations shall be eligible for the tax credit herein described if such donations are made to the State, an instrumentality thereof or a charitable organization described in § 501(c) of the U.S. Internal Revenue Code of 1986 [26 U.S.C. § 501] and meet the requirements of 26 U.S.C. § 170(h)(3)(A) or (B).

(e) To be eligible for treatment as qualified donations under this section, land or interests in lands must meet the requirements for land protection of the Delaware Land Protection Act as set forth in § 7503 of Title 7; or consist of lands that are natural habitat for the protection of Delaware's unique and rare biological and natural features as determined by the Department, relying on information supplied and maintained by the Delaware Natural Heritage Program; or meet the requirements for Delaware's important historic resources as determined by the Delaware Department of State, Division of Historical and Cultural Affairs. The use and protection of such lands or interests therein for open space, natural area protection, biodiversity habitat conservation, historic preservation or similar use and purpose shall be assured in perpetuity.

(f) Any qualified donation made in a tax year for which the tax credit herein described is claimed by a taxpayer shall not also be eligible for treatment in the same tax year as a charitable contribution for state income tax deduction purposes in calculating Delaware income tax liability.

¹2 Del. Laws, c. 254, § 1.;

§ 1805 Administration.

(a) The Department, in consultation with the Department of State, Division of Historical and Cultural Affairs, shall promulgate such rules and regulations as may be deemed necessary to certify eligible projects for treatment in fulfillment of the purposes of this subchapter by February 5, 2000. The Department and the Division of Historical and Cultural Affairs, in cooperation with the Open Space Council, upon each 5-year anniversary of the enactment of this subchapter or of any renewals thereof, shall prepare a report to the General Assembly showing the lands protected during such period pursuant to this subchapter.

(b) The Division of Revenue of the Department of Finance for the State of Delaware, in consultation with the Department, shall promulgate such rules and regulations by February 5, 2000, as may be necessary to administer the tax incentives provided for in this subchapter and shall coordinate with

the agencies referenced in subsection (a) of this section in the preparation of the report or reports to the General Assembly showing the fiscal impact on the Delaware Treasury of the credits claimed pursuant to this subchapter.

'2 Del. Laws, c. 254, § 1; 73 Del. Laws, c. 6, § 1.;

§ 1806 Applicability, fiscal limitation and renewal.

(a) The tax credits provided by this subchapter shall apply to transfers of land or interests therein in taxable years beginning on or after January 1, 2000.

(b) Any taxpayer claiming a tax credit under this subchapter may not claim a credit under any similar Delaware law for costs related to the same project. A taxpayer may not claim a tax credit under this subchapter for lands or interests in land a portion of which constitutes the taxpayer's entire holdings and where the taxpayer has sold or has contracted to sell to the State the balance of such lands or interests in land for open space, biodiversity, land conservation or historic preservation purposes.

(c) Any tax credits which arise under this subchapter from the donation of land or an interest in land made by a pass-through tax entity such as a trust, estate, partnership, limited liability corporation or partnership, limited partnership, Subchapter S corporation or other fiduciary shall be used either by such entity, in the event it is the taxpayer, on behalf of such entity, or by the member, manager, partner, shareholder and/or beneficiary, as the case may be, in proportion to their interest in such entity in the event that income, deductions and tax liability passes through such entity to such member, manager, partner, shareholder and/or beneficiary. Such tax credits may not be claimed by both the entity and the member, manager, partner, shareholder and/or beneficiary for the same donation.

(d) The total amount of tax credits to be made available under this subchapter shall not exceed \$10,000,000. The aggregate amount of such tax credits available in any 1 tax year shall not exceed \$1,000,000 and shall be allocated to taxpayers for eligible projects in accordance with the rules and regulations to be established as set forth in § 1805 of this title.

(e) [Repealed.]

'2 Del. Laws, c. 254, § 1; 73 Del. Laws, c. 6, § 1; 77 Del. Laws, c. 135, §§ 1-3.;

§ 1807 Construction.

No part or segment of this subchapter shall be interpreted to in any way alter or amend any permit requirements, reporting requirements, allocation procedures or other requirements set forth in any other provision of state law.

'2 Del. Laws, c. 254, § 1; 73 Del. Laws, c. 6, § 1.;

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

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

FROM: Brandy Nauman, Fair Housing Compliance Officer

RE: **Fair Housing Update**

DATE: June 6, 2014

During Tuesday's Council meeting, I will provide you with a brief update on actions taken in compliance with the U.S. Department of Justice and U.S. Department of Housing & Urban Development fair housing settlement agreements over the last six months in order to comply with Section IV(18) of the Consent Decree. Below you will find an outline of the items I will be discussing. Please note that no action is required of Council; this is simply an update.

U.S. Department of Justice Consent Decree

- Section II(9-11) – Development of New Horizons by Diamond State CLT
 - Contract Terminated
- Section III(13)(a-d) – Affordable and Fair Housing Marketing Plan
 - Sussex County Homebuyer Fair – September 2014
- Sections IV(15) and (16) – Housing Discrimination Complaints
- Section V(19) – Fair Housing Policy (Anti-NIMBY provision and Delaware FHA updates)
- Section VI(18) – Submission of Third Semi-Annual Compliance Report
- Section VI(21 – 23) and VII(26) – Fair Housing Training
 - Board of Adjustment Training – January 13, 2014
 - Annual Training – February 28, 2014
- Section VII(27)(a) through (f) – Affordable Housing Webpage



U.S. Department of Housing & Urban Development Voluntary Compliance Agreement

- Section III(1) – Fair Housing Training
- Section III(7)(a)(i-iii) – Sussex County Analysis of Impediments Evaluation and Proposed Priority Fair Housing Plan
- Section III(7)(c) – Strong Communities Initiative
 - RFP Status
- Section V – Submission of Third Semi-Annual Compliance Report

If you have any questions, please do not hesitate to ask. Thank you.

CC: Brad Whaley, Director of CD&H
Stephanie Hansen, Esquire
Robin Griffith, Clerk of Council

MEMORANDUM

TO: **Sussex County Council**

THROUGH: Todd Lawson
County Administrator

FROM: Jim Hickin, A.A.E.
Airport & Industrial Park

RE: **PATS LEASE**

DATE: June 6, 2014

I am on the June 10th agenda to ask Council's approval of an addendum to a lease with PATS Aircraft LLC.

PATS leases Lot 10 in the Industrial Park, including two large, County-owned hangars. The proposed addendum changes two items of the lease:

1. Corrects an error in the original lease and first addendum that incorrectly located the lot on Indian River Ave. The lot is located on Nanticoke Ave and Cedar Creek Ave.
2. Allows PATS to place a "lien, mortgage, deed of trust, security interest, or encumbrance of any kind upon the Leased Premises or Tenant's leasehold interest", with the prior written approval of the County.

Please call me at 855-7775 if you have any questions.

cc: Mike Izzo, P.E.
County Engineer

Prepared by: PATS Aircraft, LLC
21652 Nanticoke Avenue
Georgetown, Delaware 19947

Parcel I.D. Number:
1-35-20.00-75.00 10

Return to: Sussex County Finance Director
P.O. Box 589
Georgetown, DE 19947

SECOND ADDENDUM TO LEASE PURCHASE AGREEMENT

THIS SECOND ADDENDUM to a Lease Purchase Agreement is made and executed on this ___ day of June, A.D., 2014 by and between:

SUSSEX COUNTY, DELAWARE, a political subdivision of the State of Delaware, with an address of 2 The Circle, Georgetown, Delaware 19947, hereinafter referred to as "Landlord"

AND

PATS AIRCRAFT, LLC, a Delaware Limited Liability Company, with an address of 21652 Nanticoke Avenue, Georgetown, Delaware 19947, hereinafter referred to as "Tenant"

RECITALS

WHEREAS, on December 20, 2005, Landlord and Tenant entered into a Lease Purchase Agreement and on April 9, 2013, entered into a First Addendum thereto (collectively, hereinafter referred to as "the Agreement") for space known as Lot 10 on Indian River Avenue consisting of approximately 3.17 acres of land in the Sussex County Industrial Airpark, located at 21476 Cedar Creek Avenue, Georgetown, Delaware 19947 (hereinafter referred to as "the Leased Premises");

WHEREAS, as a condition to Tenant obtaining financing, Tenant will be required to grant a security interest in all of its assets, wherever located, in favor of its lender(s); and

|

WHEREAS, the parties hereto desire to amend the terms of the Agreement as outlined herein.

WITNESSETH:

That Landlord, in consideration of the rents, terms, covenants, conditions and agreement hereinafter made on the part of Tenant to be paid, kept and performed and Tenant, in consideration of the right to occupy the Leased Premises, subject to the terms, covenants, conditions and agreements hereinafter set forth, do together hereby agree as follows:

1. Page 1 of the Agreement refers to the Leased Premises being located on Indian River Avenue when the Leased Premises are actually located at the corner of Nanticoke Avenue Extended and Cedar Creek Avenue. The description of the Leased Premises on Page 1 of the Agreement is hereby amended to read as follows:
Lot 10 on the corner of Nanticoke Avenue Extended and Cedar Creek Avenue (consisting of approximately 3.17 acres of Land) in Sussex County Industrial Airpark, as shown on survey entitled Survey of Parcel 10, Sussex County Industrial Airpark, prepared by Compass Point Associates, Peter E. Loewenstein, Registered Surveyor, dated February 28, 2003, a copy of which is attached hereto as Appendix A.
2. Section X of the Agreement is hereby removed and replaced with the following language:

SECTION X: ENCUMBERING TITLE. Without the prior written consent of the Landlord which may be conditioned or withheld in the Landlord's sole discretion, Tenant shall not cause or allow to be placed any lien, mortgage, deed of trust, security interest, or encumbrance of any kind upon the Leased Premises or Tenant's leasehold interest therein. Any such purported transaction shall be void and, at the option of Landlord, may terminate this Lease.

3. **Interpretation of Addendum.** All other terms and conditions of the Agreement shall remain intact and in full force and effect. Wherever there exists a conflict between this Addendum and the Agreement, the provisions of this Addendum shall control. Unless otherwise indicated, capitalized terms shall be defined in the manner set forth in the Agreement.

3. **Counterparts.** This Addendum may be signed in one or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one (1) instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, or caused these presents to be signed by their proper corporate officers and their proper corporate seals to be affixed, the day and year first above written. The written resolution of any applicable Board of Directors being attended thereto as evidence of the authority of the undersigned corporate officers to execute this Addendum on this __ day of June, A.D. 2014.

Attest:

LANDLORD: SUSSEX COUNTY
COUNCIL

Name:
Title

Name: SUSSEX COUNTY
Name: Michael Vincent
Title: President of Sussex County Council

APPROVED AS TO FORM:

County Attorney

|

Attest:

TENANT: PATS AIRCRAFT, LLC

Name:
Title

Name:
Name:
Title:

DRAFT

STATE OF DELAWARE

COUNTY OF SUSSEX

BE IT REMEMBERED, that on this__ day of June, 2014, A.D., personally appeared before me, the Subscriber, a Notary Public in a for the State and County aforesaid, Michael Vincent, President of the Sussex County Council, known to me personally to be such, and he does depose and say that the facts set forth in the foregoing Second Addendum to Lease Purchase Agreement are true and correct to the best of his knowledge and belief and that his act of signing, sealing, acknowledging and delivering said Second Addendum to Lease Purchase Agreement was first duly authorized by resolution of said Sussex County Council.

WITNESS my hand and Notarial Seal, the day and year aforesaid.

Signature: _____ \

NOTARY PUBLIC

DRAFT

STATE OF DELAWARE

COUNTY OF _____)

BE IT REMEMBERED, that on this __ day of June, 2014, A.D., personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, _____ of PATS AIRCRAFT, LLC, a Delaware Limited Liability Company, party to this Second Addendum to Lease Purchase Agreement, known to me personally to be such, and acknowledged this Second Addendum to Lease Purchase Agreement to be his/her act and deed and the act and deed of said Limited Liability Company; that the signature of the _____ is in his/her own proper handwriting; and that his/her act of signing, sealing, acknowledging and delivering said Second Addendum to Lease Purchase Agreement was first duly authorized by resolution of said Limited Liability Company

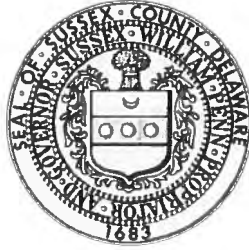
WITNESS my hand and Notarial Seal, the day and year aforesaid.

Signature: _____ \

NOTARY PUBLIC

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

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

May 02, 2014

TO: ALL SUSSEX SHORES PROPERTY OWNERS

**RE: SUSSEX SHORES PROPOSED CHAPTER 96
SUSSEX COMMUNITY IMPROVEMENT (SCI) PROJECT
NOTICE OF MAY 24, 2014 PUBLIC MEETING
PW 1.2A**

Dear Sussex Shores Owners:

Sussex County Engineering Department received and verified 71 petition forms from property owners interested in pursuing the County's Chapter 96 SCI program. This number satisfies the criteria needed to proceed, and the next step is an informal public meeting with property owners to discuss proposed project details. This public meeting is scheduled for Saturday, May 24, 2014, at 9:00 am, at Mariner's Bethel United Methodist Church, located at 81 Central Avenue, Ocean View, DE.

Representatives from the Sussex County Engineering Department, and the engineering consultant firm of George, Miles & Buhr, LLC (GMB) will discuss the proposed project and answer your questions. GMB, currently retained by your Property Owners Association, has worked with Sussex County to prepare a preliminary construction cost estimate. If the project is successful, it is anticipated GMB will provide the project's engineering design and inspection services under contract with Sussex County. The estimated administrative, engineering and finance costs have been included with the estimate. A copy of the preliminary estimate is attached.

The main improvements proposed for financing are: 1) the relocation of existing overhead utilities to underground; 2) minor drainage improvements; and 3) a pavement overlay to all subdivision streets after utility relocation. The estimated assessment rate for the proposed improvements is projected annually at \$ 1,614 per assessable parcel over a 20-year repayment period, or a one-time payment of \$ 21,929 per assessable parcel. I have enclosed a map of the project boundaries, and a list of all assessable tax parcels.

After the public meeting, the proposed project will be presented to Sussex County Council to review and approval. If approved by County Council, a referendum vote will be scheduled as per Chapter 96 of the Sussex County Code. All pertinent details of the Election location, date and time will be sent to you by mail from our office. Please



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

note that Chapter 96 also includes a provision for Absentee Ballots for those who are unable to vote in-person. All questions regarding this project and the Chapter 96 procedures should be directed to Patricia L. Deptula, who can be contacted at (302) 855-7718, between the hours of 8:30 a.m. - 4:30 p.m. (M-F).

Sussex County Council is committed to compliance with the Americans with Disabilities Act and the Fair Housing Act. Reasonable modifications and equal access to communications will be provided upon request. Meeting locations are planned with wheelchair access. If requiring sign language interpreters or language interpreters, please give notice at least five (5) days before the meeting date. Contact Patricia L. Deptula at (302) 855-7718, between the hours of 8:30 a.m. - 4:30 p.m. (M-F) or via e-mail at pdeptula@sussexcountyde.gov TTY users should route through Delaware Relay at 7-1-1 or 1-877-826-6977.

Thank you.

Sincerely,
SUSSEX COUNTY ENGINEERING DEPARTMENT



Michael A. Izzo, P.E.
Sussex County Engineer

cc: The Honorable George B. Cole
Gina A. Jennings
Patricia L. Deptula
Vincent Luciani, P.E.

Todd F. Lawson
Joe Wright, P.E.
David N. Rutt, Esquire
Robert V. Witsil, Jr. Esquire

Enclosures

PRELIMINARY COST ESTIMATE

May 2, 2014

CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENTS PROPOSED PROJECT

SUSSEX SHORES

ITEM	ITEM DESCRIPTION	UNIT COST	TOTAL ITEM COST
1	GEORGE, MILES & BUHR ESTIMATED CONSTRUCTION COSTS	\$ 1,826,336	\$ 1,826,336
	Drainage Improvements	\$ 50,000	\$ 50,000
2	GEORGE, MILES & BUHR ESTIMATED ENGINEERING COSTS		
	Survey	\$ 25,000	\$ 25,000
	Design	\$ 140,628	\$ 140,628
	Construction Services	\$ 174,120	\$ 174,120

CONSTRUCTION COST SUMMARY

<i>Subtotal Construction Estimate</i>	\$	2,216,084
10 % Contingency	\$	221,608
<i>Total Construction Estimate</i>	\$	2,437,692

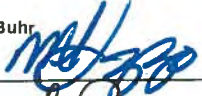
II. PROJECT COSTS


Total Construction Estimate	\$	2,437,692
County Administrative Costs	\$	125,000
Pontential Bond Cost	\$	3,000
<i>Estimated Total Project Cost</i>	\$	2,565,692


III. UNIFORM ASSESSMENT

Total Project Cost	\$	2,565,692
Total Assessable Parcels in Community	\$	117
Interest Rate		4%

Lump Sum Repayment Cost	\$ <u>21,929</u>	Per assessable parcel
20 Year Repayment Period Cost	\$ <u>1,614</u>	Per assessable parcel

Construction costs compiled by George, Miles & Buhr 

Approved by County Engineer:  Date: 5/2/14

Approved by County Finance Director:  Date: 5/1/14

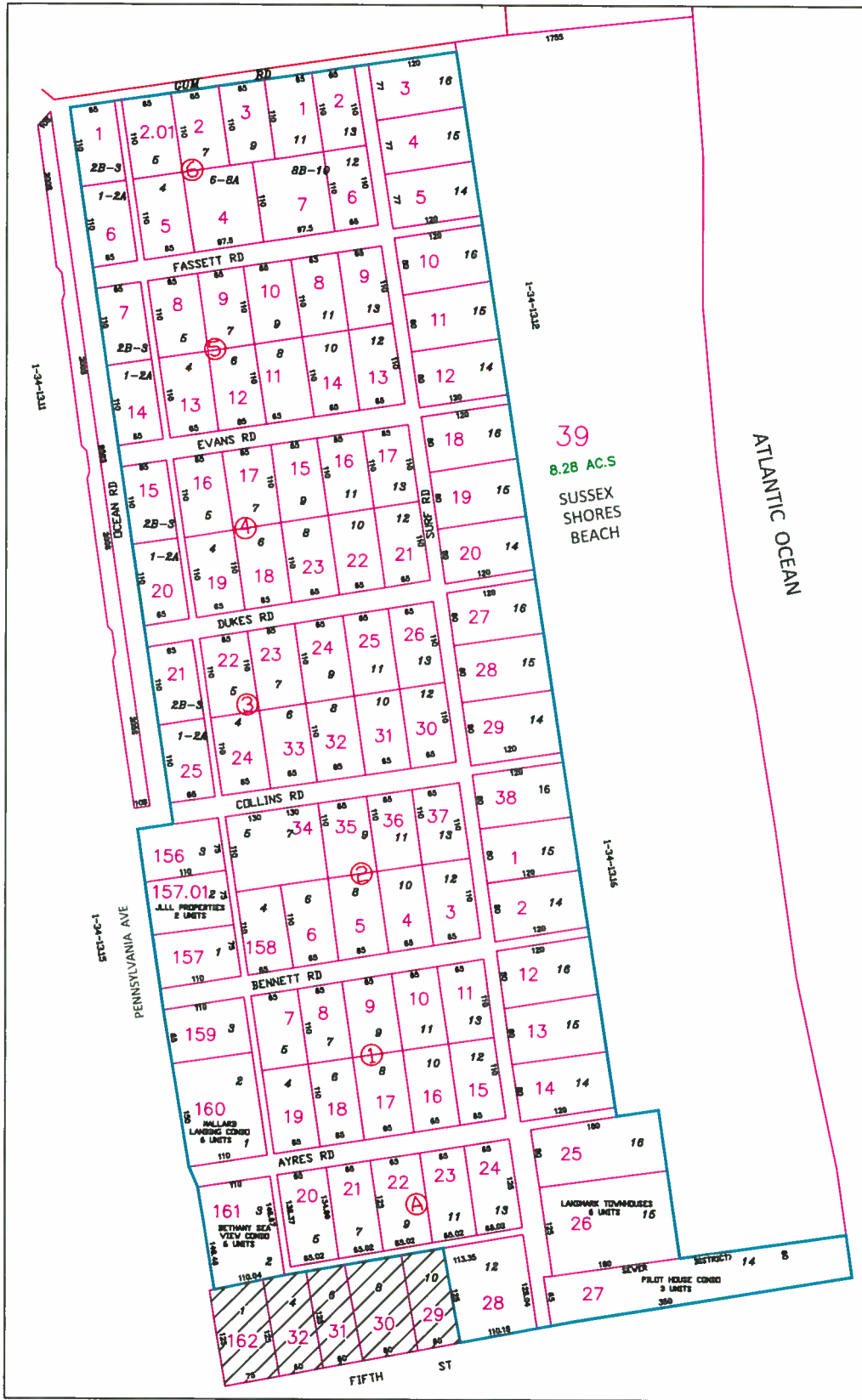
PRELIMINARY COST ESTIMATE
 Prepared By George, Miles & Buhr, LLC
 UNDERGROUNDING OF OVERHEAD UTILITIES, STORMWATER IMPROVEMENTS AND PAVING
 ELECTRIC (DELMARVA POWER); PHONE (VERIZON); and CABLE (MEDIACOM)
 May, 2014
 Chapter 96 SUSSEX COMMUNITY IMPROVEMENTS PROJECT

SUSSEX SHORES - SUBDIVISION

ITEM	ITEM DESCRIPTION	UNITS	QTY	UNIT COST	TOTAL SUB-ITEM COST	TOTAL ITEM COST
1	CONTRACTOR INITIAL EXPENSE					\$ 25,000
2	CONDUIT INSTALLATION					\$ 439,398
	- Electric					
	- Primaries ¹	LF	5500	\$ 20.00	\$ 110,000	
	- Phone					
	- Primaries	LF	5500	\$ 20.00	\$ 110,000	
	- Cable TV					
	- Primaries	LF	5500	\$ 20.00	\$ 110,000	
	Temporay Trench Repair					
	- 6" Crusher Run	CY	509	\$ 25.00	\$ 12,731	
	- 1" thick Temporary Asphalt Paving	SY	3056	\$ 12.00	\$ 36,667	
	- Restoration at Property Lines	LS	1	\$ 60,000	\$ 60,000	
					\$ 439,398	
3	UTILITY RELOCATION ²					
	-Delmarva Power	LS	1	\$ 330,000	\$ 330,000	\$ 583,488
	- Verizon	LS	1	\$ 215,988	\$ 215,988	
	- Mediacom	LS	1	\$ 37,500	\$ 37,500	
					\$ 583,488	
4	DRAINAGE IMPROVEMENTS					\$ -
5	PAVING					\$ 638,451
6	SIGNAGE					\$ 20,000
7	LANDSCAPING					\$ 40,000
8	FENCING					\$ 30,000
9	RESTORATION					\$ 50,000
					Subtotal:	\$ 1,826,336
					10% Contingency:	\$ 182,634
					Total Construction Estimate:	\$ 2,008,970
10	ENGINEERING					
	- Survey					\$ 25,000
	- Design					\$ 140,627.88
	- Construction Services					\$ 174,120.00
					Estimated Total Project Cost:	\$ 2,323,718

¹ Conduit costs assume trench sharing between Delmarva, Verizon and Mediacom.

² Estimates provided by Utility Companies have been discounted by 25% to allow for conduit installation by others.



N



SUSSEX SHORES
 PROPOSED CHAPTER 96 SUSSEX
 COMMUNITY IMPROVEMENT PROJECT

SUSSEX COUNTY TAX MAPS:
 1-34-13.11 PARCELS 1-25
 1-34-13.12 PARCELS 1-38
 1-34-13.15 PARCELS 156-161
 1-34-13.16 PARCELS 1-28

- LEGEND**
- 23 TAX MAP PARCEL NUMBER
 - 11 ORIGINAL LOT NUMBER
 - (A) BLOCK SECTION
 - PROJECT BOUNDARY
 - ██ NOT INCLUDED IN PROPOSED PROJECT

SUSSEX COUNTY ENGINEERING DEPARTMENT

NOT TO SCALE

EXHIBIT A
 This drawing is based upon, and is not in conflict with,
 information obtained from the Department of Transportation.
 2/24/2014

SUSSEX COUNTY ENGINEER

SHEET
1

**SUSSEX SHORES PROPOSED CHAPTER 96 PROJECT - ASSESSABLE PROPERTIES
ESTIMATED ANNUAL ASSESSMENT**

TAX MAP	PARCEL	LOT #	OWNER	EST. ANNUAL \$ ASSESSMENT			
1-34-13.11	1	2B-3	Foulkrod, S. Walter, III & Patricia G.	1,614.00			
1-34-13.11	2	7	O'Reilly, Mairead M.	1,614.00			
1-34-13.11	2.01	5	Foulkrod, S. Walter, III & Patricia G.	1,614.00			
1-34-13.11	3	9	Oetgen, William J. Jr., Phyllis M, et al	1,614.00			
1-34-13.11	4	6-8 A	Ryan, Joseph S. & Deborah	1,614.00			
1-34-13.11	5	4	Gillespie, James P. & Kathleen M.	1,614.00			
1-34-13.11	6	1-2 A	Foulkrod, S. Walter, III & Patricia G.	1,614.00			
1-34-13.11	7	2 B-3	Papa Properties, LLC	1,614.00			
1-34-13.11	8	5	Full House Too, LLC	1,614.00			
1-34-13.11	9	7	Harris, Stanley S. & Rebecca A.	1,614.00			
1-34-13.11	10	9	Giler, Kim H. & Eric R.	1,614.00			
1-34-13.11	11	8	Oetgen, Phyllis M., Barbara Dougherty, et al	1,614.00			
1-34-13.11	12	6	Hall, Leslie A & William L.	1,614.00			
1-34-13.11	13	4	Perry, Richard L. & Marion O.	1,614.00			
1-34-13.11	14	1-2 A	Slevin, Sharon S.	1,614.00			
1-34-13.11	15	2 B-3	Neff, Joan	1,614.00			
1-34-13.11	16	5	Evans Family Holdings, LLC	1,614.00			
1-34-13.11	17	7	Elmore, Stancliff C, Jr. & Maralyn E. Marsteller	1,614.00			
1-34-13.11	18	6	Frank, Richard W. & Betsy F. Rathvon	1,614.00			
1-34-13.11	19	4	Oberhofer, Arthur R.	1,614.00			
1-34-13.11	20	1-2A	Ocean Road Ventures, LLC	1,614.00			
1-34-13.11	21	2 B-3	Neff, Christopher F. & Mindy S.	1,614.00			
1-34-13.11	22	5	Sipics, Diane T.	1,614.00			
1-34-13.11	23	7	Bracken, Harry Jerome, Jr. & Marilyn Casey	1,614.00			
1-34-13.11	24	4	Waesche Family I, LLC	1,614.00			
1-34-13.11	25	1-2 A	Moag Family Delaware, LLC	1,614.00			
1-34-13.12	1	11	Williams, Craig M. & Elizabeth S.	1,614.00			
1-34-13.12	2	13	Michaels, Albert H., Jr., Elizabeth C. Willett, et al	1,614.00			
1-34-13.12	3	16	Dolan, Philip B. & Maureen C.	1,614.00			
1-34-13.12	4	15	Meehan, Bernard L., Trustee	1,614.00			
1-34-13.12	5	14	Jarratt, Virginia T.	1,614.00			
1-34-13.12	6	12	Peterson, Kent T. & Pamela B.	1,614.00			
1-34-13.12	7	8 B-10	Malloy Properties Sussex Shores, LLC	1,614.00			
1-34-13.12	8	11	Oberdorfer, Elizabeth W.	1,614.00			
1-34-13.12	9	13	Oberdorfer, Elizabeth W.	1,614.00			
1-34-13.12	10	16	Slagle, Frederick V.W. & Affiliates, LLC	1,614.00			
1-34-13.12	11	15	The Gerrish Beach House, LLC	1,614.00			
1-34-13.12	12	14	Seawatch Bethany Beach, LLC	1,614.00			
1-34-13.12	13	12	Haaga, Paul G., Jr. & Heather S.	1,614.00			
1-34-13.12	14	10	Rawlins, Ronald B. & Barbara P.	1,614.00			
1-34-13.12	15	9	Edwards, C. Reath, Trustee	1,614.00			
1-34-13.12	16	11	Bond, Martin C. & Robin H.	1,614.00			
1-34-13.12	17	13	Hall, Helen S., Susan S. Hall, Melinda M. Hall, et al	1,614.00			
1-34-13.12	18	16	Phelps, C. Howard, Jr. & Joyce H.	1,614.00			
1-34-13.12	19	15	Rickman, Cynthia K., Trustee	1,614.00			
1-34-13.12	20	14	Dolan, William D., III & Mary Anne & John P.	1,614.00			
1-34-13.12	21	12	JWG Properties, LLC	1,614.00			
1-34-13.12	22	10	Psaros, Perry & Carol K.	1,614.00			
1-34-13.12	23	8	O'Day, R. Jackson	1,614.00			
1-34-13.12	24	9	Korol, Jonathan K. & Janet S. Korol	1,614.00			
1-34-13.12	25	11	The Warrior Cottage, LLC	1,614.00			
1-34-13.12	26	13	Haaga, Paul G., Jr. & Heather S.	1,614.00			
1-34-13.12	27	16	Martens Family Limited Partnership	1,614.00			
1-34-13.12	28	15	The Beach House Trust	1,614.00			
1-34-13.12	29	14	Caplan, Mark M. & Linda W.	1,614.00			
1-34-13.12	30	12	Pickering, Jeanne C., et al	1,614.00			
1-34-13.12	31	10	Neff, Joan S. & Adele S. Paroni	1,614.00			
1-34-13.12	32	8	Fairhaven Sussex Limited Partnership	1,614.00			
1-34-13.12	33	6	McEvoy, Patrick J. & Helena B.	1,614.00			
1-34-13.12	34	5 & 7	Skiba, Michael J. & Phyllis M.	1,614.00			
1-34-13.12	35	9	Nelson, Ralph, Jr.	1,614.00			
1-34-13.12	36	11	Four Winds Investments, LLC	1,614.00			
1-34-13.12	37	13	Lively, Francis P. & Teresa C.	1,614.00			
1-34-13.12	38	16	Kelly, Francis X. & Janet D.	1,614.00			
1-34-13.15	156	3	Evans, Rick A.	1,614.00			

TAX MAP	PARCEL	LOT #	OWNER	EST. ANNUAL \$ ASSESSMENT			
1-34-13.15	157	1	Green Shamrock of Bethany, LLC	1,614.00			
			JLLL Properties, LLC Multi-Family				
1-34-13.15	157.01	2	Unit 1 -JLLL Properties, LLC	1,614.00			
1-34-13.15	157.01	2	Unit 2- JLLL Properties, LLC	1,614.00			
1-34-13.15	158	4	Goldberg, Robin S. & Nancy Cohen	1,614.00			
1-34-13.15	159	3	Penncentral, LLC	1,614.00			
			Mallard Landing Condo				
1-34-13.15	160	1 & 2	Unit 1 - Manders, Michael K. Sr. & Phoebe M.	1,614.00			
1-34-13.15	160	1 & 2	Unit 2 - Hackman, Mary Hawkins	1,614.00			
1-34-13.15	160	1 & 2	Unit 3 - Funk, Robert E., Jr.	1,614.00			
1-34-13.15	160	1 & 2	Unit 4 - Bitner, Sally Ann	1,614.00			
1-34-13.15	160	1 & 2	Unit 5 - Hall, David H. & Mary N.	1,614.00			
1-34-13.15	160	1 & 2	Unit 6 - Denton, Brian C., Theresa McDonough, et al	1,614.00			
			Bethany Sea View Condo				
1-34-13.15	161	2 & 3	Unit 1 - Corrigan, Thomas & Leigh E.	1,614.00			
1-34-13.15	161	2 & 3	Unit 2 - Byrne, Richard H. & Carol J.S., et al	1,614.00			
1-34-13.15	161	2 & 3	Unit 3 - Murray, Christopher C. & Ann M.	1,614.00			
1-34-13.15	161	2 & 3	Unit 4 - Wieand, Jeffrey L. & Catherine C.	1,614.00			
1-34-13.15	161	2 & 3	Unit 5 - Seaview 5, LLC	1,614.00			
1-34-13.15	161	2 & 3	Unit 6 - Donnelly Seaview, LLC	1,614.00			
1-34-13.16	1	15	Casey, Dennis P.	1,614.00			
1-34-13.16	2	14	South Ocean Way, LLC	1,614.00			
1-34-13.16	3	12	Ruhall, LLC	1,614.00			
1-34-13.16	4	10	Fendig, Carlotta J.	1,614.00			
1-34-13.16	5	8	Harrity, Grant E. & Anne M.	1,614.00			
1-34-13.16	6	6	O'Neill, Michael J. & Donna G.	1,614.00			
1-34-13.16	7	5	Rees, Roderick R. & Jill H. & Patricia Knott	1,614.00			
1-34-13.16	8	7	Siciliano, Mark H. & Denise M.	1,614.00			
1-34-13.16	9	9	Haaga, Paul G., Jr. & Heather S.	1,614.00			
1-34-13.16	10	11	Davidson, Bryan H.	1,614.00			
1-34-13.16	11	13	Zink, Philip R. & Martha P.	1,614.00			
1-34-13.16	12	16	Magruder, Walter H. & Jane Mason	1,614.00			
1-34-13.16	13	15	Luikart, John F. & Lorry A.	1,614.00			
1-34-13.16	14	14	Compton Associates, LP	1,614.00			
1-34-13.16	15	12	Eastburn Estates, LLC	1,614.00			
1-34-13.16	16	10	Donohoe, Mary P.	1,614.00			
1-34-13.16	17	8	Fechter, Adam J. & Jennifer C.	1,614.00			
1-34-13.16	18	6	Starkey, James H. III	1,614.00			
1-34-13.16	19	4	Scott, William C. & Janet M.	1,614.00			
1-34-13.16	20	5	Geddes, William H. & Sandra B.	1,614.00			
1-34-13.16	21	7	Jeschke, Curt A. H., Jr.	1,614.00			
1-34-13.16	22	9	Jeschke, Curt A. H., Jr.	1,614.00			
1-34-13.16	23	11	Perlik, Leslie Phelps	1,614.00			
1-34-13.16	24	13	Manning Family, LLC	1,614.00			
1-34-13.16	25	16	Robinson, Stephen W. & Jean M.	1,614.00			
			Landmark Townhouses				
1-34-13.16	26	15	Unit 1 - Fogarty, John R. & Margaret L. (Jennie)	1,614.00			
1-34-13.16	26	15	Unit 2 - Lindsay, Christopher F.	1,614.00			
1-34-13.16	26	15	Unit 3- Smoot, John B., Jr. & Winton C.	1,614.00			
1-34-13.16	26	15	Unit 4 - Latimer, Richard L. & Richard L. Jr.	1,614.00			
1-34-13.16	26	15	Unit 5 - Sigmond, Ward & Suzan M.	1,614.00			
1-34-13.16	26	15	Unit 6 - Whiteley, Stephen F.	1,614.00			
			The Pilot House Condos.				
1-34-13.16	27	14	Unit A- Nestadt, Susan T.	1,614.00			
1-34-13.16	27	14	Unit B- Donnelly, James D. & Mary E.	1,614.00			
1-34-13.16	27	14	Unit C- Golden, Donald P. & Jeanette E.	1,614.00			
1-34-13.16	28	12	Phelps, Joanne	1,614.00			

RESOLUTION NO. ___ R

**A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION
TO BE HELD TO CONSIDER THE SUSSEX SHORES PROPOSED CHAPTER 96
SUSSEX COMMUNITY IMPROVEMENT PROJECT**

WHEREAS, Chapter 96 of the Sussex County Code, Sussex Community Improvements, provides for a Sussex County Program to facilitate the improvements of streets, roadways, and other construction designated by the County Engineer that will, upon completion, benefit or serve the entire community and which are controlled by a private subdivision Property Owners Association, to be implemented by the Sussex County Engineering Department; and

WHEREAS, the subdivision known as Sussex Shores, as represented on Sussex County Tax Map 1-34-13.11- Parcels 1-25, Sussex County Tax Map 1-34-13.12- Parcels 1-38, Sussex County Tax Map 1-34-13.15- Parcels 156-161, and Sussex County Tax Map 1-34-13.16- Parcels 1-28; located off of DE Rt. 1 Coastal Highway and Pennsylvania Avenue, in Baltimore Hundred, Sussex County, Delaware, requested petition forms be provided from Sussex County Engineering Department to determine if there was enough interest in their community to obtain an estimate of costs and charges for proposed improvements, and if so, to submit the question of establishing a Sussex Community Improvement project for the suburban community of Sussex Shores to an election in accordance with the provisions of Sussex County Code, Chapter 96, Sussex Community Improvements; and

WHEREAS, it was determined by the Sussex County Engineering Department that Sussex Shores meets all criteria as defined by Sussex County Code Chapter 96, §96-1(5) and thereby provided by direct mail the requested petition form to each property owner of record within the proposed Sussex Shores project, on March 10, 2014, in accordance with §96-3(b) (c) of the Sussex County Code; and

WHEREAS, 71 valid petition forms were returned to Sussex County Engineering Department and verified to represent approximately 60% of the 118 assessable properties in the proposed project, thereby exceeding the fifty percent (50%) or more representation requirement in § 96-5(a) of the Sussex County Code; and

WHEREAS, on May 2, 2014, Sussex County Engineering Department mailed to all Sussex Shores property owners of record within the proposed project area: a tax map layout of the proposed project boundaries; a detailed project cost estimate; the estimated charges to be assessed to each property owner; and a Notice of a Public Meeting to be held on May 24, 2014; as required by §96-5 of the Sussex County Code

WHEREAS, Sussex County Engineering Department held a Public Meeting to discuss the community improvements proposal on Saturday, May 24, 2014, at the Mariner's Bethel United Methodist Church, with the Sussex Shores property owners, in accordance with §96-5 (b) of the Sussex County Code.

NOW, THEREFORE,

BE IT RESOLVED, Sussex County Council hereby formally accepts the community of Sussex Shores into the Sussex County Chapter 96 Sussex Community Improvement Program; and

BE IT FURTHER RESOLVED, that Sussex County Council approves for the proposed Sussex Shores Chapter 96 Sussex Community Improvement project an estimated annual billing rate of \$ 1,614.00 for a twenty (20) year time period, for each assessable property, as determined by the Sussex County Engineering Department, located within the boundaries of the proposed Sussex Shores project; and

BE IT FURTHER RESOLVED, that the Sussex County Council does establish Saturday, July 12, 2014, during the hours of 10:00 a.m. – 2:00 p.m., at the Sussex County South Coastal Library located at 43 Kent Avenue, Bethany Beach, Delaware, as the date, time, and place for the Election to determine if the property owners of the proposed Sussex Shores project are in favor of proceeding with the project improvements, as presented at the May 24, 2014 Public Meeting. A provision for Absentee Ballots will be provided; and

BE IT FURTHER RESOLVED, Sussex County Council appoints Patricia Lowe Deptula, of the Sussex County Engineering Department, or her designee, to be the judge of the July 12, 2014 Election; and

BE IT FURTHER RESOLVED, that Sussex County Council directs the Sussex County Engineering Department to provide notice to all assessable property owners of record in the Sussex Shores proposed project, of the date, time, and place of the Election, including estimated costs and charges, as required by §96-5(c)(4) of the Sussex County Code.

Patricia Lowe Deptula
Director of Special Projects
Presented: June 10, 2014

COOL SPRING CIVIC ASSOCIATION

"QUALITY OF LIFE"



May 9, 2014

Councilwoman Joan Deaver
19208 Plantation Road
Rehoboth Beach, DE19971

RE: Motorcycle Show & Community BBQ

Dear Councilwoman Deaver:

Cool Spring Civic Association is working together in efforts to improve the welfare of the residents and the neighborhood. Our goal is to provide a better quality of life for everyone by promoting sustainable educational workshops and community outreach to the families in need.

On June 21, 2014, we will be having a "Cool Spring Motorcycle show & BBQ for our cause. Cool Spring Civic Association is requesting your support \$500.00 to help us make this day a success.

Moon bouncer
Snow Cone Machine
Food
Water
Supplies

If you could grant this request, it will help our association greatly in our future endeavors. Please contact me at 302-664-1382 for any more information you might need. I thank you in advance for your contribution.

Cordially,

Isaac Upshur

Isaac Upshur
President, Cool Spring Civic Association

*Cool Spring Civic
Association
28375 Fisher Road
Milton, DE 19968*

*Phone: 302-664-1382
609-658-6832
Fax: 302-664-1382*

Iwupshur2@yahoo.com

Board of Directors

President
Isaac Upshur

Vice President
Chico Beckett

Treasurer
Marie Mayor

Secretary
Tyniece Stokes

Assistant Secretary
Chris Shelton

Chaplin
Rev. George Edwards

Committee leader
Diane Beckett

**Assistant Committee
Leader**
Valorie Upshur



CHEER

546 S. Bedford Street
Georgetown, DE. 19947

Phone (302) 856 - 5187
Fax (302) 856 - 5451

May 19, 2014

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

Re: CHEER 's annual Car Truck & Bike Show

Dear Mr. Todd Lawson,

On Saturday, June 14, 2014, CHEER is hosting our 4th annual Car-Truck & Bike Show at the CHEER Community Center on Sand Hill Road in Georgetown. This year the show benefits CHEER's Sand Hill Adult Day Program which we opened last year and CHEER's Meals On Wheels program which experienced an 11% increase in meals served last year as we served over 114,000 meals.

CHEER's Sand Hill Adult Day Program is directed by staff trained in dementia programming and geriatric care. Attendees participate in programs designed to stimulate them socially, intellectually and creatively, based on their individual needs and functional ability. CHEER's Meals On Wheels provides mid-day meals to the vulnerable elderly population who are no longer able to prepare their own meals while living at home.

As a special attraction to this year's event, we are celebrating the 50th Anniversary of the Ford Mustang, America's original pony car. We also have classic cars, a farm truck, a fire engine, a vintage police car and many other models of yesteryear scheduled to make this event truly unique. Several entrants have told us that they are making the car show a part of their Sussex County vacation.

We are asking Sussex County Council's support for the show as sponsor of the trophy to be awarded to the "Best Vehicle from Sussex County". Trophy sponsorship is \$500.

Thank you for your consideration of the sponsorship.

Sincerely,

Arlene S. Littleton
Executive Director

CHEER is a 501 (c) (3) nonprofit organization.

www.cheerde.com



Fayette Blake
Priscilla Turgon
Directors

*Preparing youth, adults
and their families for successful lives*

May 27, 2014

Gina Jennings
Finance Director
Sussex County Council
PO Box 589
Georgetown, DE 19947

Dear Ms. Jennings,

Since 2008, Pathways to Success, Inc. has provided mentoring and after-school programs at Sussex Tech and Cape Henlopen High Schools for students who are at-risk behaviorally and/or academically.

The goals of Pathways to Success, Inc. are to positively impact high school retention and promotion rates and provide students with the resources and skills they need to successfully complete their education and become gainfully employed or pursue post secondary education and advanced training opportunities after graduation.

Centered around six key elements: Academic Mentoring (assistance with mastering the basic skills necessary for high school graduation); Character Education (youth development and leadership, goal setting, conflict management, self-esteem building, self-advocacy); Preparatory Experiences (career interest assessment, academic and career planning and guidance, employability skills development); Work-based Activities (community and business site visits to include job shadowing, paid and unpaid internships, employment); Connecting Activities (assistance in connecting with tutors, mentors and other positive role models and various community services); and Family Involvement (parent education and support), Pathways is committed to developing and nurturing long-term relationships with each youth served.

Pathways' students have achieved the following:

- 97% of the original cohort of 30 students enrolled as freshmen in 2008 received their high school diploma in 2012 and are enrolled in college, employed, or serving in the military
- 100% of the seniors who graduated in 2013 are enrolled in college
- 90% of the students are maintaining acceptable levels of attendance
- Disciplinary contacts have been reduced by 80%
- 30% of the students are on the Honor Roll
- Math and reading scores on the DCAS state test have improved

3301 Green Street, Claymont, DE 19703
New Castle County: 302.798.3520 • Sussex County: 302.226.1676
www.pathways-2-success.org

We challenge our students to shape their own futures by exposing them to positive experiences outside of their communities and neighborhoods. Related to this challenge, young women participating in the program have been invited to attend the "Uniquely You Summit" (UYS) in Washington, DC September 13 - 14, 2014. UYS' mission is to help girls ages 11-18 define, discover and become who they are. The Summit's theme for 2014 is to give young women the tools to grow with compassion, courage, confidence, and creativity.

In addition to applying for grants to support the cost of attending this program, students are planning a variety of fund-raising activities over the summer. The comprehensive budget for the event held on the Georgetown University Campus follows:

Registration	20 young women @ \$55.00	\$1100.00
Hotel Accommodations	20 young women; a maximum of 4 persons per room	\$783.09
	3 Chaperones	\$ 335.61
Transportation to and From the Event		\$ 1749.00
Total		\$ 3967.70

*This budget does not reflect the cost of public transportation to and from the conference or the cost for breakfast and dinner for two days.

Pathways' request to the Sussex County Council is for \$550.00 to fund the registrations for 10 students:

Registration	10 @ \$55.00 each	\$550.00
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We sincerely appreciate your consideration of our request and support of our efforts to serve young Sussex County citizens.

Sincerely,



Fayette M. Blake and Priscilla Turgon, Directors
Pathways to Success Inc.

CITY OF MILFORD
DELAWARE



COMMISSION OF LANDMARKS
AND MUSEUMS

121 S. WALNUT STREET
MILFORD, DELAWARE 19963

May 28, 2014

Honorable Samuel R. Wilson, Jr.
Sussex County Councilman
Administrative Office Bldg.
P.O. Box 589
Georgetown, DE 19947

Museum Challenge Campaign-2014

Dear Sam:

The Milford Museum is pleased to announce the success of our 2010 matching grant campaign that enabled the Museum to raise \$100,000 in donations and pledges to support a new position of *Executive Director* for three years. We are indebted to Richard M. Johnson for providing his personal leadership and a \$37,500 matching grant to ensure the success of our fundraising campaign in 2010-2013.

Claudia Furnish Leister, Executive Director, was hired in 2010 by Museum Commissioners to provide professional guidance to our preservation efforts. Funds raised during our matching-grant campaign have provided a salary for the Executive Director through the end of 2013. We are now looking toward the future.

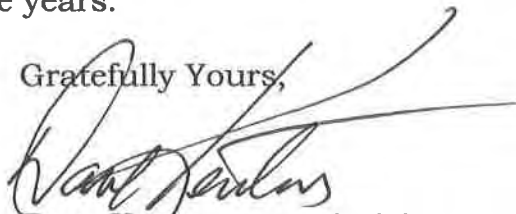
Museum Commissioners are pleased with vast improvements in Museum exhibits, accessibility, membership gains, community outreach and collections. We cannot let these gains be lost and are appealing to all supporters of Milford historic preservation to support another three-year campaign drive to fund the executive director's position through 2016.

Please give our fundraising committee your support when we call on you to help us keep the Executive Director's position funded. Our goal is to raise \$100,000 over the three-year period. **We are asking for \$1,000/year pledges from our membership to ensure the Museum remains open daily with changing exhibits and a Milford history collection second to none.**

Charles Hammond, Bob Voshell, Al Lauckner, Harry Humes, Joan Lofland, Yvonne Lynch, Russell French, Bill Brereton, Mike Wheedleton, Marvin Schelhouse, Dave Kenton and Don Abrutyn comprise our board of commissioners. We need your help!

Please help us at any contribution level you can afford. Know that we appreciate your long-standing support and we look forward to serving you better in the coming three years.

Gratefully Yours,

A handwritten signature in black ink, appearing to read "Dave Kenton", with a long, sweeping flourish extending to the right.

Dave Kenton - Fundraising Committee
Milford Museum Commissioners

DWK/encl



Town of Delmar

100 SOUTH PENNSYLVANIA AVENUE
DELMAR, DELAWARE-MARYLAND 21875

(302) 846-2664 (410) 896-2777

FAX (410) 896-9055

E-Mail: delmartownhall@verizon.net

Sara Bynum-King
Town Manager

May 28, 2014

Sussex County Council
ATTN: Council Member Vance Phillips
2 The Circle
Georgetown, DE 19947

Dear Council Member Phillips,

The Town is in the process of a community project to paint a building we have located at the corner of Grove and First Streets in Delmar, Delaware. The building is known as the Town's Dr. Museum. It is our hope to secure volunteer from the local civic organizations, boy and girl scouts to accompany the Town and provide the necessary labor to accomplish this painting project. We have also started the process of working with Sherwin-Williams to provide the Town discounted rates on one of their best quality paints; so far they are agreeable to work with us in cost reduction. In addition to painting the building we have some areas around the foundation that need to be blocked to close some openings.

On behalf of the Town, we are requesting from you a contribution to the project in the amount of \$750.00. We are very appreciative of the continued working relationship you have extended to the Town of Delmar over the years. Any assistance you can provide to our museum painting project would be sincerely appreciated.

Sincerely,


Sara Bynum-King
Town Manager