



Sussex County Council Public/Media Packet

**MEETING:
June 11, 2013**

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

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



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Sussex County Council

A G E N D A

JUNE 11, 2013

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. State of Delaware Wastewater Operator of the Year – Ann Hobbs
2. Proclamation – Laurel High School Girls' Softball Team
3. Appointments
 - A. Board of Adjustment
 - B. Library Advisory Board
 - C. Planning & Zoning Commission
4. Discussion and Possible Introduction of an Ordinance pertaining to Lot Maintenance

5. Administrator's Report

Gina Jennings, Finance Director

1. Pension Update and Recommendation



Hal Godwin, Deputy County Administrator

1. Wastewater Agreement
 - A. Millville by the Sea – Sub Phase 2C-2
2. Legislative Update
3. Barking Dog Noise Ordinance Discussion

Rodney Marvel, Assistant Director of Environmental Services

1. South Bethany Sewer Line Renovations #12-29
 - A. Substantial Completion
 - B. Change Order No. 1

Brandy Nauman, Sussex County Fair Housing Compliance Officer

1. Fair Housing Update

Grant Request

1. Town of Georgetown for repairs to the fountain on The Circle

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

Executive Session – 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 4, 2013 at 4:15 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 4, 2013

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 4, 2013, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	Councilman
Todd F. Lawson	County Administrator
Kathy Roth	Budget & Finance Manager
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 259 13
Amend
and
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Job Applicants' Qualifications" under "Executive Session"; 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 7 and 21, 2013 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

**CINDY PHILLIPS, UNIT 28 POPPY CHAIR, AMERICAN LEGION
AUXILIARY UNIT 28, MILLSBORO, DELAWARE.**

**RE: Letter in appreciation of allowing her to present poppies to the Council
members in honor of our veterans and also, to thank the Council for the \$200
grant in support of veterans through the poppy program.**

**GEORGE KRUPANSKI, PRESIDENT AND CEO, BOYS & GIRLS CLUBS
OF DELAWARE.**

RE: Letter in appreciation of grant to the Laurel Boys & Girls Club.

**JANET ORLANDO, LEAGUE OF WOMEN VOTERS OF SUSSEX
COUNTY, NASSAU, DELAWARE.**

Corre-
spondence
(continued)

RE: Letter in appreciation of grant for the printing of their publication “They Represent You”.

ARLENE LITTLETON, EXECUTIVE DIRECTOR, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of the Council’s Tribute presented at their grand opening of the Sand Hill Adult Day Program on Wednesday, May 22nd.

RON BREEDING, SENIOR PROGRAM & POLICY ANALYST, NEMOURS HEALTH & PREVENTION SERVICES, SEAFORD, DELAWARE.

RE: Letter in appreciation of the Council’s grant for the Healthy Kids Day event.

KELLIE TURNER, PROGRAM DIRECTOR, PREVENT CHILD ABUSE DELAWARE, WILMINGTON, DELAWARE.

RE: Letter in appreciation of Council’s grant to help promote their Stewards of Children program in Sussex County.

Mrs. Deaver read a letter from Dean Costas, a resident of The Plantations, who has researched noise (barking dogs) ordinances and she noted that she provided a copy of the letter to the County Administrator. The letter was also submitted for the correspondence file.

Mrs. Deaver reported that DNREC has posted its second installment in the Wetlands 101 video series on YouTube’s Delaware DNREC channel; the series is designed as an introduction to Delaware’s wetlands. The first video was released in June 2012. Mrs. Deaver noted that both videos can be accessed by typing “DNREC Wetlands” in an internet search.

The Council recognized and presented a Tribute to Mary Sue Sharp, Sussex County Employee of the Second Quarter. Mrs. Sharp is an employee of the Treasury Department; she began her employment with Sussex County on July 24, 1976.

Adminis-
trator’s
Report

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

1. Delaware State Police Activity Report – April 2013

Per the attached Delaware State Police activity report for April, there were 3,968 total traffic arrests and 1,273 total criminal arrests. Of that 1,273, 442 were felony and 831 were misdemeanor criminal arrests. Of the total hours on duty spent, 37 percent were spent on criminal investigations.

2. Cape Henlopen High School Girls’ Lacrosse Team Proclamation

Per the attached proclamation, the County Council wishes to recognize the Cape Henlopen High School Girls’ Lacrosse team for winning the 2013 DIAA championship.

**Report
(continued)** **(Attachments to the Administrator’s Report are not attached to the minutes.)**

(It was noted that members of the Cape Henlopen High School Girls’ Lacrosse team were not in attendance; they will be invited to attend another meeting of the Council to be recognized.)

**Wastewater
Agreements** **Hal Godwin, Deputy County Administrator, presented Wastewater Agreements for Council’s consideration.**

**M 260 13
Execute
Wastewater
Agreement/
Warrington
Creek** **A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 378-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Sawgrass South, LLC, for wastewater facilities to be constructed in Warrington Creek, Phase 9 (a/k/a Sawgrass) located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

Motion Adopted: 5 Yeas.

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

**M 261 13
Execute
Wastewater
Agreement/
Seagrass
Plantation** **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 502-5, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Corona Seagrass Plantation, LLC, for wastewater facilities to be constructed in Seagrass Plantation, Revision 2, Phase 4, located in Holts Landing Sanitary Sewer District.**

Motion Adopted: 5 Yeas.

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

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

Senate Bill No. 58 – “AN ACT TO AMEND TITLE 14 OF THE DELAWARE CODE RELATING TO LOCAL SCHOOL TAXES”.

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

**Legislative
Update
(continued)**

House Bill No. 95 – “AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO CONSERVATION AND ENVIRONMENTAL LIENS”.

This Act provides the Department of Natural Resources and Environmental Control (DNREC) with the authority to impose environmental liens on real property in an effort to recover taxpayers’ money expended by the State in order to investigate and clean up contaminated properties in circumstances where the property owners who caused the contamination have failed to do so.

Mr. Godwin stated that there is an amendment to the Bill which clarifies an environmental lien’s position in the order of priority. Specifically, a lien that relates back to before the environmental lien is perfected has priority over the environmental lien. The amendment also (1) changes the minimum time period for DNREC to give a property owner notice of a lien from 21 to 30 days before its effective date. It also requires that the notice of lien include the amount of and basis for the lien, (2) clarifies that the provisions of this Act do not preclude any equitable claims by an aggrieved person in the Court of Chancery including actions to quiet title, and (3) provides that, within 10 days of a written request, DNREC shall make available the documentation upon which such lien is based.

Mr. Godwin stated that he needs direction from the Council as to whether the Council opposes or supports this Bill.

House Bill No. 150 – “AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RAW MILK”

This Bill legalizes the sale of unpasteurized, raw milk directly to a final consumer. This Bill tasks the Department of Health and Social Services, in consultation with the Department of Agriculture, with establishing a raw milk permit program, as well as such rules, regulations, and standards as are necessary to further the objectives and provisions of the Bill and to ensure the safety of the general public.

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

This Bill allows school taxes and property taxes to be collected by tax intercept.

Mr. Godwin stated that he will be inquiring about this Bill.

The Council supports this Bill.

**Greenwood
Library
Project**

Julie Cooper, Project Engineer, presented Change Order No. 1 in the amount of \$5,110.36 to the Greenwood Library Project.

**M 262 13
Approve
Change
Order/
Greenwood
Library
Project**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, based upon the recommendation of the Consulting Engineer, that Change Order No. 1 for Sussex County Project No. 07-05, Greenwood Library, be approved in the amount of \$5,110.36, thereby increasing the contract total from \$2,768,572.00 to \$2,773,682.36 and increasing the contract term by four (4) calendar days.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Proposed
Ordinance
Relating
to the
Building
Code
2012
Edition**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52, §52-1 OF THE CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING CONSTRUCTION STANDARDS IN THE INTERNATIONAL BUILDING CODE 2012 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2012 EDITION, WITH EXEMPTIONS”.

This Ordinance amends Chapter 52, § 52-1 by adopting the International Building Code 2012 Edition, Chapters 1-26 and 35, and the International Residential Code 2012 Edition, Chapters 1-10, exempting therefrom § R313 Automatic Fire Sprinkler Systems from one- and two- family dwellings and townhouses. All exemptions previously adopted and currently set forth in Chapter 52 § 52-1 shall be retained therein.

Andy Wright, Building Code Supervisor, reported that workshops were held on the proposed new building code; one of the responses back from builders and property owners throughout Sussex County was that the wind zones have been diminished which would be a cost savings in the coastal areas. Mr. Wright stated that, included in the Council’s packets, was a list of significant changes to the International Residential Code between the 2003 and 2012 editions; the largest one is the implementation of fire sprinkler systems in residential houses, duplexes, and townhouses. It was the recommendation of some builders and property owners that considering the still shaky economic housing industry, that the fire sprinkler system requirement be a proposed exemption from the 2012 code adoption. Other significant changes include requirements for carbon monoxide systems. Mr. Wright stated that an implementation date of October 1, 2013 is being recommended.

Public comments were heard.

Jim Clark, Architect, spoke in opposition to the 2012 IRC Building Code. He stated that a new code is not needed; that small changes could be made to the existing code; that the only thing that is changing right now is issues dealing with Green Energy; and that the old code should be updated to address anchorage on plates and sliding glass doors facing northeast.

**Public
Hearing/
Proposed
Ordinance
Relating
to the
Building
Code
2012
Edition
(continued)**

Howard Fortunato, Executive Vice President of the Home Builders Association of Delaware, spoke in support of the 2012 IRC Building Code with the exemption of the fire sprinkler system requirement.

Mark Grahne with Atlantic Homes spoke in support of the 2012 IRC Building Code with the exemption of the fire sprinkler system requirement.

Mark Fitzgerald, Vice President of Schell Brothers, spoke in support of the 2012 IRC Building Code with the exemption of the fire sprinkler system requirement. He stated that it makes things easier if all jurisdictions are building under the same code.

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

**M 263 13
Amend
Proposed
Ordinance
Relating
to the
Building
Code
2012
Edition**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 52, §52-1 OF THE CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING CONSTRUCTION STANDARDS IN THE INTERNATIONAL BUILDING CODE 2012 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2012 EDITION, WITH EXEMPTIONS” as presented by using the effective date of October 1, 2013.

Motion Adopted: 5 Yeas.

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

**M 264 13
Adopt
Ordinance
No. 2307/
Ordinance
Relating
to the
Building
Code
2012
Edition**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to Adopt Ordinance No. 2307 entitled “AN ORDINANCE TO AMEND CHAPTER 52, §52-1 OF THE CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING CONSTRUCTION STANDARDS IN THE INTERNATIONAL BUILDING CODE 2012 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2012 EDITION, WITH EXEMPTIONS”.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
C/Z
No. 1728**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.81829 ACRES, MORE OR LESS (Change of Zone No. 1728) filed on behalf of Lighthouse Carillon, LLC.

**Public
Hearing/
C/Z
No. 1728
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on May 9, 2013 at which time the Commission recommended that the application be approved.

(See the minutes of the meeting of the Planning and Zoning Commission dated May 9, 2013.)

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

The Council found that Gene Bayard, Esq., with Morris James Wilson Halbrook & Bayard, LLP, and Rich Polk of Vista Design, Inc. were present on behalf of the application. They stated in their presentation that no commercial buildings are planned for this expansion area; that this is the fourth rezoning request for this site; that rezonings were approved in 2000, 2004 and 2009; that a Rite-Aid pharmacy site is being prepared for construction on the existing commercially zoned portion of the site; that a WAWA is proposed to be built on another portion; that the area has a mix of commercial uses, i.e. shopping centers, service/gas stations, medical facilities, convenience store; that the neighborhood is trending toward commercial activities; that the site is irregularly shaped and the purpose of the application is to square up the boundaries and to provide access to Route 5; that there are no wetlands on this portion of the site; that there are no reported rare/endangered species on the site; that there are no archaeological features on the site; that no sewer expansion is needed to serve this portion of the site; that they submitted to the PLUS process and heard no objections and that the PLUS agencies seem to support the application; that DelDOT supports the use and the proposed improvements to the intersection of Route 24 and Route 5; that the improvements will provide for safe vehicular/pedestrian traffic; that the rezoning will provide access to Route 5 and will improve the layout of the project; that there should be no negative impact on the community or property values; that the rezoning complies with the Comprehensive Plan Update and State Strategies; that a Traffic Impact Study has been submitted for consideration by DelDOT and that a response has not yet been received; that the rezoning allows for corrections to the site plan to improve parking and pedestrian access; that interconnection with Timber Acres Manufactured Home Park is being discussed; that a sewer pump station is planned near the Route 5 entrance; that sewer service will be provided by Sussex County and water service will be provided by Tidewater; and that the Route 5 entrance lines up with the rear entrance to the Food Lion Shopping Center across Route 5.

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

**M 265 13
Adopt
Ordinance
No. 2308**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2308 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1

M 265 13
Adopt
Ordinance
No. 2308
(continued)

COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.81829 ACRES, MORE OR LESS (Change of Zone No. 1728) filed on behalf of Lighthouse Carillon, LLC.

Motion Adopted: 5 Yeas.

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

M 266 13
Cancel
Public
Hearing
on Lot
Main-
tenance

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to cancel the Public Hearing on the Proposed Ordinance entitled “AN ORDINANCE TO REPEAL CHAPTER 80, “LOT MAINTENANCE,” § 80-3 IN ITS ENTIRETY AND AMEND CHAPTER 115, ARTICLE XXV, “SUPPLEMENTARY REGULATIONS,” §§ 115-191.4 AND 115-191.5 OF THE CODE OF SUSSEX COUNTY BY INCLUDING IN § 115-191.4 MINIMUM STANDARDS FOR LOT MAINTENANCE PERTAINING TO PROHIBITED ACCUMULATIONS OF OVERGROWN GRASS AND WEEDS AND TO INCLUDING FAILURE TO COMPLY WITH THE MINIMUM LOT MAINTENANCE STANDARDS PROHIBITING OVERGROWN GRASS AND WEEDS IN THE PENALTY AND ENFORCEMENT PROVISIONS OF § 115-191.5” due to the fact that it has been withdrawn.

Motion Adopted: 5 Yeas.

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

Grant
Requests

Kathy Roth, Budget and Finance Manager, presented grant requests for the Council’s consideration.

M 267 13
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$200.00 from Mr. Cole’s Councilmanic Grant Account to Cape Henlopen High School to sponsor the After-Graduation Party.

Motion Adopted: 5 Yeas.

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

M 268 13
Council-
manic
Grant

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$200.00 from Mr. Cole’s Councilmanic Grant Account to Cats Around Town Society for the spay/neuter program.

Motion Adopted: 5 Yeas.

M 268 13
(continued)

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

Introduction of Proposed Ordinances

Mr. Vincent introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PAINTBALL FACILITY AND OTHER SPORTS RELATED ACTIVITIES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 12.9 ACRES, MORE OR LESS” (Conditional Use No. 1966) filed on behalf of Steven T. James, d/b/a Precision Paintball. The Proposed Ordinance will be advertised for Public Hearing.

Mr. Phillips introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOTANIC GARDENS AND RELATED VISITOR CENTER, CONSERVATORY, THEATER, NATURE CENTER AND PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 36.99 ACRES, MORE OR LESS” (Conditional Use No. 1965) filed on behalf of Southern Delaware Botanic Gardens, Inc. The Proposed Ordinance will be advertised for Public Hearing.

Additional Business

Under Additional Business, Dan Kramer of Bridgeville commented on DNREC regulations and the Greenwood Library Project.

M 269 13
Go Into
Executive
Session

At 11:08 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess the Regular Session and go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session

At 11:10 a.m., an Executive Session of the Sussex County Council was held in the Caucus Room of the Council Chambers for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 11:36 a.m.

M 270 13
Reconvene

At 11:37 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

**M 270 13
(continued)**

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

There was no action on Executive Session items.

**M 271 13
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at
11:38 a.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**



TRIBUTE

Be it hereby known to all that
the Sussex County Council commends

Ann Hobbs

Sussex County Engineering Department

State of Delaware Waste Water Operator of the Year

The Sussex County Council extends its congratulations on this honor and sincere appreciation for your dedication, technical excellence and exemplary work ethic and directs this Tribute to be presented on the 11th day of June 2013.



*Michael H. Vincent
President*



**A PROCLAMATION TO HONOR THE LAUREL HIGH SCHOOL
GIRLS' SOFTBALL TEAM UPON WINNING THE
2013 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 2013 season; and

WHEREAS, the Laurel High School girls' softball team capped an outstanding season playing a perfect game against Polytech High School, winning by a score of 3 to 0 during the state championship game on Saturday, June 1, 2013, ending with a remarkable 19-2 record; and

WHEREAS, the Laurel High School girls' softball team's accomplishment is the first state title for the Lady Bulldogs in the history of their softball program, and elevates Laurel to its first statewide recognition in 22 years; 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 2013 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 2013 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, June 11, 2013, as a day for all Sussex County residents to honor the team's remarkable achievement.



Vance Phillips, Councilman

ORDINANCE NO. _____

AN ORDINANCE TO DELETE THE CURRENT CHAPTER 80 OF THE CODE OF SUSSEX COUNTY RELATING TO LOT MAINTENANCE AND ADOPT A MORE COMPREHENSIVE NEW CHAPTER 80 PERTAINING TO PROHIBITED GROWTH OF GRASS AND WEEDS TOGETHER WITH ENFORCEMENT AND PENALTY PROVISIONS.

WHEREAS, Sussex County Code, Chapter 80 currently establishes minimum standards for lot maintenance with respect to prohibited growth of grass and weeds with no method of enforcement or penalties, and

WHEREAS, Sussex County desires to delete the current Chapter 80 in its entirety and adopt a more comprehensive Lot Maintenance ordinance with enforcement and penalty provisions as hereinafter set forth; and

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend the Sussex County Code by deleting §§ 80-1, 80-2 and 80-3 in their entirety as follows:

[§ 80-1 through § 80-2. (Reserved)]

§ 80-3. Prohibited growths and accumulations.

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

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

C. (Reserved)

D. For purposes of this section:

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

Section 2. Amend Sussex County Code, Chapter 80, by inserting new §§ 80-1 through 80-5 which are underlined as follows:

“§ 80-1. Prohibited growths and accumulations

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

B. No person or entity, being the owner, occupant or party responsible for improved or unimproved lands or premises that are not used for bona fide agricultural purposes, shall permit grasses or weeds to grow so as to create an unsightly condition and/or nuisance detrimental to the use or value of adjoining properties and/or to create a potential fire or safety hazard that could endanger the health, safety and welfare of the owner, possessor or other persons.

C. For purposes of this section, weeds shall not include ornamental grasses, shrubs and trees.

§ 80-2. Enforcement.

A. It shall be the duty of the Constable or his designee to enforce the provisions of this Chapter. When the Constable, or his designee, determines that there has been a violation of this Chapter, or has grounds to believe that a violation has occurred, notice shall be given to the owner, occupant or party responsible for the subject property. All notices shall:

(1) Be in writing.

(2) Include a tax parcel number for the property.

(3) Include a statement or description and/or photograph of the violation or violations and state why the violation notice is being issued.

(4) Include a statement of the required corrective action and the time period within which the corrective action must occur to bring the subject property into compliance, which time period shall be not less than five (5) calendar days. In the event the owner, occupant or party responsible for the subject property notifies the Constable, or his designee, in writing, within the five (5) day corrective period of an intent to correct the violation, the Constable or his designee may, at his/her discretion, extend the time for corrective action up to a total period of ten (10) days from the date the violation notice is served. The notice of violation shall be deemed to be properly served if a copy thereof, together with a copy of this Chapter is:

(a) Delivered personally;

(b) Sent by certified or first-class mail addressed to the last known address; or

(c) If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place on the property affected by such notice and the person posting the notice shall take a photograph of the posted notice.

§ 80-3. Removal by County; recovery of County expenses.

A. If, within five (5) days after due notice by the Constable's office to the owner, occupant or party responsible for the subject property, the grasses or weeds in violation of this Chapter are not removed, an administrative fee of \$50 per incident will be assessed to the owner, occupant or party responsible for the subject property and the

Constable, or his designee, may contract with a third party subcontractor who will cause such grasses or weeds to be cut and/or removed and may incur any expense in the removal thereof.

B. Any expense of removal incurred by the Constable or his designee shall be the financial responsibility of and paid by the owner, occupant or party responsible for the subject property within fifteen (15) days after notice thereof given in compliance with the provisions of § 80-2. If such amount is not paid within such time period, such amount, together with the administrative fee set forth in § 80-3A. and interest on such expenses at 10% per annum, shall be assessed against the subject property and shall, until paid, constitute a lien against the subject property in favor of the County upon the filing in the Office of the Recorder of Deeds by the appropriate County official of a certificate of lien setting forth the amount equal to the expenses assessed against the owner, occupant, or responsible party by the County for bringing the subject property into compliance of this Chapter.

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

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

§ 80-4. Penalties; jurisdiction.

A. Any person who shall violate a provision of this Chapter or any of its subsections and/or fails to comply with any notice of violation served in accordance with § 80-2 above shall be guilty of a

misdemeanor and, upon conviction, shall be punished by a fine of \$250 for the first conviction; \$500 for the second conviction; \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the fine for such conviction shall be \$2,500. The fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed ten (10) days from the date of the conviction. Proof of guilt of a violation hereof may be proven through the testimony of a witness who has observed the violation and/or one or more photographs which document and depict the violation. Jurisdiction over the enforcement of this provision shall be in the Justice of the Peace Courts of the State of Delaware.

B. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is authorized, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.

C. Pursuant to 25 Del. C. § 2901, civil penalties may be added to the County property tax billings for the property which was the subject of the violation. Additional civil penalties shall also double if not paid within thirty (30) calendar days from the date of the respective violation.

D. The penalties set forth in this section shall not affect the County's right to also recover expenses incurred pursuant to § 80-3.

§ 80-5. Withholding of permits and approvals.

No County license, building permit, building code approval or the approval of a subdivision, rezoning, conditional use, variance, special exception or other form of County approval shall be issued by any County employee for persons, entities and/or properties found to be in violation of these requirements until such time as the Constable determines that all violations have been corrected and that all penalties, fines, attorney's fees and costs imposed as a result of a violation of this Chapter have been paid in full to the County.”

Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption.

Synopsis

This Ordinance deletes the current Chapter 80 entitled, Lot Maintenance in its entirety and inserts a new Chapter 80 also entitled, Lot Maintenance, which sets forth prohibited growths and accumulations, enforcement provisions and penalties for failure to comply with this Chapter.

Deleted text is in brackets. Additional text is underlined.

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR


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



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director 

RE: **PENSION UPDATE AND RECOMMENDATION**

DATE: June 7, 2013

On Tuesday, I will be updating the Council on the County's Pension and OPEB Plans and will make recommendation to strengthen the OPEB Plan. Attached for your review are the draft minutes of the May 16, 2013 Pension Committee meeting and the Investment Performance Report as of March 31, 2013.

Summary of the Pension Investment Analysis

- Market value was \$62,209,232 as of March 31, 2013
- One year return of \$4.3 million, or 9.3 percent, net of investment fees
- Strong returns with good downside protection
- All managers, except Fidelity, outperformed their benchmark for the first quarter
- No recommended changes to the plan at this time

Summary of the OPEB Investment Analysis

- Market value was \$27,638,534 as of March 31, 2013
- One year return of \$1.8 million, or 7.1 percent, net of investment fees
- Fund still ranked above average nationally
- OPEB Plan has made progress; however, improvements need to be considered

Recommendation:

The Pension Committee is recommending reallocating the OPEB funds to the current investment managers, but in areas that the managers are performing the strongest. The reallocation is attached. The rationale for the recommendation is as follows:

- Rebalance fixed income back to policy target of 35 percent
- Convert the Harding Loevner Global Equity investment to the Harding Loevner International Equity investment since the Harding Loevner International strategy has posted strong returns
- Add funds to the Russell 1000 Index and Vanguard Dividend Growth portfolios to meet Domestic Equity targets of 48 percent
- Save an estimated \$14,000 annually in investment fees

Please let me know if you have any questions.

GAJ/nc

Attachments



PENSION FUND COMMITTEE

Minutes of Meeting

May 16, 2013

The Sussex County Pension Fund Committee met on May 16, 2013, at 10:00 a.m. in the County Council Chambers, Georgetown, Delaware. Those in attendance included members: Susan Webb, Todd Lawson, Karen Brewington, Jeffrey James, David Baker, and Hugh Leahy. Also in attendance were Gina Jennings, Finance Director Appointee; and Michael Shone of Peirce Park Group, the County's Pension Investment Consultant. Committee member Lynda Messick was unable to attend.

On May 9, 2013, the Agenda for today's meeting was posted in the County's locked bulletin board located in the lobby of the County Administrative Office Building, as well as posted on the County's website.

Ms. Webb called the meeting to order and reviewed the agenda.

1. **Approval of Minutes**

The minutes of February 21, 2013 were approved by consent.

2. **Investment Analysis for the Quarter Ended March 31, 2013**

Mr. Shone distributed copies of a booklet entitled, "Sussex County Investment Performance Report, March 31, 2013". The report includes information regarding the market environment for the first quarter of 2013, as well as quarterly and annual performances of the Pension and OPEB Plans. Although the report should be referenced for a more detailed analysis, discussion highlights include:

Mr. Shone referred members to Market Environment – Economic Summary (Tab I). The U. S. stock market was up over 10 percent for the first quarter, and the U. S. economy grew during the same time period. Real gross

domestic product increased 2.5 percent in Quarter 1 of 2013, compared to .4 percent during Quarter 4 of 2012. To stimulate the economy, low interest rates were continued by the Federal Reserve. Although the economy is improving, real personal consumption has remained level since 2010, and the rate of personal savings has decreased. To continue the same level of consumption, consumers have had to tap into their personal savings. Salaries will need to increase before any increase in consumer spending is realized.

The U. S. stock market was up 10.7 for the first quarter, and 13.9 percent for the year (April 1 to March 31). The OPEB Fund contains international stocks through Dodge & Cox and Harding Loevner. For the second consecutive quarter, internationals have not performed well.

When U. S. Markets are up, the Emerging Markets (Brazil, Russia, India, China, Eastern Europe, Latin America, and most of Asia and Africa) typically perform well, but this did not happen and resulted in a negative first quarter.

Fixed Income (which includes U. S. Bonds) was slightly negative for the quarter, which may be the trend for an extended period of time. High yield bonds (junk bonds – below investment grade) performed well.

Value stocks outperformed growth for the last quarter and fairly significantly for 2012. The County's portfolio is slightly tilted toward value stocks. Value stocks, historically, have better returns, offer less volatility, and typically are more protective in the down markets.

Mr. Shone directed members to the Pension Fund Performance Report (Tab II). The Pension Fund realized a first quarter gain of \$3.4 million (net – of all investment management fees), or 5.8 percent; and had a one year gain of \$4.3 million (net), or 9.3 percent. The Plan realized strong returns with very good protection in down markets. All managers, except Fidelity, outperformed their benchmark for the first quarter.

Although Mr. Shone does not recommend any changes to the Pension Fund at the current time, of concern is the County's actuarial assumption (8 percent rate of return) over the long-term. A change to the County's assumed rate of return could be accomplished incrementally. Peirce Park has 30 clients, of which Mr. Shone manages 13. The County has the most conservative portfolio of all his clients (60 percent stocks/40 percent bonds), which results in lower long-term returns. Taking into consideration the

constraints contained within the County's Investment Policy, Mr. Leahy inquired if adjustments (i.e., duration or quality) could be made to the fixed income portion of the portfolio to realize better returns. Mr. Shone noted recent changes were made to the County's portfolio to reflect a minimum investment (allocation mix) of 50 percent in government bonds, with no change in grade or duration. Regarding duration, longer term bonds are more adversely affected when interest rates increase. The revisions to Wilmington Trust's Investment Management Agreement were only recently implemented so any impact, or changes, would begin to be reflected in second quarter reports.

Discussion took place regarding the benefit of increasing the County's portfolio to 65 percent in equities. It was noted that the County's portfolio is rebalanced on a yearly basis and is typically done at the time of the annual contribution. Peirce Park does their reporting on a quarterly basis, which would, in fact, allow more timely adjustments/rebalancing of the County's portfolio if needed.

Withdrawals during the first quarter of 2013 were \$49,829 for management fees, with an ending market value of \$62,209,232 (Dupont Capital Investment - \$10,083,992), Fidelity Low Price Stock - \$4,097,760, Wilmington Trust Bonds - \$7,238,008, Operating Account - \$3,109,146, and State of Delaware Investment Pool - \$37,680,325). The management fees of the County's Pension Fund are higher than Peirce Park's other clients. This is a result of the inclusion of private equities and hedge funds in the State Pool. Taking into consideration returns versus costs, State funds have realized greater returns for the majority of the time. Management investment fees for the County are .61 percent, with Peirce Park's lowest client at .23 percent, with an average of .35 to .43 percent.

The upside versus the downside capture ratio (a measure of how the fund has performed in up markets versus down markets) reflects that the County's Pension Fund has realized approximately 90 percent of its benchmarks.

Mr. James inquired as to the impact on returns due to the County's conservative investment approach. Mr. Shone confirmed that the County's conservativeness can have a negative impact on returns. In spite of the County's very conservative nature, the County's plan still ranked in the top 24 percent nationally (plans of all sizes). The State Plan is more aggressive than the remainder of the County's portfolio, but the County's overall risk versus reward remains very good.

Mr. Shone noted Peirce Park's satisfaction with Wilmington Trust, investment manager for the fixed income portion of the County's Pension and OPEB Plans, and reiterated their excellent performance.

Mr. Shone referred members to the OPEB Performance Report (Tab III). The OPEB Fund realized a first quarter gain of \$1.35 million (net – of all investment management fees), or 5.1 percent; and had a one year gain of \$1.8 million (net), or 7.1 percent. The lag in performance was due to the large cash allocation at the end of 2012.

Possible improvements for the OPEB Plan include changing the mandate for Harding Loevner (global equity manager) to internationals only and to rebalance domestic equity. Due to low interest rates, consideration may be given to decreasing the fixed income allocation and lowering the actuarial assumptions. The County is also currently underallocated in stocks.

Withdrawals during the first quarter of 2013 included \$25,856 for investment management fees, with an ending market value of \$27,638,534 and a time weighted return of 5.2 percent for the quarter, or 7.6 percent for 2012. The County's OPEB fund consistently performed under their benchmarks.

Although the County's OPEB realized only a 5.2 percent return, the fund still ranked above average nationally. Last quarter, international stocks significantly underperformed U. S. stocks, and emerging markets performed at an even lower level compared to the U. S. market. The County's OPEB fund has a lower allocation of internationals (12 percent) and emerging markets; the average public fund contains approximately 18 to 20 percent in internationals. Although the OPEB plan has made progress, improvements are needed.

Mr. Shone referred members to a separate handout showing the OPEB total fund value as of April 30, 2013. He briefly reviewed the market value of each fund by manager. The County's best performer was Vanguard Mid Cap Index, which was recently added; they are up 12.9 percent for the quarter and 14.8 year-to-date.

Needing to leave the meeting, Ms. Webb noted that she would like to briefly discuss a few items not directly related to the investment portfolio; namely, possible changes to the County's OPEB and Pension Plans.

3. Possible Changes to OPEB Plan

Due to the budget impact of the Pension Fund, Ms. Webb reported that starting with the 2014 budget, or, more specifically, effective January 1, 2014, the County will be implementing a Spousal Coordination of Benefits and a Birthday rule, as well as new dental and vision reimbursement plans. The Spousal Coordination of Benefits requires an employee's spouse to take other medical coverage if it is available, and the Birthday Rule requires dependents to take primary coverage under the parent's insurance whose birthday comes first in the calendar year. These revisions are anticipated to reduce the County's healthcare costs in the budget and, possibly, reduce the contribution to the OPEB Plan.

4. **Possible Changes to Pension Plan**

Starting January 1, 2014, Ms. Webb reported that new hires will begin to contribute 3 percent of their salaries, after the first \$6,000; this is similar to Kent and New Castle counties and other municipalities, as well as the State. Other possible changes may include revising the vesting requirement from 8 to 10 years, and a change in the retirement date from the age of 62 and 8 years of service to 65 and 10 years of service, as well as possibly lifting the service caps of 25 years for medics & dispatchers and 30 years for regular County employees.

Mr. Leahy noted the benefit of packaging the changes mentioned by Ms. Webb along with a possible change to the assumed rate of return. Mr. James stated his concern regarding lower salaried County employees and their ability to make pension contributions; he stated his preference for a defined benefit plan versus a defined contribution. With any pension discussion, Mr. Lawson noted salaries also need to be considered. In light of recent medical and pension changes, in combination with lower County salaries, Ms. Webb expressed concern in wanting the County to remain competitive as an employer.

Before leaving the meeting, Mr. Lawson recognized Ms. Webb for her 20 years of service to the County. Ms. Webb will be retiring on May 24, 2013.

3. **Possible Changes to OPEB Plan – Continued Discussion**

Mr. Shone referred members to a separate handout entitled, Sussex County – OPEB Rebalancing Options, dated May 16, 2013. Mr. Shone reiterated that while definite improvement has been seen in the structure of the OPEB Fund, improvements need to be considered. The following three options

were discussed and reviewed (portfolio allocation mixes); options are 'not' listed in any order of preference:

Option 1: Hire international manager, terminate BlackRock, and convert Harding Loevner to international

Option 2: Hire domestic large-cap growth manager, convert Harding Loevner to international, and convert Dodge & Cox to international

Option 3: Hire domestic large-cap growth manager, hire international manager, and convert Harding Loevner to international

Mr. Shone also reviewed an additional recommendation that he hoped would expedite the process by eliminating the need for Peirce Park to make more specific international and growth manager recommendations, as well as the need for County Council approval. It was noted that County Council approval would still be required. Below are the current percentages, along with the recommended changes:

	<u>Current</u>	<u>Recommended Option</u>
BlackRock Equity Dividend	4.0	4
Vanguard Dividend Growth	4.1	6
Vanguard Russell 1000 Index	16.5	24
Vanguard Mid Cap Index	6.1	5
Ridgeworth Small Cap Index	5.3	5
Dodge & Cox Global	9.4	8
Harding Loevner Global Equity	12.8	-
Wilmington Trust Fixed Income	33.3	35
Cash & Equivalents	8.6	5
Harding Loevner Int'l Equity	-	8
Estimated Total Management Fees	0.38%	0.33%

Committee members noted their agreement with Mr. Shone's additional recommendation.

A Motion was made by Mr. Lawson, seconded by Mr. Baker, to approve the recommendation by Mr. Shone and make recommendation to the Sussex County Council for the following OPEB portfolio allocation mixes: BlackRock Equity Dividend – 4 percent, Vanguard Dividend Growth – 6 percent, Vanguard Russell 1000 Index – 24 percent, Vanguard Mid Cap Index – 5 percent, Ridgeworth Small Cap Value – 5 percent, Dodge & Cox Global – 8 percent, Harding Loevner Global Equity – none, Wilmington Trust Fixed Income – 35 percent; Cash & Equivalents – 5 percent, and Harding Loevner International Equity – 8 percent. Motion Adopted by Voice Vote.

Due to the Memorial Day Holiday, it was noted that action by Council could not take place until the June 4, 2013 meeting at the earliest. Mr. Shone will prepare the recommendation and rationale for such action for presentation to Council.

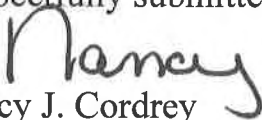
5. **Additional Business**

- a. Mr. James noted the invaluable information provided by Mr. Shone, as well as his overall pleasure with the services offered to the County by Peirce Park.
- b. Mr. Leahy stated that he did not want the Committee to lose sight of the assumed rate of return. Mr. Baker and Mr. Lawson noted their agreement with Mr. Leahy's previous recommendation to package the benefit changes reported earlier by Ms. Webb, along with a possible modification to the 8 percent rate of return used by the County's actuary.
- c. Mr. Lawson congratulated Mr. Leahy on his upcoming June retirement from the Delaware Community Foundation and noted that the bylaws of the Pension Committee do not prohibit his serving on the Committee after his retirement.

At 11:17 a.m., a Motion was made by Mr. Lawson, seconded by Mr. Leahy, to adjourn. Motion Adopted by Voice Vote.

Mr. Lawson thanked everyone for their attendance.

Respectfully submitted,


Nancy J. Cordrey
Administrative Secretary



SUSSEX COUNTY

Investment Performance Report

March 31, 2013



PEIRCE PARK GROUP

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I. Market Environment

II. Pension

III. OPEB



PEIRCE PARK GROUP

PERFORMANCE EVALUATION AND REPORTING SERVICES INFORMATION DISCLAIMER

Peirce Park Group has exercised reasonable professional care in the preparation of this performance report. Depending on the specific client's account, Peirce Park Group may rely on the investment managers to provide individual security holdings, or it may rely on the client's custodian for market values and transaction dates. Custodial information may differ from investment manager records. When we rely on the client's custodian values, **returns are calculated using the custodian's statements. Every effort is made to identify and reconcile discrepancies.** There may be discrepancies in asset values and returns with managers due to different values or methodologies used by the managers and/or custodians. When the manager(s) and the custodian are one and the same, we have no ability to determine the accuracy of the asset values put forth. Information in this report on market indices, security characteristics, and universe comparisons is received from external sources. Therefore, we can make no guarantee as to the completeness or accuracy of the report.

Where we use the InvestorForce database, total fund universes are generally comprised using gross of management fee return calculations. When clients have investment managers that provide net of fee return calculations or asset values (e.g. mutual funds), we increase (gross-up) the total fund return by an amount that reflects, as accurately as possible, the internal costs of the manager or fund (internal costs include, but are not limited to, management fees, advisory/sub-advisory fees, administrative fees, interest expenses and fee reimbursements). In determining a manager or fund's cost, we attempt to obtain accurate information that is readily available. Our results may differ from other reported sources such as Morningstar. As such, we can make no guarantee as to the accuracy of fee calculations.

Depending on the client, we may use attribution on segments of the portfolio to help explain sources of return. It is important to note that total fund attribution is calculated using the total fund's policy index. When attribution is used, we analyze each segment and then combine the results to calculate total fund effects. Although the sum of segment benchmarks is very close to the total fund policy index, there may not be an exact match.

The value of securities held by mutual fund investment companies is the market value when market quotations are readily available. When market quotations are not readily available, a fund must use "fair values", as determined in good faith by the fund's board of directors or Fair Valuation Committee. Mutual funds that hold international securities value these holdings using Fair Market Valuation. International markets are closed when U.S. markets are open and trading. Once the international market is closed, there is a static value to the security in that particular market, while the value of that security on the U.S. market may fluctuate, due to supply and demand for the security. Therefore, the valuation of the security in the U.S. market is based on the fluctuations that take place in the U.S. market during the hours that the international market was closed. Benchmarks do not use Fair Market Valuation. Therefore, the difference in returns between benchmarks and mutual funds may be attributable to this phenomenon.

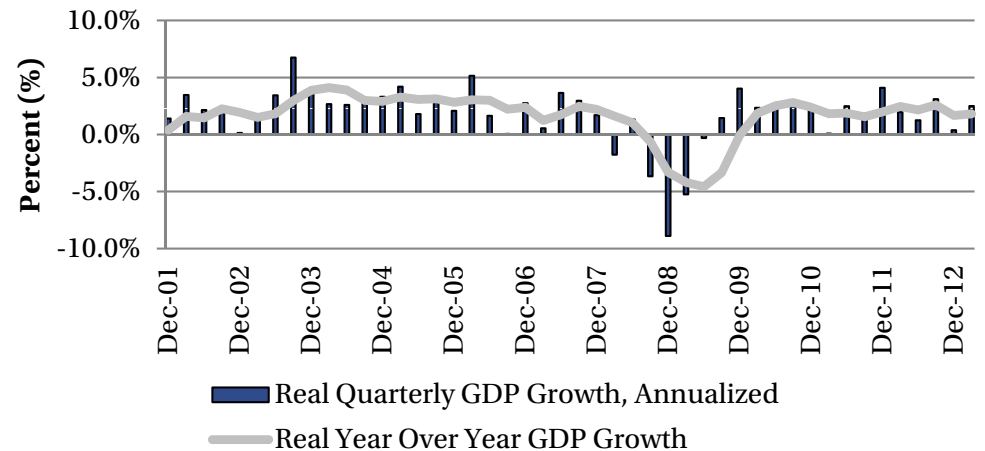
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Information Disclaimer

ECONOMIC SUMMARY

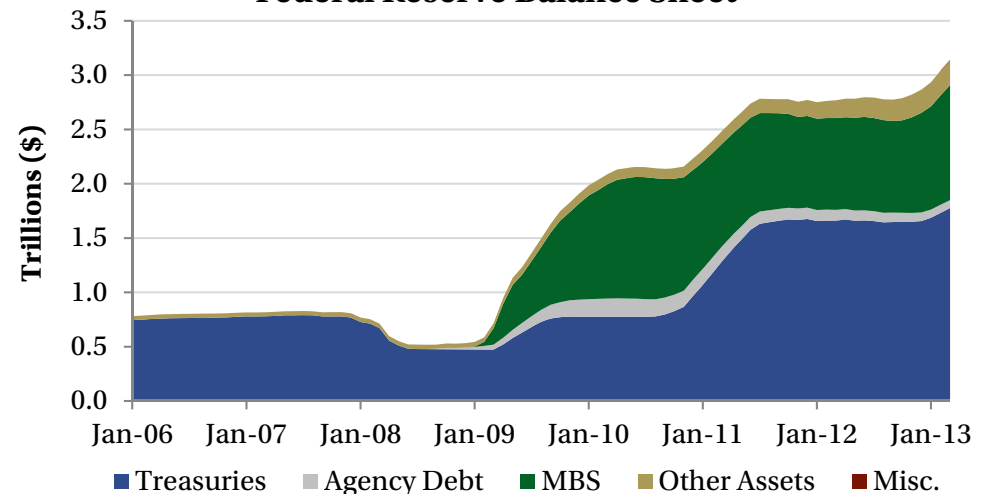
- After stalling in Q4 2012, U.S. economic activity picked up steam in the first quarter. Real GDP rose 2.5% in Q1 compared to just 0.4% in Q4 2012.
- The Federal Reserve continues its accommodative policies by keeping short-term interest rates at zero and by purchasing long-term Treasuries and mortgage-backed securities at \$85 billion a month.
 - These policies are likely to continue given benign inflation (1.5% past year) and slow improvement in the labor market (7.6% unemployment rate – March 2013).

**Real Gross Domestic Product Growth
Q4 2001 - Q1 2013**



Source: U.S. Department of Commerce: Bureau of Economic Analysis.

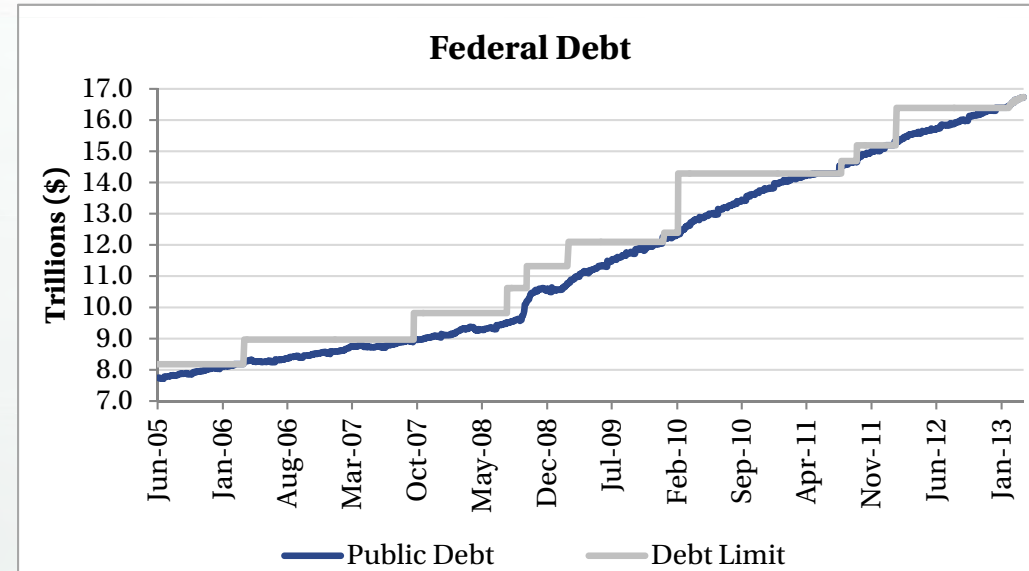
Federal Reserve Balance Sheet



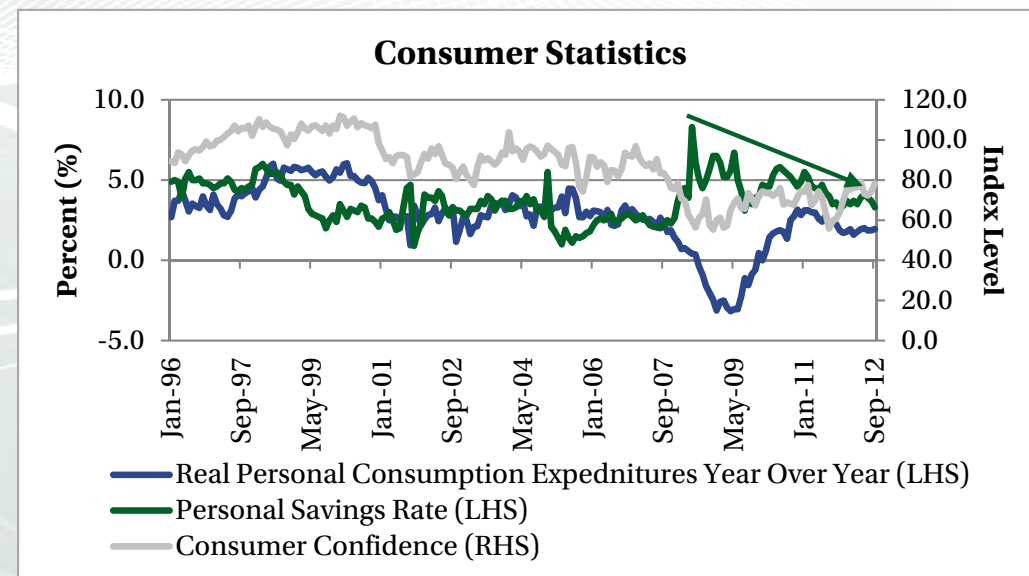
Source: Board of Governors of the Federal Reserve System/FRED.

ECONOMIC SUMMARY

- While tax hikes and sequestration (a package of federal spending cuts) appear to have had limited economic effects thus far, fiscal policy will likely remain tight as the fiscal debate continues.
 - Increasing the debt ceiling (May 18th) will likely mean further tax increases and/or spending cuts.
- Consumer expenditures remain solid amid an uptick in confidence.
 - However, consumers have funded much of their spending growth over the last few years through a decline in the personal savings rate (currently 2.6% from 4.7% in Q4).
 - Consequently, income growth required before any expected increases in consumer spending.



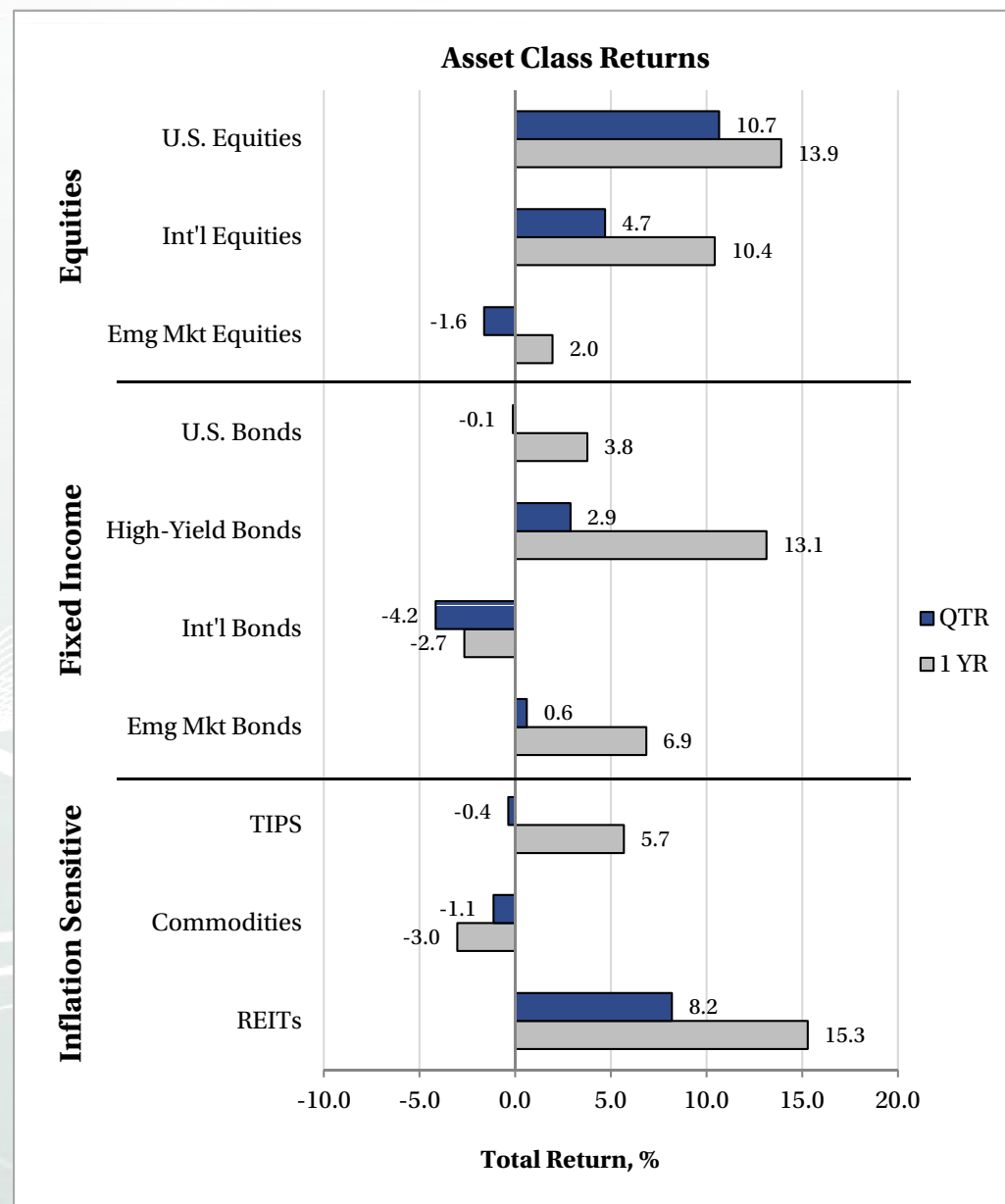
Source: <http://www.whitehouse.gov/omb/budget/Historicals>.



Source: U.S. Department of Commerce: Bureau of Economic Analysis/FRED. Thomson Reuters/University of Michigan. U.S. Department of Commerce: Bureau of Economic Analysis/FRED.

GLOBAL ASSET CLASS PERFORMANCE

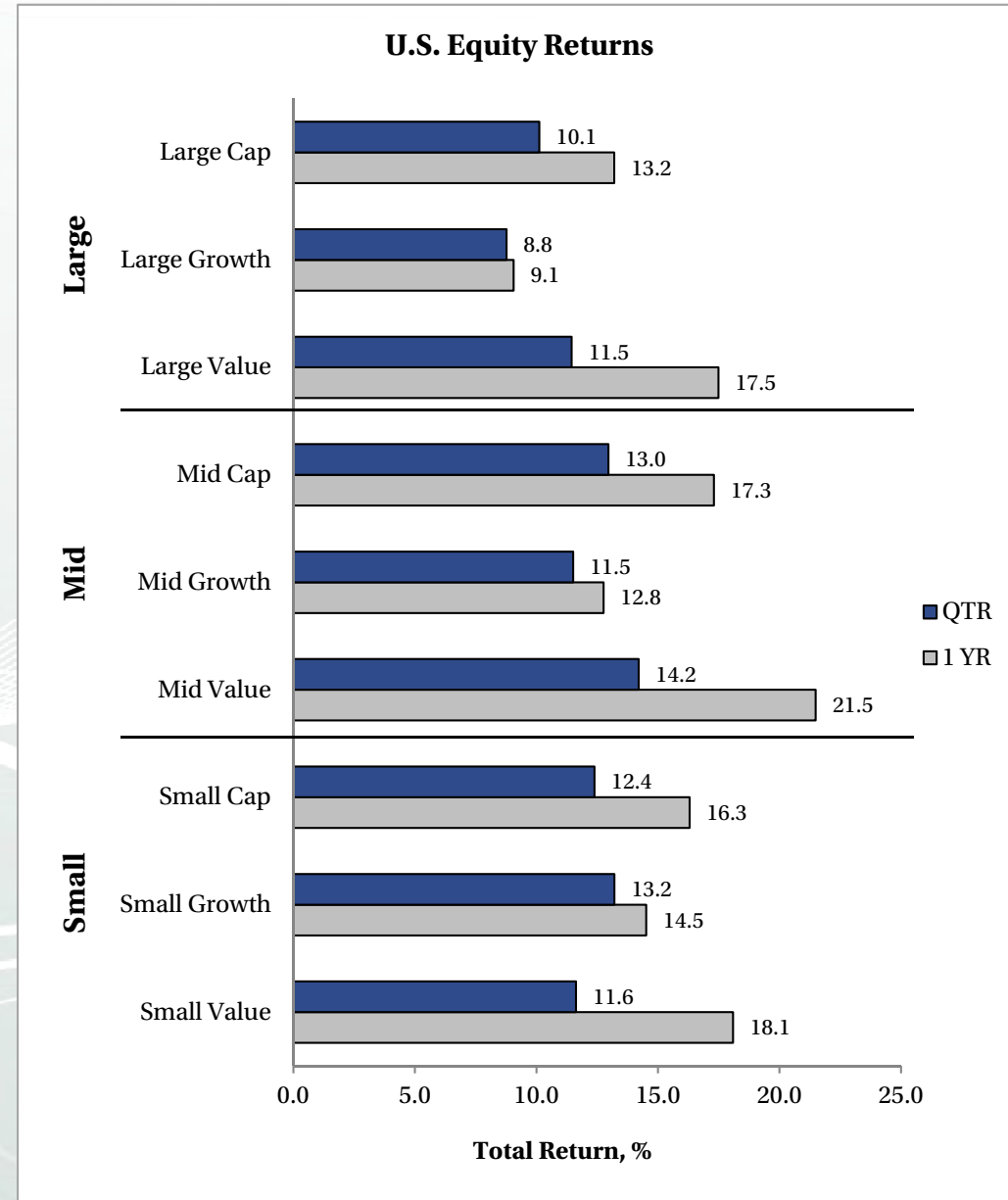
- Developed market equities had a terrific start to 2013, with U.S. and Japanese stocks leading the way. Emerging markets were in the red as a strong dollar and weak commodity prices contributed to underperformance.
- Fixed income returns experienced some notable dispersion across markets. Long-term U.S. Treasuries (-2.3%) underperformed, given a steepening of the yield curve while lower-quality credits (high-yield bonds) did well (2.9%). International bonds posted a second consecutive negative quarter return on an unhedged basis primarily due to the relative strength of the U.S. \$.
- Inflation-sensitive assets were a mixed bag for the quarter. TIPS were in the red, while commodities lagged notably, given weakness in industrial and precious metals. REITs, on the other hand, continued their upward trend.



Source: Morningstar

U.S. EQUITIES

- U.S. equities were resilient in Q1, shaking off concerns over sequestration along with negative headlines emanating from Cyprus.
- At the end of the quarter, the S&P 500 closed at an all-time high merely four years after bottoming in March 2009.
- Gains were strong across the capitalization spectrum, though mid-cap stocks outperformed.
- Among style segments, value stocks continued their recent run of outperformance, beating their growth counterparts across each capitalization bucket, save small caps.



Source: Russell

U.S. SIZE, STYLE, AND SECTOR PERFORMANCE

DOMESTIC EQUITY	<u>QTR</u>	<u>1 Year</u>	<u>3 Year</u>	<u>5 Year</u>	<u>10 Year</u>
S&P 500 Index	10.6	14.0	12.7	5.8	8.5
Russell 3000 Index	11.1	14.6	13.0	6.3	9.2
Russell 3000 Growth Index	9.8	10.4	13.2	7.4	8.8
Russell 3000 Value Index	12.3	18.7	12.7	5.0	9.3
Russell TOP 200 Index	10.1	13.2	12.2	5.3	7.8
Russell TOP 200 Growth Index	8.8	9.1	12.7	7.1	7.8
Russell TOP 200 Value Index	11.4	17.5	11.7	3.4	7.7
Russell 1000 Index	11.0	14.4	12.9	6.2	9.0
Russell 1000 Growth Index	9.5	10.1	13.1	7.3	8.6
Russell 1000 Value Index	12.3	18.8	12.7	4.8	9.2
Russell Mid-Cap Index	13.0	17.3	14.6	8.4	12.3
Russell Mid-Cap Growth Index	11.5	12.8	14.2	8.0	11.5
Russell Mid-Cap Value Index	14.2	21.5	15.0	8.5	12.6
Russell 2000 Index	12.4	16.3	13.5	8.2	11.5
Russell 2000 Growth Index	13.2	14.5	14.7	9.0	11.6
Russell 2000 Value Index	11.6	18.1	12.1	7.3	11.3
DOMESTIC EQUITY BY SECTOR (MSCI)					
Consumer Discretionary	11.8	19.4	19.2	13.4	10.7
Consumer Staples	14.6	20.0	16.1	10.5	11.4
Energy	10.6	10.1	12.5	2.9	14.7
Financials	12.1	18.2	7.7	(1.5)	3.0
Health Care	15.7	24.9	15.6	11.3	8.9
Industrials	12.2	17.3	13.7	5.0	10.7
Information Technology	5.4	(0.4)	10.1	8.4	9.8
Materials	5.3	10.0	10.2	3.2	12.0
Telecommunication Services	8.7	25.0	18.0	6.9	10.3
Utilities	13.6	17.8	15.0	5.7	12.2

REGIONAL PERFORMANCE ACROSS MARKETS

INTERNATIONAL/GLOBAL EQUITY	QTR	1 Year	3 Year	5 Year	10 Year
MSCI EAFE (Net)	5.1	11.3	5.0	(0.9)	9.7
MSCI EAFE Growth (Net)	6.7	11.4	6.5	(0.1)	9.4
MSCI EAFE Value (Net)	3.5	11.0	3.5	(1.7)	9.9
MSCI EAFE Small Cap (Net)	8.4	13.3	8.4	2.1	13.2
MSCI AC World Index (Net)	6.5	10.6	7.8	2.1	9.4
MSCI AC World Index Growth (Net)	6.6	9.8	8.8	2.8	8.9
MSCI AC World Index Value (Net)	6.4	11.3	6.8	1.3	9.7
MSCI Europe ex UK (Net)	2.8	11.0	3.2	(3.4)	10.0
MSCI United Kingdom (Net)	2.5	9.7	8.0	0.7	9.3
MSCI Pacific ex Japan (Net)	7.0	19.8	9.7	6.0	15.6
MSCI Japan (Net)	11.6	8.5	3.4	(0.5)	7.0
MSCI Emerging Markets (Net)	(1.6)	2.0	3.3	1.1	17.1
FIXED INCOME					
Merrill Lynch 3-month T-Bill	0.0	0.1	0.1	0.3	1.8
Barclays Intermediate Government/Credit	0.3	3.5	4.7	4.6	4.5
Barclays Aggregate Bond	(0.1)	3.8	5.5	5.5	5.0
Barclays Short Government	0.1	0.4	0.8	1.3	2.4
Barclays Intermediate Government	0.1	2.3	3.9	3.7	4.0
Barclays Long Government	(2.3)	7.4	12.4	8.3	7.2
Barclays Investment Grade Corporates	(0.1)	7.5	8.1	7.9	6.1
Barclays High Yield Corporate Bond	2.9	13.1	11.2	11.6	10.1
JPMorgan Global ex US Bond	(4.2)	(2.7)	3.7	2.7	5.8
JPMorgan Emerging Market Bond	0.6	6.9	7.7	7.2	11.1
INFLATION SENSITIVE					
Consumer Price Index	1.4	1.5	2.3	1.7	2.4
Barclays TIPS	(0.4)	5.7	8.6	5.9	6.3
DJ-UBS Commodity Index	(1.1)	(3.0)	1.4	(7.1)	3.7
DJ-UBS Gold Index	(5.0)	(5.3)	11.9	10.7	15.9
FTSE NAREIT Equity REITs	8.2	15.3	17.2	6.8	12.4
FTSE EPRA/NAREIT Global REITs	5.8	21.1	13.5	3.3	-

Source: Russell, S&P, MSCI, Merrill Lynch, Barclays Capital, FTSE

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PENSION



OBSERVATIONS FOR SUSSEX COUNTY

- 1st quarter gain – \$3.40 million (net) 1st quarter return: 5.8% (net)
5.8% (gross)
- 1 year gain – \$4.38 million (net) 1 year return: 9.3% (net)
9.6% (gross)
- Strong returns with good downside protection
- All managers except Fidelity beat their benchmark this quarter



LOOKING AHEAD FOR SUSSEX COUNTY

- Low interest rates – anything else you can/should do?
 - Lower allocation to fixed
 - Lower actuarial assumptions



Sussex County Pension
Total Fund Composite

Total Plan Information

As of March 31, 2013

Summary of Cash Flows

	First Quarter	One Year
Beginning Market Value	\$58,813,167.3	\$54,521,415.1
- Withdrawals	-\$49,829.3	-\$943,049.5
+ Contributions	\$0.0	\$4,033,120.0
= Net Cash Flow	-\$49,829.3	\$3,090,070.4
+ Net Investment Change	\$3,445,894.3	\$4,597,746.7
= Ending Market Value	\$62,209,232.3	\$62,209,232.3
Time Weighted Return	5.8%	9.6%

Withdrawals also contain estimated Investment Manager Fees.

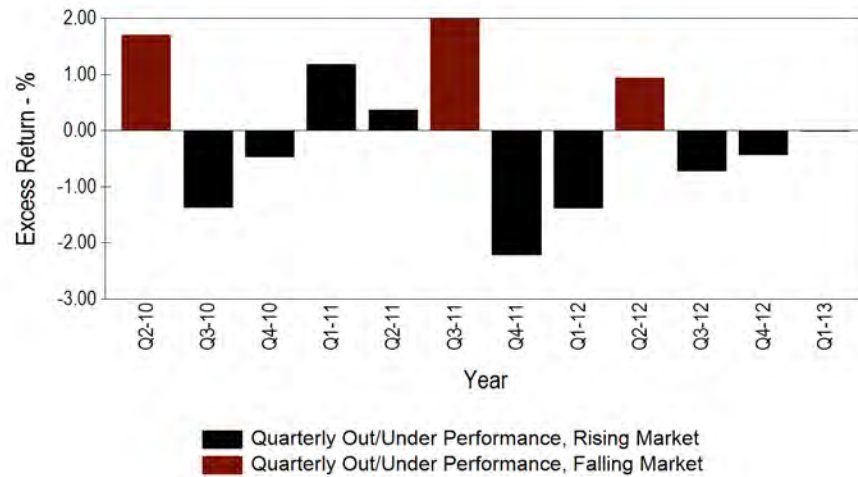
Account	Fee Schedule	Market Value As of 3/31/2013	% of Portfolio	Estimated Annual Fee (\$)	Estimated Annual Fee (%)
Dupont Capital Investment	0.35% of First \$25.0 Mil, 0.30% of Next \$25.0 Mil, 0.25% Thereafter	\$10,083,992	16.2%	\$35,294	0.35%
Fidelity Low Price Stock	0.83% of Assets	\$4,097,760	6.6%	\$34,011	0.83%
Wilmington Trust Bonds	0.20% of Assets	\$7,238,008	11.6%	\$14,476	0.20%
Operating Account	No Fee	\$3,109,146	5.0%	--	--
State of Delaware Investment Pool	0.78% of Assets	\$37,680,325	60.6%	\$293,907	0.78%
Investment Management Fee		\$62,209,232	100.0%	\$377,688	0.61%

Sussex County Pension Total Fund Composite

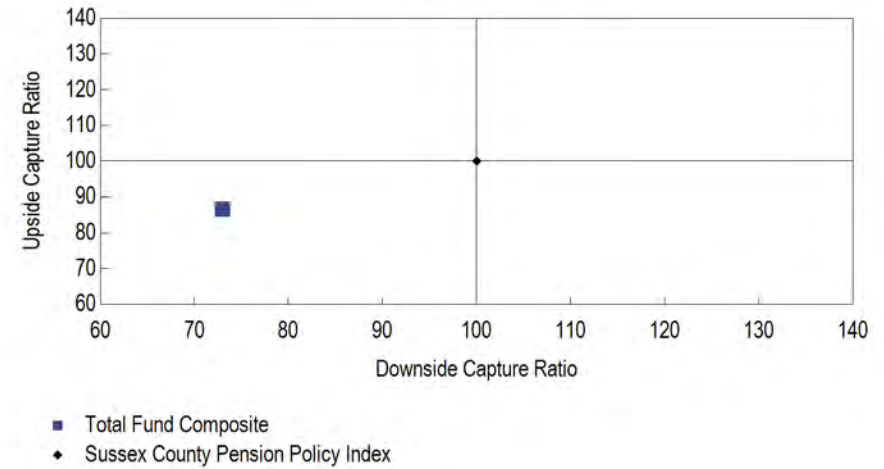
Total Plan Information

As of March 31, 2013

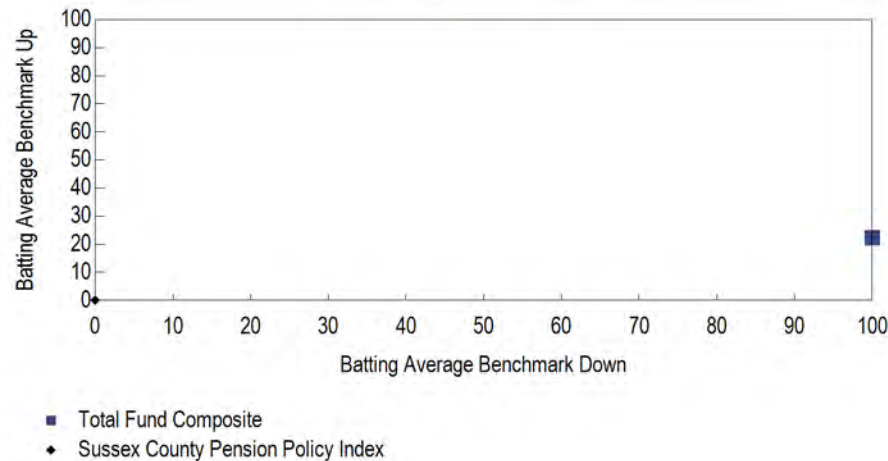
Quarterly Excess Performance



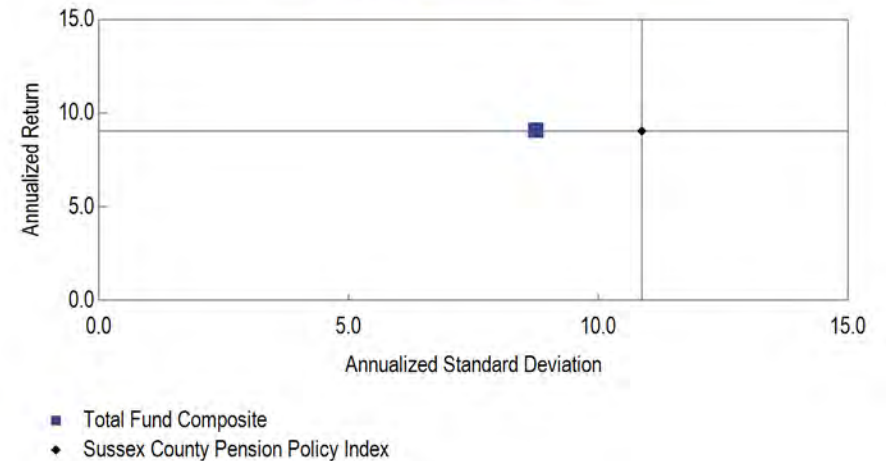
Upside Capture Ratio vs. Downside Capture Ratio
3 Years Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
3 Years Ending March 31, 2013



Annualized Return vs. Annualized Standard Deviation
3 Years Ending March 31, 2013









Sussex County Pension
Total Fund Composite

Total Plan Performance

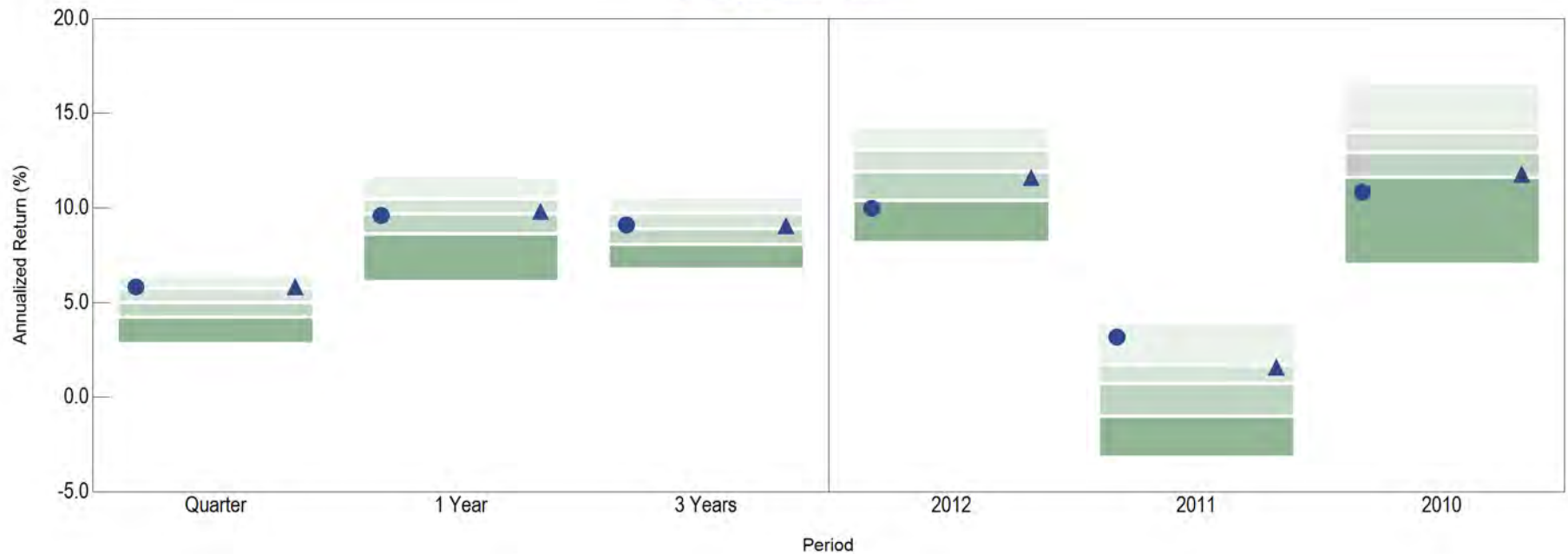
As of March 31, 2013

Performance Summary

Annualized Returns

	Mar-13	1 Yr	3 Yrs	2012	2011	2010
Total Fund Composite	5.8%	9.6%	9.1%	10.0%	3.2%	10.8%
<u>Sussex County Pension Policy Index</u>	<u>5.9%</u>	<u>9.8%</u>	<u>9.0%</u>	<u>11.6%</u>	<u>1.6%</u>	<u>11.8%</u>
Over/Under	0.0%	-0.2%	0.1%	-1.6%	1.6%	-1.0%
Universe Median	5.0%	9.7%	8.9%	11.9%	0.8%	13.0%
Points in Universe	169	166	141	162	39	37
Universe Quartile Ranking						

IF Public DB Gross Accounts
Ending March 31, 2013



Sussex County Pension
Total Fund Composite

Performance Summary

As of March 31, 2013

		Ending March 31, 2013						Inception	
	% of Portfolio	2013 Q1	Rank	1 Yr	Rank	3 Yrs	Rank	Return	Since
Total Fund Composite	100.0	5.8	24	9.6	53	9.1	44	11.4	Jan-09
Sussex County Pension Policy Index		5.9	24	9.8	47	9.0	45	12.3	Jan-09
Equity Composite	22.8	10.8	--	14.2	--	--	--	27.5	Sep-11
80% Russell 3000 / 20% EAFE		9.9	--	14.0	--	--	--	26.0	Sep-11
Dupont Capital Investment	16.2	10.9	40	13.6	51	--	--	--	Apr-10
S&P 500		10.6	48	14.0	46	--	--	--	Apr-10
Fidelity Low Price Stock	6.6	10.6	90	15.7	58	14.3	42	14.0	Sep-08
Russell 2000		12.4	53	16.3	45	13.5	53	9.3	Sep-08
Fixed Income Composite	11.6	0.2	--	2.9	--	--	--	--	Sep-10
Barclays Int Govt.		0.1	--	2.3	--	--	--	--	Sep-10
Wilmington Trust Bonds	11.6	0.2	--	3.0	--	--	--	2.8	Sep-10
Barclays Int Govt.		0.1	--	2.3	--	--	--	2.5	Sep-10
Cash & Equivalents	5.0	0.0	--	0.0	--	--	--	0.0	Sep-11
Operating Account	5.0	0.0	--	0.0	--	--	--	0.0	Sep-11
91 Day T-Bills		0.0	--	0.1	--	--	--	0.1	Sep-11
State of Delaware Investment Pool	60.6	5.7	--	9.8	--	10.1	--	--	
Balanced Pooled Fund Policy Index		4.8	--	9.3	--	8.6	--	--	

Please note: All returns shown are gross of fees, including mutual funds. Mutual fund rankings are calculated using gross of fee returns. It is important to note the mutual fund universes use net of fee returns. Therefore rankings will be higher due to this fee advantage. All returns over one year are annualized.

Please note: All returns shown are gross of fees, including mutual funds. All returns over one year are annualized.

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U.S. EQUITIES



As of March 31, 2013

Manager Summary

- Strategy seeks to systematically identify companies with sustainable earnings power trading at reasonable valuations.
- Quantitative approach looks for companies with the strongest relative value within their industries through a combination of valuation, quality and momentum characteristics.
- Focuses on companies that are under-priced relative to their long-term intrinsic value and supported by sustainable, high quality earnings and realistic cash flows expectations.
- Enhanced index portfolio of 100 to 200 securities, targets a tracking error between 1.5% and 2.25 relative to the S&P 500.

Portfolio Information

	Portfolio	S&P 500
Number of Holdings	156	500
Weighted Avg. Market Cap. (\$B)	101.65	102.85
Median Market Cap. (\$B)	27.00	13.96
Price To Earnings	16.08	18.61
Price To Book	2.73	3.40
Price To Sales	1.78	2.12
Return on Equity (%)	18.65	18.44
Yield (%)	2.24	2.14
Beta		1.00

Top Ten Holdings

R S&P 500 ETF TST.	3.7%
APPLE	2.7%
EXXON MOBIL	2.6%
CHEVRON	2.4%
JP MORGAN CHASE & CO.	2.2%
PFIZER	2.1%
WELLS FARGO & CO	2.0%
MICROSOFT	1.9%
INTERNATIONAL BUS.MCHS.	1.6%
GENERAL ELECTRIC	1.6%
Total For Top Ten Holdings	22.9%

Best Performers

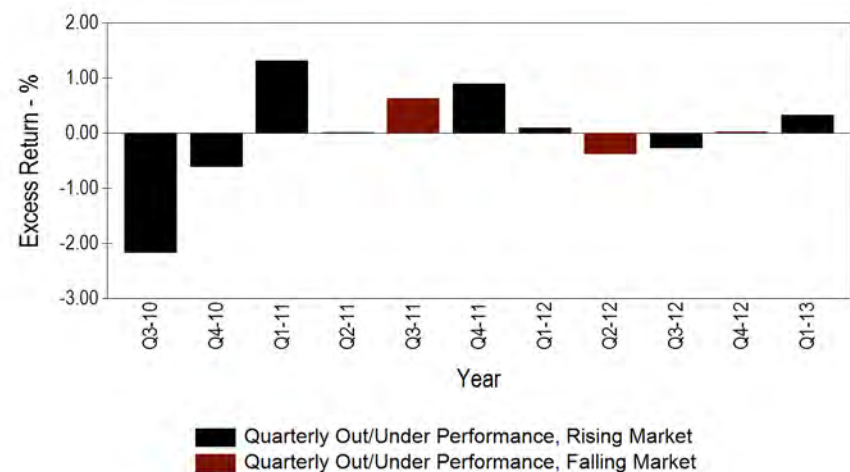
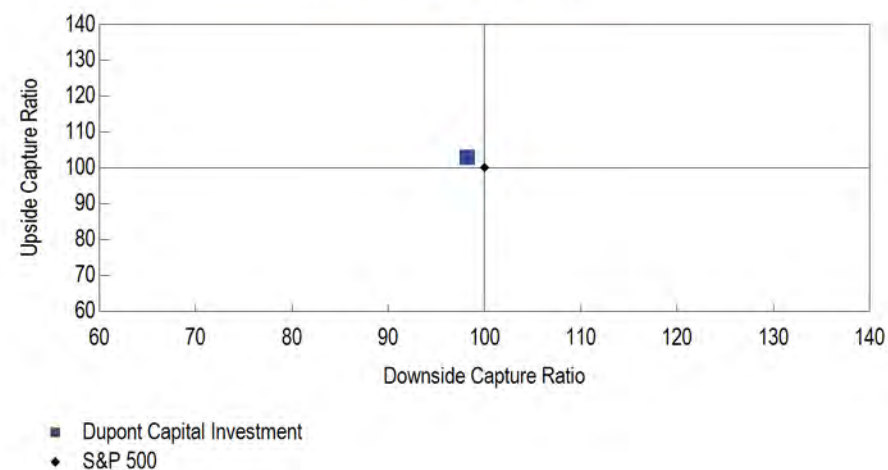
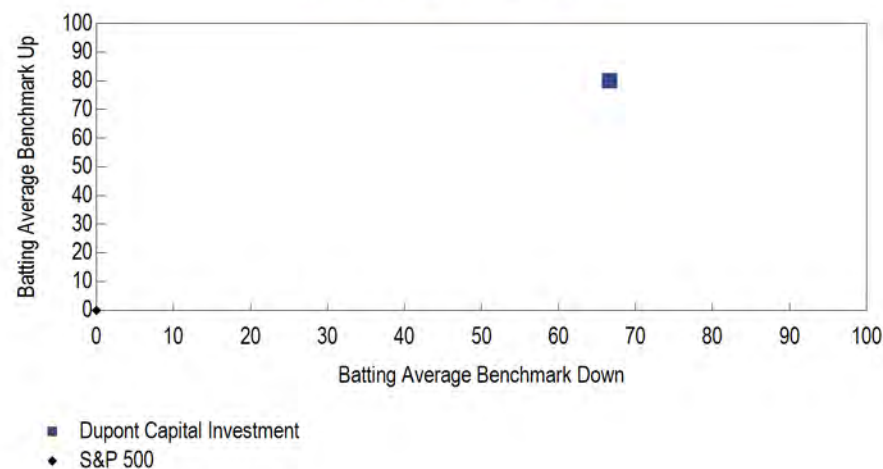
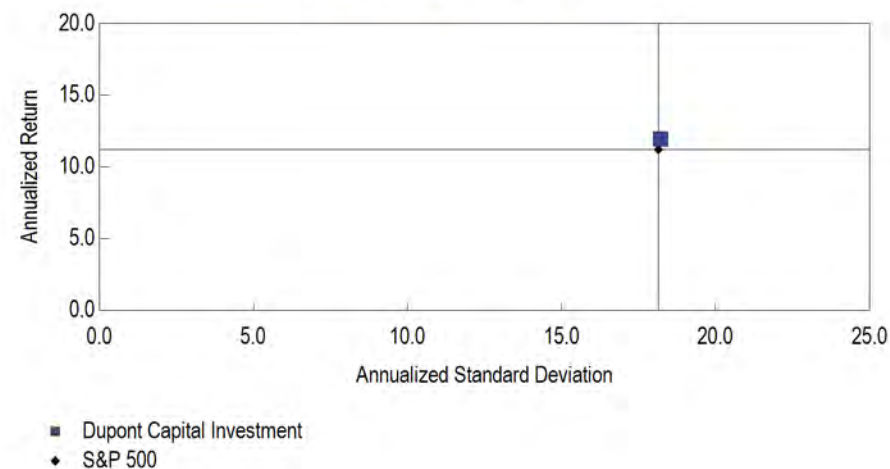
	Weight %	Return %
HEWLETT-PACKARD (HPQ)	0.9%	68.3%
DELL (DELL)	0.4%	42.1%
R R DONNELLEY & SONS (RRD)	0.0%	37.8%
BOSTON SCIENTIFIC (BSX)	0.4%	36.3%
HESS (HES)	0.4%	35.4%

Worst Performers

	Weight %	Return %
APOLLO GP.'A' (APOL)	0.0%	-16.9%
APPLE (AAPL)	2.7%	-16.3%
NEWFIELD EXPLORATION (NFX)	0.0%	-16.3%
PETSMART (PETM)	0.0%	-9.1%
GOODYEAR TIRE & RUB. (GT)	0.0%	-8.7%

As of March 31, 2013

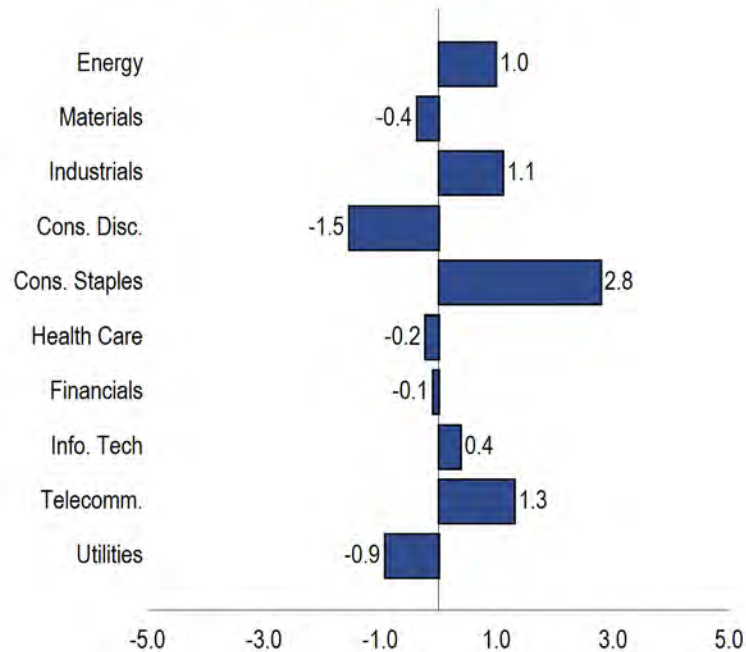
Quarterly Excess Performance

Upside Capture Ratio vs. Downside Capture Ratio
2 Years Ending March 31, 2013Batting Average Benchmark Up vs. Batting Average Benchmark Down
2 Years Ending March 31, 2013Annualized Return vs. Annualized Standard Deviation
2 Years Ending March 31, 2013

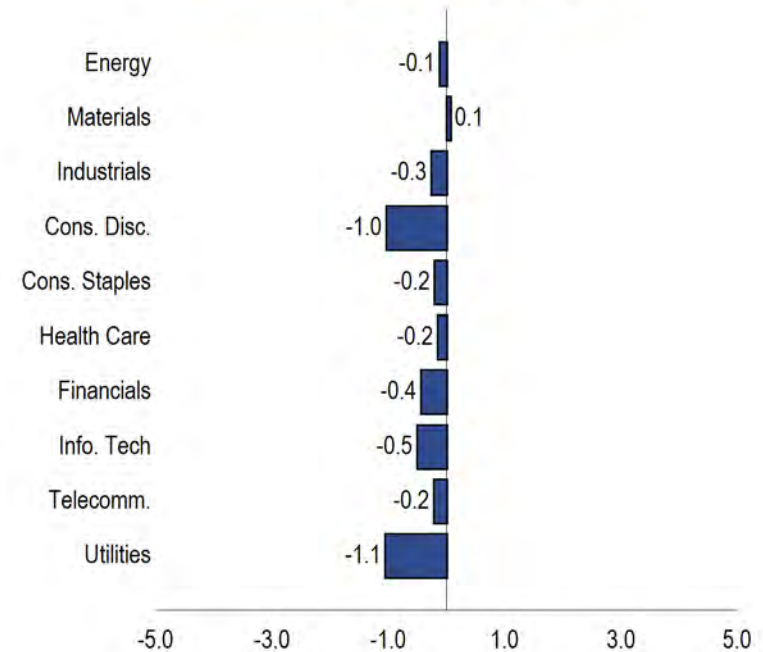
Sussex County Pension Dupont Capital Investment

As of March 31, 2013

Sector Excess Returns (%) vs S&P 500



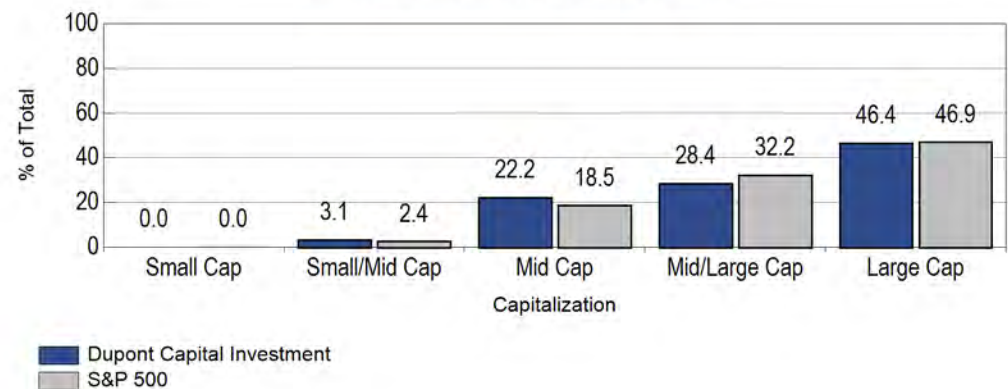
Sector Over/Under Allocation (%) vs S&P 500



Current Allocation








Market Capitalization As Of March 31, 2013

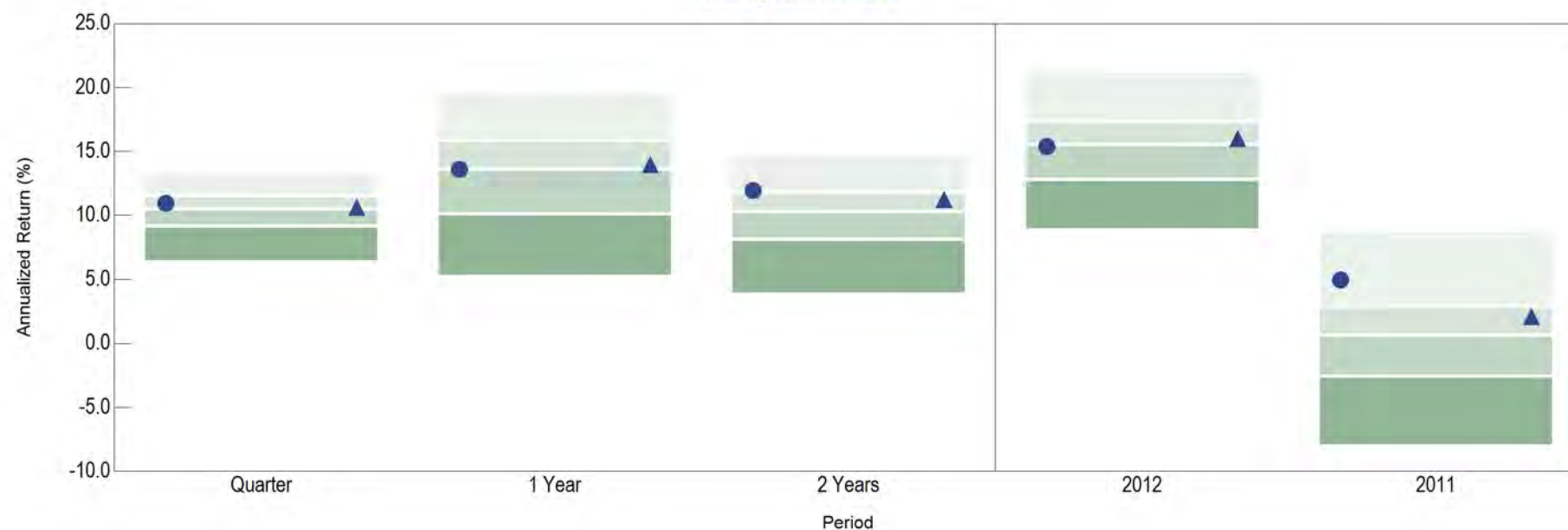


As of March 31, 2013

Performance Summary

Annualized Returns

	Mar-13	1 Yr	2 Yrs	2012	2011
Dupont Capital Investment	10.9%	13.6%	11.9%	15.4%	5.0%
<u>S&P 500</u>	<u>10.6%</u>	<u>14.0%</u>	<u>11.2%</u>	<u>16.0%</u>	<u>2.1%</u>
Over/Under	0.3%	-0.4%	0.7%	-0.6%	2.9%
Universe Median	10.5%	13.6%	10.3%	15.6%	0.7%
Points in Universe	1639	1597	1530	1633	1459
Universe Quartile Ranking					

US Large Cap Equity Accounts
Ending March 31, 2013

Sussex County Pension
Fidelity Low Price Stock

As of March 31, 2013

Manager Summary

- Strategy focuses on stocks that are priced at or below \$35 per share.
- Premise of the strategy is that low-priced stocks may offer significant growth potential because they are often overlooked by many investors.
- Fund will invest globally in both value and growth stocks, predominantly small and mid capitalization companies.

Top Holdings as of 01/31/2013

UNITEDHEALTH GROUP INC	3.5%
NEXT PLC	2.9%
SEAGATE TECHNOLOGY PLC	2.8%
MICROSOFT CORPORATION	2.5%
METRO INC.	1.8%
COVENTRY HEALTH CARE, INC.	1.7%
ROSS STORES, INC.	1.6%
ENI SPA	1.4%
ORACLE CORPORATION	1.3%
BED BATH & BEYOND, INC.	1.1%

Fund Characteristics as of 01/31/2013

Versus Russell 2000

Sharpe Ratio (3 Year)	0.82
Average Market Cap (\$mm)	3,951.92
Price/Earnings	11.01
Price/Book	1.30
Price/Sales	0.50
Price/Cash Flow	5.30
Dividend Yield	2.07
Number of Equity Holdings	875
R-Squared (3 Year)	0.92
Alpha (3 Year)	0.21%

Sector Allocation as of 01/31/2013

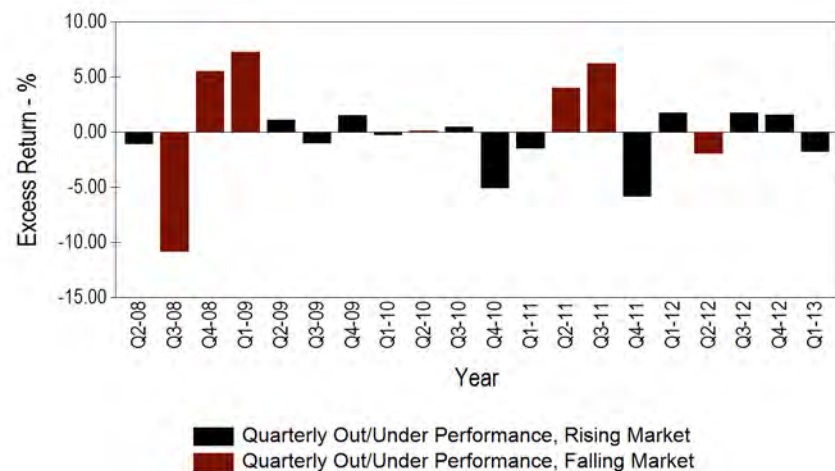
BASIC MATERIALS	3.9%
COMMUNICATION SERVICES	0.5%
CONSUMER CYCLICAL	25.1%
CONSUMER DEFENSIVE	9.6%
ENERGY	5.9%
FINANCIAL SERVICES	9.4%
HEALTHCARE	9.8%
INDUSTRIALS	10.5%
REAL ESTATE	0.3%
TECHNOLOGY	16.7%
UTILITIES	0.2%

Sussex County Pension

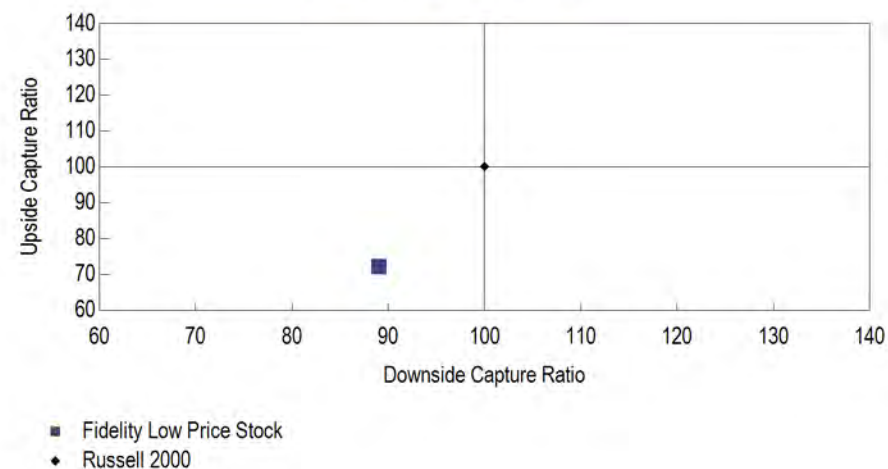
Fidelity Low Price Stock

As of March 31, 2013

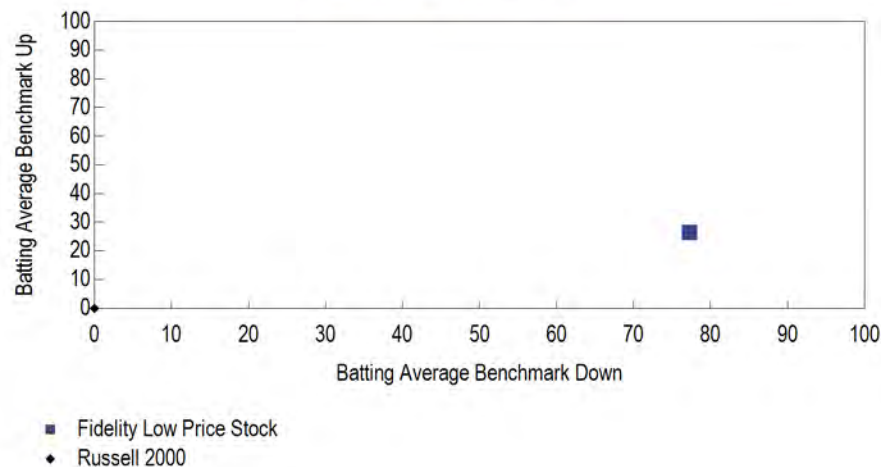
Quarterly Excess Performance



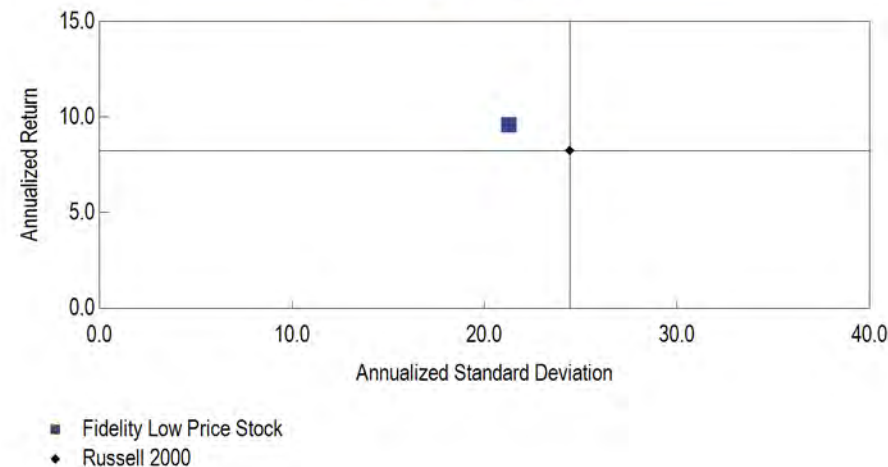
Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
5 Years Ending March 31, 2013










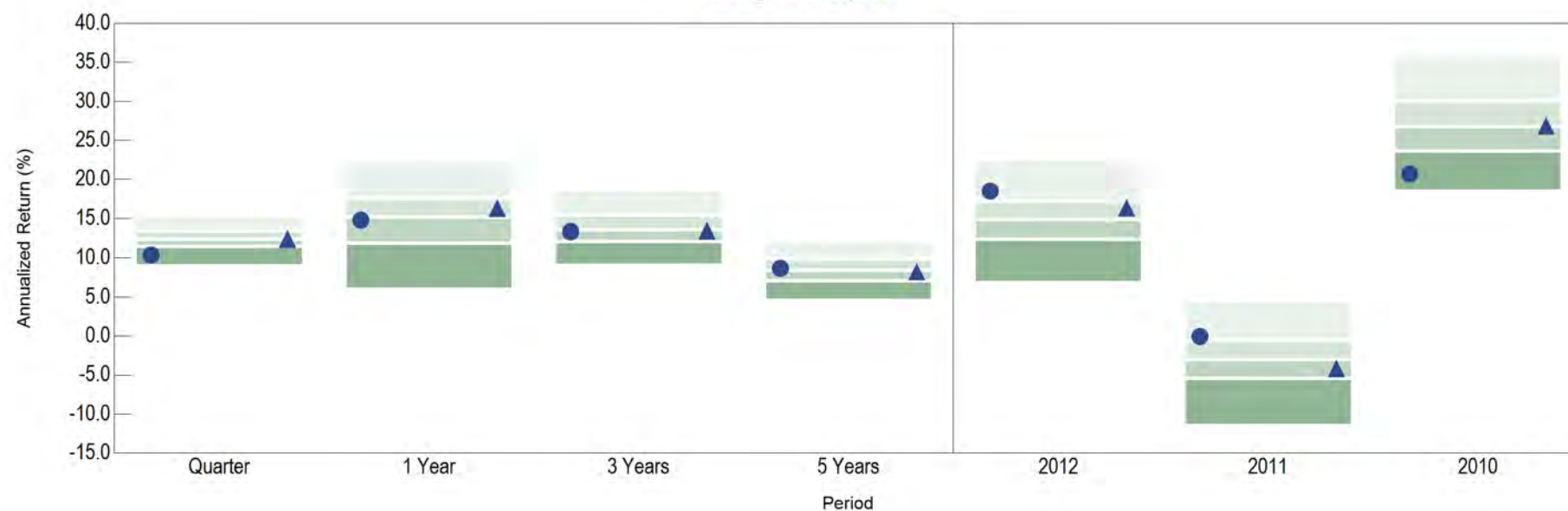
Annualized Return vs. Annualized Standard Deviation
5 Years Ending March 31, 2013



As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	3 Yrs	5 Yrs	2012	2011	2010
Fidelity Low Price Stock	10.4%	14.8%	13.3%	8.7%	18.5%	-0.1%	20.7%
<u>Russell 2000</u>	<u>12.4%</u>	<u>16.3%</u>	<u>13.5%</u>	<u>8.2%</u>	<u>16.3%</u>	<u>-4.2%</u>	<u>26.9%</u>
Over/Under	-2.0%	-1.5%	-0.1%	0.4%	2.1%	4.1%	-6.2%
Universe Median	12.5%	15.2%	13.6%	8.5%	14.9%	-3.0%	26.8%
Points in Universe	397	388	356	341	393	372	377
Universe Quartile Ranking							

Small Cap MStar MF Accounts
Ending March 31, 2013

Mutual Fund returns and universes are net of investment management fees.

U.S. FIXED INCOME



Sussex County Pension Wilmington Trust Bonds

As of March 31, 2013

Manager Summary

- Strategy focuses equally on duration management, sector selection and yield curve exposure.
- Assess overall market environment and position portfolio to benefit from realistic expectations.
- Will actively trade, including analysis of technical factors, price momentum, interest rate outlook and yield curve movement.

Top Ten Holdings

UNITED STATES TREASURY	48.0%
CASH - USD	11.9%
UST 3.500 02/15/18	3.1%
UST 1.875 02/28/14	2.8%
FEDERAL NATIONAL MORTGAGE ASSOCIATION	1.8%
UST 3.875 05/15/18	1.6%
UST 2.625 02/29/16	1.5%
UST 1.250 02/28/20 When Iss	1.4%
UNITED TECHNOLOGIES CORP	1.3%
UST 2.000 11/15/21	1.1%
Total For Top Ten Holdings	74.6%

RISK RETURN STATISTICS

October 01, 2011 Through March 31, 2013

	Wilmington Trust Bonds	Barclays Int Govt.
RETURN SUMMARY STATISTICS		
Number of Periods	18	18
Maximum Return	0.97	0.91
Minimum Return	-0.51	-0.46
Annualized Return	2.42	1.71
Total Return	3.65	2.57
Annualized Excess Return Over Risk Free	2.35	1.64
Annualized Excess Return	0.71	0.00

RISK SUMMARY STATISTICS

Beta	1.00	1.00
Upside Deviation	1.07	0.88
Downside Deviation	0.60	0.56

RISK/RETURN SUMMARY STATISTICS

Annualized Standard Deviation	1.45	1.42
Alpha	0.06	0.00
Sharpe Ratio	1.62	1.15
Excess Return Over Market / Risk	0.49	0.00
Tracking Error	0.30	0.00
Information Ratio	2.39	--

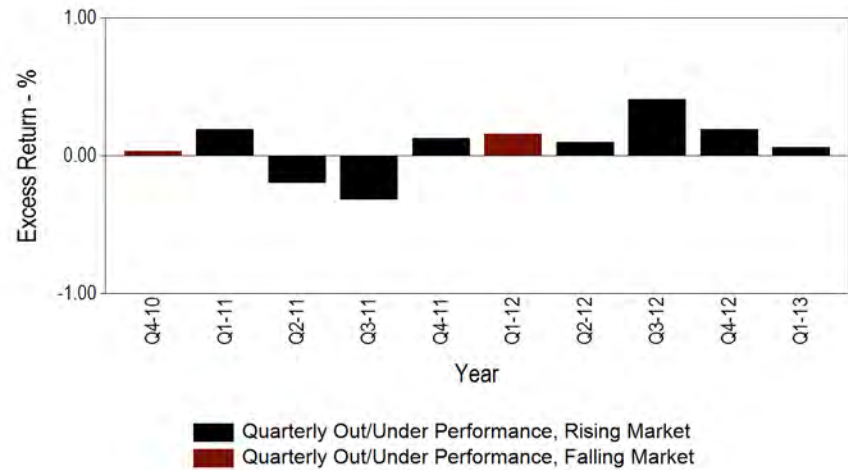
CORRELATION STATISTICS

R-Squared	0.96	1.00
Correlation	0.98	1.00

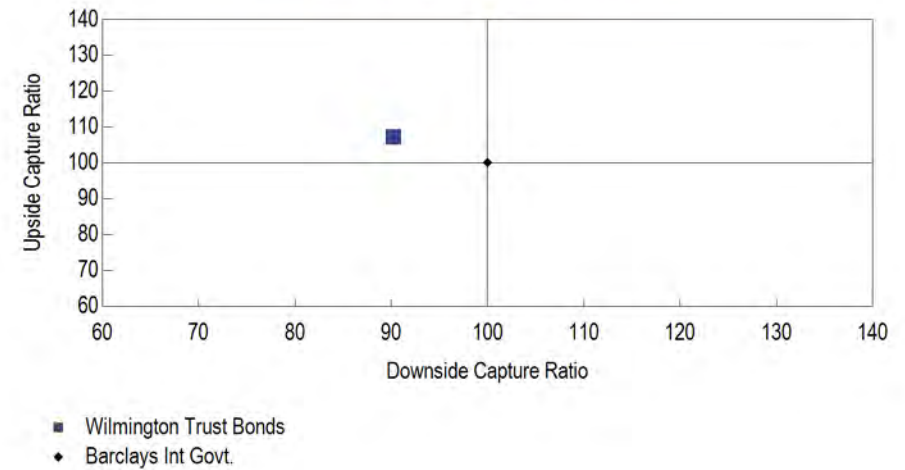
Sussex County Pension Wilmington Trust Bonds

As of March 31, 2013

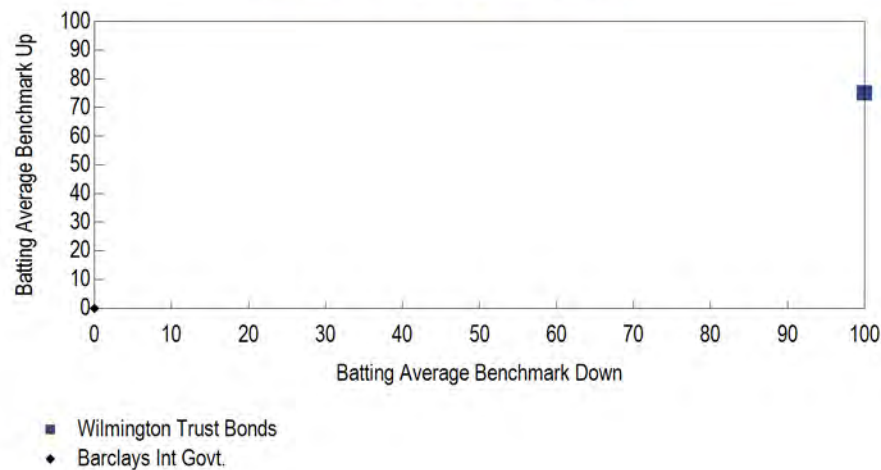
Quarterly Excess Performance



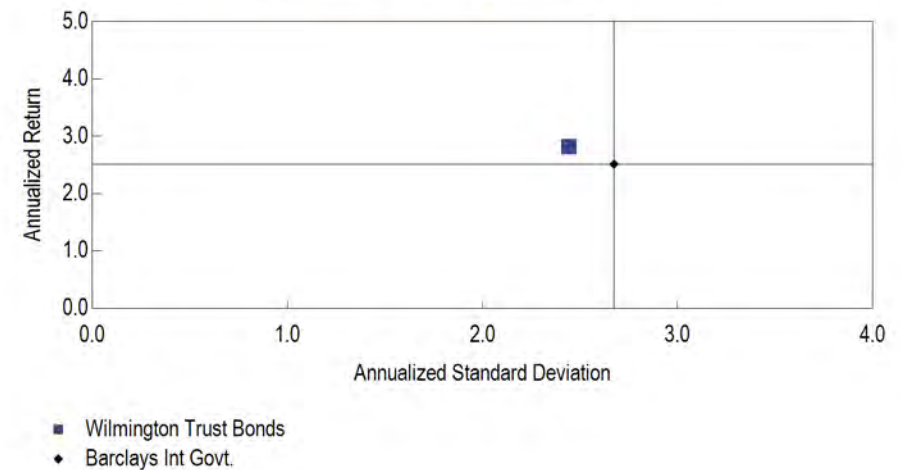
Upside Capture Ratio vs. Downside Capture Ratio
2 Years 6 Months Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
2 Years 6 Months Ending March 31, 2013

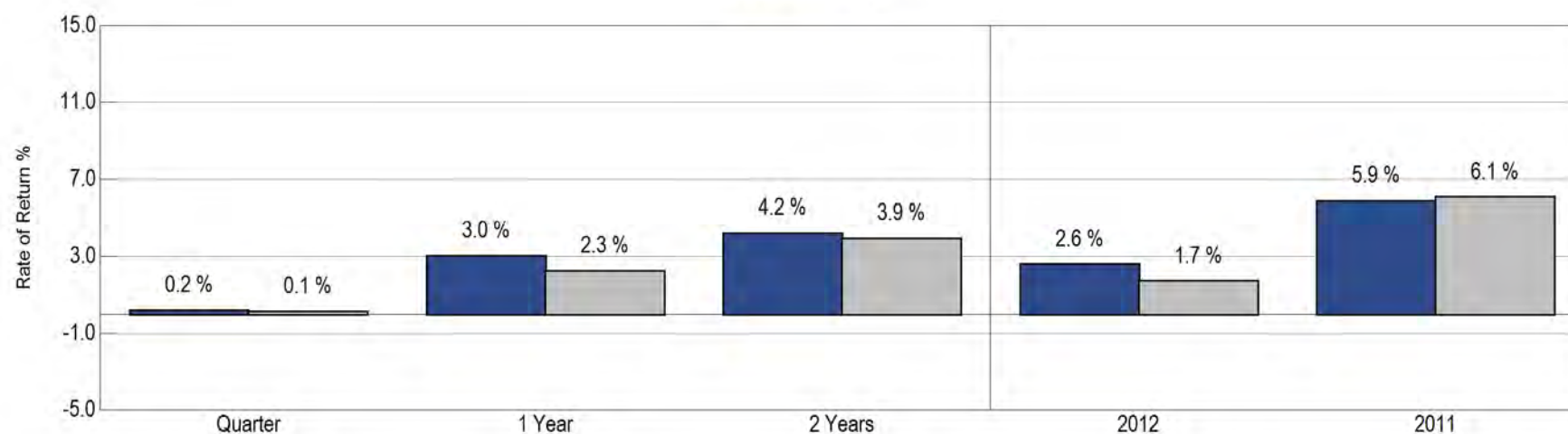


Annualized Return vs. Annualized Standard Deviation
2 Years 6 Months Ending March 31, 2013



As of March 31, 2013

Return Summary



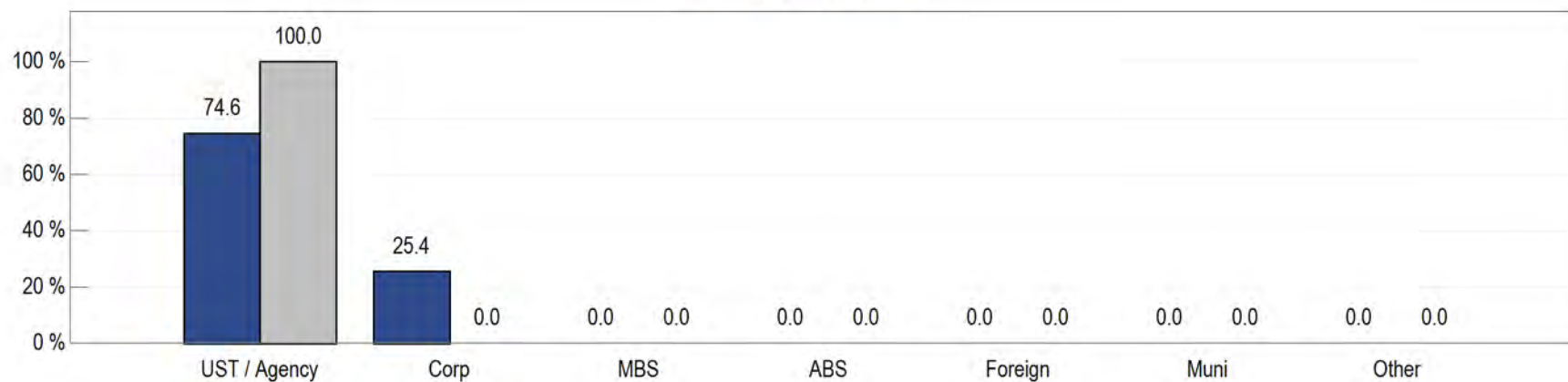
Characteristics
Wilmington Trust Bonds



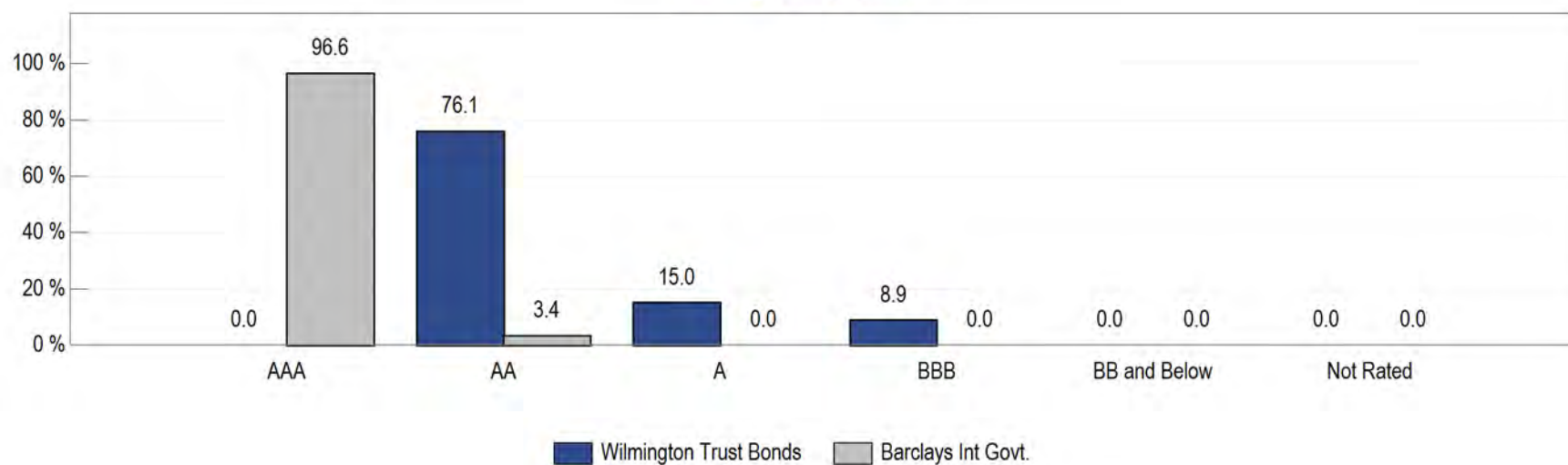
Sussex County Pension Wilmington Trust Bonds

As of March 31, 2013

Sectors
Wilmington Trust Bonds



Quality Ratings
Wilmington Trust Bonds



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BALANCED



◆ Allocation Schedule - Market Value

		-704- Sussex County DELRIP	PLAN TOTALS
Beginning Totals	Balance	35,674,251.40	35,674,251.40
Period Totals	Audit Expenses	(321.94)	(321.94)
		(321.94)	(321.94)
Earnings	Interest	122,911.95	122,911.95
	Dividends	36,319.30	36,319.30
	Net Change Accrued Income	4,017.56	4,017.56
	Unrealized Gain/Loss Change	1,567,564.52	1,567,564.52
	Realized Gain/Loss	299,692.08	299,692.08
	Custodian Fees	(100.97)	(100.97)
	Accrued Expense Change	(23.00)	(23.00)
	Professional Fees	(139.09)	(139.09)
	Investment Manager/Advisory Fees	(23,182.56)	(23,182.56)
	Transaction Fees	(435.41)	(435.41)
	Legal-Investment Fees	(228.60)	(228.60)
		2,006,395.78	2,006,395.78
Miscellaneous	Miscellaneous	0.00	0.00
		0.00	0.00
Ending Totals	Balance	37,680,325.24	37,680,325.24
	Percent	0.46735%	0.46735%

Please note that this report has been prepared using best available data. This report may also contain information provided by third parties, derived by third parties or derived from third party data and/or data that may have been categorized or otherwise reported based upon client direction - Northern Trust assumes no responsibility for the accuracy, timeliness or completeness of any such information. Northern Trust assumes no responsibility for the consequences of investment decisions made in reliance on information contained in this report. If you have questions regarding third party data or direction as it relates to this report, please contact your Northern Trust relationship team.

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Policy Tree

April 18, 2013

Trust : Delaware Retirement System
Reference Date : 03/31/13
Asset Class : Total Fund Gross of Fees

Current View : Policy Hierarchy

Group/Account	03/31/13 Market Value	% of Total	% Rate of Return							
			1 Mo.	3 Mos.	YTD	1 Yr.	3 Yrs.	5 Yrs.	10 Yrs.	15 Yrs.
Delaware Retirement System	8,078,579,091	100.00%	1.82	5.69	5.69	9.69	10.14	6.24	9.40	6.90
<i>Delaware Benchmark</i>			<i>1.58</i>	<i>4.81</i>	<i>4.81</i>	<i>9.27</i>	<i>8.61</i>	<i>5.21</i>	--	--
DPERS w/o Vol. Firemen Fund	8,062,603,999	99.80%	1.82	5.69	5.69	9.69	10.14	--	--	--
Volunteer Firemen Fund	15,975,093	0.20%	1.65	4.69	4.69	8.85	8.29	--	--	--

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OPEB



OBSERVATIONS FOR SUSSEX COUNTY OPEB

- 1st quarter gain – \$1.35 million (net) 1st quarter return: 5.1% (net)
5.2% (gross)
- 1 year gain – \$1.80 million (net) 1 year return: 7.1% (net)
7.6% (gross)
- Large cash allocation produced a drag on performance
- Definite improvement but more to do



LOOKING AHEAD FOR SUSSEX COUNTY OPEB

- Switch Harding Loevner to international only and rebalance domestic equity
- Low interest rates
 - Lower fixed income allocation
 - Lower actuarial assumptions

Total Plan Information




As of March 31, 2013

Summary of Cash Flows

	First Quarter	One Year
Beginning Market Value	\$26,289,374.6	\$24,284,540.0
- Withdrawals	-\$25,856.5	-\$659,571.2
+ Contributions	\$0.0	\$2,106,808.0
= Net Cash Flow	-\$25,856.5	\$1,447,236.8
+ Net Investment Change	\$1,375,016.2	\$1,906,757.5
= Ending Market Value	\$27,638,534.3	\$27,638,534.3
Time Weighted Return	5.2%	7.6%

Withdrawals also contain estimated Investment Manager Fees.

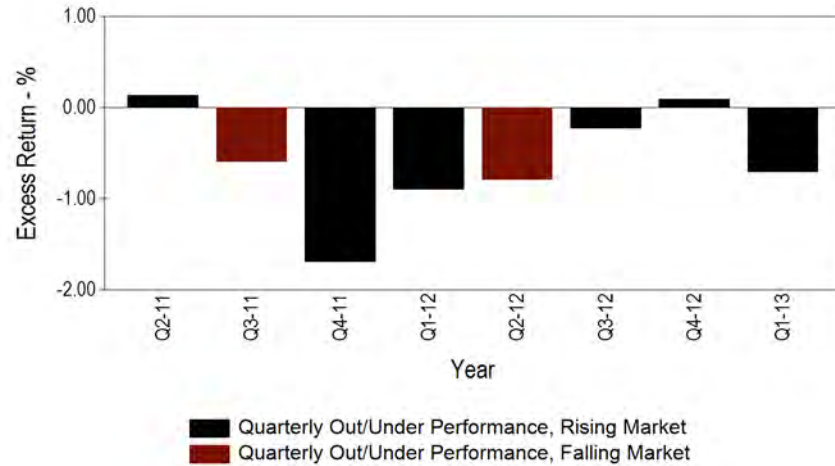
Asset Allocation vs. Target As Of March 31, 2013

	Policy	Policy Range	Current	Within Range
 Domestic Equity	38.0%	33.0% - 43.0%	36.0%	Yes
 Global Equity	22.0%	17.0% - 27.0%	22.2%	Yes
 Domestic Fixed Income	40.0%	35.0% - 50.0%	41.9%	Yes
Total	100.0%		100.0%	

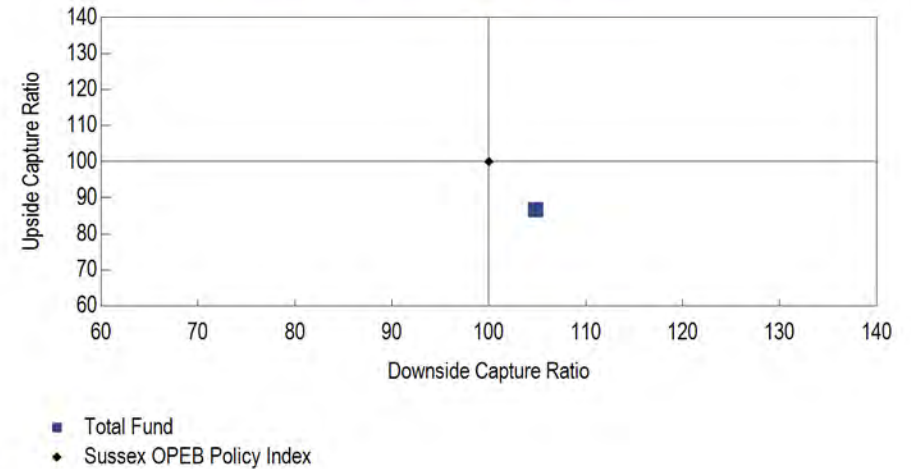
Total Plan Information

As of March 31, 2013

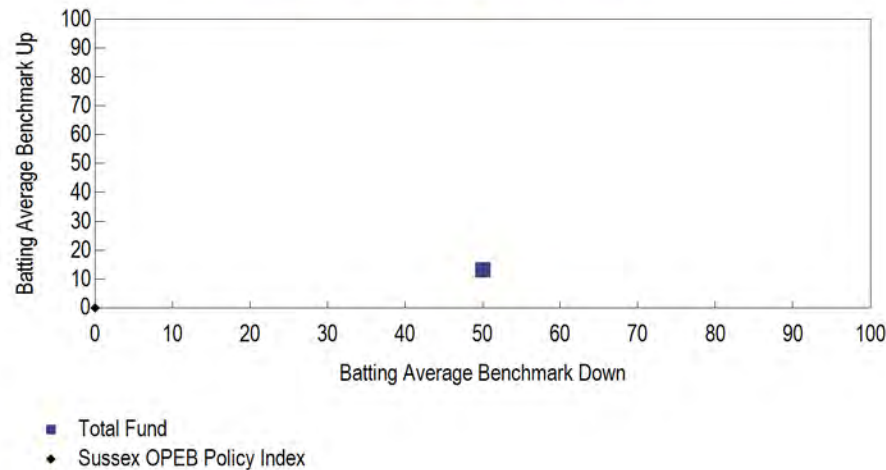
Quarterly Excess Performance



Upside Capture Ratio vs. Downside Capture Ratio
2 Years 1 Month Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
2 Years 1 Month Ending March 31, 2013



Annualized Return vs. Annualized Standard Deviation
2 Years 1 Month Ending March 31, 2013

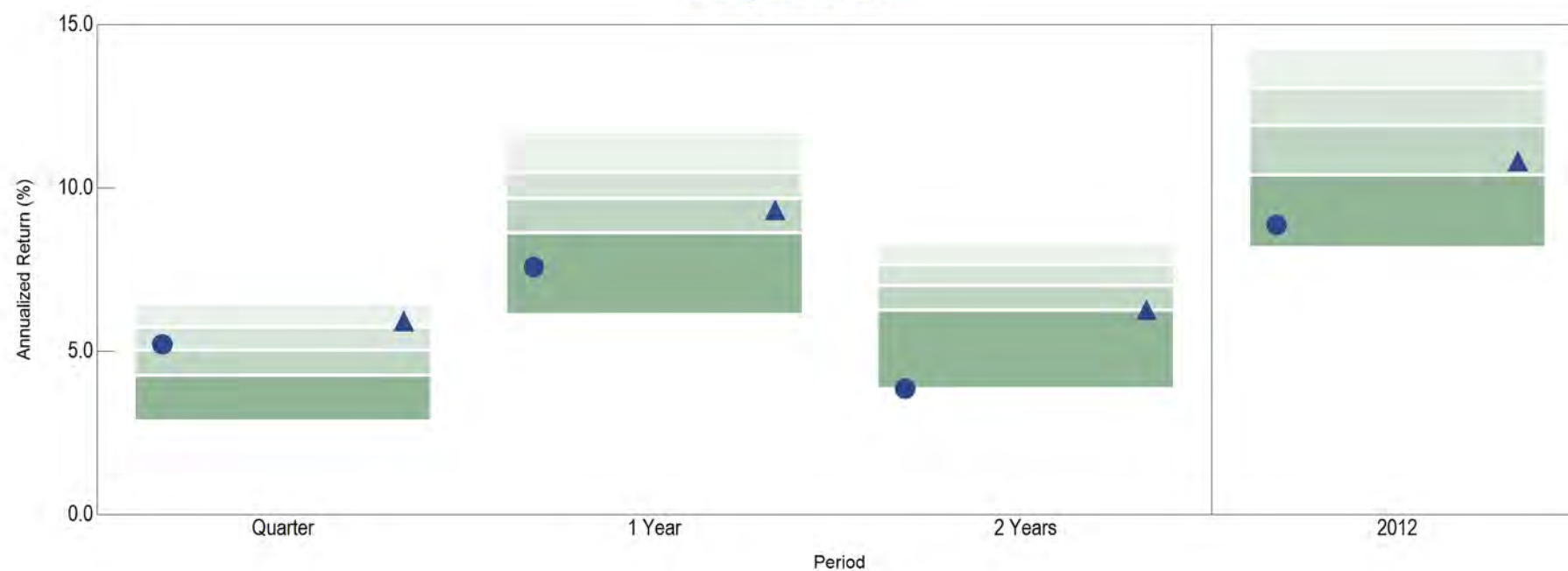


Total Plan Performance

As of March 31, 2013

	Ending March 31, 2013						Inception			
	2013 Q1	Rank	1 Yr	Rank	2 Yrs	Rank	2012	Rank	Return	Since
Total Fund	5.21%	43	7.58%	90	3.85%	96	8.87%	94	3.74%	Mar-11
<i>Sussex OPEB Policy Index</i>	5.93%	21	9.33%	65	6.27%	76	10.83%	69	5.99%	<i>Mar-11</i>

IF Public DB Gross Accounts
Ending March 31, 2013

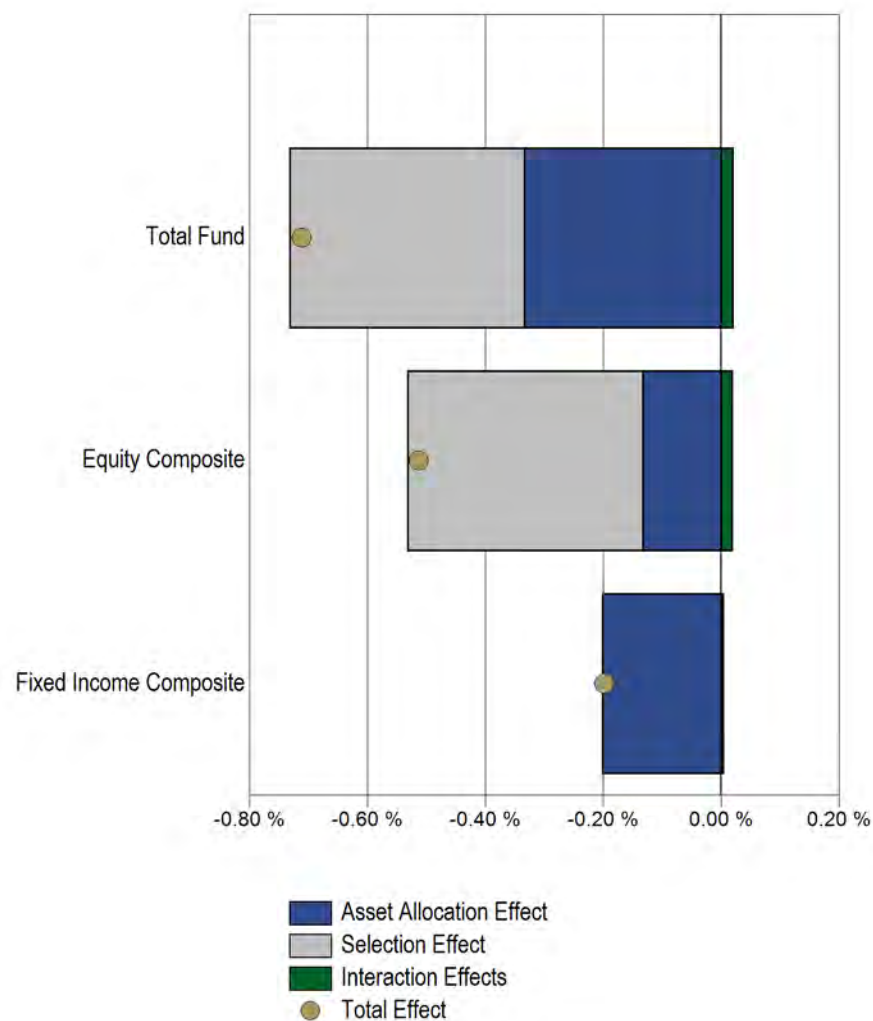
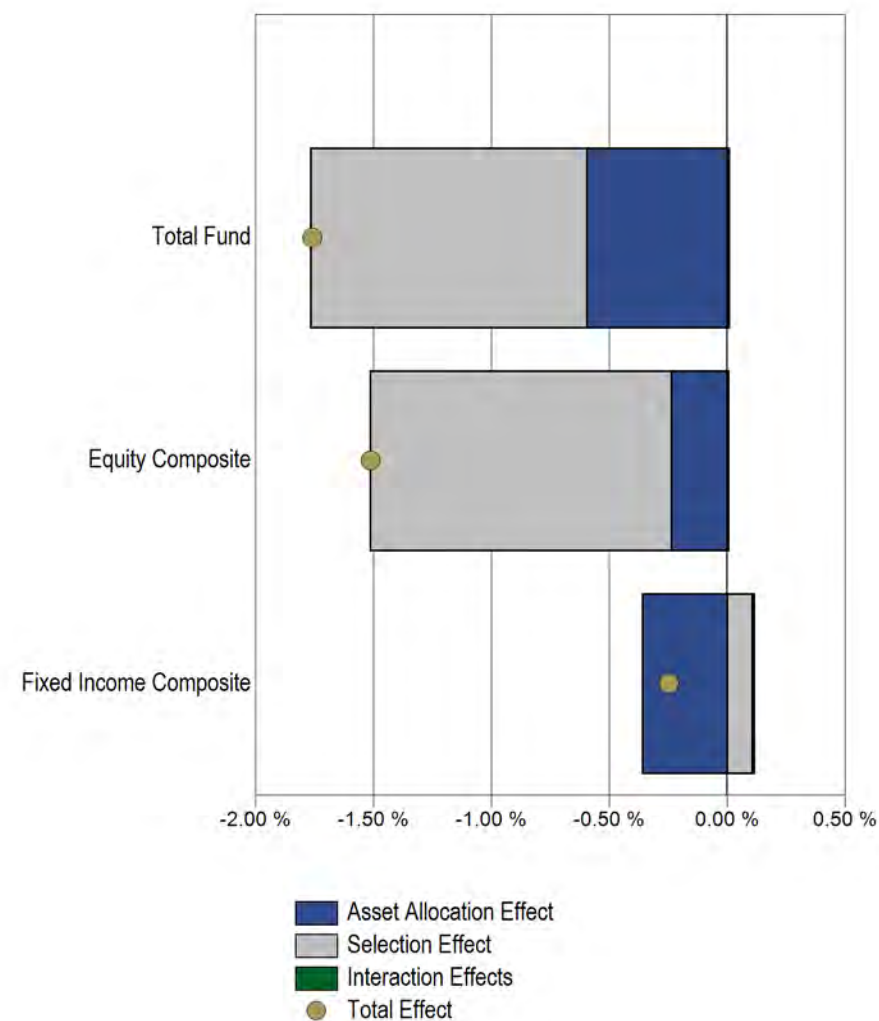


Policy Index (as of 4/1/2012): 48% Russell 3000 / 12% MSCI EAFE (Net) / 40% Barclays Intermediate Government.

Please note: All returns shown are gross of fees. All returns over one year are annualized.

Attribution Analysis

As of March 31, 2013

Attribution Effects Relative to Sussex OPEB Policy Index
3 Months Ending March 31, 2013Attribution Effects Relative to Sussex OPEB Policy Index
1 Year Ending March 31, 2013

Performance Summary

As of March 31, 2013

	% of Portfolio	Policy %	2013 Q1	Rank	Ending March 31, 2013						Inception	
					1 Yr	Rank	3 Yrs	Rank	5 Yrs	Rank	Return	Since
Equity Composite	58.1	60.0	9.0	--	11.0	--	--	--	--	--	19.5	Dec-11
80% Russell 3000 / 20% EAFE			9.9	--	14.0	--	--	--	--	--	22.0	Dec-11
BlackRock Equity Dividend	4.0		8.4	98	12.6	89	12.2	34	5.3	49	12.1	Aug-12
Russell 1000 Value			12.3	23	18.8	12	12.7	20	4.8	60	20.2	Aug-12
Vanguard Dividend Growth	4.1		11.0	36	13.8	40	13.1	11	7.6	6	14.1	Aug-12
S&P 500			10.6	48	14.0	33	12.7	23	5.8	37	15.6	Aug-12
Vanguard Russell 1000 Index	16.5		10.9	37	14.3	27	--	--	--	--	16.7	Aug-12
Russell 1000			11.0	37	14.4	27	--	--	--	--	16.7	Aug-12
Vanguard Mid Cap Index	6.1		12.9	52	15.4	68	14.1	45	8.1	46	12.9	Dec-12
MSCI US Mid Cap 450			13.2	37	15.4	69	13.8	48	7.7	51	13.2	Dec-12
Ridgeworth Small Cap Value	5.3		11.8	68	17.1	51	13.9	25	10.3	20	9.8	Feb-11
Russell 2000 Value			11.6	69	18.1	39	12.1	57	7.3	83	8.5	Feb-11
Dodge & Cox Global	9.4		7.5	45	14.3	21	7.5	70	--	--	4.5	Feb-11
MSCI World			7.7	42	11.8	48	8.5	56	--	--	5.3	Feb-11
Harding Loevner Global Equity	12.8		4.7	88	6.1	87	7.7	68	3.7	44	4.4	Feb-11
MSCI ACWI			6.5	66	10.6	63	7.8	67	2.1	70	4.5	Feb-11
Fixed Income Composite	41.9	40.0	0.1	--	2.3	--	--	--	--	--	1.4	Sep-11
Fixed Income Composite Policy Index			0.1	--	2.3	--	--	--	--	--	1.5	Sep-11
Wilmington Trust Fixed Income	33.3		0.1	--	2.5	--	--	--	--	--	2.5	Mar-12
Barclays Int Govt.			0.1	--	2.3	--	--	--	--	--	2.3	Mar-12
Operating Account	7.7		0.0	--	0.0	--	--	--	--	--	0.1	Sep-11
Mutual Fund Cash	0.9		0.0	--	--	--	--	--	--	--	0.1	Jul-12
BofA Merrill Lynch 91-Day T-Bill			0.0	--	--	--	--	--	--	--	0.1	Jul-12

Please note: All returns shown are net of fees. All returns over one year are annualized.

Please note: Returns prior to inception are reported by the mutual funds and are for informational purposes only. They are not the returns realized by the plan.

Fee Schedule

As of March 31, 2013

Account	Fee Schedule	Market Value As of 3/31/2013	% of Portfolio	Estimated Annual Fee (\$)	Estimated Annual Fee (%)
BlackRock Equity Dividend	0.76% of Assets	\$1,110,665	4.0%	\$8,441	0.76%
Vanguard Dividend Growth	0.31% of Assets	\$1,120,784	4.1%	\$3,474	0.31%
Vanguard Russell 1000 Index	0.08% of Assets	\$4,569,064	16.5%	\$3,655	0.08%
Vanguard Mid Cap Index	0.10% of Assets	\$1,683,134	6.1%	\$1,683	0.10%
Ridgeworth Small Cap Value	1.21% of Assets	\$1,453,352	5.3%	\$17,586	1.21%
Dodge & Cox Global	0.69% of Assets	\$2,585,722	9.4%	\$17,841	0.69%
Harding Loevner Global Equity	0.95% of Assets	\$3,543,843	12.8%	\$33,667	0.95%
Wilmington Trust Fixed Income	0.20% of Assets	\$9,200,905	33.3%	\$18,402	0.20%
Operating Account	No Fee	\$2,124,378	7.7%	--	--
Mutual Fund Cash	No Fee	\$246,687	0.9%	--	--
Investment Management Fee		\$27,638,534	100.0%	\$104,749	0.38%

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U.S. EQUITIES



Sussex County OPEB Trust
BlackRock Equity Dividend

As of March 31, 2013

Manager Summary

- Focuses on investing in dividend-paying securities with market capitalizations greater than \$1 billion.
- Seeks companies that display the following characteristics:
 - Conservative balance sheets
 - History of dividend payments
 - Strong management teams
 - Consistent strategies
- Bottom-up research emphasizes valuation, attempting to buy companies trading at the lower end of their historic price-to-earnings range.

Fund Characteristics as of 03/31/2013
Versus Russell 1000 Value

Sharpe Ratio (3 Year)	0.9
Average Market Cap (\$mm)	66,737.7
Price/Earnings	13.4
Price/Book	2.1
Price/Sales	1.4
Price/Cash Flow	6.5
Dividend Yield	3.2
Number of Equity Holdings	102
R-Squared (3 Year)	1.0
Alpha (3 Year)	0.1%

Top Holdings as of 03/31/2013

CHEVRON CORP	3.1%
JPMORGAN CHASE & CO	2.9%
WELLS FARGO & CO	2.8%
GENERAL ELECTRIC CO	2.3%
PFIZER INC	2.3%
HOME DEPOT, INC.	2.2%
EXXON MOBIL CORPORATION	2.1%
COMCAST CORP	2.0%
INTERNATIONAL BUSINESS MACHINES CORP	1.9%
PHILIP MORRIS INTERNATIONAL, INC.	1.9%

Top Holdings as of 03/31/2013

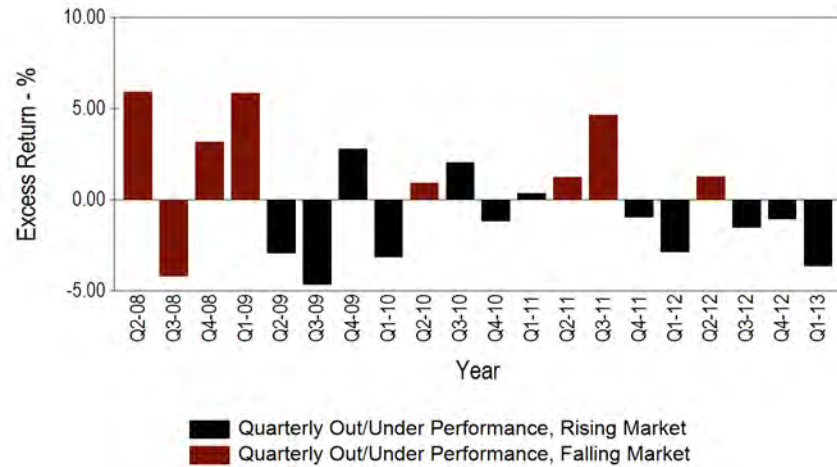
CHEVRON CORP	3.1%
JPMORGAN CHASE & CO	2.9%
WELLS FARGO & CO	2.8%
GENERAL ELECTRIC CO	2.3%
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Sussex County OPEB Trust

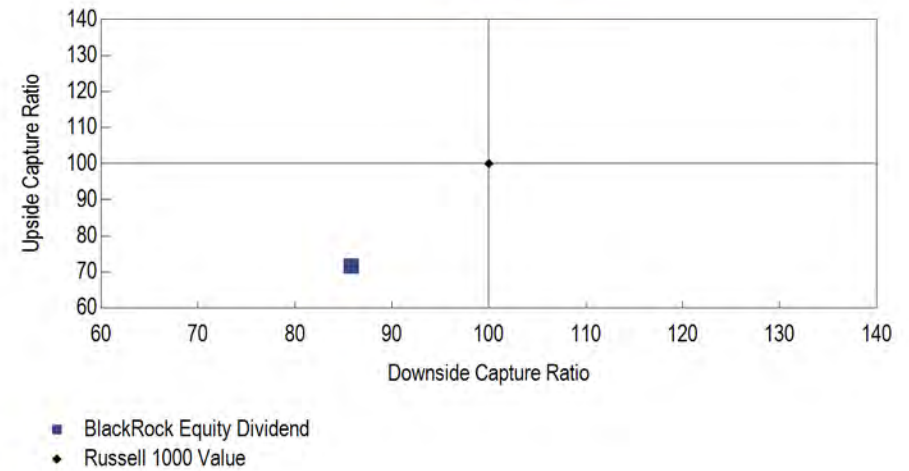
BlackRock Equity Dividend

As of March 31, 2013

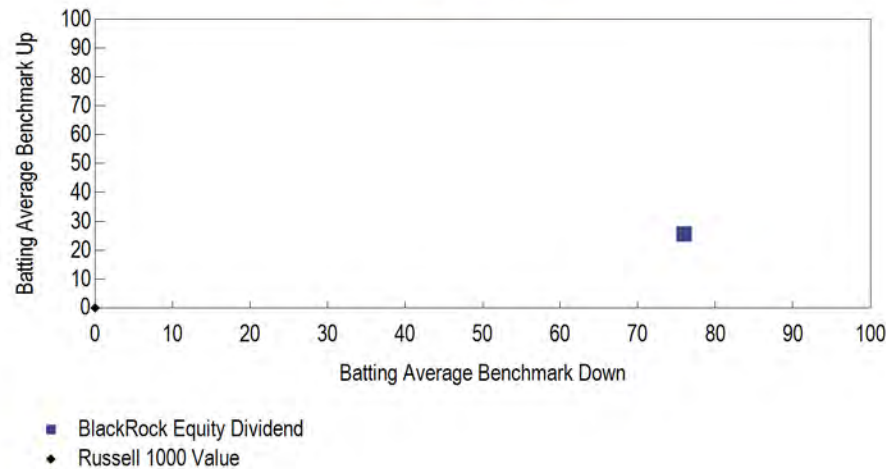
Quarterly Excess Performance



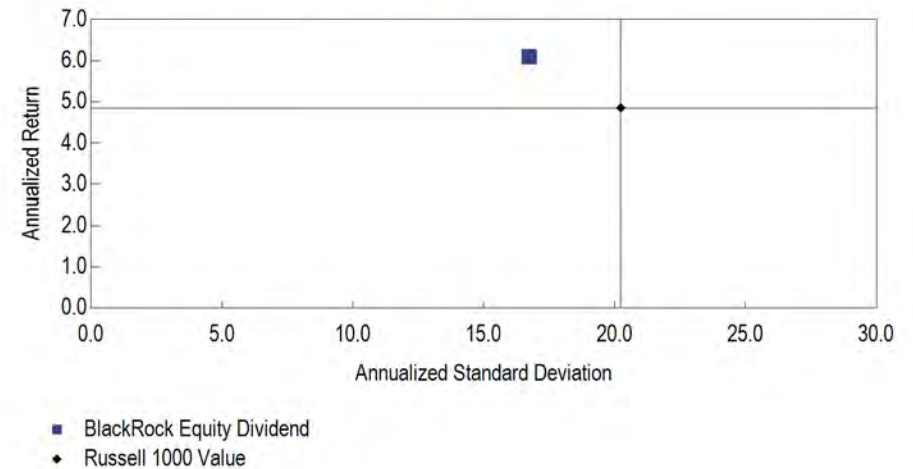
Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
5 Years Ending March 31, 2013










Annualized Return vs. Annualized Standard Deviation
5 Years Ending March 31, 2013

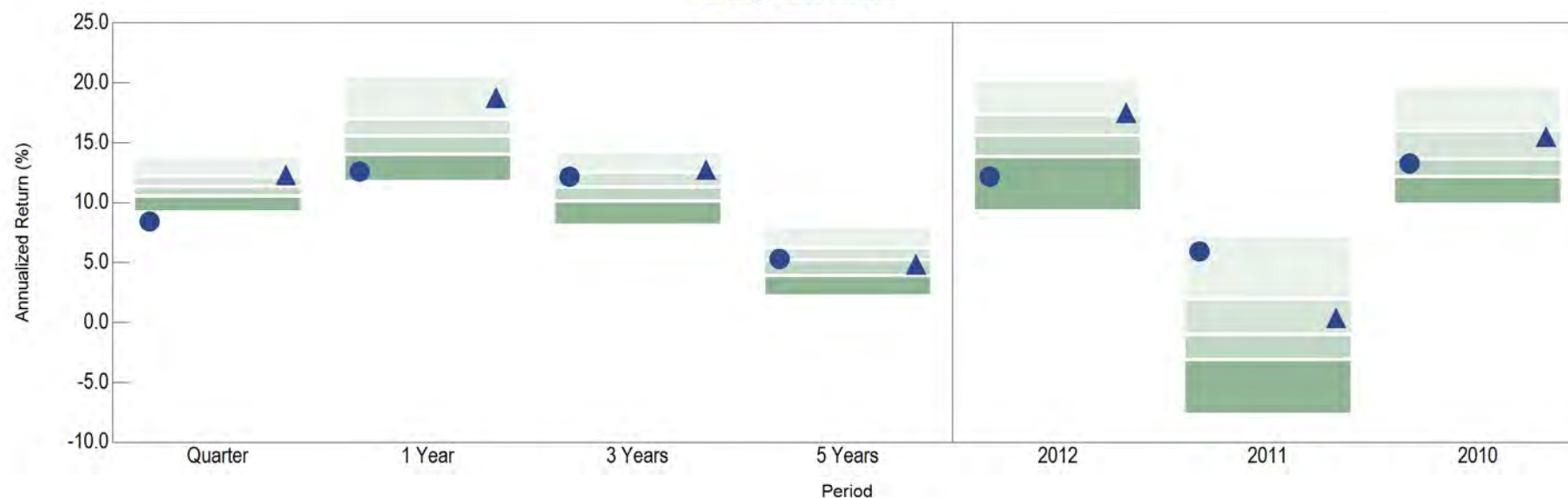


As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	3 Yrs	5 Yrs	2012	2011	2010
BlackRock Equity Dividend	8.4%	12.6%	12.2%	5.3%	12.2%	5.9%	13.3%
<u>Russell 1000 Value</u>	<u>12.3%</u>	<u>18.8%</u>	<u>12.7%</u>	<u>4.8%</u>	<u>17.5%</u>	<u>0.4%</u>	<u>15.5%</u>
Over/Under	-3.9%	-6.2%	-0.6%	0.5%	-5.3%	5.5%	-2.2%
Universe Median	11.4%	15.6%	11.3%	5.2%	15.6%	-1.0%	13.7%
Points in Universe	244	229	210	203	232	230	235
Universe Quartile Ranking							

Large Value MStar MF Accounts
Ending March 31, 2013



Please note: All returns shown are net of fees. All returns over one year are annualized.

Sussex County OPEB Trust
Vanguard Dividend Growth

As of March 31, 2013

Manager Summary

- Invest in large cap equities, emphasizing dividend-paying stocks of high quality companies.
- Sub-advised by Wellington Management Company.
- Seeks companies with strong operating characteristics, including confidence to sustainably grow dividends.
- Concentrated strategy. Tends to do well in defensive markets.

Portfolio Information

	Portfolio	S&P 500
Number of Holdings	51	500
Weighted Avg. Market Cap. (\$B)	100.30	102.85
Median Market Cap. (\$B)	54.00	13.96
Price To Earnings	20.64	18.61
Price To Book	4.51	3.40
Price To Sales	2.01	2.12
Return on Equity (%)	25.23	18.44
Yield (%)	2.50	2.14
Beta	0.79	1.00

Top Ten Holdings

JOHNSON & JOHNSON	3.8%
CASH - USD	3.5%
UNITED PARCEL SER.'B'	3.0%
ROCHE HOLDING	2.8%
TARGET	2.8%
PEPSICO	2.7%
INTERNATIONAL BUS.MCHS.	2.7%
EXXON MOBIL	2.6%
PROCTER & GAMBLE	2.5%
MEDTRONIC	2.4%
Total For Top Ten Holdings	28.8%

Best Performers

	Weight %	Return %
BLACKROCK (BLK)	1.8%	25.1%
MATTEL (MAT)	1.9%	20.6%
ROCHE HOLDING (S:ROG)	2.8%	20.1%
AMGEN (AMGN)	2.0%	19.6%
HONEYWELL INTL. (HON)	1.7%	19.4%

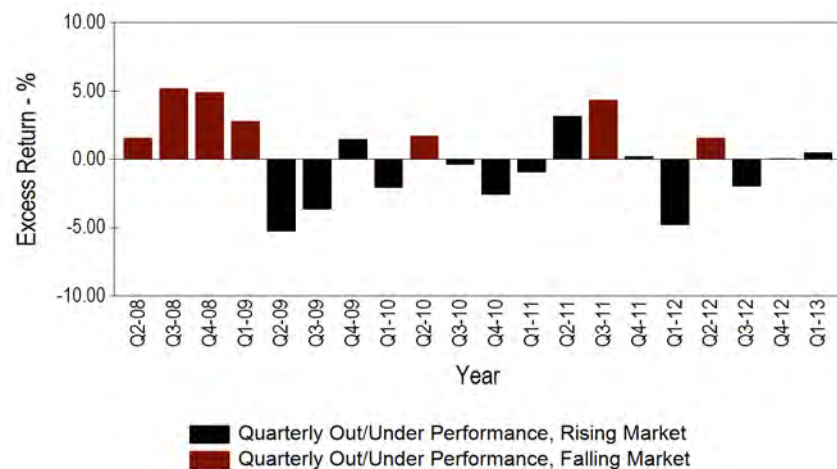
Worst Performers

	Weight %	Return %
CH ROBINSON WWD. (CHRW)	1.0%	-5.4%
ORACLE (ORCL)	2.2%	-3.0%
CARDINAL HEALTH (CAH)	2.1%	1.7%
GENERAL DYNAMICS (GD)	1.6%	1.8%
PRAXAIR (PX)	1.4%	2.4%

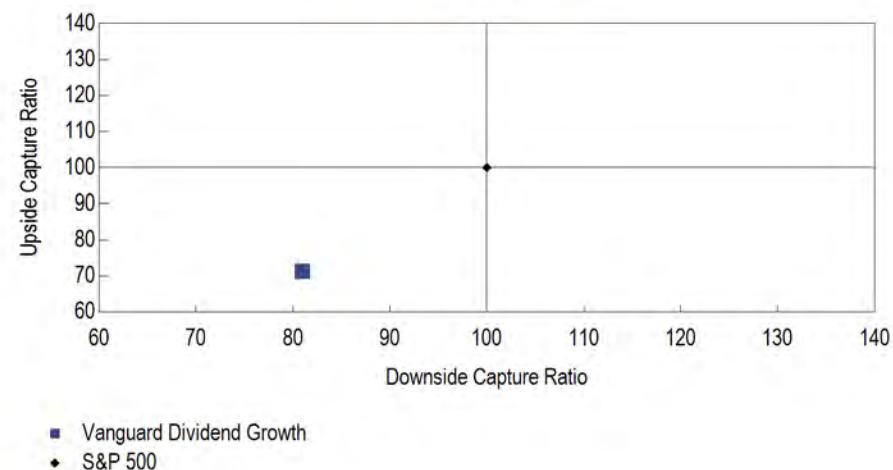
Vanguard Dividend Growth

As of March 31, 2013

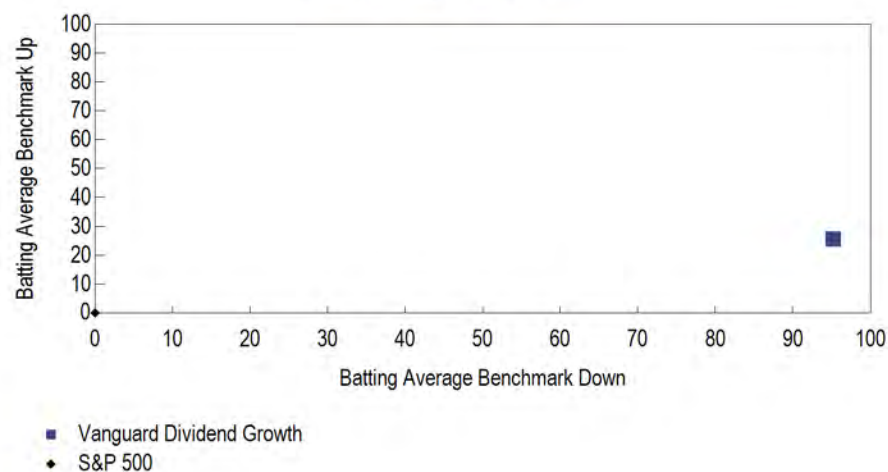
Quarterly Excess Performance



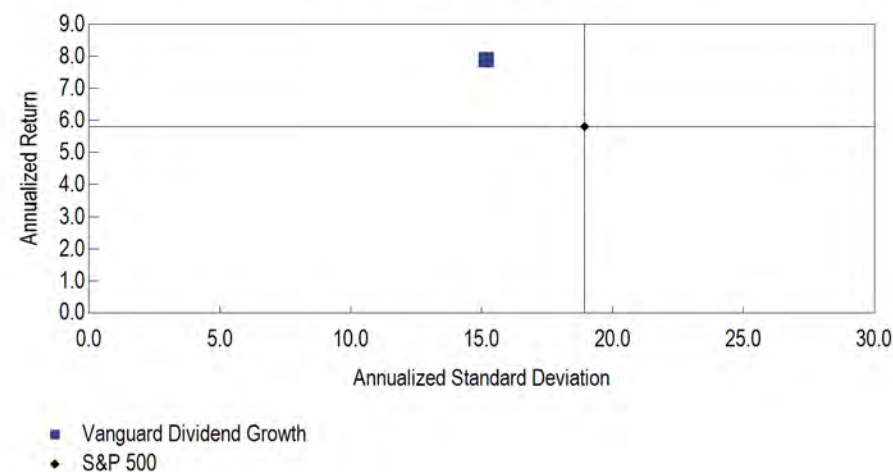
Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
5 Years Ending March 31, 2013



Annualized Return vs. Annualized Standard Deviation
5 Years Ending March 31, 2013

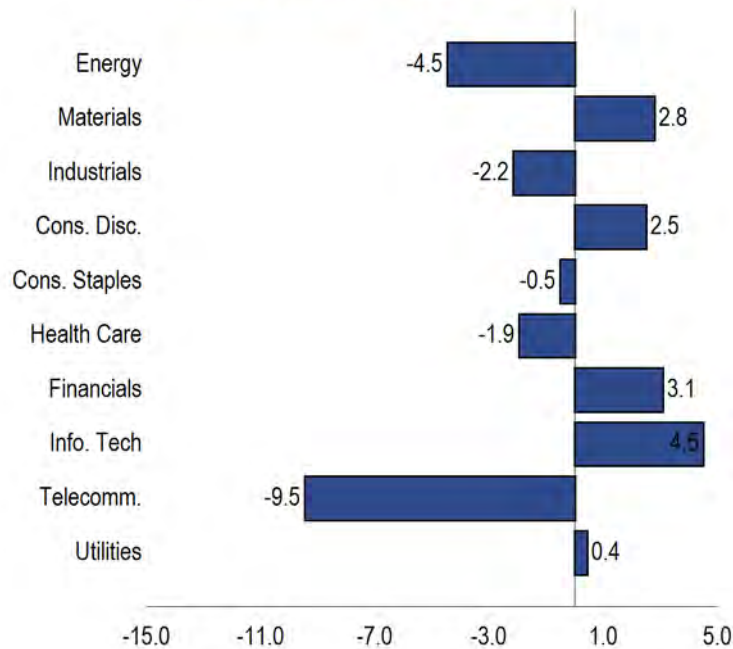


Sussex County OPEB Trust

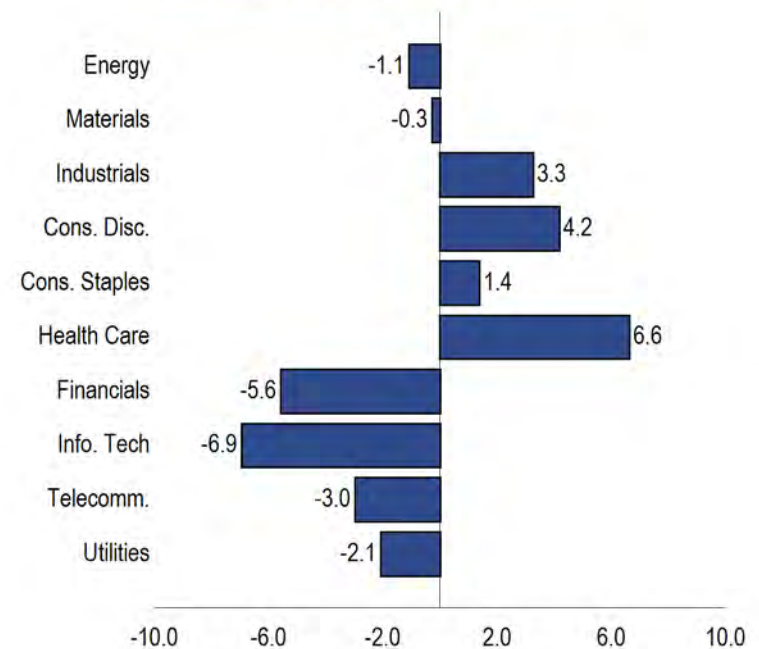
Vanguard Dividend Growth

As of March 31, 2013

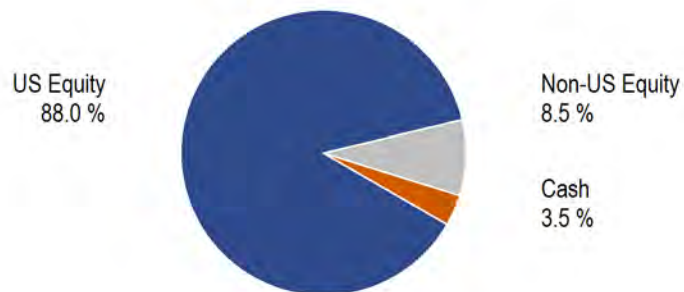
Sector Excess Returns (%) vs S&P 500



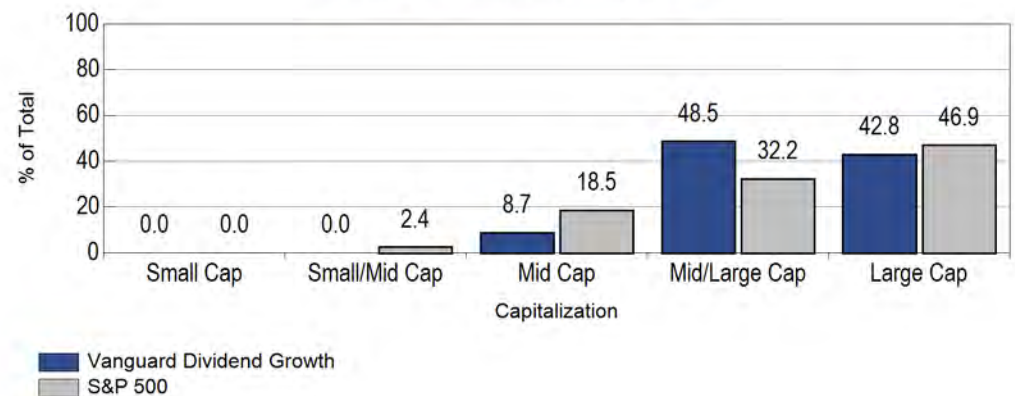
Sector Over/Under Allocation (%) vs S&P 500



Current Allocation










Market Capitalization As Of March 31, 2013



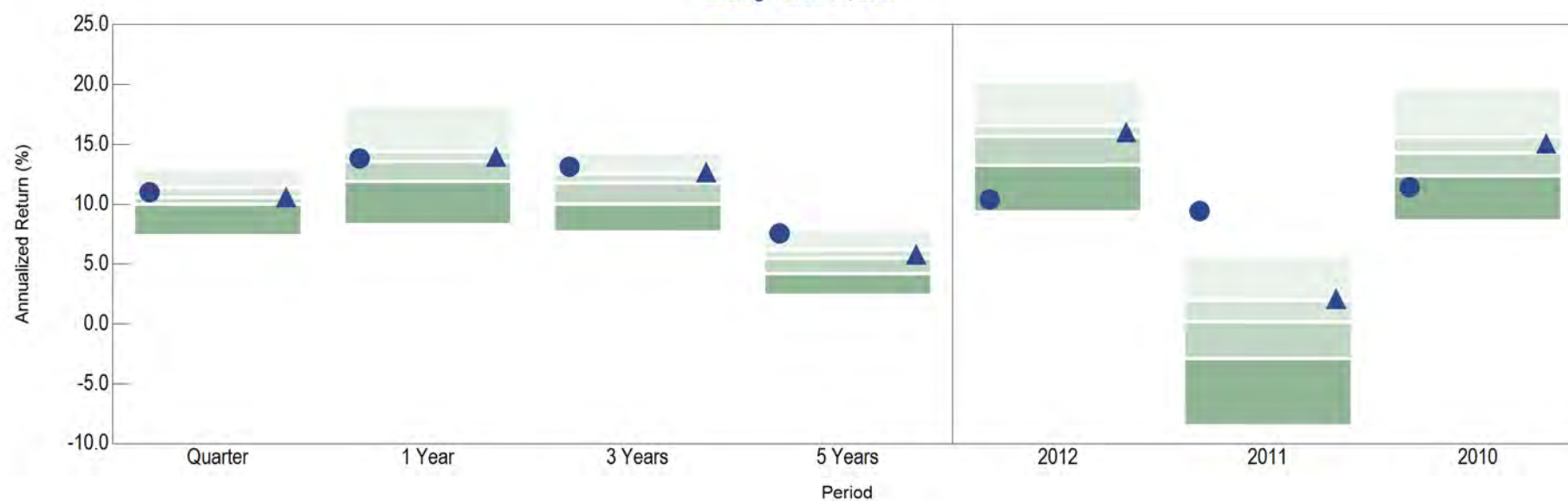
Vanguard Dividend Growth

As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	3 Yrs	5 Yrs	2012	2011	2010
Vanguard Dividend Growth	11.0%	13.8%	13.1%	7.6%	10.4%	9.4%	11.4%
<u>S&P 500</u>	<u>10.6%</u>	<u>14.0%</u>	<u>12.7%</u>	<u>5.8%</u>	<u>16.0%</u>	<u>2.1%</u>	<u>15.1%</u>
Over/Under	0.4%	-0.1%	0.5%	1.7%	-5.6%	7.3%	-3.6%
Universe Median	10.6%	13.6%	11.8%	5.5%	15.7%	0.2%	14.3%
Points in Universe	335	326	296	280	335	337	366
Universe Quartile Ranking							

Large Blend MStar MF Accounts
Ending March 31, 2013



Please note: All returns shown are net of fees. All returns over one year are annualized.

Vanguard Russell 1000 Index

As of March 31, 2013

Manager Summary

- Passively managed.
- Seeks to track the performance of the Russell 1000 Index.
- Invests in large equities across value and growth styles.
- Strategy remains fully invested.

Portfolio Information

	Portfolio	Russell 1000
Number of Holdings	995	990
Weighted Avg. Market Cap. (\$B)	91.32	92.52
Median Market Cap. (\$B)	6.43	6.45
Price To Earnings	19.53	19.05
Price To Book	3.61	3.23
Price To Sales	2.46	2.27
Return on Equity (%)	20.41	18.16
Yield (%)	2.07	2.05
Beta		1.00

Top Ten Holdings

EXXON MOBIL	2.6%
APPLE	2.6%
GENERAL ELECTRIC	1.5%
CHEVRON	1.5%
INTERNATIONAL BUS.MCHS.	1.4%
JOHNSON & JOHNSON	1.4%
PFIZER	1.3%
MICROSOFT	1.3%
PROCTER & GAMBLE	1.3%
GOOGLE 'A'	1.3%
Total For Top Ten Holdings	16.3%

Best Performers

	Weight %	Return %
NETFLIX (NFLX)	0.1%	104.4%
BEST BUY (BBY)	0.0%	88.3%
HEWLETT-PACKARD (HPQ)	0.3%	68.3%
CREE (CREE)	0.0%	61.0%
H&R BLOCK (HRB)	0.1%	59.6%

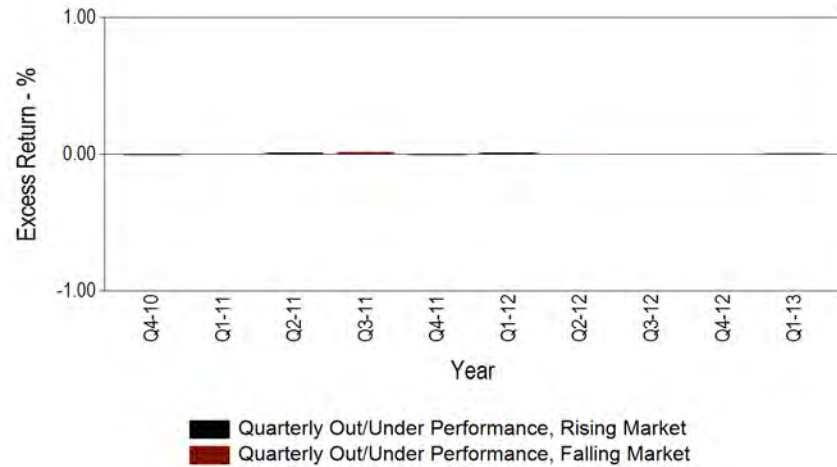
Worst Performers

	Weight %	Return %
CLIFFS NATURAL RESOURCES (CLF)	0.0%	-50.4%
ALLIED NEVADA GOLD (ANV)	0.0%	-45.4%
NII HDG. (NIHD)	0.0%	-39.3%
RACKSPACE HOSTING (RAX)	0.0%	-32.0%
VERIFONE SYSTEMS (PAY)	0.0%	-30.3%

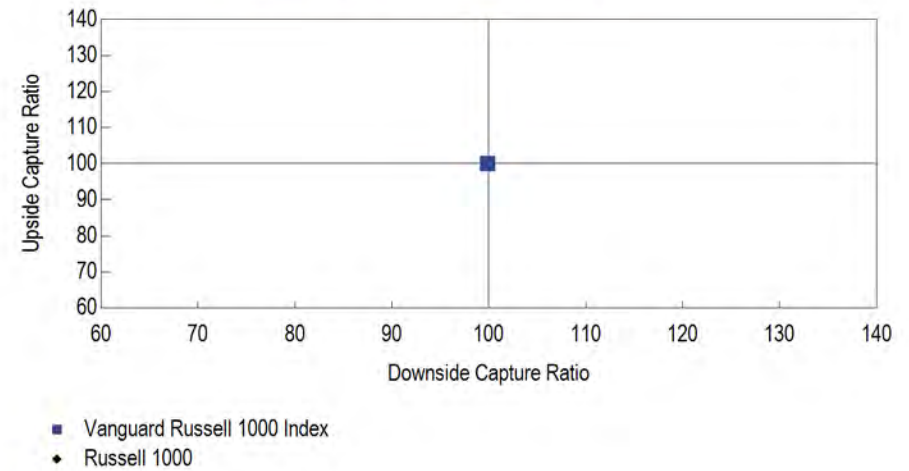
Vanguard Russell 1000 Index

As of March 31, 2013

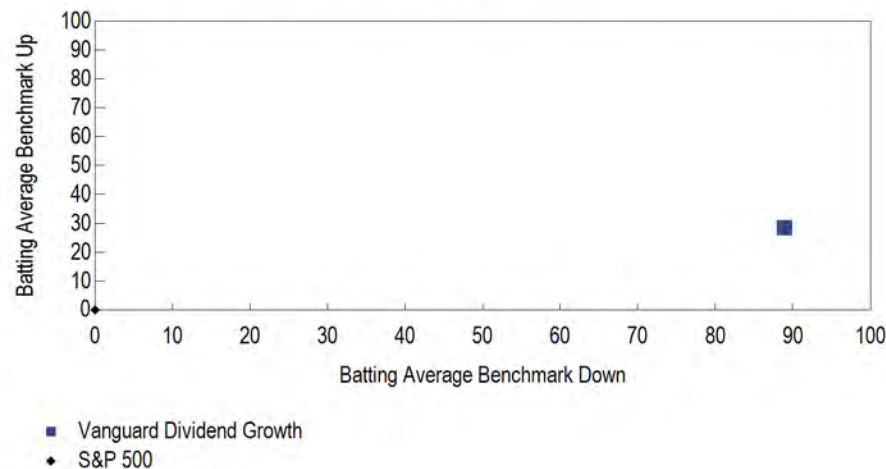
Quarterly Excess Performance



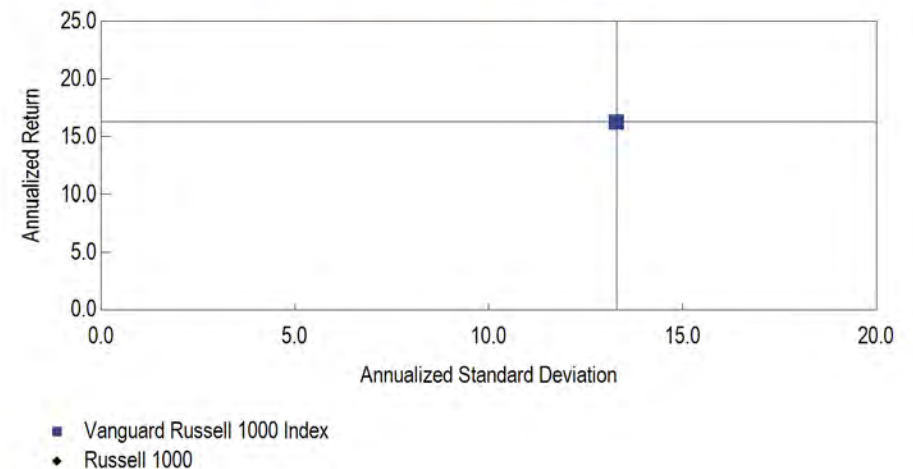
Upside Capture Ratio vs. Downside Capture Ratio
2 Years 6 Months Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
2 Years 6 Months Ending March 31, 2013



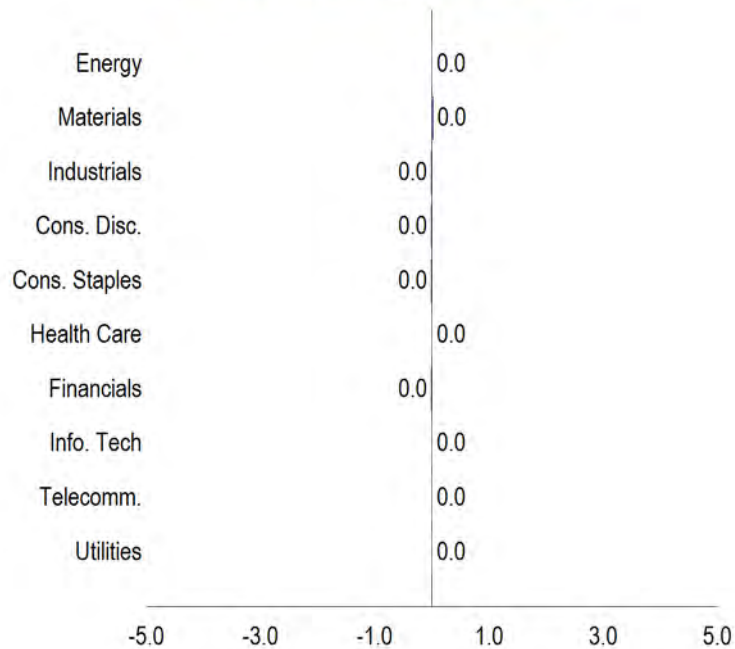
Annualized Return vs. Annualized Standard Deviation
2 Years 6 Months Ending March 31, 2013



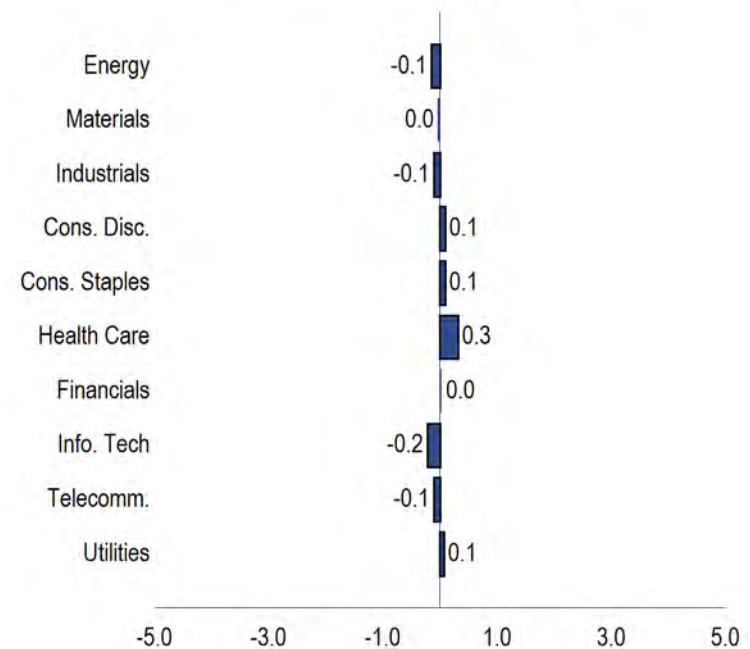
Vanguard Russell 1000 Index

As of March 31, 2013

Sector Excess Returns (%) vs Russell 1000



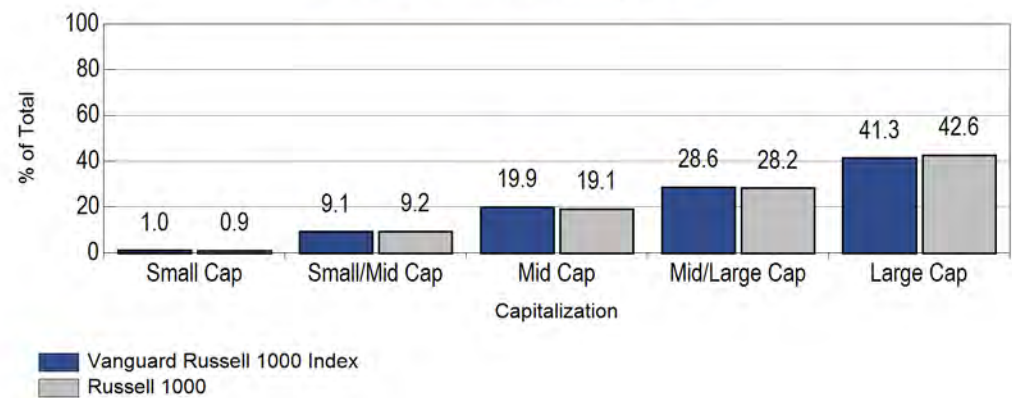
Sector Over/Under Allocation (%) vs Russell 1000



Current Allocation






Market Capitalization As Of March 31, 2013



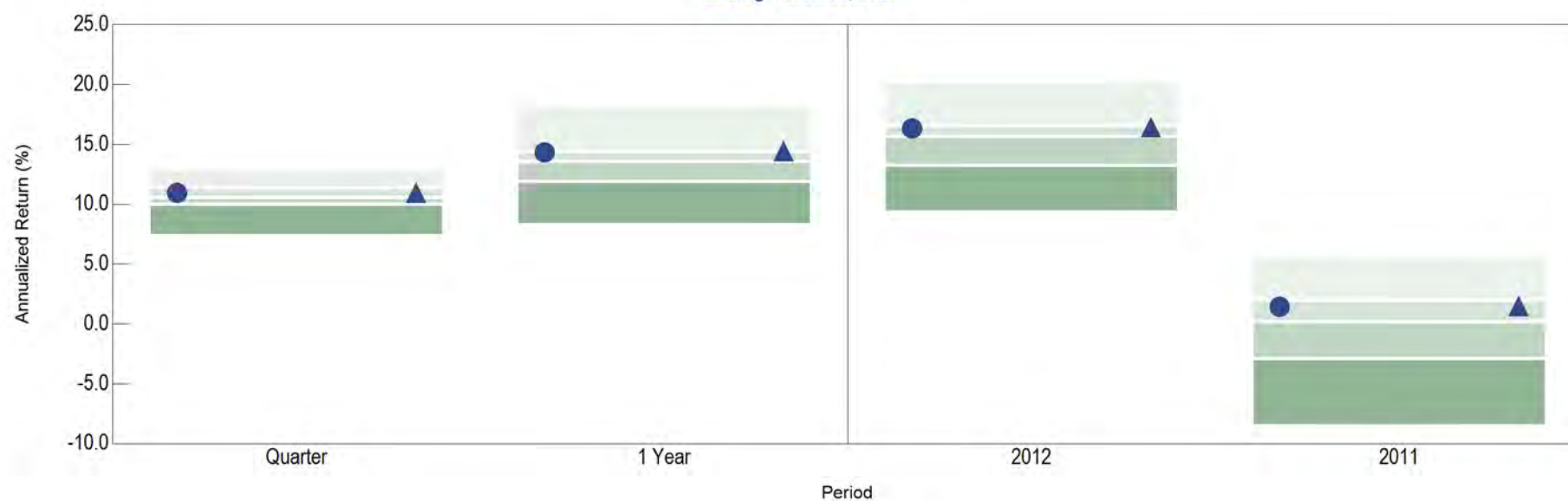
Vanguard Russell 1000 Index

As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	2012	2011
Vanguard Russell 1000 Index	10.9%	14.3%	16.3%	1.4%
<u>Russell 1000</u>	<u>11.0%</u>	<u>14.4%</u>	<u>16.4%</u>	<u>1.5%</u>
Over/Under	0.0%	-0.1%	-0.1%	-0.1%
Universe Median	10.6%	13.6%	15.7%	0.2%
Points in Universe	335	326	335	337
Universe Quartile Ranking				

Large Blend MStar MF Accounts
Ending March 31, 2013



Please note: All returns shown are net of fees. All returns over one year are annualized.

Sussex County OPEB Trust
Vanguard Mid Cap Index

As of March 31, 2013

Manager Summary

- Passively-managed.
- Seeks to track the performance of the MSCI US Mid Cap 450 Index.
- Invests in value stocks of medium-size U.S. companies.
- Fund remains fully invested.

Portfolio Information

	Portfolio	MSCI US Mid Cap 450
Number of Holdings	365	446
Weighted Avg. Market Cap. (\$B)	9.14	7.94
Median Market Cap. (\$B)	7.33	6.05
Price To Earnings	22.35	21.05
Price To Book	3.83	3.26
Price To Sales	2.63	2.37
Return on Equity (%)	15.88	14.35
Yield (%)	1.42	1.33
Beta	1.00	1.00

Top Ten Holdings

HEALTH CARE REIT	0.7%
MACY'S	0.6%
LINKEDIN CLASS A	0.6%
MATTEL	0.6%
SHERWIN-WILLIAMS	0.6%
CONAGRA FOODS	0.6%
CERNER	0.6%
AVALONBAY COMMNS.	0.6%
CABOT OIL & GAS 'A'	0.6%
DELTA AIR LINES	0.5%
Total For Top Ten Holdings	5.9%

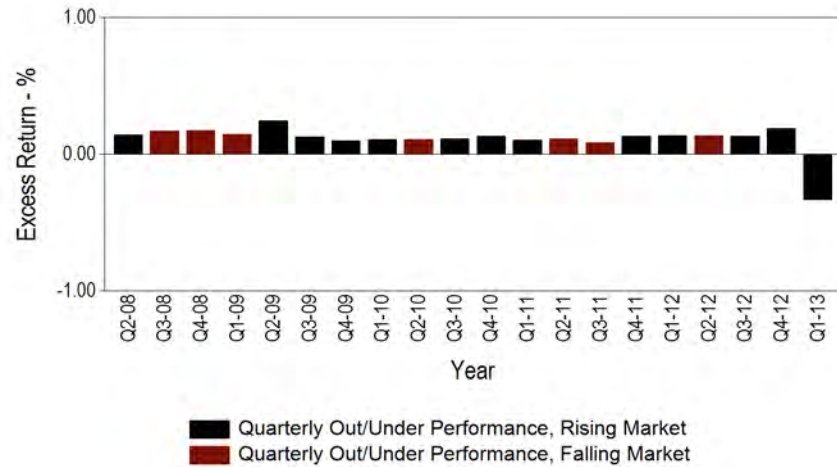
Best Performers

	Weight %	Return %
NETFLIX (NFLX)	0.4%	104.4%
BEST BUY (BBY)	0.2%	88.3%
CREE (CREE)	0.2%	61.0%
H&R BLOCK (HRB)	0.3%	59.6%
TEMPUR PEDIC INTL. (TPX)	0.0%	57.6%

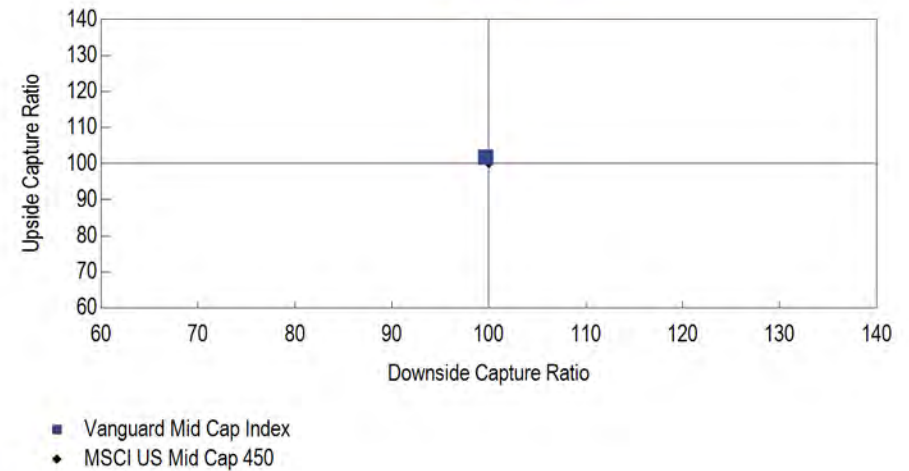
Worst Performers

	Weight %	Return %
CLIFFS NATURAL RESOURCES (CLF)	0.1%	-50.4%
RACKSPACE HOSTING (RAX)	0.2%	-32.0%
VERIFONE SYSTEMS (PAY)	0.0%	-30.3%
RIVERBED TECHNOLOGY (RVBD)	0.0%	-24.3%
PENNEY JC (JCP)	0.1%	-23.3%

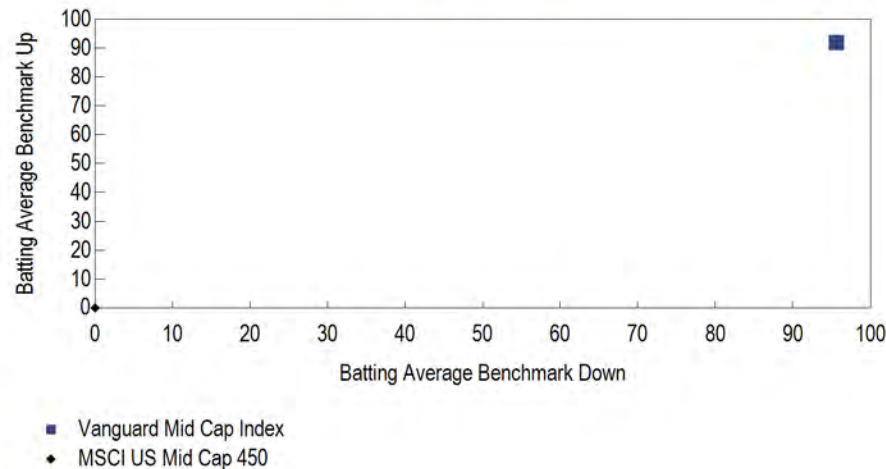
Quarterly Excess Performance



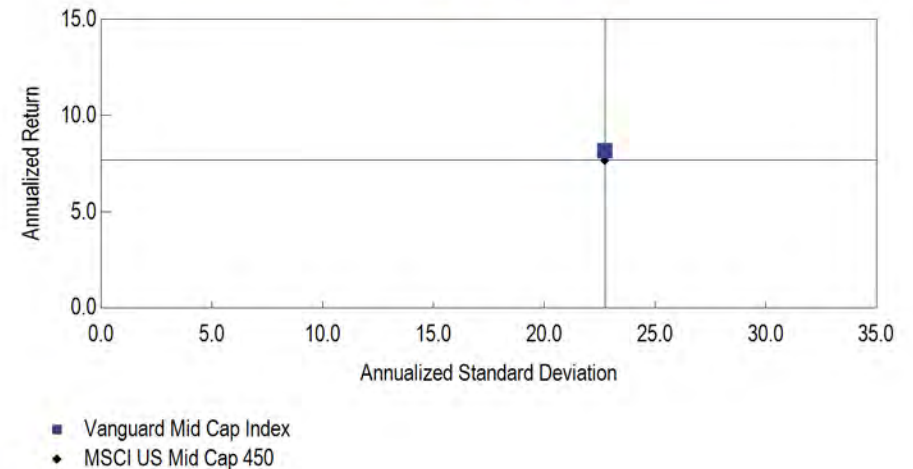
Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
5 Years Ending March 31, 2013

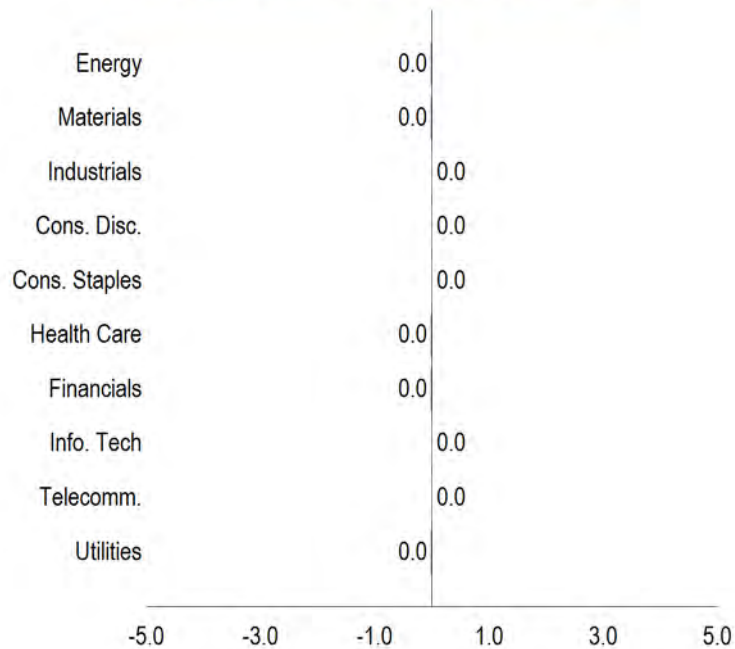


Annualized Return vs. Annualized Standard Deviation
5 Years Ending March 31, 2013

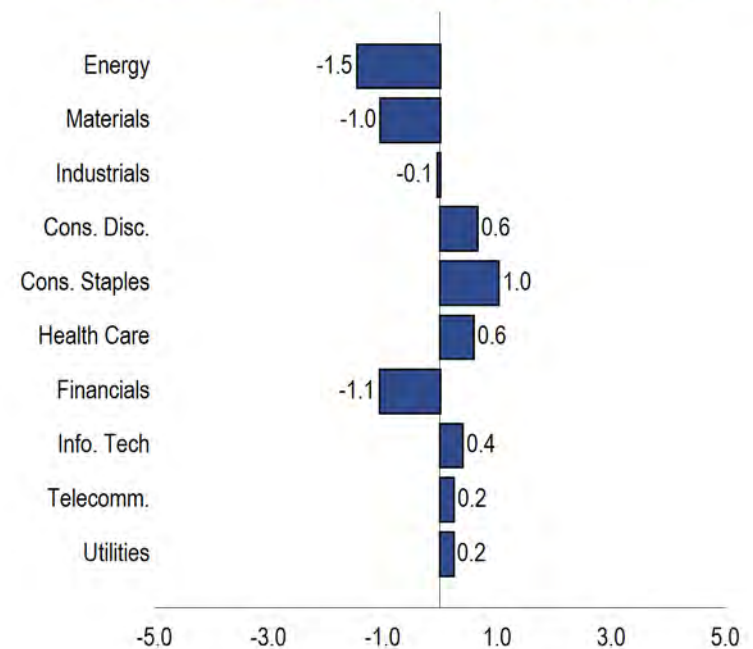


As of March 31, 2013

Sector Excess Returns (%) vs MSCI US Mid Cap 450



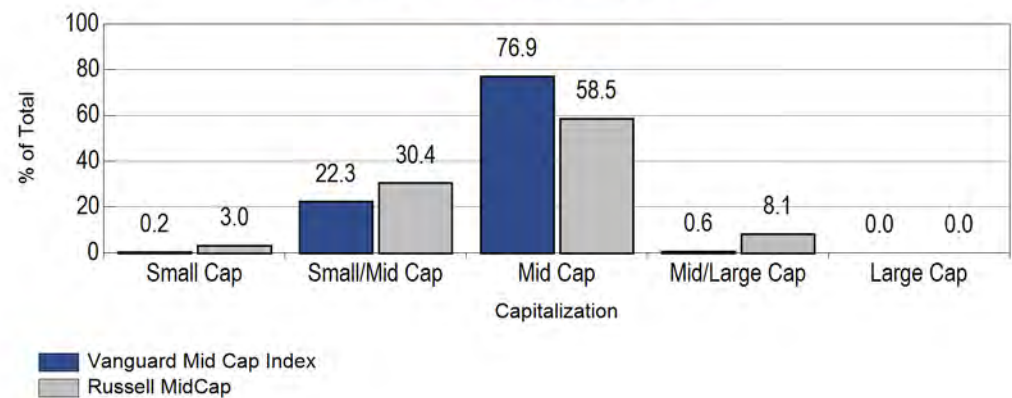
Sector Over/Under Allocation (%) vs MSCI US Mid Cap 450



Current Allocation










Market Capitalization As Of March 31, 2013



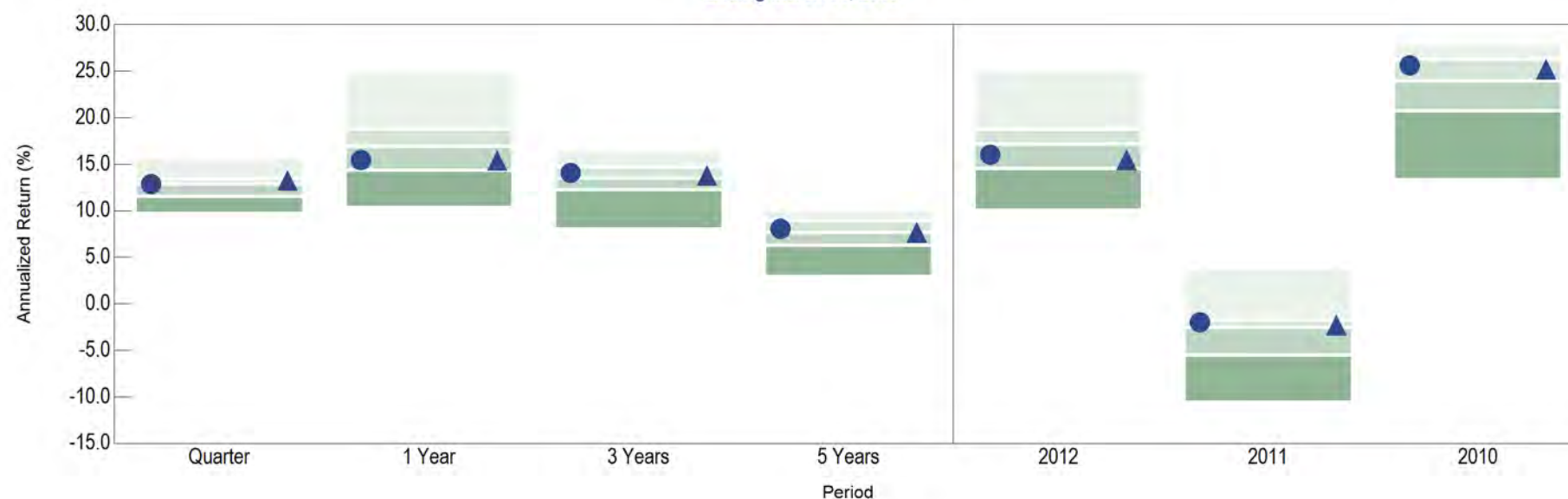
Vanguard Mid Cap Index

As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	3 Yrs	5 Yrs	2012	2011	2010
Vanguard Mid Cap Index	12.9%	15.4%	14.1%	8.1%	16.0%	-2.0%	25.6%
<u>MSCI US Mid Cap 450</u>	<u>13.2%</u>	<u>15.4%</u>	<u>13.8%</u>	<u>7.7%</u>	<u>15.5%</u>	<u>-2.3%</u>	<u>25.2%</u>
Over/Under	-0.4%	0.1%	0.3%	0.4%	0.6%	0.3%	0.4%
Universe Median	12.9%	17.0%	13.6%	7.7%	17.2%	-2.5%	24.0%
Points in Universe	94	90	82	77	91	82	88
Universe Quartile Ranking							

Mid-Cap Blend MStar MF Accounts
Ending March 31, 2013



Please note: All returns shown are net of fees. All returns over one year are annualized.

Sussex County OPEB Trust
Ridgeworth Small Cap Value

As of March 31, 2013

Manager Summary

- Focus on investing in companies with market capitalizations ranging from \$50 million to \$3 billion at the time of purchase.

- Emphasize:

- Dividends - strategy only invests in companies that pay dividends. Ceredex Value Advisors, the fund's sub-advisor, believes dividends are a good indicator of management's confidence in the earnings potential of the company.

- Valuation - seeks companies that trade at a lower third of their historical valuations.

- Fundamentals - seeks catalysts that could drive meaningful price appreciation in the next 18-36 months.

Portfolio Information

	Portfolio	Russell 2000 Value
Number of Holdings	86	1,403
Weighted Avg. Market Cap. (\$B)	2.19	1.34
Median Market Cap. (\$B)	1.88	0.50
Price To Earnings	20.97	14.00
Price To Book	2.73	1.65
Price To Sales	1.49	1.89
Return on Equity (%)	13.34	6.75
Yield (%)	1.89	1.71
Beta	0.85	1.00

Top Ten Holdings

SMITH (AO)	4.7%
HSN	3.5%
CASH AM.INTL.	3.1%
HCC INSURANCE HDG.	2.9%
INTERFACE	2.8%
GUESS	2.7%
STANCORP FINL.GP.	2.7%
SOTHEBY'S	2.6%
CARBO CERAMICS	2.6%
PROGRESSIVE WASTE SLTN.	2.5%
Total For Top Ten Holdings	30.2%

Best Performers

	Weight %	Return %
EVERCORE PARTNERS 'A' (EVR)	1.5%	38.6%
BERRY PTL.A (BRY)	0.9%	38.2%
MANPOWERGROUP (MAN)	0.0%	33.6%
CASH AM.INTL. (CSH)	3.1%	32.4%
HERMAN MILLER (MLHR)	1.5%	29.6%

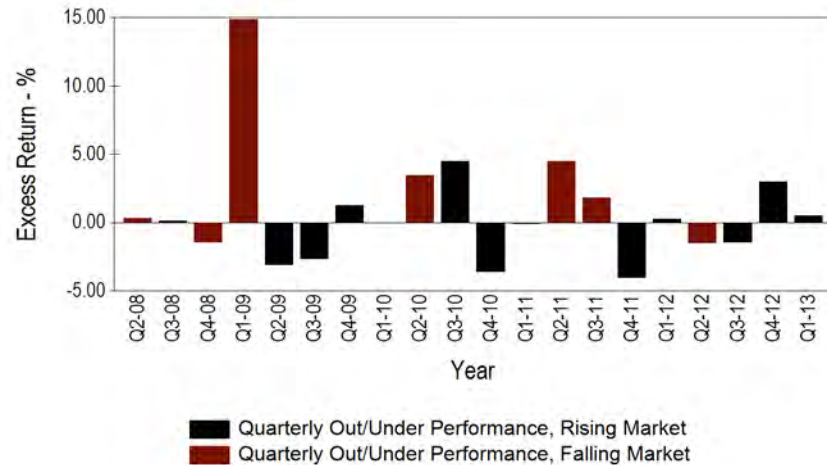
Worst Performers

	Weight %	Return %
GREAT LAKES DREDGE & DOCK (GLDD)	0.4%	-24.6%
CABOT (CBT)	1.7%	-13.6%
BLACK BOX (BBOX)	0.3%	-10.1%
SCHOLASTIC (SCHL)	1.2%	-9.5%
LANDAUER (LDR)	0.7%	-7.0%

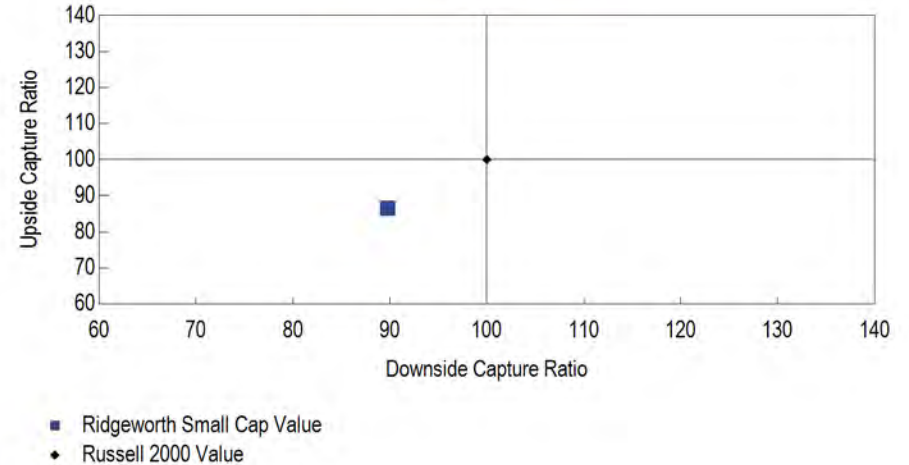
Sussex County OPEB Trust
Ridgeworth Small Cap Value

As of March 31, 2013

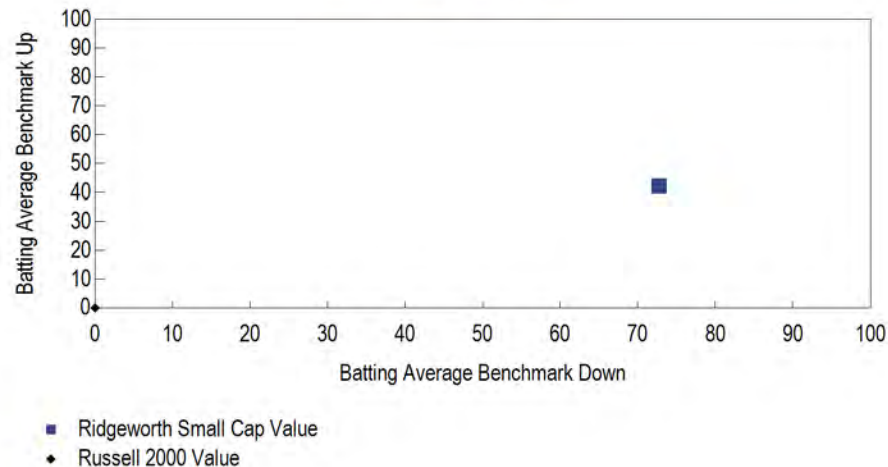
Quarterly Excess Performance



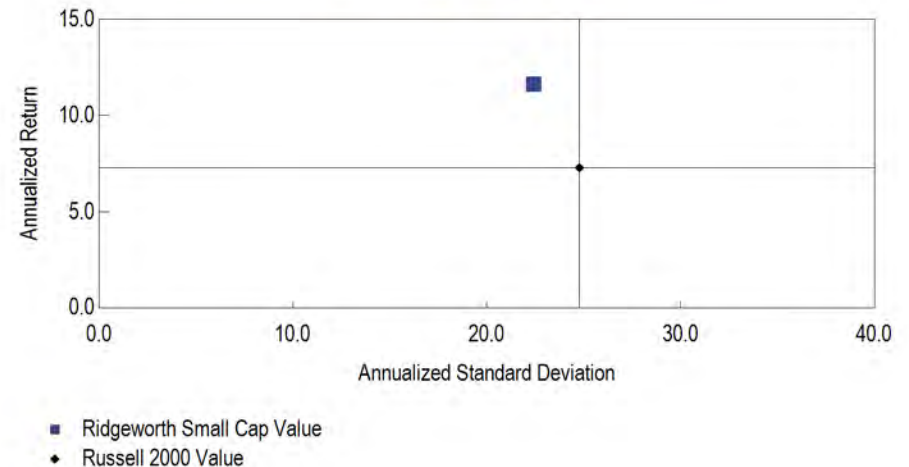
Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
5 Years Ending March 31, 2013



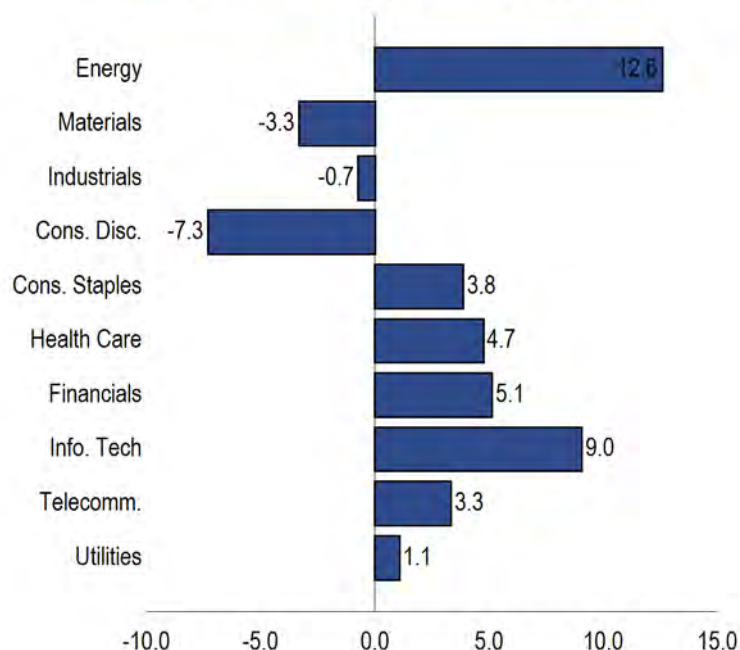
Annualized Return vs. Annualized Standard Deviation
5 Years Ending March 31, 2013



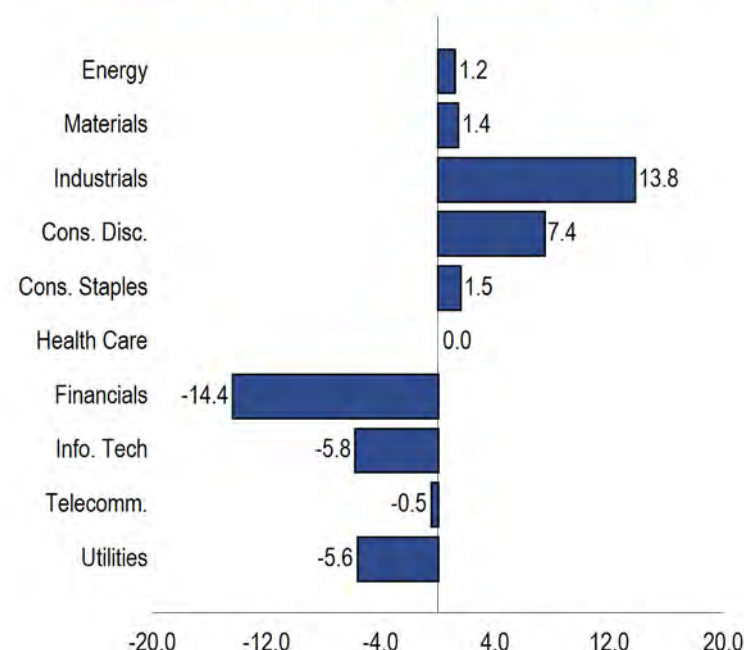
Sussex County OPEB Trust
Ridgeworth Small Cap Value

As of March 31, 2013

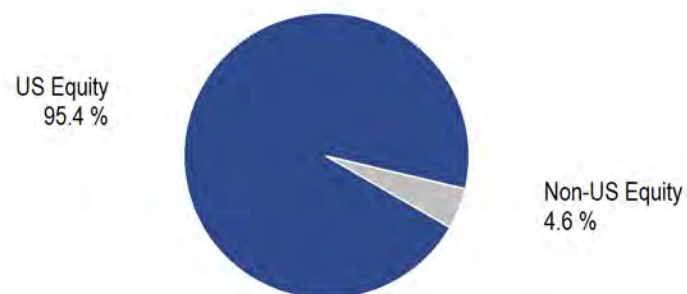
Sector Excess Returns (%) vs Russell 2000 Value



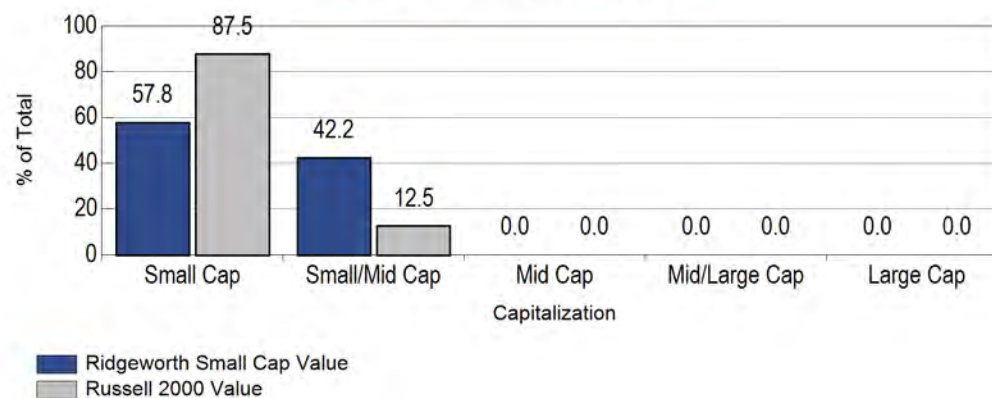
Sector Over/Under Allocation (%) vs Russell 2000 Value



Current Allocation










Market Capitalization As Of March 31, 2013



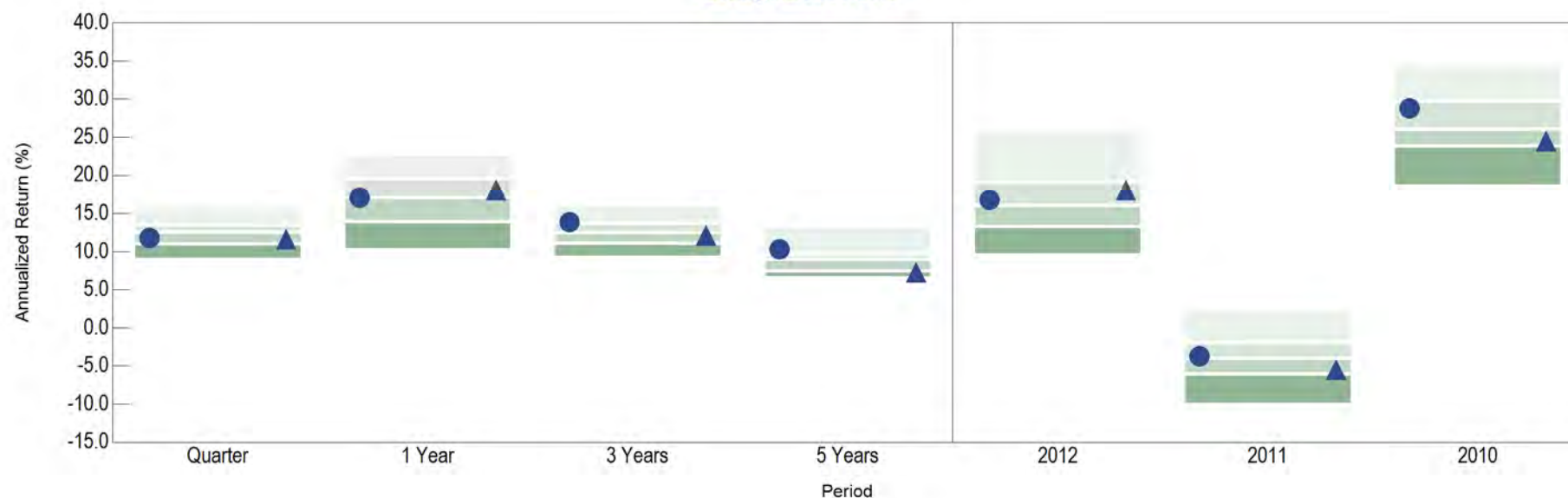
Ridgeworth Small Cap Value

As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	3 Yrs	5 Yrs	2012	2011	2010
Ridgeworth Small Cap Value	11.8%	17.1%	13.9%	10.3%	16.8%	-3.7%	28.8%
<u>Russell 2000 Value</u>	<u>11.6%</u>	<u>18.1%</u>	<u>12.1%</u>	<u>7.3%</u>	<u>18.0%</u>	<u>-5.5%</u>	<u>24.5%</u>
Over/Under	0.2%	-1.0%	1.8%	3.0%	-1.3%	1.8%	4.3%
Universe Median	12.6%	17.1%	12.5%	9.0%	16.1%	-4.0%	26.1%
Points in Universe	77	75	62	62	76	69	66
Universe Quartile Ranking							

Small Value MStar MF Accounts
Ending March 31, 2013



Please note: All returns shown are net of fees. All returns over one year are annualized.

GLOBAL EQUITIES



As of March 31, 2013

Manager Summary

- Focuses on identifying large, well-established companies across the globe that trade at a discount to their long-term profit opportunities.
- Emphasize fundamental research, attempting to understand risks facing businesses over a 3-5 year time horizon.
- Seek companies with solid management teams and strong, competitive franchises.
- Strategy tends to hold deep value stocks that may be out-of-favor in the short-term but offer good value for the long-term investor.

Top Ten Holdings

HEWLETT-PACKARD	4.1%
SANOFI	2.7%
ROCHE HOLDING	2.6%
MICROSOFT	2.5%
CASH - USD	2.4%
WELLS FARGO & CO	2.0%
CREDIT SUISSE GROUP N	2.0%
CAPITAL ONE FINL.	1.9%
SPRINT NEXTEL	1.9%
CHARLES SCHWAB	1.9%
Total For Top Ten Holdings	24.1%

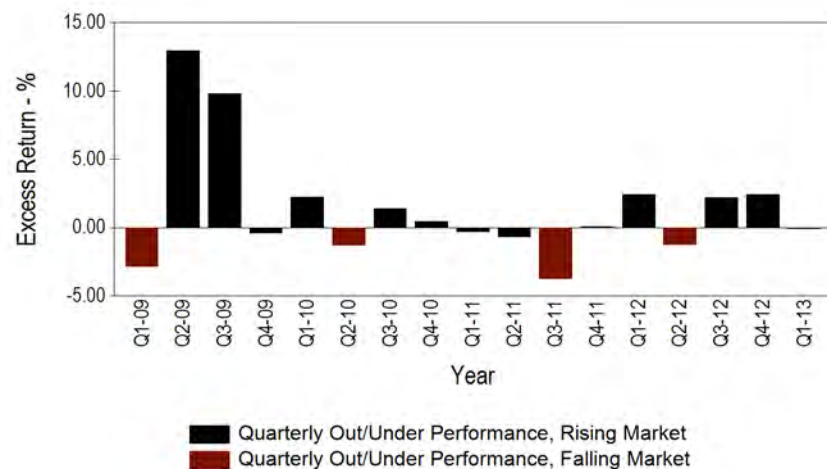
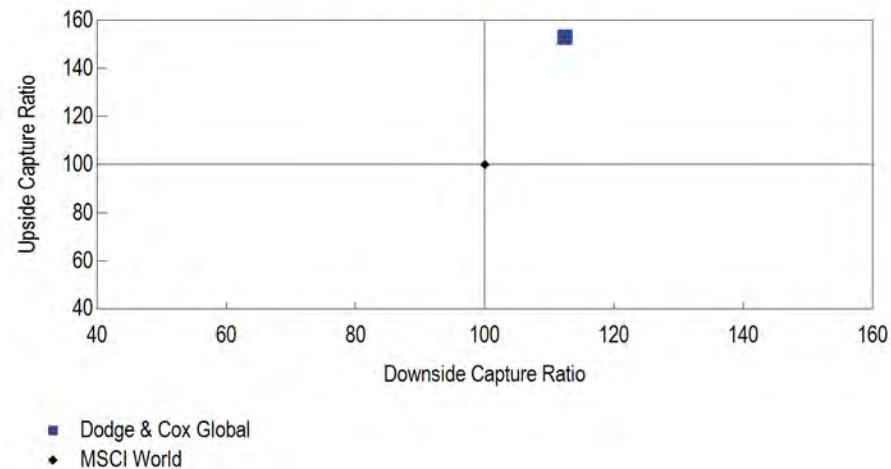
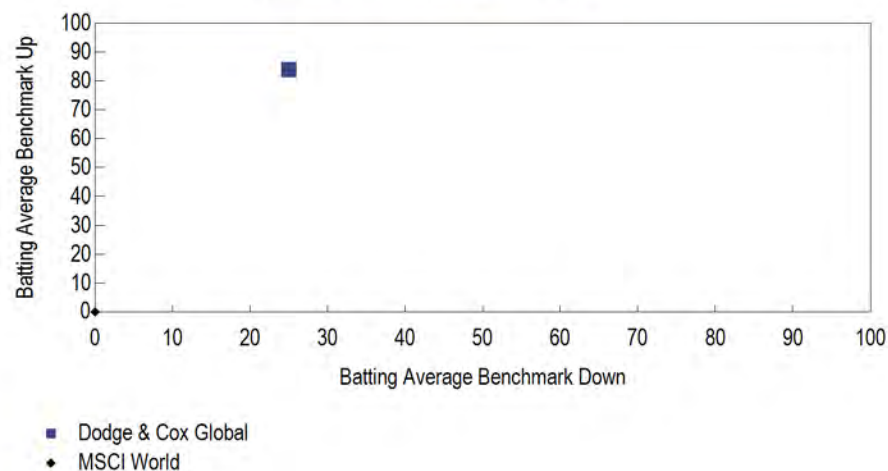
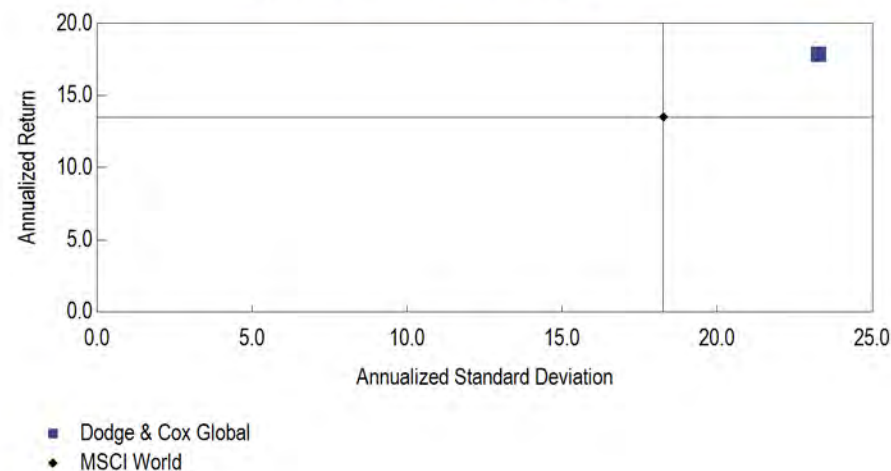
Country Allocation**Versus MSCI World - Quarter Ending March 31, 2013****Portfolio Information**

	Portfolio	MSCI World
Number of Holdings	93	1,608
Weighted Avg. Market Cap. (\$B)	67.13	77.35
Median Market Cap. (\$B)	27.16	9.34
Price To Earnings	16.94	18.11
Price To Book	2.47	2.78
Price To Sales	1.71	1.97
Return on Equity (%)	10.72	16.28
Yield (%)	2.40	2.56
Beta	1.13	1.00

	Manager Ending Allocation (USD)	Index Ending Allocation (USD)
Top 5 Largest Countries		
United States	46.0%	53.8%
United Kingdom	8.6%	9.1%
Switzerland	8.4%	3.8%
Japan	6.4%	8.9%
France	6.1%	3.9%
Total-Top 5 Largest Countries	75.6%	79.5%
Totals		
Developed	89.0%	100.0%
Emerging*	8.6%	0.0%
Other	0.0%	
Cash	2.4%	

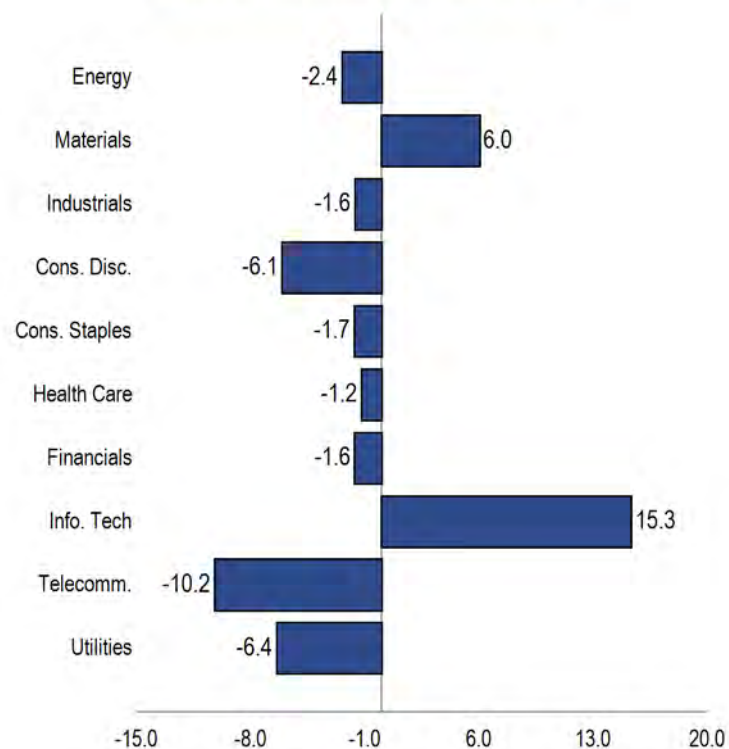
As of March 31, 2013

Quarterly Excess Performance

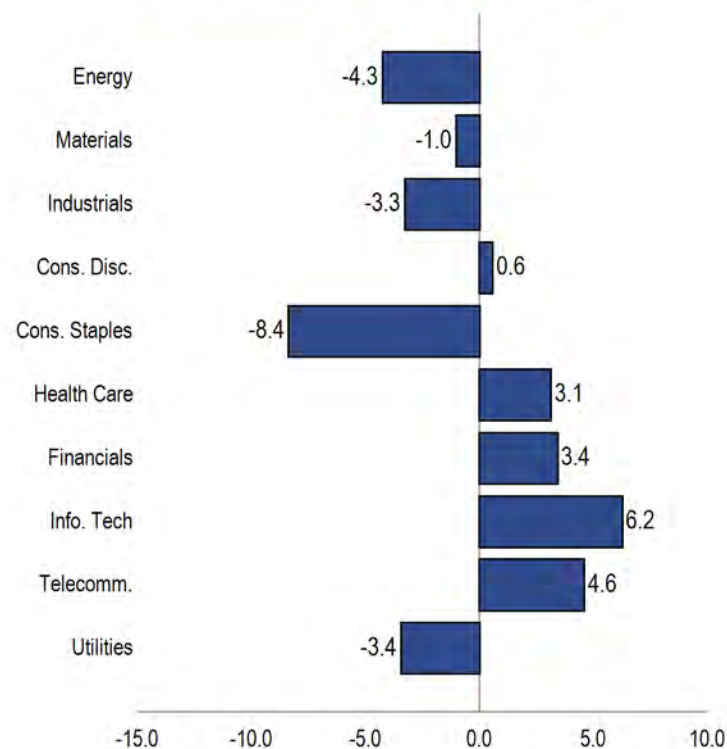
Upside Capture Ratio vs. Downside Capture Ratio
4 Years 3 Months Ending March 31, 2013Batting Average Benchmark Up vs. Batting Average Benchmark Down
4 Years 3 Months Ending March 31, 2013Annualized Return vs. Annualized Standard Deviation
4 Years 3 Months Ending March 31, 2013

As of March 31, 2013

Sector Excess Returns (%) vs MSCI World



Sector Over/Under Allocation (%) vs MSCI World



Best Performers







	Weight %	Return %
HEWLETT-PACKARD (HPQ)	4.1%	68.3%
SONY (J:SO@N)	0.0%	57.6%
BOSTON SCIENTIFIC (BSX)	0.4%	36.3%
SYMANTEC (SYMC)	0.8%	31.1%
WIENERBERGER (O:WNBA)	0.5%	30.6%

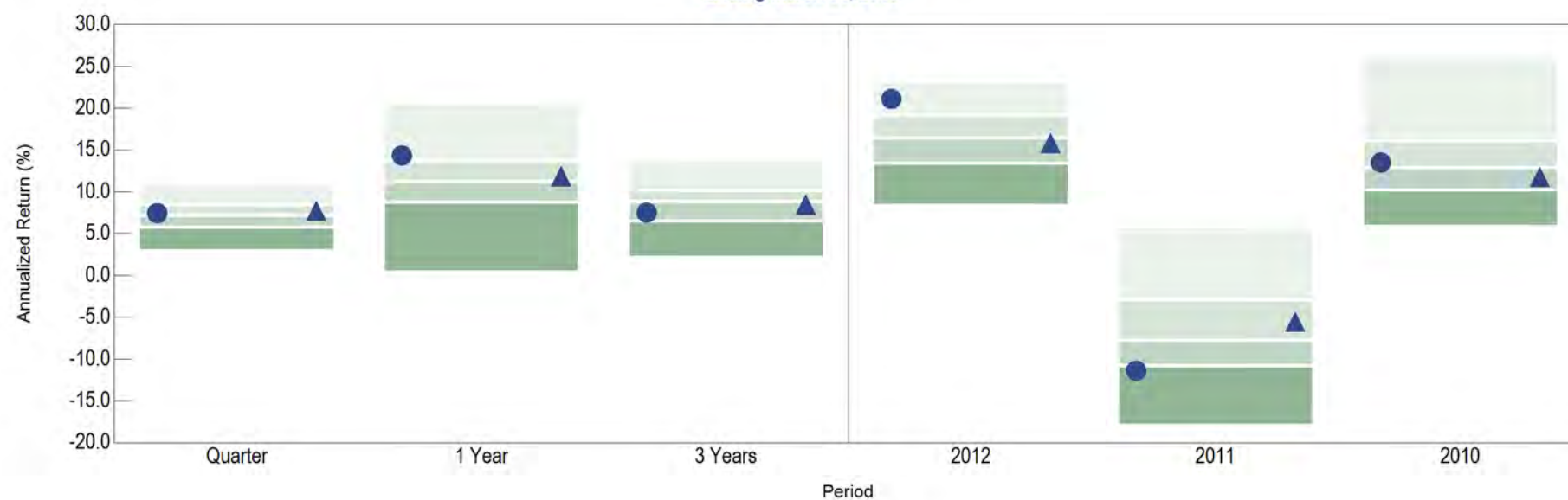
Worst Performers

	Weight %	Return %
PENNEY JC (JCP)	0.7%	-23.3%
NOKIA (M:NOK1)	0.7%	-16.0%
BANCO SANTANDER (E:SCH)	1.0%	-14.3%
MTN GROUP (R:MTNJ)	0.9%	-13.3%
TELEKOM AUSTRIA (O:TKA)	0.4%	-13.1%

As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	3 Yrs	2012	2011	2010
Dodge & Cox Global	7.5%	14.3%	7.5%	21.1%	-11.4%	13.5%
<u>MSCI World</u>	<u>7.7%</u>	<u>11.8%</u>	<u>8.5%</u>	<u>15.8%</u>	<u>-5.5%</u>	<u>11.8%</u>
Over/Under	-0.3%	2.5%	-0.9%	5.3%	-5.9%	1.7%
Universe Median	7.2%	11.2%	8.9%	16.5%	-7.7%	12.9%
Points in Universe	208	183	146	179	162	160
Universe Quartile Ranking						

World Stock MStar MF Accounts
Ending March 31, 2013

Please note: All returns shown are net of fees. All returns over one year are annualized.

As of March 31, 2013

Manager Summary

- Focuses on investing in high quality, growing companies that can be purchased at reasonable prices.
- Emphasizes four critical characteristics before a company is considered for purchase:
 - Capable management
 - Competitive advantages
 - Durable growth
 - Financial strength
- Seeks to understand companies from a fundamental perspective (bottom-up) and from an industry perspective (relative to peers).

Top Ten Holdings

EBAY	3.7%
WELLS FARGO & CO	3.6%
UNI CHARM	3.1%
NESTLE SPN.ADR.REGD.SHS. ADR 1:1	3.0%
GOOGLE 'A'	2.9%
MICROSOFT	2.6%
SCHLUMBERGER	2.5%
EMERSON ELECTRIC	2.4%
STANDARD CHARTERED	2.3%
COACH	2.2%
Total For Top Ten Holdings	28.3%

Portfolio Information

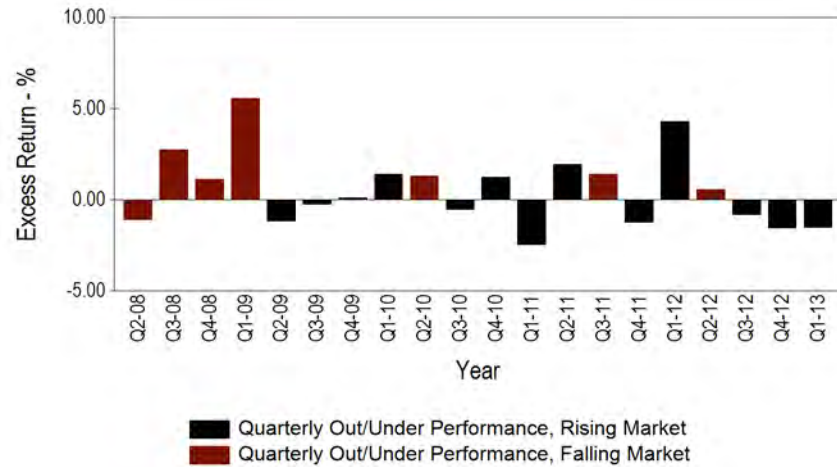
	Portfolio	MSCI ACWI
Number of Holdings	65	2,431
Weighted Avg. Market Cap. (\$B)	66.50	72.32
Median Market Cap. (\$B)	23.12	7.73
Price To Earnings	22.61	17.88
Price To Book	4.11	2.74
Price To Sales	3.01	2.00
Return on Equity (%)	20.78	16.58
Yield (%)	1.55	2.57
Beta	0.94	1.00

Country Allocation Versus MSCI ACWI - Quarter Ending March 31, 2013

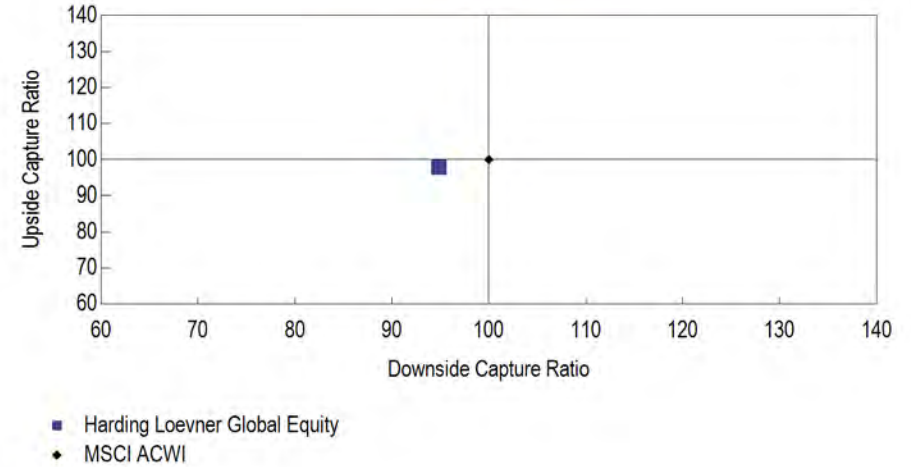
	Manager Ending Allocation (USD)	Index Ending Allocation (USD)
Top 5 Largest Countries		
United States	54.0%	47.2%
Japan	9.0%	7.8%
Switzerland	7.5%	3.4%
United Kingdom	6.2%	8.0%
France	4.7%	3.4%
Total-Top 5 Largest Countries	81.4%	69.8%
Totals		
Developed	87.9%	87.8%
Emerging*	10.9%	12.2%
Other	0.0%	
Cash	1.2%	

As of March 31, 2013

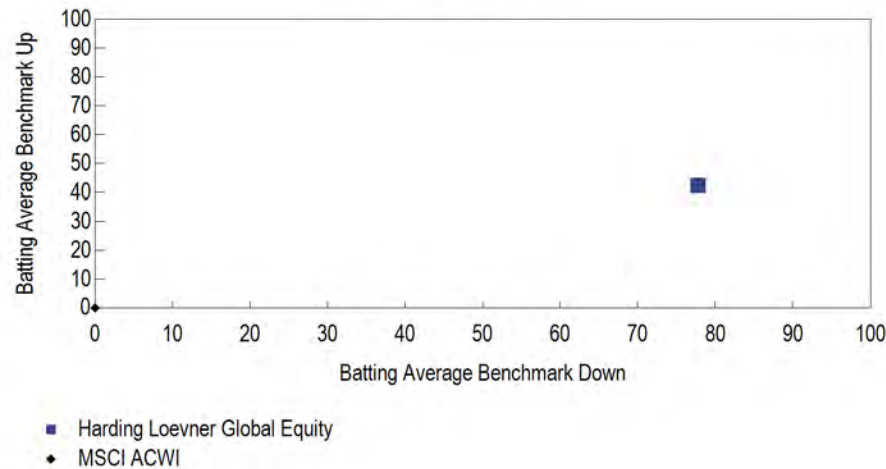
Quarterly Excess Performance



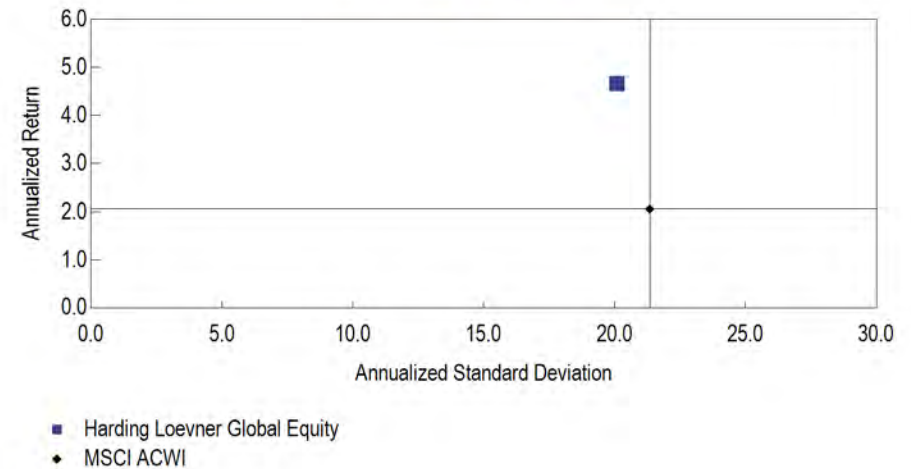
Upside Capture Ratio vs. Downside Capture Ratio
5 Years Ending March 31, 2013



Batting Average Benchmark Up vs. Batting Average Benchmark Down
5 Years Ending March 31, 2013

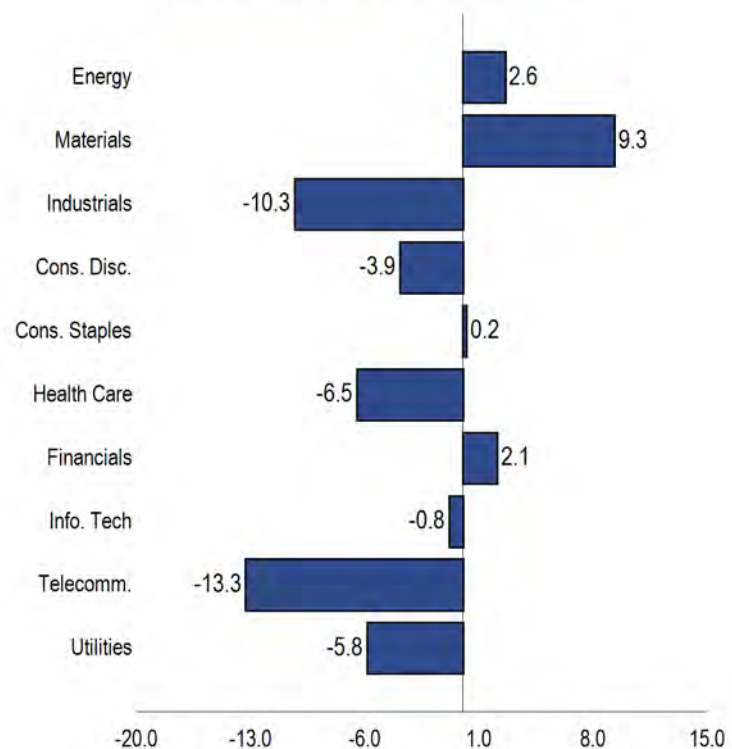


Annualized Return vs. Annualized Standard Deviation
5 Years Ending March 31, 2013

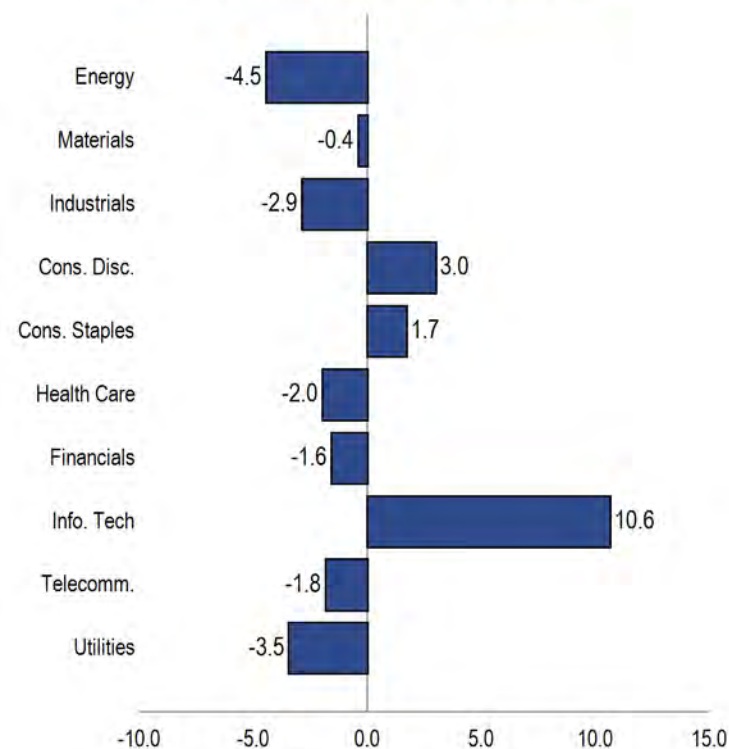


As of March 31, 2013

Sector Excess Returns (%) vs MSCI ACWI



Sector Over/Under Allocation (%) vs MSCI ACWI



Best Performers

	Weight %	Return %
SVB FINANCIAL GROUP (SIVB)	1.1%	26.7%
BANK CENTRAL ASIA (ID:BCA)	1.3%	24.2%
M3 (J:SNET)	1.2%	22.2%
LONZA GROUP (S:LONN)	1.0%	20.6%
THE SWATCH GROUP 'B' (S:UHR)	1.4%	15.7%








Worst Performers

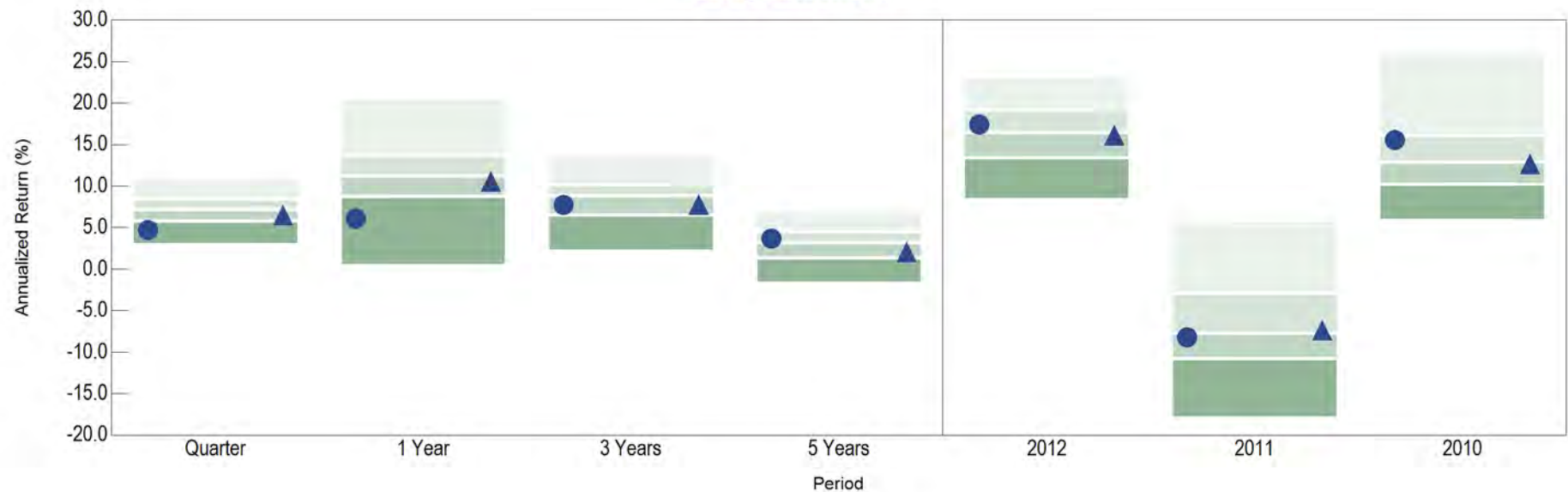
	Weight %	Return %
APPLE (AAPL)	0.0%	-16.3%
FANUC (J:DU@N)	2.2%	-16.3%
COCHLEAR (A:COHX)	1.1%	-12.0%
ABC-MART (J:ITCP)	1.2%	-11.7%
COACH (COH)	2.2%	-9.4%

Harding Loevner Global Equity

As of March 31, 2013

Performance Summary

Annualized Returns	Mar-13	1 Yr	3 Yrs	5 Yrs	2012	2011	2010
Harding Loevner Global Equity	4.7%	6.1%	7.7%	3.7%	17.4%	-8.2%	15.6%
<u>MSCI ACWI</u>	<u>6.5%</u>	<u>10.6%</u>	<u>7.8%</u>	<u>2.1%</u>	<u>16.1%</u>	<u>-7.3%</u>	<u>12.7%</u>
Over/Under	-1.8%	-4.5%	-0.1%	1.6%	1.3%	-0.9%	2.9%
Universe Median	7.2%	11.2%	8.9%	3.2%	16.5%	-7.7%	12.9%
Points in Universe	208	183	146	117	179	162	160
Universe Quartile Ranking							

World Stock MStar MF Accounts
Ending March 31, 2013

Please note: All returns shown are net of fees. All returns over one year are annualized.

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U.S. FIXED INCOME

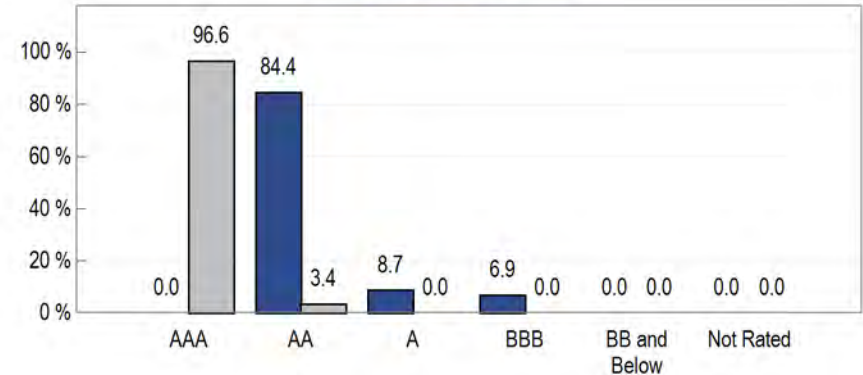


As of March 31, 2013

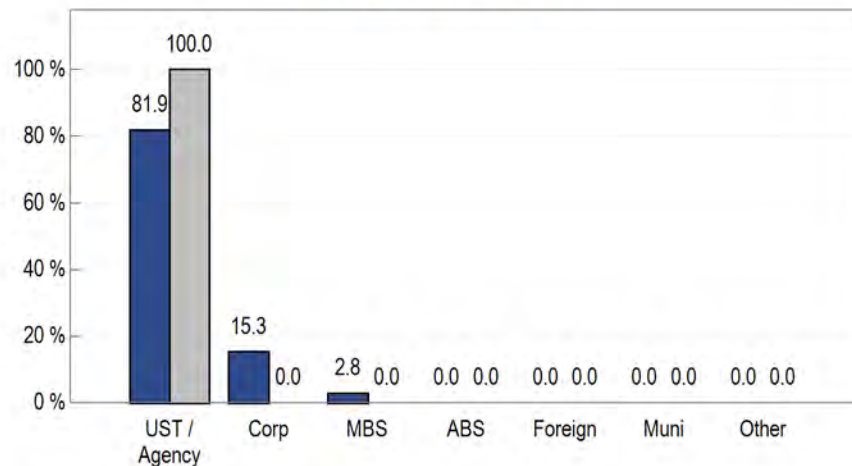
Manager Summary

- Strategy focuses equally on duration management, sector selection and yield curve exposure.
- Assess overall market environment and position portfolio to benefit from realistic expectations.
- Will actively trade, including analysis of technical factors, price momentum, interest rate outlook and yield curve movement.

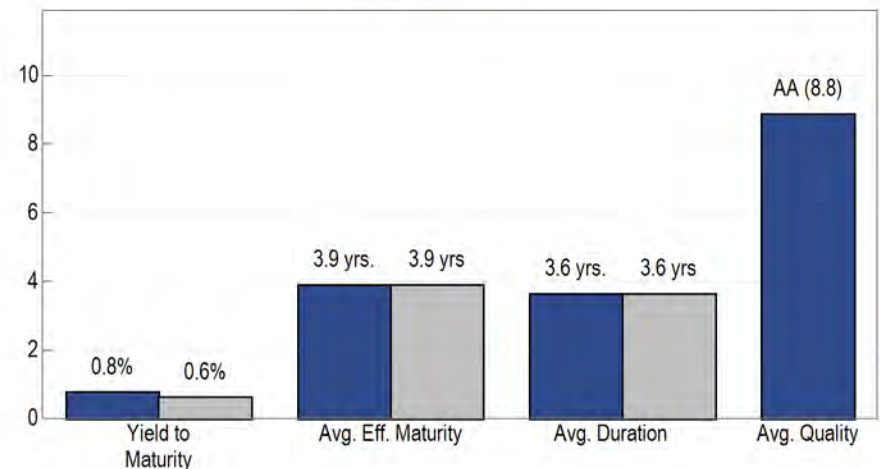
Quality Ratings
 Wilmington Trust Fixed Income



Sectors
 Wilmington Trust Fixed Income



Characteristics
 Wilmington Trust Fixed Income

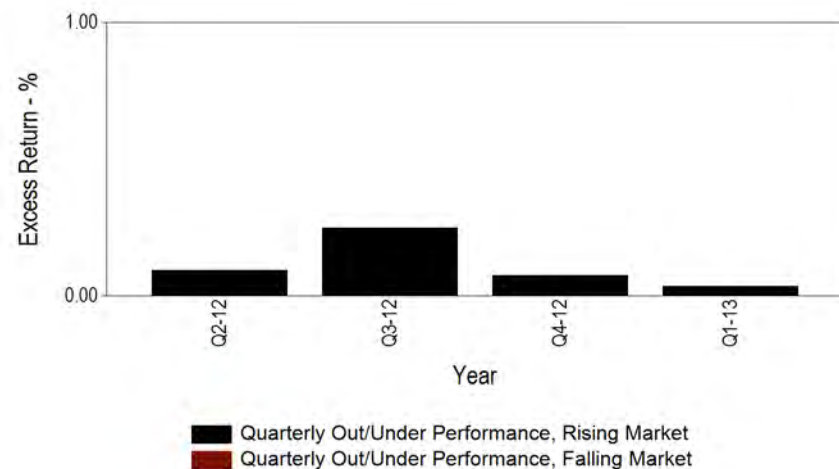
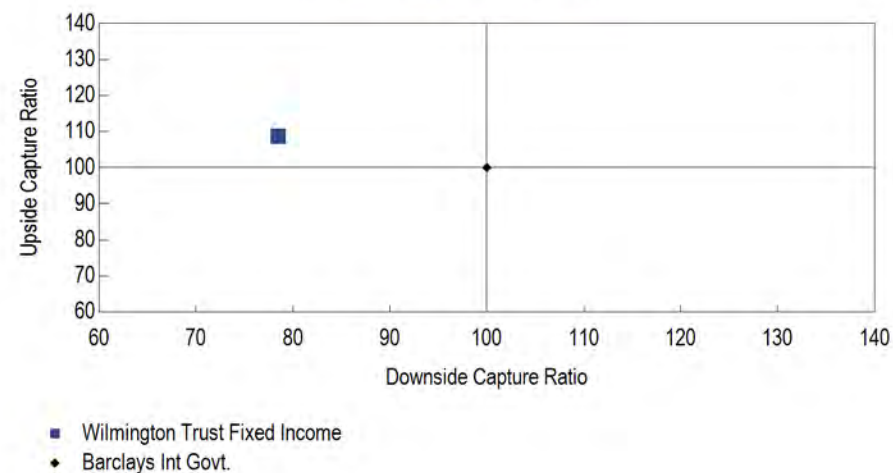
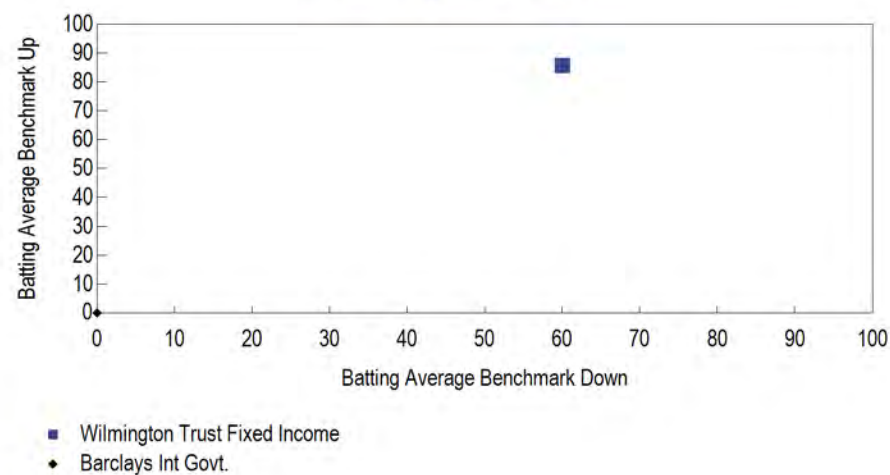
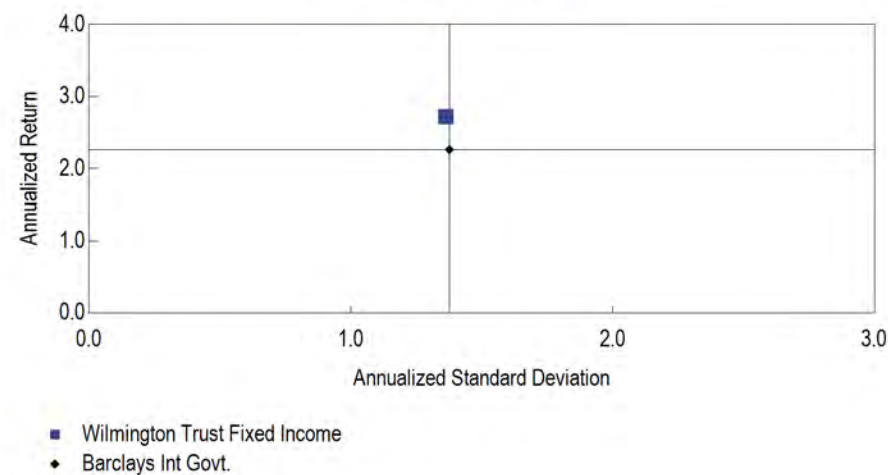


■ Wilmington Trust Fixed Income ■ Barclays Int Govt.

Wilmington Trust Fixed Income

As of March 31, 2013

Quarterly Excess Performance

Upside Capture Ratio vs. Downside Capture Ratio
1 Year Ending March 31, 2013Batting Average Benchmark Up vs. Batting Average Benchmark Down
1 Year Ending March 31, 2013Annualized Return vs. Annualized Standard Deviation
1 Year Ending March 31, 2013

Portfolio Allocation Mixes (%)

	<u>Current</u>	<u>Recommended Option</u>
BlackRock Equity Dividend	4.0	4
Vanguard Dividend Growth	4.1	6
Vanguard Russell 1000 Index	16.5	24
Vanguard Mid Cap Index	6.1	5
Ridgeworth Small Cap Value	5.3	5
Dodge & Cox Global	9.4	8
Harding Loevner Global Equity	12.8	-
Wilmington Trust Fixed Income	33.3	35
Cash & Equivalents	8.6	5
Harding Loevner Int'l Equity	-	8
Estimated Total Management Fees	0.38%	0.33%

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

May 21, 2013

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
MILLVILLE BY THE SEA - SUB-PHASE 2C-2
AGREEMENT NO. 856 - 2

DEVELOPER:

Mr. Chuck Ellison
Miller and Smith
32965 Roxana Rd.
Millville, DE 19967

LOCATION:

CORNER OF ROXANA RD. & BURBAGE RD.
FRANKFORD DE 19945

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

MASTER PLANNED COMMUNITY

SYSTEM CONNECTION CHARGES:

\$18,492.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/14/13

Department Of Natural Resources Plan Approval

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 35

Construction Admin And Construction Inspection Cost – \$11,022.90

Proposed Construction Cost – \$73,486.00

ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 11, 2013

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 856-2 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "MILLER AND SMITH", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "MILLVILLE BY THE SEA – SUB PHASE 2C-2", LOCATED IN THE MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 856-2

TODD LAWSON
COUNTY ADMINISTRATOR



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator

June 11, 2013

Bill No.	Description and Purpose	Action
2013 BILLS		
HB 14	This bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.	Assigned to the House Appropriations Committee 1/24/13, no further action.
HB 27	This bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect. Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.	We supported this legislation last year and it nearly passed. We requested it again this year and it has been introduced and released from Committee as of 3/13/13. ON HOUSE READY LIST Support for this Bill seems weak.
HB 44	This bill permits a real property owner or tenant to display an American flag on a pole attached to the exterior of the property's structure or on a flagpole located within the property's boundaries, provided the flagpole does not exceed 25 feet in height and conforms to all setback requirements. Any and all community restrictions to the contrary will not be enforceable.	Passed the House 4/18 with Amendment #2 Amendment is attached. Assigned to Senate Community/County Affairs Committee 4/24/13 – A Committee meeting is scheduled for 5/1/13 but this bill is not on their Agenda. Released from Committee 6/5/13

House Bill No Number	This Act is the first leg of a constitutional amendment that will remove the offices of <u>Clerks of the Peace</u> from the State Constitution and remove the requirement to elect the Clerks of the Peace	<p>Bill not introduced yet, item for our discussion</p> <p>I cannot identify any support for this bill.</p> <p>Primary sponsor Representative Hudson stated that this legislation has no connection with the Gay Marriage or Civil Union Bill. Rep. Hudson believes some County Row Offices should be appointed positions.</p>
HB No. 63	This bill is the first leg of a constitutional amendment that forever guarantees the right of farmers to engage in modern farming and ranching practices.	<p>ON HOUSE READY LIST</p> <p>I contacted primary sponsor Representative Atkins to determine his reason for introducing this legislation, he replied that it was complaint driven.</p> <p>When questioned further – Rep. Atkins intends to strike the bill from the record.</p> <p>Released from Committee 3/27/13</p>
SB No. 58	This Bill allows Delaware residents 65 years of age and older to qualify for the “Senior School Property Tax Credit Program” upon entering into a payment plan for the taxes due.	<p>We are currently compliant with this proposed Bill.</p> <p>Released from Senate Finance Committee 6/5/13</p>
Senate Bill No Number	This Bill provides for property tax exemption for the dwelling of military veterans who are disabled and for their spouses, if the veteran is deceased.	<p>Not introduced, we have been asked for our comments.</p> <p>Our plan currently reduces property taxes for people with disabilities; however this bill would completely eliminate property taxes for disabled veterans.</p>
HB No. 150	This Bill is considered the Raw Milk Bill. This Bill would establish a permit processes to allow farmers to sell raw milk from their farms.	

HB No. 74	<p>This Delaware Health Security Act will provide a cost effective single payer health care system for the State of Delaware. The Act will provide comprehensive health care coverage to all Delawareans without any extra health insurance or out-of-pocket-expense. The system will save money currently wasted on administrative/overhead costs and will provide a stable funding structure.</p> <p>This Act creates the Delaware Health Security Authority. The authority will be governed by a 15-member Delaware Health Security Board comprised as follows: the Secretary of Health and Social Services, two members from both the State House of Representatives and State Senate Committees concerned with health care issues, five members from state health professional organizations, and five members from eligible consumer organizations in our state.</p> <p>Funding for the new health care system will be as follows:</p> <ol style="list-style-type: none">1. All state and federal funds available for health and health care costs in Delaware.2. Employer and employee graduated payroll tax from 4 percent for employers with less than ten employees to 9 percent for employers with 50 or more employees.3. A Health Security tax of 2.5 percent on net taxable income (after deductions) for all heads of households and persons subject to Delaware’s income tax; and4. An additional Health Security income surtax on net taxable income of 2.5 percent for persons filing a Delaware income tax return in excess of \$250,000. Married couples filing a joint Delaware income tax return shall pay an additional income	<p>This bill has been assigned to the House Health & Human Development Committee</p> <p>This bill has not yet been scheduled for a Committee hearing.</p> <p>I will be certain to alert you of this date and time.</p> <p>Committee Members:</p> <table><tr><td>Chairman:</td><td>Michael a. Barbieri (302) 368-7257 Michael.barbieri@state.de.us</td></tr><tr><td>Vice-Chairman:</td><td>Rebecca Walker (302) 293-2356 Rebecca.walker@state.de.us</td></tr></table> <p>Members:</p> <table><tr><td>Donald A. Blakey (302) 697-6723 Donald.Blakey@state.de.us</td><td>Ruth Briggs-King (302) 856-2772 ruth.briggsking@state.de.us</td></tr><tr><td>Timothy D. Dukes (302) 280-6344 Timothy.Dukes@state.de.us</td><td>Earl G. Jaques, Jr. (302) 834-9231 earl.jaques@state.de.us</td></tr><tr><td>S. Quinton Johnson (302) 378-2681 Quinton.johnson@state.de.us</td><td>John A. Kowalko, Jr. (302) 737-2396 john.kowalko@state.de.us</td></tr><tr><td>Joseph E. Miro (302) 454-1840 Joseph.miro@state.de.us</td><td>Edward S. Osienki (302) 292-8903 Edward.osienki@state.de.us</td></tr></table>	Chairman:	Michael a. Barbieri (302) 368-7257 Michael.barbieri@state.de.us	Vice-Chairman:	Rebecca Walker (302) 293-2356 Rebecca.walker@state.de.us	Donald A. Blakey (302) 697-6723 Donald.Blakey@state.de.us	Ruth Briggs-King (302) 856-2772 ruth.briggsking@state.de.us	Timothy D. Dukes (302) 280-6344 Timothy.Dukes@state.de.us	Earl G. Jaques, Jr. (302) 834-9231 earl.jaques@state.de.us	S. Quinton Johnson (302) 378-2681 Quinton.johnson@state.de.us	John A. Kowalko, Jr. (302) 737-2396 john.kowalko@state.de.us	Joseph E. Miro (302) 454-1840 Joseph.miro@state.de.us	Edward S. Osienki (302) 292-8903 Edward.osienki@state.de.us
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HB No. 74 (continued)	surtax of 2.5 percent on net taxable income in excess of \$500,000.	<p>Charles Potter, Jr. (302) 762-8322 Charles.Potter@state.de.us</p> <p>Darryl M. Scott (302) 735-1781 Darryl.Scott@state.de.us</p> <p>Kimberly Williams (302) 577-8476 kimberly.williams@state.de.us</p> <p>* Federal Health Care Legislation requires all citizens be covered – the new tax will fund</p> <p>* Delaware is currently establishing exchanges to provide coverage for all residents to comply with Federal requirements</p> <p>* HB74 is introduced to cover all Delawareans – doesn't appear to be part of the State or Federal exchange plan</p>
Draft Report from Animal Welfare Task Force	Please see attached Draft Report that will become final after comments are received by 4/22/13. Final report will be available 4/30/13 and delivered to the General Assembly	<p>My comments are attached at the end of the Draft Report. I am certain that legislation will be forthcoming from the final report.</p> <p>We should be receiving the hard copy of the final report this week.</p>
HB No. 95	This Act provide the Department of Natural Resources and Environmental Control with the authority to impose environmental liens on real property in an effort to recover taxpayers' money expended by the State in order to investigate and clean up contaminated properties in circumstances where the property owners who caused the contamination have failed to do so. This Bill originates from a recommendation made by the 2003 Metachem Task Force , chaired by the Honorable William T. Quillen. As the Task Force Report noted, currently at least thirty-four states (including all of our neighboring states)	This Bill was introduced April 25 th and it appears to be moving quickly. It was cleared by the Natural Resources Committee 5/1/13 – Amended 5/7/13

HB No. 95 (continued)	and the federal government have statutory authority to impose environmental liens. Besides bring Delaware law in line with the vast majority of our sister states and the United States, this Act provides an important means of protecting the public treasury while holding responsible property owners accountable for the environmental harm they cause.	
HB 135	This Act seeks to create jobs and new sources of revenue for the State of Delaware by, among other means, authorizing the addition of two new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee. This Act creates a nine member, politically-balanced Committee with financial, accounting, or banking experience to select the sites and licensees. This Act also increases the number of required racing days to reflect the current amount of racing, and prevents the addition of video lottery agents from triggering a reduction in the minimum number of days that existing harness tracks must offer harness racing. Finally, this Act also expresses the intent of the General Assembly that the new video lottery casinos will be subject to a one-time license fee and ongoing license fees, as well as such fees as are necessary to create a level playing field for competition with video lottery agents who operate horse racing or harness racing, and directs the Department of Finance to prepare legislation implementing that intent.	Introduced 5/9/13 - This Bill intends to add a casino in Sussex County.
HB 137	This Bill expands and promotes unity in the options for survivor pension payout choices for retired participants in the State pension programs, the State Employees' Pension Plan, the County and Municipal Employees' Pension Plan, the County and Municipal Police/Firefighter Pension Plan, the State Judiciary Pension Plan, and the State Police Pension Plan. There is no reduction for the 50% survivor benefit, a 2% reduction for a 66.67% survivor benefit, 3% reduction for a 75% survivor benefit, and 6% reduction for a 100% survivor benefit.	Introduced 5/14/13 - This Bill may cause changes in our pension calculations.

SB No. 78	<p>This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no later than December 31, 2014.</p> <p>The bill also amends Title 7 Del C. Chapter 66, §6607 and §6617 and Title 7 Del C. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the Secretary to issue after-the-fact permits and assess administrative penalties as appropriate.</p>	
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SPONSOR: Sen. Peterson & Rep. Hudson
Sens. Ennis, Sokola, Townsend; Reps. Baumbach,
Keeley, Mitchell, Osienski, Potter, M. Smith, Wilson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 58

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

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

Section 1. Amend §1917(4) d. of Title 14 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strikethrough as follows:

Right to claim credit under this subsection shall be withdrawn for the subsequent tax year from any taxpayer who has not paid in full or entered into a payment plan to pay in full such taxpayer's property tax bill by the end of the tax year for which a credit was reported for that taxpayer to the Secretary of Finance by the receiver of taxes and county treasurer. Taxpayers who fail to pay in full their property tax bill by the end of the tax year for which a credit was reported for that taxpayer to the Secretary of Finance by the receiver of taxes and county treasurer may qualify for credits under this subsection in subsequent tax years upon the payment in full or upon entering into a payment plan for the payment in full of property taxes and penalties owed prior to the beginning of the subsequent tax year.

SYNOPSIS

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

Author: Senator Peterson



SPONSOR: Rep. Outten & Sen. Lawson;
Reps. Miro, Keeley; Sen. Hocker

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO. 150

AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO RAW MILK.

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

Section 1. Amend Chapter 31, Title 3 of the Delaware Code by making insertions as shown by underlining as follows:

Subchapter V. Raw Milk

§ 3179. Sale and Distribution of Raw Milk.

Unpasteurized milk and milk products sold or distributed directly to a final consumer for consumption and not for resale by a person holding a valid "raw milk permit" issued pursuant to this subchapter shall be exempt from the State of Delaware Milk Code.

§ 3180. Raw Milk Permit.

(a) The Department of Health and Social Services, in consultation with the Department of Agriculture, shall establish a raw milk permit program. The raw milk permit program shall allow the holder of a raw milk permit to sell, offer for sale, or otherwise make available raw milk directly to final consumers, but only at the farm or property where the raw milk is produced. The Department of Health and Social Services shall issue a raw milk permit to an applicant after it has received, reviewed, and approved a permit application from the applicant, pursuant to the provisions of this section and any rules and regulations adopted pursuant thereto.

(b) The raw milk permit program shall require: (1) the applicant to be in compliance and, once a permit has been issued, to continue to be in compliance with all applicable provisions of Delaware laws, rules, and regulations; (2) the permit holder to submit to, and the Department of Health and Social Services to conduct inspections to ensure compliance with, the requirements prescribed in this section; and (3) the permit holder to post a notice conspicuously on the permit holder's property stating that raw milk does not provide the protection of pasteurization.

(c) Not later than 120 days after the effective date of this subchapter, the Department of Health and Social Services shall promulgate such rules, regulations, and standards as are necessary to further the objectives and provisions of this subchapter, including but not limited to such rules, regulations, and standards concerning the testing, storing, and packaging of unpasteurized milk and milk products.

SYNOPSIS

This Bill legalizes the sale of unpasteurized, raw milk directly to a final consumer. The State of Delaware adopted, by Regulation, the United States Department of Health and Human Services' Grade "A" Pasteurized Milk Ordinance 2009 Revision, as amended, (the "2009 PMO") in May 2011. Section 9 of the 2009 PMO prohibits the sale of unpasteurized milk and milk products to the final consumer. This Bill creates an exception to this prohibition that would allow the sale of unpasteurized milk and milk products by only those persons holding a validly issued "raw milk permit."

Currently, thirty states allow consumers to purchase raw milk. Of those 30, 12 allow consumers to purchase raw milk at retail stores. This bill, however, similar to the situation in many other states, would limit raw milk sales to the farm or property where the raw milk is produced.

This Bill further tasks the Department of Health and Social Services, in consultation with the Department of Agriculture, with establishing a raw milk permit program, as well as such rules, regulations, and standards as are necessary to further the objectives and provisions of this Bill and ensure the safety of the general public.



SPONSOR: Sen. McBride & Rep. Heffernan & Rep. Q. Johnson
Sens. McDowell, Poore; Reps. J. Johnson

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 78

AN ACT TO AMEND TITLE 7 OF THE DELAWARE CODE RELATING TO NON-TIDAL WETLANDS.

WHEREAS, Delaware's wetlands provide critical function and value, including reducing flood damage by capturing, slowing, and holding water; helping purify the state's waters; contributing to groundwater supplies; providing critical habitat for fish and wildlife species; and supporting economic development related to waterfowl hunting, bird watching, and other outdoor recreation; and

WHEREAS, conserving and restoring wetlands will reduce Delaware's vulnerability to inland flooding from intense precipitation and extreme storms, reduce future capital expenditures on water quality, and help grow Delaware's tourism economy; and

WHEREAS, twenty-five (25) states, including all of the Mid-Atlantic States except Delaware, have adopted state programs to conserve and restore non-tidal wetlands; and

WHEREAS, existing state and federal preservation and restoration programs have failed to prevent the loss of more than three thousand acres of non-tidal wetlands during the past twenty years, contributing to increased flood damage and adversely affecting landowners' safety, welfare and personal property.

WHEREAS, the Federal budget reductions and staffing constraints have reduced the capacity of the U.S. Army Corps of Engineers to deliver timely and accurate permit decisions on projects impacting non-tidal which upon which they have jurisdiction; and

NOW THEREFORE:

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

Section 1. Amend Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

CHAPTER 66A. Non-Tidal Wetland Standards

§6601A. Purpose.

It is the purpose of this Chapter to promote public health, safety, and general welfare through the conservation and restoration of non-tidal wetlands, which provide significant public value and critical ecological functions through the mitigation

and prevention of flood damage, provision of wildlife habitat, removal of pollutants from water resources, and reduction in costs for governments, residents, and businesses that result when wetlands are degraded.

§ 6602A. Definitions.

The following words, terms and phrases, when used in this Subchapter, shall have the meanings ascribed to them except where the context clearly indicates a different meaning:

“Department” shall mean the Department of Natural Resources and Environmental Control.

“Secretary” shall mean the Secretary of the Department of Natural Resources and Environmental Control.

§6603A Wetlands Advisory Committee.

The Secretary shall, within 18 months of the effective date of this legislation and through consultation with a Wetland Advisory Committee (Committee) established under this section, develop wetland protection priorities for the State of Delaware and recommend for consideration by the General Assembly a comprehensive approach for improving non-tidal wetland conservation, restoration, and education within the state.

The Committee shall consider nationally recognized best practices and standards, as well as actions that surrounding states have implemented in the way of incentive programs, policies, and assumption of regulatory roles. The Committee shall also evaluate the permitting process for activities regulated by state and federal agencies with the goals of reducing duplication, providing efficient one-stop permitting, and improving the state’s ability to account accurately for cumulative and individual impacts.

The Committee shall consist of the following members:

1. One (1) member of the Delaware Farm Bureau appointed by the President of the Delaware Farm Bureau;
2. One (1) representative of the Delaware State Bar Association Real and Personal Property Section, appointed by the President of the Delaware State Bar Association;
3. One (1) representative of the Delaware Association of Realtors, appointed by the President of the Delaware Association of Realtors;
4. One (1) representative from the U.S. Army Corps of Engineers Philadelphia District Regulatory Branch;
5. One (1) representative of the Home Builders Association of Delaware appointed by the President of the Home Builders Association of Delaware.
6. One (1) representative of the Delaware League of Local Governments appointed by the President of the Delaware League of Local Governments.
7. One (1) representative of the Committee of 100 appointed by the President of the Committee of 100.
8. Two (2) representatives of Delaware environmental organizations selected by the Secretary.
9. Two (2) representatives from outdoor recreation and wildlife conservation organizations selected by the Secretary
10. One (1) representative of the Delaware Department of Transportation appointed by the Secretary of the Department of Transportation.
11. One (1) representative of the Delaware Department of Agriculture appointed by the Secretary of Agriculture.

12. One (1) representative of the Delaware Forestry Association.
13. One (1) representative of each of the three County government planning agencies, as an employee of these agencies.
14. One (1) representative of Delaware Chapter of the American Council of Engineering Companies (ACEC).
15. Two (2) representatives of the Department of Natural Resources and Environmental Control appointed by the Secretary.
16. One Member of the Delaware State Senate appointed by the President Pro Tempore and one member of the Delaware House of Representatives appointed by the Speaker of the House.

The Chair of the Committee shall be selected by the Secretary. The Committee shall organize and hold its first meeting no more than 60 days following the effective date of this legislation and shall be staffed by DNREC.

DNREC shall compile the results of the Committee recommendations, develop a draft report, and reconvene the Committee to review the draft report and solicit feedback before finalizing the report of recommendations. The Secretary shall deliver an interim report of the work of the Committee to the General Assembly no later than May 1, 2014 and deliver the final report of recommendations no later than December 31, 2014.

Section 2. Amend Chapter 66, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§6607 Procedures; regulations; application fees.

(g) The Secretary may issue an after-the-fact permit, letter of authorization or waiver in those cases where an activity has occurred without first obtaining the required permit, letter of authorization or waiver. The determination of whether or not to issue an after-the-fact permit, letter of authorization or waiver shall be consistent with the purposes and provisions this Chapter. The applicant receiving the after-the-fact permit, letter of authorization, or waiver will be responsible for paying any associated processing fee and the Secretary may assess a penalty in accordance with 7 Del. C. §6005.

Section 3. Amend Chapter 66, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§ 6617. Penalties.

(a) Whoever violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a permit issued pursuant to § 6604 of this title, or any order of the Secretary, shall be subject to enforcement under 7 Del. C. 6005. Any person who intentionally or knowingly violates any rule, regulation, order, permit condition or provision of this chapter shall be fined not less than \$500 or more than \$10,000 for each offense. Continuance of any activity prohibited by this chapter during any part of a day shall constitute a separate offense. Any person found guilty of violating any cease and desist order of the Secretary shall be fined for each offense, starting from the date of receipt of the order. The Superior Court shall have jurisdiction of offenses under this subsection.

(b) Any person who violates any rule, regulation, order, permit condition or provision of this chapter shall be fined not less than \$50 or more than \$500 for each violation. Each day of violation shall be considered as a separate violation. The Justices of the Peace Courts shall have jurisdiction of offenses under this subsection.

(c) Any person who violates a provision of this chapter, any condition or limitation in a permit rule, regulation or order shall be liable for a civil penalty of not less than \$1,000 nor more than \$10,000 for each completed violation. The Superior Court

~~shall have jurisdiction of offenses under this subsection:~~

~~(d) In addition to any penalties imposed under this section or injunctive relief under § 6615 of this title, a person who effects or permits any activity in wetlands in violation of this chapter may be liable to the State for the cost of restoration of the affected wetland to its condition prior to such violation insofar as that is technically feasible. The Attorney General of the State, upon complaint of the Secretary, shall institute a civil action to recover such damages, or may request such cost of restoration to be imposed in the Chancery Court injunctive action or Superior Court civil action:~~

Section 3. Amend Chapter 72, Title 7 of the Delaware Code by making insertions as shown by underlining and deletions as shown by strike through as follows:

§7205 Permits required.

(d) The Secretary may issue an after-the-fact permit, lease, letter of approval or waiver in those cases where an activity has occurred without first obtaining the required permit, lease, letter of approval or waiver. The determination of whether or not to issue an after-the-fact permit, lease, letter of approval or waiver shall be consistent with the purposes and provisions this Chapter. The applicant receiving the after-the-fact permit, lease, letter of approval, or waiver will be responsible for paying any associated processing fee and lease fee and the Secretary may assess a penalty in accordance with 7 Del. C. 6005.

§ 7214. Violations; enforcement; civil and criminal penalties.

(a) Whoever violates this chapter or any rule or regulation duly promulgated thereunder, or any condition of a permit issued pursuant to §7205 of this title, or any order of the Secretary, shall be subject to enforcement under 7 Del. C. §6005. The Secretary shall enforce this chapter.

(b) Whoever violates this chapter, or any rule, regulation or condition of a lease or permit issued pursuant to authority granted in this chapter, or an order of the Secretary, shall be punishable as follows:

(1) If the violation has been completed, by a civil penalty of not less than \$1,000 nor more than \$10,000 for each completed violation. Each day of continued violation shall be considered as a separate violation. The Superior Court shall have jurisdiction of a violation in which a civil penalty is sought.

(2) If the violation is continuing or threatening to begin, the Secretary may, in addition to seeking a monetary penalty as provided in paragraph (b)(1) of this section, seek a temporary restraining order, a temporary injunction or permanent injunction in the Court of Chancery:

(c) Whoever violates this chapter, or any rule or regulation promulgated thereunder, or any rule or regulation in effect at the time of the enactment of this chapter or any lease or permit condition, or any order of the Secretary, shall be punishable by a criminal penalty of not less than \$50 nor more than \$500 for each violation. Each day of violation shall be considered as a separate violation. The Courts of the Justice of the Peace shall have jurisdiction of offenses under this subsection:

(d) Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under this chapter, or under any lease or permit, rule, regulation or order issued under this chapter, who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, shall, upon conviction, be punished by a fine of not less than \$500 nor more than \$5,000, or by imprisonment for not more than 6 months, or both. The Superior Court shall have jurisdiction of offenses under this

~~subsection:~~

SYNOPSIS

This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no later than December 31, 2014.

The bill also amends Title 7 Del C. Chapter 66, §6607 and §6617 and Title 7 Del C. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the Secretary to issue after-the-fact permits and assess administrative penalties as appropriate.

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June 11, 2013

Barking Dog Noise Ordinance Discussion

1. Review Sussex County Council Meeting Minutes of:
 - A. 2-14-06
 - B. 5-02-06
 - C. Draft Ordinance
2. Review New Castle County Code
3. Review Kent County Code
4. Discussion regarding our actions currently:
 - A. Major Wipple – Kent County SPCA

**M 129 06
(continued)**

**Vote by Roll Call: Mr. Phillips, Yea; Mr. Cole, Absent;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea**

**Corre-
spondence**

Mr. Griffin read the following correspondence:

**GARY L. JAYNE, MAYOR, TOWN OF SOUTH BETHANY,
DELAWARE.**

RE: Letter in appreciation of \$5,000 Local Law Enforcement Grant.

**Barking
Dog
Complaint**

Mr. Phillips reported that he has had several constituents contact him regarding barking dogs and he asked the Council if they had a problem if he worked with the staff on drafting an ordinance that would address barking dog complaints. The other Councilmembers expressed concern that an ordinance cannot be adopted to address every complaint received; that this would be similar to a noise ordinance, which is hard to enforce; and that it is a civil matter to be pursued in Court with a Disturbing the Peace complaint.

Mr. Griffin advised that there is an entire Chapter in State Law that refers to dogs; however, it does not address barking dogs nor does it create any form of redress for someone who is disturbed by barking dogs. Mr. Griffin stated that he is not sure the County is sufficiently staffed to enforce such an ordinance; that many of the complaints would be at night; that it would require a subjective opinion as to whether the barking is truly creating a nuisance; and that it is probably best if the County avoids becoming involved. Mr. Stickels noted that it is in the Governor's budget to turn "animal control" over to the counties and that the County is going to have to incorporate 50 percent of the cost in this year's budget.

Mr. Stickels stated that he would ask the Constable's Office to contact the other two counties to see how they handle the problem.

Mr. Phillips stated that, unless there is an objection by the Council, he plans to look into the problem and the drafting of an ordinance. He pledged to minimize staff's time on the project.

**Wastewater
Agreement**

Mr. Stickels presented a wastewater agreement for the Council's consideration.

**M 130 06
Execute
Agreements/
Colonial
East
Park**

A Motion was made by Mr. Phillips, seconded by Mr. Jones, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 538, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Colonial East LTD, for wastewater facilities to be constructed in Colonial East Park, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.

Presentation of Poppies Honoring Veterans

Cindy and Dick Phillips were present on behalf of the Oak Orchard - Riverdale American Legion Post 28 Auxiliary. Mrs. Phillips provided a short history of the poppy. After World War I, poppies bloomed in the fields where American soldiers had fallen and the poppy became a symbol of remembrance. In 1920, the American Legion adopted the poppy as a symbol of remembrance and the following year, the Auxiliary adopted it as a memorial symbol. When you wear a poppy, you are saying that you remember our veterans that have died and that you are honoring our living veterans. Mrs. Phillips presented poppies to the Council asking them to wear the poppies with pride.

Mr. Cole presented a check in the amount of \$100.00 to Mrs. Phillips for the Oak Orchard – Riverdale American Legion Post 28 Auxiliary for poppies. Mrs. Phillips told the Council that the poppies are hand made by veterans and all money raised is used to help local veterans.

**M 328 06
Adopt
Proclamation**

A Motion was made by Mr. Dukes, seconded by Mr. Phillips, to Adopt the Proclamation entitled “PROCLAIMING APRIL 30 THROUGH MAY 7, 2006 AS *SOIL AND WATER STEWARDSHIP WEEK*”.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

**Barking
Dog
Complaints**

Mr. Phillips advised that he had requested that “Barking Dog Complaints” be placed on the agenda. Mr. Phillips noted that on February 14, 2006 he asked for Council’s approval to research the issue. He noted that, although it was not an enthusiastic endorsement by the Council, there were no comments in opposition. Mr. Phillips noted that, since the discussion at the Council meeting, a couple of local newspapers have printed that the Council is considering this issue and he has received calls and emails from people expressing their interest in the subject.

Mr. Phillips introduced James Smirk, who has done some research on this issue. He stated that there is a situation in his neighborhood, where a neighbor has two or three dogs that are outside sometimes at 5:00 a.m. and sometimes after midnight. He stated that the dogs sometimes bark for an hour continuously and that it is affecting his lifestyle and well-being. He stated that he would like for the Council to enact an ordinance to control barking dogs. Mr. Smirk distributed copies of Kent County’s Noise Ordinance.

Mr. Phillips stated that often, the Council has looked at the policies of other counties to help determine whether or not to move forward with an initiative. Mr. Phillips advised that Steve Watson, a Code Enforcement Officer for Kent County, stated that it is a difficult law but one that is often resolved by the people involved, once they realize there is a law and the law

Barking is understood.

Dog

**Complaints
(continued)**

Mr. Phillips advised that New Castle County also has a noise ordinance, which is enforced by the New Castle County Police. He also noted that Dewey Beach has an ordinance and there are townships in New Jersey and Pennsylvania that also have ordinances.

Mr. Griffin questioned whether the Homeowners Associations deal with barking dog and noise issues through regulations or Restrictive Covenants.

Mr. Smirk stated that when he questioned his Homeowner's Association, their response was that a notice would be posted asking for voluntary compliance. Mr. Griffin suggested that the Association should look into modifying their regulations to address the issue.

Mr. Cole suggested that, if the Council pursues this issue, it should be addressed in a broader sense.

Mr. Phillips stated that the dog barking problem is a widespread issue and that quite a few people were in attendance who wished to speak.

Barbara Sullivan, President of Blackwater Village Homeowners Association, spoke in support of a dog control/noise ordinance. She stated that there are dogs in her subdivision that bark incessantly. She stated that their Homeowners' Association does have regulations on this issue in their Restrictive Covenants; however, it is very difficult to enforce them. She also stated that she believes people would comply with a County law more readily than a covenant.

Mr. Dukes stated that he believes Homeowners Associations should regulate and enforce this issue.

Mr. Phillips distributed an outline of a "Nuisance Dog Ordinance", which contained language about the standards that would be expected; it leaves open-ended, who would be the enforcement agency (possibly the sheriff, constable's office, or code enforcement officer); it stipulates that noise would have to be 30 continuous minutes; and it talks about certain fines.

Major Randy Hughes, Delaware State Police (DSP), was present. He stated that the DSP does receive complaints about barking dogs, loud parties and music. He stated that, normally, they do not make arrests for barking dogs; they refer the complaint to the SPCA and work with them on dogs at large. Also, in neighbor disputes, the DSP acts as mediator. He noted that if the County enacts an ordinance, the question would be who will enforce it and who will prosecute. He also noted that the conviction issue would be problematic.

It was the consensus of the Council to conclude public comments on this issue.

(continued) Mr. Rogers stated that the Council would consider the information presented.

Wastewater Agreements Mr. Godwin, Administrative Assistant, reviewed wastewater agreements for the Council's consideration.

M 329 06 A Motion was made by Mr. Cole, seconded by Mr. Jones, based upon the
Execute recommendation of the Sussex County Engineering Department, for Sussex
Wastewater County Project No. 81-04, Agreement No. 565, that the Sussex County
Agreements/ Council execute a Construction Administration and Construction
Peninsula at Inspection Agreement between Sussex County Council and Peninsula at
Long Neck Long Neck, LLC for wastewater facilities to be constructed in Peninsula –
Marina Bay – Phase 3 – Area 1 – Parcel K, located in the Long Neck
Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent (out of room);
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

M 330 06 A Motion was made by Mr. Jones, seconded by Mr. Dukes, based upon the
Execute recommendation of the Sussex County Engineering Department, for Sussex
Agreements/ County Project No. 81-04, Agreement No. 615, that the Sussex County
Peninsula at Council execute a Construction Administration and Construction
Long Neck Inspection Agreement between Sussex County Council and Peninsula at
Long Neck, LLC for wastewater facilities to be constructed in Peninsula –
Marina Bay – Area 2, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 4 Yea, 1 Absent.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Absent (out of room);
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

M 331 06 A Motion was made by Mr. Jones, seconded by Mr. Phillips, based upon the
Execute recommendation of the Sussex County Engineering Department, for Sussex
Agreements/ County Project No. 81-04, Agreement No. 600, that the Sussex County
Peninsula at Council execute a Construction Administration and Construction
Long Neck Inspection Agreement between Sussex County Council and Peninsula at
Long Neck, LLC for wastewater facilities to be constructed in Peninsula –
Marina Bay – Area 3, located in the Long Neck Sanitary Sewer District.

Motion Adopted: 5 Yea.

Vote by Roll Call: Mr. Cole, Yea; Mr. Phillips, Yea;
Mr. Dukes, Yea; Mr. Jones, Yea;
Mr. Rogers, Yea

Draft Ordinance – Barking Dog Outline

Section 1: Title

This ordinance shall be called the Nuisance Dog Ordinance.

Section 2: Definitions

A. “Dog”- shall include male and female dogs regardless of whether the dog has been spayed or neutered.

B. “Owner” – Any person who owns, keeps, harbors or has in his/her care, custody or control of a dog. Dogs owned by a minor shall be deemed to be in the custody of the minor’s parents, guardians or head of household where the minor resides.

Section 3: Nuisance

It shall be unlawful within the jurisdiction of Sussex County, Delaware for the owner of a dog to allow his or her dog to:

A. Between the hours of 9:00 PM and 7:00 AM, habitually engage in loud howling, barking, crying, whining, or any combination thereof, so as to disturb the comfort and peace of any person other than the owner of such dog.

B. For the purposed of this ordinance, habitual shall mean the continuous barking, howling, crying or whining for a period of 30 minutes or more.

Section 4: Enforcement and Jurisdiction

A. This ordinance shall be enforced by the Sheriff/Constable/Other of Sussex County, or any sworn deputies.

B. Any person charged in violation of this ordinance shall have such case heard and determined by any Justice of the Peace in Sussex County.

Section 5: Penalties

A: The penalty for violating this ordinance shall be as follows:

For the first offense \$25.00 to \$75.00

For the second offense \$50.00 to \$100.00

For the third and any subsequent offense \$75.00 to \$150.00

B: If multiple violations occur within a 30 day period, the court may double the fine due up to a maximum of \$300.00.

Sec. 22.02.007. Noise control.

- A. Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning; all terminology used in this Section, not defined in this subsection, shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body:

Ambient noise level means the all-encompassing background noise associated with a given environment without the sound contribution of the specific source in question.

Animal noise control agency means a State or County administrative agency, a humane society, or other entity which is authorized by statute, ordinance or contract to enforce any animal noise control laws or regulations of the State or County.

Decibel means a standard unit for measuring the sound pressure level. It is equal to twenty (20) times the logarithm to the base 10 of the ratio of the pressure of the sound measured to a reference pressure which is twenty (20) micropascals denoted as dB.

Emergency means any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate action.

Emergency vehicle means a motor vehicle used in response to public calamity or to protect persons or property from imminent danger.

Motor vehicle means the same as defined in 21 Del. C. § 101 (Motor Vehicle Code) or any vehicles which are propelled or drawn by mechanical equipment, such as but not limited to passenger cars, trucks, truck trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, mopeds, amphibious craft on land, dune buggies or racing vehicles.

Noise means any sound which is unwanted or which causes or tends to cause any adverse physiological or psychological effect on human beings.

Noise disturbance means any sound which:

1. Endangers or injures the safety or health of humans or animals;
2. Any sound that recklessly or willfully disturbs any neighborhood, business, or a reasonable person of normal sensibilities within the County by making loud and unseemly noises.
3. Jeopardizes the value of property and erodes the integrity of the environment; or
4. Is in excess of the allowable noise levels established in Subsection E.

Noise, plainly audible means any noise for which the information content of that noise is unambiguously communicated to the listener, such as but not limited to spoken speech or musical rhythms.

Powered model vehicles means any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as but not limited to model airplanes, boats, cars, rockets, which can be propelled by mechanical means.

Property boundary means an imaginary line which separates the real property owned or

possessed by one (1) person or governmental entity from that owned or possessed by another person or governmental entity.

Pure tone means any sound which can be distinctly heard as a single pitch or set of single pitches. For the purpose of this Section, a pure tone shall exist if the one-third (1/3) octave band sound pressure level and the band with the tone exceeds the arithmetic average of the sound pressure level of the two (2) contiguous one-third (1/3) octave bands by fifteen (15) dB for bands with center frequencies less than one hundred sixty (160) Hz, eight (8) dB for bands with center frequencies of one hundred sixty (160) Hz to four hundred (400) Hz and by five (5) dB for bands with center frequencies greater than four hundred (400) Hz.

Sound means a temporal and spatial oscillation in pressure or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium and which propagates at finite speed to distant points.

Weekday means any Monday, Tuesday, Wednesday, Thursday or Friday which is not legally designated a holiday.

B. Noise disturbances prohibited.

1. General prohibition. It shall be unlawful for any person to make, continue or cause to be made or continued noise disturbance within the County.
 - a. A noise disturbance can be prosecuted without the use of a noise meter so long as the noise disturbance:
 - i. Endangers or injures the safety or health of humans or animals;
 - ii. Recklessly or willfully disturbs any neighborhood, business, or a reasonable person of normal sensibilities within the County by making loud or unseemly noises; or
 - iii. Jeopardizes the value of property.
2. Specific prohibitions. It shall be unlawful for any person to make, continue or cause to be made or continued any noise disturbances in the County in any of the following manners:
 - a. Motor vehicles, horns and motor vehicle signaling devices.
 - i. It shall be unlawful for any person within any residential district to repair, rebuild, test, race or gun any motor vehicle between the hours of 9:00 p.m. and 8:00 a.m. of the following day in such a manner that would create a noise disturbance.
 - ii. All vehicles operating within the boundaries of the County shall comply with the applicable State regulations pursuant to 21 Del. C. § 101 et seq. (Motor Vehicle Code).
 - iii. All aircraft and railroads operating within the County shall comply with all applicable federal and State noise restrictions.
 - b. Radios, televisions sets, phonographs and similar devices.
 - i. Operating or permitting the use or operation of any radio receiving set, musical instrument, television, phonograph, drum, speaker or loudspeaker or other device for the production or reproduction of sound in such a manner as to cause a noise disturbance.
 - ii. Operating any such device, as listed in Subsection B.2.b.i between the hours of 9:00 p.m. and the following 8:00 a.m. in such a manner as to be:
 - (a) Plainly audible through partitions common to two (2) parties within a

building; or

- (b) Across real property boundaries as to create a noise disturbance.
- c. Radios, compact disc players, tape players and other similar devices located within or on a motor vehicle.
 - i. It shall be unlawful for any vehicle operator or person in charge or control of a motor vehicle to permit the operation of any radio, tape player, music speaker, loudspeaker, compact disc player or other similar device in or on a vehicle in such a manner as to be plainly audible on a public street, public right-of-way, or public space at fifty (50) feet or more from the vehicle.
 - ii. It shall be unlawful to play such devices in such a manner that the operator of the vehicle cannot hear or comprehend emergency signals or devices.
- d. Animals. Owning, possessing, harboring or controlling any animal or bird which causes a noise disturbance by barking, baying, crying, squawking or by making any other noise continuously or incessantly for a period of ten (10) minutes or which makes such noises intermittently for one-half (½) hour or more; provided, however, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon private property in or upon which the animal or bird is situated or that no person other than the owner, controller or possessor of the animal was teasing or provoking the animal or bird at the time it made such noise. For purposes of this Section the term "animals and birds" shall not include livestock or poultry which are raised or kept as part of a farm operation which is actively devoted to the production for sale of plants and animals useful to people.
- e. Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers or other similar objects between the hours of 10:00 p.m. and 7:00 a.m. the following day, in such manner as to create a noise disturbance within a residential district, except during an emergency.
- f. Construction noise. Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto in the following manner:
 - i. With sound control devices that have been tampered with.
 - ii. In violation of any regulation of the United States Environmental Protection Agency.
 - iii. Between the hours of 9:00 p.m. and 7:00 a.m. the following day on weekdays and between 10:00 p.m. on Friday and Saturday evening and 9:00 a.m. on Saturday and Sunday mornings or between 10:00 p.m. the day before and 9:00 a.m. the day of a legal holiday which creates a noise disturbance, except as provided in this Section.
- g. Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices as to cause a noise disturbance within a residential district or public right-of-way.
- h. Powered model vehicles. Operating or permitting the operation of powered model vehicles between the hours of 9:00 p.m. and 7:00 a.m. the following morning. Maximum sound pressure levels during the permitted period of operation shall conform to those set forth in subsection E of this Section and shall be measured at the property line of the source or at a distance of one hundred (100) feet if it is operated in a public place.
- i.

Refuse compacting vehicles. Operating or permitting to be operated any motor vehicle which can compact refuse and which creates, during the compacting cycle, a sound pressure level in excess of ninety-four (94) dB(A) when measured at fifty (50) feet from any point of the vehicle or between the hours of 8:30 p.m. and 6:00 a.m. the following day in residential districts.

- j. Power equipment. Operating or permitting to be operated any power saw, sander, drill, grinder, garden equipment or tools of a similar nature outdoors in residential districts between the hours of 9:00 p.m. and 7:00 a.m. the following day, in such a manner as to create a noise disturbance.
- k. Stationary emergency signaling devices.
 - i. Testing of only the electrical mechanical functioning of a stationary emergency signaling device shall occur at the same time each day that a test is performed, but not before 8:00 a.m. or after 8:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall such test time exceed ten (10) seconds.
 - ii. Testing of the complete emergency signaling system, including the electromechanical functioning of the signaling device and the personnel response to the signal, shall not occur more than once each calendar month. Such testing shall not occur before 8:00 a.m. or after 8:00 p.m. The ten (10) second time limit on the electromechanical functioning of the signaling device shall not apply to such system testing.
 - iii. Stationary emergency signaling devices shall be used only for testing in compliance with applicable subsections of this Section and for emergency purposes where personnel and equipment are mobilized.
 - iv. For the purpose of the enforcement of this Section, noise levels shall be measured with a sound meter that meets or exceeds the requirements of American National Standards Institute specification for sound level meters (ANSI S1.4-1971), approved April 27, 1971, and issued by the American National Standards Institute, for types I, II or S sound level meters. A sound level calibration instrument of the coupler type shall be used to calibrate the sound level meter in decibel units, and such instrument shall produce a calibration sound pressure level.
- l. Electronic insect or bug killing devices.
 - i. Operating or permitting the use or operation of any electronic insect or bug killing devices for the elimination, control or extermination of flying insects or bugs in such a manner as to create a noise disturbance.
 - ii. Operating any such device, as listed in Subsection B.2.l.i., between the hours of 10:00 p.m. and the following 7:00 a.m. in such a manner as to be plainly audible across real property boundaries.

C. Enforcement and penalties.

1. Except as otherwise specified in this Section, any person who fails to comply with the regulations as established in this Section shall be subject to the penalties provided in [Section 1.01.009](#)
2. Enforcement. This Section shall be enforced by the Police Department, provided, however, that the provisions of Subsection B.2.d may also be enforced by an animal noise control agency as defined in this Section. The County Executive may appoint the animal noise control officers, contingent on funds available, responsible for the enforcement of this section as code enforcement constables or officers for the limited purpose of issuing summons for violations of this Chapter. An animal noise control

agency other than a State or County administrative agency, authorized by ordinance to enforce this Section, shall be designated an instrumentality of the County created pursuant to 9 Del. C. § 101 et seq. (Counties), only for purposes of the immunities conferred on such agency and its employees pursuant to 10 Del. C. § 4001 et seq. (Tort Claims Act), unless otherwise provided by such authorizing ordinance. The County shall not be obliged to indemnify, hold harmless, defend or insure such agency if the immunity is ever determined to be inapplicable.

3. Noise Disturbance and Animal Noise Penalties. Any person convicted of a violation of Subsection B.1, B.2.d or Subsection E, which shall be classified a misdemeanor, shall pay a fine for each offense as follows:
 - a. A fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollars (\$1,000.00) for the first offense, and a fine of not less than five hundred dollars (\$500.00) nor more than two thousand five hundred dollars (\$2,500.00) for the second offense, and a fine of not less than one thousand dollars (\$1,000.00) nor more than five thousand dollars (\$5,000.00) for each subsequent offense.
 - b. Each day any violation of such subsection shall continue shall constitute a separate offense for which a separate conviction may be obtained and a separate penalty for each day shall be imposed.
 - c. Any summons issued for any violation of Subsection B.2.d may provide that in lieu of appearing in court, the offender may remit a voluntary assessment of up to two hundred dollars (\$200.00) for each offense. The summons may provide that each day any violation shall continue shall constitute a separate offense.

D. Exceptions and special waivers.

1. Exceptions. The following uses of an activity shall be exempt from noise level regulations:
 - a. Safety signals. Noise of safety signals and warning devices.
 - b. Authorized emergency vehicles. Noises resulting from any authorized vehicle, when responding to an emergency.
 - c. Municipal services. Noises resulting from the provision of municipal services.
 - d. Temporary activities. Any noise resulting from activities of a temporary duration permitted by law or for which a waiver has been granted by the Department of Land Use.
 - e. Certain unamplified human voices. The unamplified human voice and unamplified crowd noises resulting from activities such as those planned by day care centers, schools, governmental and community groups, except as specified in Subsection B.2.i.
 - f. Parades. Parades and public gathering for which a special waiver has been issued.
 - g. Religious chimes, bells, carillons. Bells, chimes, carillons while being used for religious purposes or in conjunction with religious services or for national celebrations or public holidays and those bells, chimes, carillons that are installed and in use for any purpose.
 - h. Shooting activities at duly sanctioned shooting organizations. Shooting activity between the hours of 8:00 a.m. and 10:00 p.m. at the outdoor or partially enclosed shooting ranges of organizations which are affiliated with or recognized by the State or a national sport shooting organization.
2. Exemptions for time to comply. Upon good cause shown by the owner or responsible

party for any noise source, the Department of Land Use shall have the power to grant an exemption from the requirements of this Section in order to allow sufficient time for installation of needed control equipment, facilities or modifications to achieve compliance, not to exceed ten (10) days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown. A request for exemption shall be filed in writing with the Department of Land Use on forms provided by the Department of Land Use.

3. Special waivers.

- a. Authority. The Department of Land Use shall have the authority, consistent with this Section, to grant special waivers.
- b. Application. Any person seeking a special waiver pursuant to this Section shall file a written application with the Department of Land Use. The written application shall contain information which demonstrates that bringing the source of sound or activity for which the special waiver is sought into compliance with this Section would constitute an unreasonable hardship on the applicant or the community or for another purpose.
- c. Issuance or denial. In determining whether to grant or deny the application, the Department of Land Use shall balance the hardship to the applicant, the community and other persons of not granting the special waiver against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of property affected and any other adverse impacts of granting the special waiver.
- d. Special waivers. Special waivers shall be granted by notice to the applicant and may include all necessary conditions, including the time limits on the permitted activity. The special waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the special waiver shall terminate it and subject the person holding it to the regulations and punishment of this Section.
- e. Guidelines. The Department of Land Use may issue guidelines defining the procedures to be followed in applying for special waivers and the criteria to be considered in deciding whether to grant a special waiver.

E. Allowable noise levels. Unless a person has been granted a special waiver in accordance with this Section, it shall be unlawful for any person to create a noise disturbance. Any one (1) or combination of the following shall constitute noise disturbances:

1. A noise which exceeds the ambient noise level by ten (10) dBA, at the point of complaint origination within the receiving property, except as otherwise regulated in this Section.
2. Any stationary source of sound which emits a pure tone, cyclically varying sound or repetitive impulsive sound shall be considered a noise disturbance if the sound exceeds the ambient noise level by five (5) dBA.
3. Noise which is described as "plainly audible" in subsections of this Section, including but not limited to Subsections B.2.b, B.2.c and B.2.I.

(Ord. No. 98-050, § 1(22-32), 5-26-1998; Ord. No. 05-056, § 3, 7-12-2005; Ord. No. 06-113, § 1, 9-12-2006; Ord. No. 10-113, § 1(Exh. A), 1-18-2011)

Kent County, DE
Thursday, June 6, 2013

Chapter 161. NOISE

[HISTORY: Adopted by the Levy Court of Kent County 11-23-1993 by Ord. No. 93-11. Amendments noted where applicable.]

§ 161-1. Definitions.

All terminology used in this section, not defined herein, shall be in conformance with applicable publications of the American National Standard Institute (ANSI) or its successor body.

AMBIENT NOISE LEVEL

The all-encompassing background noise associated with a given environment without the sound contribution of the specific source in question.

DECIBEL

A standard unit for measuring the sound pressure level. It is equal to 20 times the logarithm to the base 10 of the ratio of the pressure of the sound measured to a reference pressure which is 20 micropascals denoted as "dB."

EMERGENCY

Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage which demands immediate actions.

EMERGENCY VEHICLE

A motor vehicle used in response to public calamity or to protect persons or property from imminent danger.

MOTOR VEHICLE

As defined in the Motor Vehicle Code of the State of Delaware, or any vehicles which are propelled or drawn by mechanical equipment, such as, but not limited to, passenger cars, trucks, truck-trailers, semitrailers, campers, motorcycles, minibikes, go-carts, snowmobiles, mopeds, amphibious craft on land, dune buggies or racing vehicles.

NOISE

Any sound which is unwanted or which causes or tends to cause any adverse physiological or psychological effect on human beings.

NOISE DISTURBANCE

Any sound which:

- A. Endangers or injures the safety or health of humans or animals;
- B. Annoys or disturbs a reasonable person of normal sensibilities;
- C. Jeopardizes the value of property and erodes the integrity of the environment; or
- D. Is in excess of the allowable noise levels established in § 161-5.

NOISE, PLAINLY AUDIBLE

Any noise for which the information content of that noise is unambiguously communicated to the listener, such as, but not limited to, understandable spoken speech or comprehensible musical rhythms.

POWERED MODEL VEHICLES

Any powered vehicles, either airborne, waterborne or landborne, which are designed not to carry persons or property, such as but not limited to model airplanes, boats, cars and rockets, which can be propelled by mechanical means.

PROPERTY BOUNDARY

An imaginary line which separates the real property owned or possessed by one person, corporation, business or governmental entity from that owned or possessed by another person, corporation, business or governmental entity.

PURE TONE

Any sound which can be distinctly heard as a single pitch or set of single pitches. For the purpose of this section, a pure tone shall exist if the 1/3 octave band sound pressure level and the band with the tone exceeds the arithmetic average of the sound pressure level of the two contiguous 1/3 octave bands by 15 dB for bands and center frequencies less than 160 Hz, eight dB for bands with center frequencies of 160 Hz to 400 Hz and by five dB for bands with center frequencies greater than 400 Hz.

SOUND

A temporal and spatial oscillation in pressure, or other physical quantity, in a medium with internal forces that causes compression and rarefaction of that medium, and which propagates at finite speed to distant points.

WEEKDAY

Any Monday, Tuesday, Wednesday, Thursday or Friday which is not legally designated a holiday.

§ 161-2. Noise disturbances prohibited.

[Amended 11-30-1999 by Ord. No. 99-23]

- A. General prohibition. It shall be unlawful for any person, corporation or business entity to make, continue or cause to be made or continued any noise disturbance within the unincorporated areas of Kent County.
- B. Specific prohibitions. It shall be unlawful for any person, corporation or business entity to make, continue or cause to be made or continued any of the following noise disturbances within the unincorporated areas of Kent County.

(1) Motor vehicles, horns and motor vehicle signaling devices:

- (a) It shall be unlawful for any person within any residential district to repair, rebuild, test, race or gun any motor vehicle between the hours of 11:00 p.m. and 7:00 a.m. of the following day in such a manner that would create a noise disturbance.
- (b) All vehicles operating within the boundaries of Kent County must comply with the applicable State of Delaware Regulations pursuant to Title VII of the Delaware Code.
- (c) Aircraft and railroad noise limits. All aircraft and railroads operating within Kent County shall comply with all applicable federal and state noise regulations.

(2) Radios, television sets, phonographs and similar devices:

- (a) Operating or permitting the use or operation of any radio receiving set, musical instrument(s), television, phonographs, drum, speaker or other device for the production or reproduction of sound in such a manner as to cause a noise disturbance.
- (b) Operating any such device, as listed in Subsection **B(2)(a)** above, between the hours of 11:00 p.m. and the following 7:00 a.m., except in the RS1, RS5, RMH, and RM Zoning Districts between the hours of 9:00 p.m. and the following 7:00 a.m., in such a manner as to be: **[Amended 7-23-2002 by Ord. No. 02-17]**

[1] Plainly audible across real property boundaries or through partitions common to two parties within a building; or

[2] Plainly audible 50 feet from such device when operated within a motor vehicle on a public or private right-of-way or on a public or private space.

[3] In such a manner that the noise is a habitual offense occurring more than one day per week.

- (3) Animals. Owning, possessing, harboring or controlling any animal or bird which causes a noise disturbance by barking, baying, crying, squawking or by making any other noise continuously or incessantly for a period of 10 minutes or makes such noises intermittently for 1/2 hour or more; provided, however, that at the time the animal or bird is making such noise no person is trespassing or threatening to trespass upon the private property in or upon which the animal or bird is situated or that no person other than the owner, controller or possessor of the animal was teasing or provoking the animal or bird at the time it made such noise. Provided, further, that for purposes of this section "animals and birds" shall not include livestock or poultry which are raised or kept as part of a farm operation which is actively devoted to the production for sale of plants and animals useful to people.

- (4) Loading operations. Loading, unloading, opening or otherwise handling boxes, crates, containers or other similar objects between the hours of 11:00 p.m. and 7:00 a.m. the following day, in such manner as to create a noise disturbance within a residential district, except during an emergency.
- (5) Construction noise. Operating or causing to be operated any equipment used in commercial construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto, in the following manner:
 - (a) With sound control devices which have been tampered with.
 - (b) In violation of any regulation of the United States Environmental Protection Agency.
 - (c) Between the hours of 11:00 p.m. and 7:00 a.m. the following day which creates a noise disturbance.
- (6) Explosives, firearms and similar devices. The use or firing of explosives, firearms or similar devices as to cause a noise disturbance within a residential district or public right-of-way.
- (7) Powered model vehicles. Operating or permitting the operation of powered model vehicles between the hours of 11:00 p.m. and 7:00 a.m. the following morning. Maximum sound pressure levels during the permitted period of operation shall conform to those set forth in § 161-5 below and shall be measured at the property line of the source or at a distance of 100 feet if it is operated in a public place.
- (8) Refuse compacting vehicles. Operating or permitting to be operated any motor vehicle which can compact refuse and which creates, during the compacting cycle, a sound pressure level in excess of 94 dB(A) when measured at 50 feet from any point of the vehicle, or between the hours of 11:00 p.m. and 7:00 a.m. the following day in residential districts.
- (9) Yelling, shouting, hooting, whistling, etc. Yelling, shouting, hooting, whistling or generally creating a racket on public streets between the hours of 11:00 p.m. and 7:00 a.m. the following day so as to be plainly audible at the nearest property line or to a bystander or create a noise disturbance.
- (10) Power equipment. Operating or permitting to be operated any power saw, sander, drill, grinder, garden equipment or tools of a similar nature, outdoors in residential districts between the hours of 11:00 p.m. and 7:00 a.m. the following day, in such a manner as to create a noise disturbance.
- (11) Stationary emergency signaling devices:
 - (a) Testing of only the electrical mechanical functioning of a stationary emergency signaling device shall occur at the same time each day that a test is performed, but

not before 7:00 a.m. or after 11:00 p.m. Any such testing shall only use the minimum cycle test time. In no case shall such test time exceed 10 seconds.

- (b) Testing of the complete emergency signaling system, including the electromechanical functioning of the signaling device and the personnel response to the signal, shall not occur more than once each calendar month. Such testing shall not occur before 7:00 a.m. or after 11:00 p.m. The ten-second time limit on the electromechanical functioning of the signaling device shall apply to such system testing.
- (c) Stationary emergency signaling devices shall be used only for testing in compliance with applicable provisions of this section and for emergency purposes where personnel and equipment are mobilized.
- (d) For the purpose of the enforcement of the provisions of this section, noise levels may be measured with a sound meter that meets or exceeds the requirements of American National Standard Institute specification for sound level meters (ANSI S1.4-1971), approved April 27, 1971, and issued by the American National Standards Institute, for types I, II or S sound level meters. A sound level calibration instrument of the coupler type shall be used to calibrate the sound level meter in decibel units and such instrument shall produce a calibration sound pressure level.

(12) Electronic insect or bug killing devices:

- (a) Operating or permitting the use or operation of any electronic insect or bug killing devices for the elimination, control or extermination of flying insects or bugs in such a manner as to create a noise disturbance.
- (b) Operating any such device, as listed in Subsection **B(12)(a)** above, between the hours of 11:00 p.m. and the following 7:00 a.m. in such a manner as to be plainly audible across real property boundaries.

§ 161-3. Enforcement and penalties.

[Amended 11-30-1999 by Ord. No. 99-23; 3-2-2004 by Ord. No. 04-03]

A. Fine. Any person who violates any provision of this chapter shall be fined according to the following schedule:

- (1) Thirty dollars for any first offense.
- (2) One hundred dollars for any second offense.
- (3) Two hundred fifty dollars for any third offense.
- (4) Five hundred dollars for any fourth offense.
- (5) Not less than \$1,000 or more than \$10,000 for any fifth or subsequent offense.

- B. Separate offense. Each day that any violation continues shall constitute a separate offense.
- C. Enforcement. This section shall be enforced by any law enforcement agency having jurisdiction over the area (site) in which the alleged offense occurred.

§ 161-4. Exceptions and special waivers.

- A. Exceptions. The following uses of an activity shall be exempt from noise level regulations:

- (1) Safety signals. Noise of safety signals and warning devices.
- (2) Authorized emergency vehicles. Noises resulting from any authorized vehicle, when responding to an emergency.
- (3) Aircraft. Aircraft flying to and from Dover Air Force Base. **[Added 7-23-2002 by Ord. No. 02-17 Editor's Note: This ordinance also redesignated former Subsection A(3) through (9) as Subsection A(4) through (10), respectively.]**
- (4) Municipal services. Noises resulting from the provisions of municipal services.
- (5) Temporary activities. Any noise resulting from activities of a temporary duration permitted by law and/or for which a waiver has been granted by the Division of Inspections and Enforcement.
- (6) Certain unamplified human voices. The unamplified human voice and unamplified crowd noises resulting from activities such as those planned by day-care centers, schools, governmental and community groups [except as specified above in § 161-3B (9)].
- (7) Parades. Parades and public gathering for which a waiver has been issued.
- (8) Religious chimes, bells, etc. Bells, chimes, carillons while being used for religious purposes or in conjunction with religious services, or for national celebrations or public holidays, and those bells, chimes, carillons that are presently installed and in use for any purpose.
- (9) Shooting. Shooting activities at duly sanctioned shooting organizations: Shooting activity between the hours of 7:00 a.m. and 11:00 p.m. at the outdoor or partially enclosed shooting ranges of organizations which are affiliated with or recognized by the State of Delaware or a national sport shooting organization.
- (10) Farm machinery and equipment. Noise emanating from the operation of machinery and equipment while engaged in agricultural activity.

- B. Exemptions for time to comply. Upon good cause shown by the owner or responsible party for any noise source, the Division of Inspections and Enforcement shall have the power to grant an exemption from the requirement of this section in order to allow sufficient time for installation of needed control equipment, facilities or modifications to achieve

compliance, not to exceed 10 days, provided that such exemption may be renewed as necessary, but only if satisfactory progress toward compliance is shown. A request for exemption shall be filed in writing with the Division of Inspections and Enforcement on forms provided by the department.

C. Special waivers:

- (1) Authority. The Division of Inspections and Enforcement shall have the authority, consistent with this section, to grant special waivers.
- (2) Application. Any person seeking a special waiver pursuant to this section shall file a written application with the Division of Inspections and Enforcement. The written application shall contain information which demonstrates that bringing the source of sound or activity for which the special waiver is sought into compliance with this chapter would constitute an unreasonable hardship on the applicant, or the community, or for another purpose.
- (3) Issuance or denial. Determining whether to grant or deny the application, the Division of Inspections and Enforcement shall balance the hardship to the applicant, the community and other persons of not granting the special waiver against the adverse impact on the health, safety and welfare of persons affected, the adverse impact of property affected and any other adverse impacts of granting the special waiver.
- (4) Special waivers. Special waivers shall be granted by notice to the applicant and may include all necessary conditions, including the time limits on the permitted activity. The special waiver shall not become effective until all conditions are agreed to by the applicants. Noncompliance with any condition of the special waiver shall terminate it and subject the person holding it to the regulation and punishment provisions of this section.
- (5) Guidelines. The Division of Inspections and Enforcement may issue guidelines defining the procedures to be followed in applying for special waivers and the criteria to be considered in deciding whether to grant a special waiver.

§ 161-5. Allowable noise levels.

Unless a person has been granted a special waiver, in accordance with the provisions of this section, it shall be unlawful for any person to create a noise disturbance within the unincorporated area of Kent County. Any one or combination of the following shall constitute noise disturbances:

- A. Exceeds ambient noise level by 10 dBA. A noise which exceeds the ambient noise level by 10 dBA, at the point of complaint origination within the receiving property, except as otherwise regulated herein.
- B. Exceeds ambient noise level by five dBA in a residential area. A noise which exceeds the ambient noise level by five dBA at the point of complaint origination within the receiving property in areas zoned RS1, RS5, RMH, and RM, except as otherwise regulated herein.

[Added 7-23-2002 by Ord. No. 02-17 *Editor's Note: This ordinance also redesignated former Subsections B and C as Subsections C and D, respectively.* **]**

- C. Certain pure tones, repetitive impulsive sounds, etc., exceeding ambient noise level by five dBA. Any stationary source of sound which admits a pure tone, cyclically varying sound or repetitive impulsive sound shall be considered a noise disturbance if the sound exceeds the ambient noise level by five dBA.
- D. Plainly audible noise. Noise which is described as "plainly audible" in subsections of this section, including, but not limited to, § 161-2B(2), (9) and (12).

§ 161-6. Study on enforcement of provisions.

Levy Court shall restudy this chapter as to its affect on police authorities and their enforcement thereof two years from its adoption date.

SUSSEX COUNTY
CHANGE ORDER REQUEST

A. ADMINISTRATIVE:

1. Project Name: South Bethany Sewer Line Renovation
2. Sussex County Contract No. #12-29
3. Change Order No. 1
4. Date Change Order Initiated - 5.22.2013
5. a. Original Contract Sum \$66,000.00
b. Net Change by Previous
Change Orders -0-
c. Contract Sum Prior to
Change Order \$66,000.00
d. Requested Change \$559.00
e. Net Change (No. of days) 0
f. New Contract Amount \$66,559.00
5. Contact Person Michael A. Izzo, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☒ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction
Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory
Requirements
- ☐ 4. Design Change
- ☒ 5. Overrun/Underrun in Quantity
- ☐ 6. Factors Affecting Time of Completion
- ☐ 7. Other (explain below)

C. BRIEF DESCRIPTION OF CHANGE ORDER:

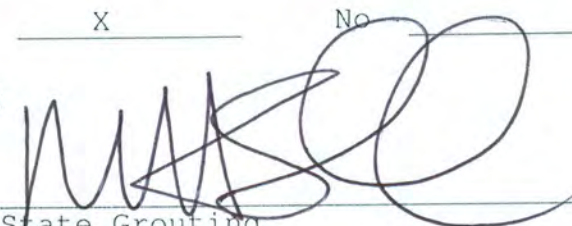
Balance Bid Quantities and the addition of a preliner
for one section of pipe.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?:

Yes X No

E. APPROVALS

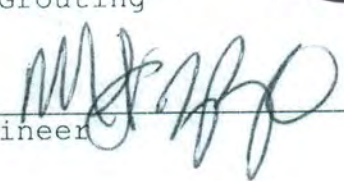
1.


Tri-State Grouting

Date

6/6/13

2.


County Engineer

Date

6/6/13

Item	Description of Work	Units	Bid	Unit Price	Total Bid	Final Qty	Final Total	Change to Bid
A1	Mobilization	LS	1	\$ 3,000.00	\$ 3,000.00	1	\$ 3,000.00	\$ -
A2	Furnish and Install Trenchless Liner in 8 " sewer	LF	1200	\$ 42.00	\$ 50,400.00	1187	\$ 49,854.00	\$ (546.00)
A3	Reinstate Laterals	EA	40	\$ 175.00	\$ 7,000.00	37	\$ 6,475.00	\$ (525.00)
A4	Bypass Pumping	EA	4	\$ 400.00	\$ 1,600.00	4	\$ 1,600.00	\$ -
	Contingent Items					0	\$ -	\$ -
B1	Point repairs in pipe	EA	5	\$ 300.00	\$ 1,500.00	8	\$ 2,400.00	\$ 900.00
B2	Point repairs in manhole	EA	5	\$ 500.00	\$ 2,500.00	1	\$ 500.00	\$ (2,000.00)
B3	Change Order Preliner For Delcastle Ave	FT	10		\$ -	273	\$ 2,730.00	\$ 2,730.00
					\$ 66,000.00		\$ 66,559.00	\$ 559.00

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 Policy**

DATE: June 7, 2013

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 III(13)(a) through (d) – Affordable and Fair Housing Marketing Plan
 - Moderately Priced Housing Unit Amendment
- Sections IV(15) and (16) – Housing Discrimination Complaints
- Section IV(17) – Availability of Fair Housing Materials
- Section V(19) – Fair Housing Policy
- Section V(20) – Equal Housing Opportunity Logo on County website, advertisements, and notices
- Section VI(18) – Submission of First Semi-Annual Compliance Report (5/28/13)
- Section VI(21 – 23) and VII(26) – Fair Housing Training (3/8/13) and submission of Certificates of Training



COUNTY ADMINISTRATIVE OFFICES WEST COMPLEX
22215 DUPONT BOULEVARD | PO BOX 589
GEORGETOWN, DELAWARE 19947

- Section VII(27)(a) through (f) – Affordable Housing Webpage
- Section VIII(30) – (31) – Compensation to Diamond State CLT

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

- Section II – VCA Availability
- Section III(1) – Fair Housing Training (3/8/2013)
- Section III(2) - Compensation to Diamond State CLT
- Section III(4) – Sussex County Analysis of Impediments Evaluation and Proposed Priority Fair Housing Plan
- Section III(7)(a)(iii) – Successful Models of Affordable Housing Strategies; Anti-NIMBY Policy and update of Fair Housing Policy to include Anti-NIMBY Policy
- Section III(7)(b) – Moderately Priced Housing Unit Amendment
- Section III(7)(c) – Strong Communities Initiative
- Section IV – Publishing of VCA
- Section V – Submission of First Semi-Annual Compliance Report (5/28/2013)

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

TOWN OF GEORGETOWN

MAYOR
AND
COUNCIL



TOWN HALL
39 THE CIRCLE
GEORGETOWN, DE 19947

May 28, 2013

The Honorable Samuel E. Wilson, Jr.
Sussex County Council
2 The Circle
Georgetown, Delaware 19947

RE: Damage to the Fountain on The Circle

Dear Councilman Wilson:

Per our conversation on Sunday, May 26 following the Memorial Day Ceremony on The Circle, I am writing to request any financial assistance that you might be able to provide to the Town of Georgetown to repair the costly damage that was recently done to our wonderful fountain.

In the early morning hours of April 22, 2013 a vehicle traveling east on West Market Street (U. S. Route 9) failed to yield and proceeded to ram the fountain causing severe damage to the fountain's brick surround, the concrete liner, a fire hydrant, and a prominent sign. While the estimates for all the needed repairs have yet to be received we do know that repairs to the brick surround alone will be in excess of \$15,000.00. The driver responsible for inflicting this damage has minimal insurance coverage so recovery of the full cost of all damages from his insurance company may not be possible.

As a life-long resident of Sussex County you know and appreciate the history of our Circle and its prominent feature, the fountain. I know you also appreciate the importance it has to our community, its history and as the single most prominent landmark which draws such positive attention to our Town. It is clearly a unique and distinctive symbol of all that is right and wonderful in Sussex County and its preservation is of outmost concern for all of us.

We are hopeful you might be able to assist us with a contribution of funds that will help us to achieve our goal of full restoration of this, our Town's treasure.

Please let me know should you require any additional information from the Town in order to consider this request for assistance as we would be happy to provide it to you as quickly as possible.

Thank you again for your attention to this important project.

Best and sincere wishes,

A handwritten signature in blue ink that reads "Linda J. Dennis". The signature is written in a cursive, flowing style.

Linda J. Dennis

Councilwoman Ward 4

cc: Mayor and Council

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A WASTEWATER TREATMENT PLANT TO TREAT OFFSITE WASTE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.26 ACRES, MORE OR LESS (Two Tracts) (Tax Map I.D. 3-34-11.00 Parcels 83.00 and 83.04)

WHEREAS, on the 17th day of May 2013, a conditional use application, denominated Conditional Use No. 1967 was filed on behalf of Tidewater Environmental Services, Inc.; and

WHEREAS, on the ____ day of _____ 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1967 be _____; and

WHEREAS, on the ____ day of _____ 2013, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1967 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of Road 283 (Cedar Grove Road) and east of Road 277 (Robinsonville Road) and being more particularly described per the attached legal descriptions, said parcel containing 2 tracts for a total of 10.26 acres, more or less.

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

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 25.4219 ACRES, MORE OR LESS (Tax Map I.D. 3-34-12.00-127.01 and 127.07-127.10)

WHEREAS, on the 3rd day of June 2013, a zoning application, denominated Change of Zone No. 1732 was filed on behalf of Herola Family, LLC and Artisan's Bank; and

WHEREAS, on the ____ day of _____ 2013, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1732 be _____; and

WHEREAS, on the ____ day of _____ 2013, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying south of Route 24 (John J. Williams Highway) 2,025 feet west of Route One and being more particularly described per the attached legal description provided by Davis, Bowen & Friedel, Inc. and containing 25.4219 acres more or less.

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

RECEIVED

JUN 03 2013

**PLANNING & ZONING
COMM. OF SUSSEX COUNTY**

LEGAL DESCRIPTION
REZONING EXHIBIT
HEROLA FAMILY, L.L.C.
& ARTISANS' BANK

May 22, 2013

ALL that piece or parcel of land, hereinafter described, situate, lying and being on the southeasterly side of Route 24 and being located in Lewes and Rehoboth Hundred, Sussex County, Delaware; said piece or parcel of land being more particularly described as follows:

BEGINNING at a point on the southeasterly right-of-way line of Route 24; said beginning point formed by the intersection of said southeasterly right-of-way line of Route 24 with the southerly right-of-way line of the "30' Wide Strip of Right-of-Way" as recorded in the Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware in Plot Book 127, Page 85, thence,

- 1) running by and with said 30' Wide Strip of Right-of-Way, North 41 degrees 11 minutes 29 seconds East 69.76 feet to a point on the westerly line of Lot 1, thence,
- 2) leaving said 30' Wide Strip of Right-of-Way and running by and with said Lot 1, the following two courses and distances, North 40 degrees 42 minutes 29 seconds East 106.91 feet to a point, thence,
- 3) continuing with said Lot 1 and also running by and with the westerly line of Lot 2, Lot 3 and Lot 4, the following two courses and distances, North 42 degrees 08 minutes 25 seconds East 480.15 feet to a point, thence running,
- 4) North 40 degrees 42 minutes 29 seconds East 176.24 feet to a point, thence,
- 5) continuing by and with said Lot 4, the following two courses and distances, South 45 degrees 27 minutes 43 seconds East 366.70 feet to a point of curvature, thence,
- 6) running by and with the arc of a curve, deflecting to the left, having an arc length of 81.91 feet, a radius of 50.00 feet and a chord bearing and distance of North 87 degrees 36 minutes 13 seconds East 73.05 feet to a point on the westerly line of the "50' Wide Strip

Legal Description

Rezoning Exhibit

2

of Right-of-Way" as recorded Office of the Recorder of Deeds, in and for Sussex County and the State of Delaware in Plot Book 127, Page 85, thence,

7) leaving said Lot 4 and running by and with said "50' Wide Strip of Right-of-Way", the following three courses and distances, North 40 degrees 40 minutes 22 seconds East 224.77 feet to a point of curvature, thence,

8) running by and with the arc of a curve, deflecting to the left, having an arc length of 72.84 feet, a radius of 50.00 feet and a chord bearing and distance of North 01 degrees 03 minutes 26 seconds West 66.57 feet to a point, thence,

9) continuing by and with said "50' Wide Strip of Right-of-Way" and also running by and with the southwesterly line of the lands of, now or formerly, Hood Family, L.L.C., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2631, Page 187, the following seven courses and distances, South 45 degrees 27 minutes 14 seconds East 607.75 feet to a point, thence,

10) South 44 degrees 31 minutes 26 seconds West 25.00 feet to a point, thence,

11) South 45 degrees 28 minutes 34 seconds East 85.00 feet to a point, thence,

12) North 44 degrees 31 minutes 26 seconds East 25.00 feet to a point, thence,

13) South 45 degrees 28 minutes 34 seconds East 162.54 feet to a point, thence,

14) South 44 degrees 31 minutes 26 seconds West 39.00 feet to a point, thence,

15) South 45 degrees 28 minutes 34 seconds East 238.00 feet to a point on the westerly line of the lands of, now or formerly, J.G. Townsend, Jr. & Co., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2401, Page 244, thence,

16) leaving said Hood Family, L.L.C. lands and running by and with said J.G. Townsend, Jr. & Co. lands, South 53 degrees 50 minutes 04 seconds West 19.98 feet to a point, thence,

17) continuing by and with said J.G. Townsend, Jr. & Co. lands and also running by and with the lands of, now or formerly, Old Landing Road, Inc., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2771, Page 203, South 40 degrees 57 minutes 30 seconds West 322.67 feet to a point on the northeasterly line of the lands of, now or formerly, Beebe Medical Center, Inc., as recorded in the aforesaid Office of the Recorder of Deeds in Deed Book 2477, Page 292, thence,

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18) leaving said Old Landing Road, Inc. lands and running by and with said Beebe Medical Center, Inc., the following four courses and distances, North 76 degrees 56 minutes 54 seconds West 163.87 feet to a point, thence,

19) North 83 degrees 15 minutes 12 seconds West 849.40 feet to a point of curvature, thence,

20) by and with the arc of a curve, deflecting to the right, having an arc length of 445.66 feet, a radius of 750.00 feet and a chord bearing and distance of North 66 degrees 16 minutes 34 seconds West 439.13 feet to a point, thence,

21) North 49 degrees 15 minutes 27 seconds West 200.01 feet to the point and place of beginning; **CONTAINING** 25.4219 acres of land, more or less.