Sussex County Council
Public/Media Packet

MEETING:
DECEMBER 11, 2012

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

SUSSEX COUNTY COUNCIL
AGENDA

DECEMBER 11, 2012

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Stand By Me Presentation – Mary Dupont

Todd Lawson, County Administrator

1. **Proclamation Honoring the Cape Henlopen High School Field Hockey Team**
2. **Recognition of Election Year Scholarship Contest Winners**
3. **DOJ (Department of Justice) and HUD (Department of Housing and Urban Development) – Settlement Agreement Implementation**
4. **2013 FOIA (Freedom of Information Act) Policy**
5. **Discussion and Possible Introduction of a Proposed Ordinance Relating to the Temporary Extension of Time for Subdivision Applications, Conditional Use Applications, and Residential Planned Community Districts.**
6. **Administrator's Report**

Susan Webb, Finance Director

1. **Economic Development Fund Loan**
   - A. **TechWorld Medicals, Inc.**

Hal Godwin, Deputy County Administrator

1. **Wastewater Agreement - Barrington Park, Phase 2**
2. **Airport Restaurant**
   - A. **Lease Amendment**
   - B. **Request to Issue a RFP for Restaurant Operations**

Jim Hickin, Airport Manager

1. **Delaware Technical & Community College**

   A. **Proposed Addendum to Powerplant Lease**

Michael Izzo, County Engineer

1. **Inland Bays Regional Wastewater Facility, Expansion No. 1**

   A. **Project Closeout**

Steve Hudson, Director of Technical Engineering

1. **Emergency Operations Center- Supplemental Cooling System**

   A. **Bid Award**

Old Business

1. **Conditional Use No. 1917 filed on behalf of Roosevelt Domond**
2. **Conditional Use No. 1933 filed on behalf of Mark A. Giblin**
3. **Conditional Use No. 1945 filed on behalf of Alfonso Matos**

Grant Requests

1. **Junior Achievement of Delaware for program costs.**
2. **Nanticoke Health Services Foundation for Holiday Appeal Campaign.**
3. **The Women's Club of the Keenwicks for computers for the Selbyville Middle School.**
4. **Greater Georgetown Chamber of Commerce for parade expenses.**
5. **Sussex Technical High School for Spring Sports Poster.**
6. **Indian River High School Band Boosters for travel expenses.**
7. **Seaford District Library for educational and social programs.**

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

Executive Session – Job Applicants′ Qualifications, Personnel, Pending/Potential Litigation, and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Change of Zone No. 1723 filed on behalf of John M. Gilman
"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 8.25 ACRES, MORE OR LESS" (land lying east of Pyle Center Road (Route 20) 800 feet northwest of Roxana Road (Route 17) Tax Map I.D. No. 5-33-6.00-25.01

Conditional Use No. 1949 filed on behalf of Banks Family Farm Preservation Trust
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE RELOCATION OF THE ACCESS EASEMENT TO THE PROPOSED BORROW PIT (C/U #1897) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.1571 ACRES, MORE OR LESS (land lying east of Irons Lane (Road 348) 800 feet north of Old Mill Road (Road 349) Tax Map I.D. No. 1-34-7.00-186.00

Conditional Use No. 1948 filed on behalf of Sharon L. Sherwood and Van Sherwood
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.03 ACRES, MORE OR LESS" (land lying northeast of Route One, 150 feet southeast of Millcreek Court, a private street in Millcreek Manor Subdivision at 16649 Coastal Highway) Tax Map I.D. No. 3-34-1.00-7.01

Conditional Use No. 1946 filed on behalf of Clean Delaware, LLC
"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR LAND APPLICATION OF CLASS "B" SANITARY WASTE, NON-SANITARY FOOD PROCESSING RESIDUALS, AND POTABLE WATER IRON RESIDUALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 259.08 ACRES, MORE OR LESS" (land lying on both sides of Road 201 (McColley Road) and north of and across from Road 202 (Shockley Road) Tax Map I.D. No. 3-30-3.00-7.00, and 3-30-4.00-1.00, 1.01 to 1.04, 1.08 to 1.16, 19.00, and 21.00

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 4, 2012 at 4:35 p.m., at the time it was prepared by the County Administrator and at least seven (7) days in advance of the meeting. This Agenda 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.

Program Efforts in Sussex County, September 2012 to December 2012

Program Implementation Partner: Goodwill of Delaware and Delaware County, Bridgeville.

1. Introduction to Sussex County – Ted Becker introduced Stand By Me to key stakeholders to begin the discussion about program expansion into Sussex County. He hosted several meetings where many of the contacts below were made, including the introduction to Todd Lawson and the County. He continues to be an advisor and participates on Stand By Me's Financial Empowerment Alliance, which includes representation from all of our partners.

2. Pinnacle – Based on recommendations from Todd Lawson, we reached out to Pinnacle to offer our support in September. As a result, we are currently working with 55 employees who were let go in the first round of lay-offs in September. Our coaches are going back to Pinnacle this month to work with the next group, in the final process of plant closing. When the plant closes, we will continue to work with them in other locations, such as Goodwill.

3. Del Tech - A full time financial coach started at Del Tech at the beginning of November. This center will provide services to the students, faculty, and administration as well as to the public. We will offer workshops and classroom experiences as well as the traditional offerings of personal financial coaching, FAFSA, taxes, and financial services.

4. Beebe Hospital – After meeting with Katie Halen and Paul Pernice, a decision was made to bring the program to Beebe as an employee benefit. A financial coach will start rotations to meet with employees one day per week, effective January 2013.

5. Nanticoke Hospital – After meeting with Steve Rose and Barbara Hendricks, the program will launch in January 2013. An initial presentation was made to the leadership team. The coach will work two days per week.

6. Goodwill - Financial coaches are available to work in the Bridgeville, Millsboro, and Milford stores. Services are being offered to employees as well as to the public. Presentations have been made at all Goodwill stores.

7. DHSS - Financial coaching is available one day per week at numerous DHSS locations for DHSS employees. The locations include: Adams State Service Center, Stockley, Laurel State Service Center, Shipley (Seaford) State Service Center and Milford State Service Center.

8. Sussex County Libraries – Workshops and coaching will start in January at South Coastal, Milton, and Laurel Libraries. We have been working with Kathy Graybeal to organize this effort.

9. Indian River School District – Discussions are underway to provide support to ESL students and parents at Indian River. Possible interest in a broader effort around College Access.

10. Matt Haley - Matt has been very enthusiastic about the program for his employees (25 restaurants). We made a presentation to his management team representing all of the restaurants. This will be a referral program for employees rather than having a coach on site.

11. LaEsperanza - A Latino coach is being recruited to work with the Hispanic community. After a meeting with the Executive Director of LaEsperanza, a decision was made to partner with them to serve their clients and employees. We will also work together to try to work more closely with employers who employ Latinos.

12. Poultry plants - We are eager to work with the poultry plants but have not had any response or show of interest. We will continue to pursue these relationships over time.

13. Walgreens - We work with Walgreens in New Castle County and we could expand to Sussex. We have not initiated this at this point in time as we would like to see the larger employers fall into place first.

14. Lowes - Goodwill has a good working relationship with Lowes through its Employment Resource Center. Efforts will be made over the next month to meet with management in Sussex County to explore a relationship with Stand By Me.

Program Overview

Financial Empowerment is a priority of Delaware Governor Jack Markell, who embraces economic security for all Delawareans as a core element of his economic development strategy. The Delaware Financial Empowerment Partnership (DFEP), a joint project of the State and the United Way of Delaware, was formed to create and implement an innovative package of financial empowerment services, called $tand By Me®, to increase the financial security of low and moderate income Delawareans. In addition to the State and the United Way, DFEP includes non-profit partners with expertise in asset building to carry out program operations. $tand By Me® provides Delawareans with the service package described below through Financial Empowerment Centers which are co-located within businesses, public agencies, and non-profit organizations.

$tand By Me® Program Services:

The DFEP developed a custom package of services that is designed to help Delawareans to take charge of their financial lives. The services are packaged under the $tand By Me® umbrella which includes:

- **Financial Coaching**: One-on-one relationship with a coach to identify personal financial challenges, establish goals to overcome them, and create an action plan for goal achievement. The coach supports individuals as they implement their plan and helps them to access needed services.
- **Access to Financial Services:** $tand By Me® offers custom designed financial products through local credit union and bank partners to meet under-banked consumers where they are and provide them with access to legitimate financial products for savings, transactions, and credit.
- **College Access Support:** One-on-one support with the application process for post-secondary education and financial aid can help clients and their families to navigate the complex systems leading to college enrollment and financial aid. Clients can also work with a coach to develop a financial plan to pay for post-secondary education and to manage student loan debt.
- **Referrals to community and public programs:** Financial coaches help clients to navigate the system to connect them to important public and community services to address personal and family challenges.

Co-Location of Services: Taking Services to the Marketplace

The $tand By Me® service model is designed to be co-located within organizations who serve the target market, but who do so with very different missions. This includes employers who employ low-wage workers, community colleges who serve non-traditional students, public agencies who administer benefits on behalf of the state, and non-profit organizations who serve residents in economically disadvantaged local communities.

Public Agencies and Non-Profits: In May 2011, the first $tand By Me® financial empowerment center was launched at the Hudson State Service Center. At Hudson, the state offers an array of state benefit programs including fuel and housing assistance, SNAP, Medicaid, and Employment and Training services. By co-locating $tand By Me® at Hudson, customers have a full array of resources and services available to them, ranging from emergency services to savings and retirement planning. $tand By Me® is also co-located at our non-profit program partners, West End Neighborhood House, NCALL Research, and Goodwill of Delaware and Delaware County. The public is able to access program services at any of these locations.

(over)

Employers: The first employer-based program is hosted at ShopRite Supermarkets, the Christiana Hilton, Walgreens, Dover Downs and the Delaware Department of Health and Social Services to serve their employees. Collectively there are over 25 locations which employ 8,000 workers.

While financial empowerment falls outside the scope of HR services, the top management of these companies recognizes that many of the challenges faced by their workers stem from financial vulnerabilities. Experiences from organizations around the country have demonstrated that providing this supplemental support to workers has effectively curtailed turnover, tardiness, and absenteeism, as well as many of the common crises which start at home but migrate to the workplace to impact performance.

Post-Secondary Institutions: The college-based model launched in January 2012 at Delaware Technical and Community College at the Wilmington and Stanton campuses and will be expanding to their Kent and Sussex sites this fall. Del Tech is the sole community college in the state of Delaware, operating four campuses in all three counties. Nationally, many community colleges have developed financial empowerment strategies to address the complex problems that confront students and frequently interfere with retention and graduation. Efforts are also underway to launch at Wilmington University, an open enrollment university whose primary market is working adults in pursuit of new skills and credentials. The Center for Working Families and Achieving the Dream are examples of national initiatives which focus on increasing student success and retention at community colleges through financial empowerment.

Financial Empowerment Alliance

As the program expands its reach into Kent and Sussex Counties it becomes a statewide program. The expansion will be based on the replication of the successful partnership model, established in New Castle County, which targets financially vulnerable populations, increases access to an innovative package of financial empowerment services, and engages diverse sectors of the community. A statewide Financial Empowerment Alliance has been formed to unite $tand By Me® program partners from all sectors and all parts of the state, to oversee implementation, enhancements, and expansion.

Strategic Partnerships

The foundation of this program is based on the formation of strategic partnerships with businesses, non-profits, government agencies, and educational institutions. These diverse partners collaborate to bring a robust package of services and resources to specific target markets. By embracing financial empowerment as an organizational strategy, $tand By Me® partners develop a people-first culture that sends a positive message to workers, students, and community residents. It demonstrates a sense of mutual responsibility for economic security between employers and employees, educational institutions and students, and government and the public through employment, education, and effective personal financial strategies.

Goals and Impact

We have three primary goals:

- Develop a new public awareness around the need to be proactive, innovative, and collaborative to increase financial empowerment and economic security for all Delawareans
- Reach a constituency in need of these services by engaging new stakeholders and integrating financial empowerment into their operations strategy
- Improve the financial position of 8,000 economically vulnerable Delawareans in the workplace, at community colleges, and in the community with one-on-one financial coaching, access to financial services, and increased access to post-secondary education over the next three years

For More Information:

Contact Mary Dupont, Director of Financial Empowerment at 302-255-9245, mary.dupont@state.de.us,
and visit www.standbymede.org.

$tand by ME®
The Delaware Financial Empowerment Partnership

New Paradigm for State Prosperity Systems Change: Governor- Led Financial Empowerment

Non-Profits

National Partners

Faith Based

K-12

Employers

DIVERSE PARTNERS SHARE ONE MISSION – Financial Empowerment Alliance

Higher Education

State/County/ Local Governments

Financial Empowerment Initiative

$tand By Me®

Targeted Constituencies:
Veterans
Disability
Seniors

$tand By Me® Delaware

Coaching/Financial Inclusion :

Across the Lifespan – Free – Individual – Employer/Education/Market Based

Together. No Matter. We're Here.

United Way
United Way of Delaware

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StandbyME®
The Delaware Financial Empowerment Partnership

FINANCIAL EMPOWERMENT SERVICE PACKAGE

Goal: Increase financial capability and personal economic security.

- **Personal Financial Coaching and Education:** budgeting, debt, financial goal setting, savings, and personal money management
- **Financial Services:** work with credit unions and non-profits to develop and increase access to consumer-friendly savings, loan, and transaction products
- **Post Secondary Education Services:** financial planning for post-secondary, FAFSA applications, managing student loan debt
- **Community Referrals:** debt consolidation, foreclosure assistance, free tax preparation, matched savings programs, home ownership counseling

United Way
United Way of Delaware

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The Delaware Financial Empowerment Partnership

LOCAL OPERATING PARTNERS

NEW CASTLE COUNTY	KENT COUNTY	SUSSEX COUNTY
Lead Partner: West End Neighborhood House	**Lead Partner**: NCALL Research, Inc.	**Lead Partner**: Goodwill of Delaware and Delaware County
Christiana Hilton	Dover Downs	Nanticoke Hospital
Del Tech, Wilmington and Stanton	Del Tech, Terry	Del Tech Owens
Walgreens	Delaware State Housing Authority	Beebe Hospital
Christina School District	Polytech Adult Education and ESL	Sussex County Libraries & Sussex County
Wilmington University	DE Dept. of Health and Social Services	Pinnacle Foods
DE Dept. of Health and Social Services		DE Dept. of Health and Social Services

United Way
United Way of Delaware

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GROWTH OPPORTUNITIES IN SUSSEX COUNTY

Indian River School District: Interested in College Bound Services for students and families.

Poultry Plants: Employees could benefit with financial supports.

LaEsperanza: Partnership to serve Latino community.

Hospitality Industry: Many working in restaurant and hotel industry can benefit. Working with Ted Becker, Julie Wheatley, and Matt Haley.

Others: Need your help and suggestions.

United Way
United Way of Delaware

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IN THE WORKS STATEWIDE

- **Financial Empowerment Alliance**: Link all stakeholders into an Advisory Board that meets quarterly to inform operations, expansion, and innovation.

- **Customization for specific markets:** Active duty military and veterans; SBM 50+ for Baby Boomers and their parents; people with disabilities; public housing residents; kids aging out of foster care, middle and high school students and their families, childcare providers and centers.

- **Consumer-Friendly Financial Products:** Provide 8 innovative new financial products designed for the market, including loans, reloadable debit cards, and checking account. Continue to develop new products to meet market needs.

- **MyFree Taxes:** Web-based free tax preparation available for households with an income at or below $57,000. Free phone assistance available by IRS-certified volunteers. Joint venture with Goodwill and United Way. Launch in January 2013.

United Way
United Way of Delaware

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The Delaware Financial Empowerment Partnership

May 2011 – October 2012

1979 served

(999 coaching, 715 FAFSA, Taxes, workshops, 265 Foster Care Credit Counseling)

3589 total units of service (2437 coaching units of service)

What our customers have accomplished in 18 months:

TARGET: Credit and debt position improved

RESULT: 52% of coaching customers are working on their credit through debt repayment plans, correcting credit reports, opening credit building accounts, and increased credit scores
80% of coaching clients have reviewed their credit reports with the coach.

TARGET: Financial skills and personal money management improved

RESULT: 45% of coaching customers have improved personal money management by creating a household budget and adding savings to their budget plan.

TARGET: Savings strategy established and maintained

RESULT: 30% of customers have established new savings strategies that includes opening new savings accounts, initiating monthly auto deposit into savings, and saving regularly for emergency fund or specific asset goals.

United Way
United Way of Delaware

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StandbyME®
The Delaware Financial Empowerment Partnership

FOR MORE INFORMATION

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www.StandByMeDE.com

http://www.youtube.com/watch?v=Us-TVg40ExM

http://www.igrad.com/blog/?funny-video-financial-literacy-survey-college-campus

United Way
United Way of Delaware

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Partnership Chart: 11/2012

Industry Sector	Partner Organization	Partner Role	New or Established
Employer and State Govt	DE Dept of Health and Social Services (DHSS)	Lead operating partner in the Delaware Financial Empowerment Partnership, administering and overseeing program development, operations, and expansion in partnership with the United Way of Delaware. Integrate services into programs administered by DHSS, targeting specific financially vulnerable populations. Offer program internally to DHSS employees.	Established
Non Profit	United Way of Delaware	Lead operating partner in the Delaware Financial Empowerment Partnership, administering and overseeing program development, operations, and expansion in partnership with the State of Delaware	Established
Non Profit	West End Neighborhood House	Local non-profit awarded the contract to oversee and administer program operations in New Castle County	Established
Non Profit	NCALL Research	Provides counseling for housing, foreclosure prevention, and financial literacy. Also financing for community development projects. Local non-profit awarded the contract to oversee and administer program operations in Kent County	Established
Non Profit	Good Will Industries	Provides job training to adults with physical and mental disabilities. Local non-profit awarded the contract to oversee and administer program operations in Sussex County. Integrate $tand By Me™ into Employment Resource Centers and other Good Will programs. Serve Good Will employees.	Established
Non-Profit	Consumer Credit Counseling of Maryland and Delaware	Provide intensive credit repair and debt consolidation support.	Established
Non-Profit	Delaware Money School	Statewide financial education program started by the Governor 10 years ago, when he was State Treasurer. Provide financial literacy workshops on site at employers, and other program partners. Partner on a social marketing campaign to promote savings.	Established

Non-Profit	National Disability Institute	National organization that promotes access to technology, information, and asset development in for people with disabilities. Partner with state agencies to develop an inclusive model for Delaware.	Established
Non-Profit	D2D	National think tank for savings product development. Working together to design a Prize Linked Savings strategy for Delaware.	Established
Non-Profit	Aspen Institute	National think tank for policy and program development on asset building. Partner on national pilot to offer custom designed alternative financial products.	Established
Non-Profit	CFED	National think tank for policy and program development on asset building. They work with stakeholders throughout the country on policy agendas and can help to identify best practices. They also host a national "Assets Conference" where our work will be presented.	Established
Non-Profit	New America Foundation	National think tank which has a special program on asset development. They can help with policy advocacy and connections to innovative practitioners around the country.	Established
K-12	Christina School District	A district wide initiative with middle and high schools in the Christina School District to connect the dots between education, post secondary, career, and financial stability. Target students and parents.	Established
Post Secondary	University of Wisconsin- Center for Financial Security	Leading researchers in the field of financial coaching. The program will work with CFS to evaluate and document outcomes. This includes establishing a system and methodology to measure customer satisfaction and program impact.	Established
Post Secondary	Delaware Technical & Community College	Delaware's only community college which operates statewide with four locations. Services include financial coaching, free tax prep, help with financial aid, and financial literacy workshops.	Established
Post Secondary	University of Delaware, Alfred Lerner College of Business and Economics	Partner with the University of Delaware to develop and implement a four-day training curriculum in financial coaching. The training program is modeled after best practices nationally, and it is certified by the University. Participants receive 2.5 CEUs for program completion. The University also worked with the state to develop a financial coaching training model for volunteers.	Established
Post Secondary	Wilmington University	Open Enrollment four-year university is launching an onsite financial empowerment strategy for current and future students and their families that offers financial coaching, free tax prep, help with financial aid, financial literacy workshops.	Established

Business	ShopRite Supermarkets	A local chain of five privately owned supermarkets with 1,000 employees where the program currently operates. Provide onsite financial empowerment support for workers and their families that offers financial coaching, free tax prep, help with financial aid, financial literacy workshops	Established
Business	Christiana Hilton	The second largest hotel in Delaware with 150 employees where the program currently operates. Provide onsite financial empowerment support for workers and their families that offers financial coaching, free tax prep, help with financial aid, financial literacy workshops	Established
Business	Walgreens Pharmacies	A network of 57 pharmacies throughout Delaware interested in co-locating the program in its stores for employees. Launch an onsite financial empowerment strategy for workers and their families that offers financial coaching, free tax prep, help with financial aid, financial literacy workshops	Established
Business	Dover Downs	The largest hotel/resort in Delaware with 1500 employees launched during the second quarter of 2012. Full time onsite financial empowerment strategy for workers and their families that offers financial coaching, free tax prep, help with financial aid, financial literacy workshops	Established
Business	Beebe Hospital	The largest hospital in Southern Delaware in discussions with the program about developing a location onsite to support employees. Launch an financial empowerment strategy for workers and their families that offers financial coaching, free tax prep, help with financial aid, financial literacy workshops	New
Business	Nanticoke Hospital	Southern Delaware hospital in discussions with the program about developing a location onsite to support employees. Launch an financial empowerment strategy for workers and their families that offers financial coaching, free tax prep, help with financial aid, financial literacy workshops	New
Financial Services	Del-One Federal Credit Union	Statewide credit union serving state workers and other employees. Develop and market consumer friendly savings, loans, and transaction products to under banked consumers.	Established
Business Network	Delaware State Chamber	The statewide chamber of commerce for large businesses and corporations. Support employer-based financial empowerment through advocacy and program exposure to Chamber members.	Established
Business Network	Food Industry Council	Statewide advocacy network of supermarkets and convenience stores. Work with members of the FIC to integrate financial empowerment to support low wage workers	Established

Business Network	Delaware Society for Human Resource Management	Statewide professional network of HR Managers. Work with human resource managers to provide services to low wage workers in a range of industry sectors.	Established
Govt Network	Sussex County	Working with the County Executive to form a partnership with local chambers, small towns, and the County to host Stand By Me, to be integrated with businesses and government services.	Established
Govt Network	National Governor's Association	National association of Governors where Delaware's Governor is the incoming chair, effective July 2012. Support, promote, and highlight Delaware's efforts as a model for other states	New
Financial Services Network	Delaware Credit Union League	Statewide professional and advocacy association of credit unions. Work with the League to reach out to credit unions statewide, to identify and promote existing consumer friendly financial products, to develop new products, and to encourage savings.	Established
State Govt	Vocational Rehab	Integrate into programs and services administered by Voc Rehab, targeting job seekers with disabilities.	Established
State Govt	DE Dept of Children Youth and Families	Integrate into programs and services administered by DCYF, targeting specific financially vulnerable populations. Work with kids aging out of foster care on personal financial management.	Established
State Govt	Delaware Libraries	Integrate services into the Job Centers administered by the Delaware Libraries. Market program through library system.	Established
US Govt	US Administration of Children and Families	An arm of the US Dept of Health and Human Services which administers federal programs for families and children such as child support, childcare, Head Start, TANF, etc. Advocate and support local Delaware efforts in financial empowerment.	Established
	FUNDERS:	United Way of Delaware, Jessie Ball duPont Fund, Citi Foundation, JPMorgan Chase, Bank of America, Wells Fargo Bank, Delaware Community Foundation, Laffey McHugh Foundation, Longwood Foundation, Delaware Fund for Women, Employers, Delaware Financial Literacy Education Fund, Community Service Block Grant, USDA Rural Development and Kellogg Foundation	Established

Stand By Me Success Stories: November 26, 2012

- Customer sought financial coaching to deal with a massive IRS Tax Levy. Client had not filed a tax return in 9 years and was terrified to deal with the situation. The coach encouraged the customer to contact IRS immediately. He did so and was able to set up an appointment, get documentation in date order for IRS review and contact IRS advocacy group for assistance. The customer informed the coach that he has resolved two years returns so far and made arrangements with the tax expert to assist with remaining 7 years returns. The IRS is cooperating with him and he reports that he can now sleep at night and his health has improved immensely by getting this situation under control. He is beginning to see the end of his tax struggles and is looking forward to continuing his work with a financial coach.

- Customer came to $tand By Me struggling with $300 in payday loans. As a single mom, she was unable to see how she could pay down the loans while living off of her current income and was extremely frustrated with her decision to take out the payday loan. Customer was also dealing with two medical bills totaling $175 that she wanted to pay in order to prevent a wage garnishment. Through coaching, she learned about the Loans Plus program. She applied for Loans Plus was approved for a $500 loan - enough to cover the two medical collections and to pay off the payday loan! She will now be able to maintain her monthly budget and build her credit through the Loans Plus. She has stated that she will never go through a payday loan agency again, but will instead work with her financial coach to find safe lending options in the future.

- Customer came to $tand By Me wanting to review his credit report and score. Upon review, he was disappointed in the score and was unhappy with the amount of collections he was facing. He was concerned by a medical collection, a Verizon bill, as well as a $200 payday loan that was outstanding. The customer wanted to pay these bills off and begin repairing his credit but he didn't have all of the cash on hand to do so. The coach informed him of the Loans Plus program and encouraged him to apply. He was approved for a $500 loan and was able to pay off his three credit collection items and will be building positive credit through his new Loans Plus as the same time!

- Customer reviewed credit report with $tand By Me financial coach and was shocked to see that there were three unexplained medical bills being reported. After coaching, she was able to submit dispute letters to the credit bureaus and was pleased to learn that all three were errors. The collection items were removed from her report and over $1700 of inaccurate debt was removed from her report.

- Customer started working with $tand By me in July 2012 with the goals of improving her credit. At the time, the customer had $1,522 in past due amounts on credit report and a credit score of 582. After learning about credit during coaching and learning how to deal with creditors safely, the customer was able to pay off one old credit card debt and received a new card from them to use as active credit. The customer also paid off a collection account from a second store credit card. In October 2012, the coach and customer reviewed the credit report again and were able to see the accounts were updated to show these positive changes. The customer's credit score had increased to 608! Customer was very happy to see the credit score increasing and hoping to become a homeowner in the future.

- Customer started working with $tand By Me in October 2012 with the goal of going back to school. Customer had been having trouble with the college enrollment process because of outstanding student loan debt. The customer was not aware of who the lenders were or what the loan amounts were. He did not understand why the school would not allow him to enroll. The coach and customer reviewed all the loans, including the lenders and status of each loan using the National Student Loan Database. The customer was able to get a lot of information from the database and understand better the situation of each loan. The coach suggested following up with lenders and institutions listed in the database and check the terms on the loans. A week after the first appointment, the customer stopped by and told the coach that he had followed up with the lenders and had learned that one of the loans was listed incorrectly by the school. He was able to clear up the mistake quickly and has since been able to enroll for the new semester.

- Customer came to $tand By Me hoping to address a past due tax bill and a bill from a public benefit overpayment. The customer was facing serious financial difficulty and was fearful of the possibility of a wage garnishment. After exploring various options for financial products through coaching, the customer was approved for an Emerge Loan which was sufficient to allow her to payoff both bills. She is now able to avoid potential garnishment and can continue to work with a coach to improve her overall financial situation.

- Customer met with a coach after falling behind in her rental payments. Fearing that she would be evicted, she saw no other options available. After coaching, the customer was able to be approved for a Loans Plus loan which allowed her to repay her delinquent balance in an affordable and safe manner. She was able to work with a coach to develop a better monthly budget and looks forward to becoming even more financially stable.

- Customer came to $tand By Me hoping to improve her monthly budget and credit. Her original credit score was only 590. After learning about how to effectively manage credit and by utilizing the Loans Plus Program offered by $tand By Me and West End Neighborhood House, she was able to increase her credit score to 640, enabling her to begin the process of purchasing her first home. She is excited to continue working with her coach throughout her journey to homeownership.

- Customer met with a coach seeking guidance on how to repay debt. Her initial monthly budget left little to work with for debt repayment. After working with her coach, however, customer learned that she was eligible for certain benefit programs and was able to apply with assistance from her coach. She was then able to work on her budget further and reduce her expenses by a further $109 per month, giving her a boost to her initial debt repayment plan

- Customer sought financial coaching for assistance with opening a new bank account with a credit union. After applying, however, she was surprised to learn that she had been denied membership due to a negative listing in Chex Systems. The customer had no knowledge of the account and had no idea what Chex Systems was. The coach was able to explain how Chex Systems operates and assisted the customer with ordering her report. The customer and coach were able to review the report and found that the item listed was inaccurate and was due to a bank error with a previous financial institution. The customer was then able to contact her prior bank and have the record removed and her money refunded. She was then able to successfully open her new account at the credit union and looks forward to a fresh start. She stated that without $tand By Me, she would have had no idea how to begin and would have given up after being denied.

- Customer was referred to $tand By Me by a friend after confiding that she was considering cashing in her 401K to pay her credit card debts. After meeting with a coach, the customer admitted that she had no idea where her monthly income went and that she was afraid to look at her budget. Eventually, the coach and customer were able to complete an accurate monthly budget. After seeing the truth about her spending, the customer began to make some small changes. She was able to take control of her credit card usage and developed a debt repayment plan with the coach. She reduced her monthly spending by more than $300 and is now using that toward her credit card debt payment. In just two months, she was able to pay off two credit cards with extremely high interest rates and has reduced her total debt by more than $1000. She is extremely grateful to have found $tand By Me and to have taken a chance to speak with a coach before deciding to cash in her retirement funds. She has decided to stick to her budget instead and continue to work on paying down her debt according to the plan she set up with her coach.

- Long time customer contacted $tand By Me Coach worried that she had ruined her budget after months of working to get back on track. Despite all of her best efforts and intentions, an emergency arose and she was not fully prepared. In an attempt to cover expenses, she had only managed to fall further behind and was facing the prospect of not only being evicted from her apartment, but also having to remove her son from his high school due to lack of tuition funds. She called the coach saying that she felt she had no choice but to go to a payday lender, even though she knew it would be a disaster in the long run. The coach was able to talk to the customer and explain that other options exist. Despite her uncertainty, the customer was approved for an Emerge Loan of $2500. With the funds, she was able to avoid eviction and pay her son's tuition in full. She continued to work with her coach and is happy to report that her budget is now on track once again.

- Customers came to $tand By Me with the goal of homeownership. She was concerned that their FICO score would stop them from obtaining a mortgage. She remembered several outstanding debts that she thought would keep her score down for long period of time. After the first meeting with a coach, she found her credit score was not as low as she thought but there were issues remaining that needed to be addressed, including a large outstanding debt that she did not have resources to pay. She worked with a coach to prepare a family budget and was able to identify resources to begin saving for their down payment. Through the coaching process, she was also able to apply for an Emerge Loan and was approved. She was able to negotiate a settlement for the outstanding debt and is now well on her way to repairing her credit, paying down her remaining debt, and preparing to purchase a home.

- Customer came to $tand By Me hoping to improve her credit and buy a home. After discussing her situation with the coach and preparing a monthly budget, customer discovered that she has poor spending habits, which prevents her from saving. Rather than beginning with her credit, she has decided that her first goal will be to budget and save more. The reality check of the budget session opened her eyes and allowed her to start making changes in the way she handles money. She was able to successfully open a savings account and deposit her first $100 that day. She feels she is now on the right path and is one step closer to her ultimate goal.

- A couple called in as a referral . They had credit issues but they also wanted to work on a budget plan and a plan to pay off their payday loans. They had 2 payday loans and a signature loan that totaled over $1,000 per month with 200% in interest rates. Their debt burden from these loan payments and monthly bills caused constant overdraft on their bank account, and still they were not able to make ends meet. Late bills included rent, electric, etc. We discussed what things they have already tried to rectify the situation, but so far, nothing had worked. The couple needed to get the payday loans paid off by the beginning of January. At our next coaching session, we discussed the possibility of the Emerge loan. We decided to apply for an Emerge loan based solely on income information. We ran into some hiccups throughout the application process. We waited 2 weeks to get information back from Emerge because we kept getting a “Technical Difficulty” error. Finally, we got through the system and sent the application in. We waited another week to get the answer. Fortunately, it was worth the wait because he got approved for a $4,600 Emerge loan! This money is going to be a great help to them. Not only can they pay off all 3 loans, but they can catch up on other past due bills as well. We also helped them apply for food stamps, and they should be getting the answer for that soon, too. We are in the middle of setting up a follow up coaching session to create a plan of what to pay off, etc. so the money is used for the right purposes.

MIND OVER MONEY SERIES

An interactive workshop series designed to educate participants on what they want and NEED to know about their finances.

Knowledge is the power you need to make your money work for you!

Mind Over Money

These sessions help participants identify and explore their attitudes about money management, from upbringing to current behaviors. Realizing how and why you make decisions is the first step to re-train your brain! Learn about budgeting, fixed and flexible expenses, and how to take control of current and upcoming expenses.

Sensible Savings

A fun look at cost effective money management… these sessions offer creative ways to evaluate your budget, understand how small changes can have big impacts, select a bank account that's right for you, and start exploring the many different ways to save.

Cracking the Credit Code

These sessions helps separate fact from fiction. Participants learn the basics of credit including what makes up a credit score, how to establish credit safely, and how to repair less than perfect credit. From understanding the "real cost" of credit, to choosing smart new alternative credit builders, improve your financial future with credit education.

Face Your Future

Participants must face reality as they learn what their future could really cost them, how planning now will pay off in the long run, and how to reach that big goal that is 1, 3, 5 or 20 years into the future!

SUSSEX COUNTY COUNCIL

A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2012 DIAA CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Cape Henlopen High School field hockey team for winning the Delaware Interscholastic Athletic Association title as State Champions for the 2012 season; and

WHEREAS, the Cape Henlopen High School field hockey team capped an impressive season in beating Delmar High School by a score of 2 to 1 during the state championship game on Saturday, November 17, 2012, ending with a 18-1 record; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is the second consecutive state title for the school's field hockey program, and the fourth field hockey state championship title for the school since 1979; and

WHEREAS, the Cape Henlopen High School field hockey team played as a formidable opponent in facing squads from across Sussex County and throughout the state of Delaware during the 2012 season, displaying cooperation, consistency, and character above all else; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is a source of tremendous pride for the Cape Henlopen School District community and all of Sussex County;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Cape Henlopen High School field hockey team upon winning the 2012 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, December 11, 2012, as a day for all Sussex County residents to honor the team's remarkable achievement.

Joan R. Deaver, Councilwoman

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Sussex County
DELAWARE
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Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: ***DOJ-HUD – SETTLEMENT AGREEMENT IMPLEMENTATION***

DATE: December 7, 2012

During Tuesday's Council meeting, you are scheduled to hear an update on the Department of Justice (DOJ) and Department of Housing and Urban Development (HUD) – Settlement Agreement Implementation.

As you are aware, the DOJ Consent Decree and HUD Voluntary Compliance Agreement (collectively "Settlement Agreement") requires the County to take immediate steps to meet the terms of the Settlement Agreement. The first requirements are due within 30 days of entering into the Settlement Agreement, or late December.

The immediate requirements include:

1. **Appointing or hiring a new Fair Housing Compliance Officer (FHCO).** We have appointed Brandy Nauman to that position, effective December 10, 2012.

2. **Updating the County website to include the fair housing logo.** We have completed this task as well. We also sent a memo to department heads that "deal with" housing, outside of Community Development & Housing, e.g. Planning and Zoning, Building Code, to have them include the logo as well. I also went a step further and instructed that all of our 2013 agendas (Council, Planning and Zoning, Board of Adjustment) contain the logo too. That is completed.

3. **Adopting a Fair Housing Policy which was provided by DOJ.** We have reviewed the language and do not have any objections. A copy is attached. We will present the Policy for your approval.

4. **Publishing a Public Notice in local circulation describing the details of the HUD Voluntary Compliance Agreement.** Stephanie has drafted the Notice and we await HUD's approval. A copy is attached. We will present the Public Notice for your approval.

I will go into more detail during the Council meeting.

Should you have any questions, don't hesitate to contact me.

TFL/sww

Attachments

pc: J. Everett Moore, Jr., Esquire
Stephanie L. Hansen, Esquire
Mr. Brad Whaley
Ms. Brandy B. Nauman

FAIR HOUSING POLICY

It is the policy of Sussex County to comply with the Fair Housing Act, as amended, 42 U.S.C. §§ 3601-3619, by ensuring that its zoning and land use decisions do not discriminate against persons based on race, color, religion, national origin, disability, familial status or sex. This policy means that, among other things, the County and all its officials, agents and employees will not discriminate in any aspect of housing based on these protected characteristics, including by:

(a) making unavailable or denying a dwelling to any person based on a protected characteristic;

(b) discriminating against any person in the terms, conditions or privileges of a dwelling, or in the provision of services or facilities in connection therewith based on a protected characteristic;

(c) Making, printing, or publishing, or causing to be made, printed, or published any notice, statement, or advertisement, with respect to a dwelling that indicates any preference, limitation, or discrimination based on a protected characteristic;

(d) Representing to persons because of a protected characteristic that any dwelling is not available when such dwelling is in fact so available;

(e) interfering with any person in the exercise or enjoyment of, or on account of his having exercised or enjoyed, or on account of his having aided or encouraged any other person in the exercise or enjoyment of, any right protected by the Fair Housing Act;

(f) interfering with the funding, development, or construction of any affordable housing units because of a protected characteristic; and

(g) discriminating on the basis of race or color in any aspect of the administration of its zoning, land use, or building ordinances, policies, practices, requirements, or processes relating to the use, construction, or occupancy of dwellings.

Any person who believes that any of the above policies have been violated by the County may contact:

- Sussex County's Fair Housing Compliance Officer, Brandy Nauman, at bnauman@sussexcountyde.gov or (302) 855-7777.
- the U.S. Department of Housing and Urban Development at 1-888-799-2085, or
- the U.S. Department of Justice at 1-800-896-7743 or (202) 514-4713.

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Public Notice

Sussex County Voluntary Compliance Agreement

Sussex County signed a Voluntary Compliance Agreement (VCA) with the U.S. Department of Housing and Urban Development (HUD), dated November 28, 2012, addressing issues related to the prior denial of the New Horizons land development plan filed by the Diamond State Community Land Trust (DSCLT) for a property near Laurel, Delaware.

The following is a summary of the general provisions and corrective actions contained within the VCA:

(1) The VCA is not a final finding or determination by HUD that the County engaged in any unlawful practice and the County admits no wrong-doing.

(2) The VCA does not give any other person the right to sue for any alleged breach of the VCA and it does not affect the rights of any other person if they believe a Fair Housing or Civil Rights violation has occurred.

(3) HUD believes the VCA addresses all issues related to the New Horizons application and the County's requirement to affirmatively further fair housing.

(4) The VCA is a publicly-accessible document under Delaware's Freedom of Information Act, and supercedes any other prior HUD document.

(5) Within 90 days and annually thereafter for four years, the County will receive training on the requirements of the Fair Housing Act and the U.S. Department of Justice Consent Decree related to this matter.

(6) The County will reconsider the New Horizons development plan and reimburse DSCLT as per the terms of the Consent Decree.

(7) The County will comply with guidance from the Delaware State Housing Authority (DSHA) designed to affirmatively further fair housing.

(8) The County will appoint or hire a Fair Housing Compliance Officer to oversee compliance with the VCA and the Consent Decree. If the Officer resigns or is terminated, a new Officer will be appointed within 15 days.

(9) The County will develop a priority fair housing plan to address any outstanding impediments to fair housing previously identified by the State and will submit the plan to the State and HUD for approval. The plan will incorporate strategies to increase housing opportunities and mechanisms for affirmatively furthering fair housing using CDBG and other funds.

(10) In future planning efforts, the County will collaborate with the DSHA and the Office of State Planning and Coordination to develop an affordable housing strategy throughout the County.

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(11) The County's Fair Housing Compliance Officer will identify successful models of affordable housing strategies from other jurisdictions for presentation to the County to assist the County in formulating its affordable housing policy.

(12) The County will amend its Moderately Priced Housing Unit program to apply to homebuyers earning 50% to 125% of the County's median income.

(13) The County will perform an internal evaluation of identified minority communities to determine investment strategies and develop a prioritization scheme and approval process for infrastructure improvements. The evaluation, the approval process, and the approvals granted will be posted on the County's website.

(14) The County will revise its methodology currently proposed by DSHA to target minorities with disproportionate housing needs to ensure that minorities are benefitting from all affordable housing programs supported by the County.

(15) The County will provide semi-annual reports to HUD detailing the steps it has taken to address all of the above items for the next four years.

Any questions regarding the VCA should be directed to Stephanie L. Hansen, Esq., Young Conaway Stargatt & Taylor LP, at (302) 571-6733 or shansen@ycst.com.

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Sussex County
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Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: ***PROPOSED FOIA POLICY UPDATE***

DATE: December 7, 2012

During Tuesday's Council meeting, you are scheduled to hear an update on Sussex County's proposed Freedom of Information Act (FOIA) policy. A copy of the proposed policy is attached.

The draft policy is the most significant revision of the County's FOIA policy since it was last updated in 1995. This updated policy complies with new public access requirements set forth by legislation passed last summer by the 146th Delaware General Assembly and signed into law by Governor Markell. Public bodies such as Sussex County government must promulgate and adopt policies in accordance with 29 Del. C., Chapter 100, that, among other things, establish fees, designate a FOIA coordinator, and implement a system to track requests.

As you know, the County receives numerous FOIA requests already which we process diligently. One of the goals of this new policy, aside from being compliant with the law, is to streamline the process for citizens attempting to access information, as well as staff who must fulfill the requests.

Communications Director Chip Guy and I will guide the Council and public through a new and improved FOIA portal on the County website.

Please contact either Chip Guy or me if you have any questions.

TFL/sww

Attachment

SUSSEX COUNTY POLICY REGARDING FREEDOM OF INFORMATION ACT REQUESTS

1. **Definitions:**

The following words and terms, when used in this policy, shall have the following meaning unless the context clearly indicates otherwise:

"Department" means departments of the executive branch of Sussex County.

"Department FOIA Supervisor" shall mean the person designated by the County Administrator as the FOIA point of contact for each department of the executive branch of Sussex County. Each Department FOIA Supervisor shall report to the FOIA Coordinator.

"FOIA" means the Freedom of Information Act as established pursuant to Title 29, Chapter 100 of the Delaware Code.

"FOIA Coordinator" shall mean the person designated by the County President and County Administrator to receive and process FOIA Requests.

"FOIA Request" or "Request" means a request to inspect or copy Public Records pursuant to 29 Del. C. §10003 and in accordance with the policy hereunder.

"FOIA Request Form" means the form promulgated by the County Administrator upon which requests for Public Records may be made.

"Public Record" shall have the meaning set forth in 29 Del. C. §10002.

"Requesting Party" shall mean the party filing a FOIA Request.

2. **Purpose**:

The purpose of this policy is to set forth the rules and procedures for responding to requests from the public for Public Records under Title 29, Chapter 100 of the Delaware Code, the Freedom of Information Act. County employees are reminded that all Public Records requested under FOIA shall be considered open and subject to disclosure to the Requesting Party, and any information therein may be withheld only if a specific exception applies. Exceptions shall be construed in a manner that shall further the accountability of the County and to comply with the policy that the public shall have reasonable access to Public Records.

3. **Records Request, Response Procedures and Access**

(a) **Form of Request**

All FOIA Requests shall be made in writing to the FOIA Coordinator in person, by email, by fax, or online. FOIA Requests may be submitted using the FOIA Request

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Form and shall, if known by the Requesting Party, specify which Department(s) to which it shall be directed; however, any FOIA Request that contains the required information and otherwise conforms with this policy shall not be denied solely because the request is not on the promulgated form. The FOIA Coordinator shall forward all FOIA Requests to the Department(s) identified therein. If no Department is identified, the FOIA Coordinator shall make a determination from the contents of the FOIA Request as to which Department is most likely to possess responsive documents or, if he/she is unable to do so, the FOIA Coordinator shall contact the Requesting Party for further information.

All requests shall adequately describe the records sought in sufficient detail to enable the Department(s) to locate such records with reasonable effort. The Requesting Party shall be as specific as possible when requesting records. To assist the Department in locating the requested records, the Department may request that the Requesting Party provide additional information known to the Requesting Party, such as the types of records, dates, parties to correspondence, and subject matter of the requested records. If the records requested pertain to real property, the request should provide as much identifying information including, but not limited to, Tax Parcel Number, Permit Number, Record Plan Number, property address or location, age of property and any other relevant information.

Note that any records over two (2) years old may be located in off-site archives and will be subject to a retrieval fee. The Requesting Party shall be provided with written cost estimate of such retrieval fees prior to retrieving such records. Boxes will be kept on-site for review for twelve (12) business days before being returned to archives.

(b) **Method of Filing Request**

FOIA Requests may be made by mail, in person, by email, or by fax to the County's FOIA Coordinator who is identified on the FOIA Request Form and on the County's website. Copies of the FOIA Request Form may be obtained from the County's website (www.sussexcountyde.gov), or by contacting the County's FOIA Coordinator by telephone at (302) 854-5000 or by email at pio@sussexcountyde.gov.

(c) **FOIA Coordinator**

The County President and County Administrator shall designate a general FOIA Coordinator who shall serve as the point of contact for FOIA Requests and coordinate the County's responses thereto. The FOIA Coordinator may designate other Department employees to perform specific duties and functions. The County Administrator may, at his or her discretion, appoint a FOIA Supervisor for each Department. If a Department has a FOIA Supervisor, the FOIA Supervisor shall be the FOIA Coordinator's point of contact for all FOIA Requests pertaining to that Department and shall be charged with overseeing compliance with the FOIA Request in the FOIA Supervisor's Department. The FOIA Supervisor may designate other Department employees to perform specific duties and functions.

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The FOIA Coordinator and/or his or her designee, and Department FOIA Supervisors, if so appointed, working in cooperation with other Department employees and representatives, shall make every reasonable effort to assist the Requesting Party in identifying the records being sought, and to assist the Department in locating and providing the requested records. The FOIA Coordinator and/or his or her designee, along with any Department FOIA Supervisors, will also work to foster cooperation between the Department and the Requesting Party.

Without limitation, if a Requesting Party initiates a FOIA Request that would more appropriately be directed to another Department, the FOIA Coordinator shall promptly forward such request to the relevant Department and promptly notify the Requesting Party that the request has been forwarded. The Department may close the initial request upon receipt of a written confirmation from the FOIA Supervisor of the relevant Department that the relevant Department has received such request. The Department shall provide the Requesting Party with the name and phone number of the FOIA Supervisor of the relevant Department.

In addition to the foregoing responsibilities, the FOIA Coordinator shall maintain a document tracking all FOIA Requests for the then-current calendar year. For each FOIA Request, the document shall include, at a minimum: the Requesting Party's contact information; the date the Department received the Request; the Department's response deadline; the date of the Department's response (including the reasons for any extension); the names, contact information and dates of correspondence with individuals contacted in connection with requests; the dates of review by the Department and the names of individuals who conducted such reviews; whether documents were made available; the amount of copying and/or administrative fees assessed; and the date of final disposition.

(d) **Department Response to Requests**

The Department shall respond to a FOIA Request as soon as possible, but in any event within fifteen (15) business days after the receipt thereof, either by providing access to the requested records; denying access to the records or parts of them; or by advising that additional time is needed because the request is for voluminous records, requires legal advice, or a record is in storage or archived. If access cannot be provided within fifteen (15) business days, the Department shall cite one of the reasons hereunder why more time is needed and provide a good-faith estimate of how much additional time is required to fulfill the request.

If the Department denies a request in whole or in part, the Department's response shall indicate the reasons for the denial. The Department shall not be required to provide an index, or any other compilation, as to each record or part of a record denied.

Records requested can be picked up at the Department's office, emailed (if available electronically) or faxed with no charge. If the requesting party requests that the requested records be mailed via Postal Service, the requesting party shall be responsible for the cost of mailing.

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(e) **Requests for Email**

Requests for email records shall be fulfilled by the Department from its own records, if doing so can be accomplished by the Department with reasonable effort. If the Department determines that it cannot fulfill all or any portion of such request, the Department shall promptly request that the Office of Information Technology ("IT") provide the email records to the Department.

(f) **Review by Department**

Prior to disclosure, records may be reviewed by the Department to ensure that those records or portions of records deemed non-public may be removed pursuant to 29 Del. C. §10002(g) or any other applicable provision of law. In reviewing the records, all documents shall be considered Public Records unless subject to one of the exceptions set forth in 29 Del. C. §10002(g) or any other applicable provision of law. Nothing herein shall prohibit the Department from disclosing or permitting access to Public Records if the Department determines to disclose such records, except where such disclosure or access is otherwise prohibited by law or regulation.

(g) **Hours of Review**

The Department shall provide reasonable access for reviewing Public Records during regular business hours (8:30 a.m. – 4:30 p.m.). Appointments will be scheduled at a mutually convenient time for the applicant and the Department. If photocopies are desired, the specific records must be identified by tabbing the pages. If less than twenty (20) pages *and* personnel are available, copies will be made while you wait.

(h) **Fees**

(i) **Photocopying Fees**. In instances in which paper records are provided to the Requesting Party, photocopying fees shall be as follows:

• **Standard Sized, Black and White Copies/Printouts**: The first 20 pages of standard sized, black and white copied material shall be provided free of charge. The charge for copying standard sized, black and white Public Records for copies over and above 20 shall be $0.10 per sheet (i.e., $0.10 for a single-sided sheet, $0.20 for a double-sided sheet). This charge applies to copies on the following standard paper sizes: 8.5" x 11"; 8.5" x 14"; and 11" x 17".

• **Standard Sized, Color Copies/ Printouts**: A charge of $1.00 per sheet will be assessed for all color copies or printouts for standard sized copies.

• **Oversized Black and White Copies/Printouts**: The charge for copying oversized Public Records shall be $2.00 per 18" x 22" sheet and $3.00 per 24" x 36" sheet. The charge for copying documents larger than 24" x 36" shall be $1.00 per square foot. Over-sized documents that the Department is not

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capable of reproducing will be sent off-site and the Requesting Party will be charged the costs incurred.

• **Oversized Color Copies/Printouts:** An additional charge of $1.50 per sheet will be assessed for all color copies or printouts for oversized copies.
• **Microfilm and/or Microfiche Printouts:** The first 20 pages of standard sized, black and white material copied from microfilm and/or microfiche shall be provided free of charge. The charge for microfilm and/or microfiche printouts over and above 20 shall be $0.15 per sheet.

• **Electronically Generated Records**: Charges for copying records maintained in an electronic format will be calculated by the material costs involved in generating the copies (including but not limited to DVD, CD, or other electronic storage costs) and administrative costs.

(ii) **Other Service Fees**

• **Address labels:** $0.50/label

• **Notary Fee**: $3.00/document

• **Retrieval from archives**: Costs incurred ($25.00/ box)

(iii) **Administrative Fees**

• Administrative fees shall be levied for requests requiring more than one hour of staff time to process. Charges for administrative fees may include staff time associated with processing FOIA Requests, including, without limitation, identifying records; monitoring file reviews; and generating computer records (electronic or print-outs). Administrative fees shall not include any cost associated with the Department's legal review of whether any portion of the requested records is exempt from FOIA. The Department shall make every effort to ensure that administrative fees are minimized, and may only assess such charges as shall be reasonably required to process FOIA Requests. In connection therewith, the Department shall minimize the use of non-administrative personnel in processing FOIA Requests, to the extent possible.

• For requests that require more than one hour of staff time, the Department shall provide a written cost estimate of such fees to the Requesting Party, listing all charges expected to be incurred in retrieving such records, prior to fulfilling any request that would require a Requesting Party to incur administrative fees. Upon receipt of the estimate, the Requesting Party may decide whether to proceed with, cancel or modify the request.

• Administrative fees will be billed to the Requesting Party per quarter hour. These charges will be billed at the current hourly pay grade (pro-rated for quarter hour increments) of the lowest-paid employee(s) capable of performing the service. Administrative fees will be in addition to any other charges incurred under Section (h), including, but not limited to, copying fees.

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- When multiple FOIA Requests are submitted by or on behalf of a Requesting Party in an effort to avoid incurring photocopying fees or administrative charges, the Department may in its discretion aggregate such requests when computing fees.

(i) **Payment**

Payment of all fees shall be due no later than the time the records are released to the Requesting Party. The Department may require pre-payment of all fees prior to performing any services. The County accepts cash or check/money order payable to "Sussex County Council." There is a return check fee of thirty-five dollars ($35). Certain Departments may accept credit cards.

Appointment Rescheduling or Cancellation: Requesting Parties who do not reschedule or cancel appointments to view files at least one (1) full business day in advance of the appointment may be subject to the charges incurred by the Department in preparing the requested records. The Department shall prepare an itemized invoice of these charges and provide the same to the Requesting Party for payment.

(j) **Applicability**

To the extent any provision in this policy conflicts with any other law or regulation, such law or regulation shall control, and the conflicting provision herein is expressly superseded.

(k) **Effective Date**

This policy shall become effective immediately upon its passage.

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Memorandum

TO: Sussex County Council
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The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Vance C. Phillips

FROM: Todd F. Lawson
County Administrator

RE: ***PROPOSED ORDINANCE RELATING TO A TEMPORARY APPLICATION EXTENSION***

DATE: December 7, 2012

During Tuesday's Council meeting, you are scheduled to discuss and possibly introduce an ordinance(s) to address the expiring applications for Subdivisions, Conditional Use, and Residential Planned Community Districts that were extended under Ordinance No. 2208. As you know, the time extension for this group of applications will expire January 1, 2013.

Vince and I have been working on this issue for some time now. I have attached two draft ordinances that Vince drafted that provide Council with some options should you choose to.

In summary, Council has three basic options:

(1) do nothing and let them all lapse;

(2) grant an additional uniform time extension of a certain length (for example, one or two years) to every application within this group; or

(3) come up with a process to only allow an extension of a certain length (for example, one or two years) to viable applications, whereby the applicant must report back to the County seeking an extension.

Of the options listed above, (1) and (2) are self-explanatory. If you choose to adopt another extension, the extension will be retroactive back to January 1, 2013, since the ordinance will not be considered and approved before January 1.

The last option (3) would be a new approach to this issue. This option is a hybrid, or compilation, of the way that several other jurisdictions have approached it. Basically, this one gives everyone a short blanket extension (for example, six months) to give everyone an opportunity to request, in writing, an additional longer extension. If a developer wants the additional extension, they would have to request it in writing to Planning and Zoning and include certain information detailing the status of the development and grounds for the request. You can determine the level of information a developer should be required to provide with their request. Each municipality does it differently.

The intent is that immediately we will lose all of the projects that are truly dead when they do not request the extension, thereby eliminating the projects from the County's records.

Also, since this is an amendment to the Zoning Code, it does have to go through Planning and Zoning under Title 9. Otherwise, we run the risk of having the extensions set aside if we don't follow the right procedures.

Please feel free to contact me or Everett with any questions.

TFL/sww

Attachments

pc: J. Everett Moore, Jr., Esquire
Vincent G. Robertson, Esquire

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS.

WHEREAS, the Sussex County Council has the power to develop, adopt, amend, and revise its Subdivision and Zoning Ordinances as it shall deem necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of Sussex County and to provide for the orderly growth thereof; and

WHEREAS, the Sussex County Council has adopted Subdivision and Zoning Ordinances and a Comprehensive Land Use Plan in order to provide for the regulation and orderly approval of residential, commercial, and industrial uses with Sussex County; and

WHEREAS, on August 9, 2011, the Sussex County Council adopted Ordinance No. 2208, which extended all subdivision, Residential Planned Community and Conditional Use approvals as set forth therein; and

WHEREAS, the Sussex County Council continues to be concerned that the approvals and/or permits that have been granted by it and the County Planning and Zoning Commission may lapse due to the current economic crisis, and drastic recession affecting this County, the State and the United States, and severely impacting the County's banking, real estate, construction, and building materials businesses and employment in Sussex County; and

WHEREAS, the process of obtaining approvals and/or permits can be difficult, time consuming, and expensive for both the applicants and the County Government; and

WHEREAS, approvals and/or permits could be difficult to extend, renew, or re-obtain once lapsed or expired; and

WHEREAS, the Sussex County Council deems it appropriate to implement a temporary general extension of approvals and/or permits for Subdivision and Residential Planned community approvals; and

WHEREAS, the Sussex County Council is of the opinion that the granting of such extensions is appropriate in order to avoid unnecessary administrative issues related to repetitive applications for extensions of time for approvals and/or permits or rehearing previously approved applications, and to otherwise provide for the orderly growth of Sussex County.

DRAFT

NOW, THEREFORE, THE SUSSEX COUNTY COUNCIL HEREBY ORDAINS:

Section 1: Notwithstanding the time limits for validity set out in Chapter 99 of the Sussex County Code, any preliminary subdivision plat under Section 99-9 B, and any recorded subdivision plat valid under Section 99-11 and Section 99-40, valid as of January 1, 2013 shall remain valid until January 1, 2014 or the expiration of the current approval, whichever is later.

Section 2: Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Residential Planned Community valid under Article XVI and valid as of January 1, 2013 shall remain valid until January 1, 2014 or the expiration of the current approval, whichever is later.

Section 3: Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Conditional use action approved pursuant to the provision of Article XVI, Article XXIV, and Article XXVIII of Chapter 115 of the Sussex County Code valid as of January 1, 2013, and relating to new residential, commercial, or industrial developments, shall be valid until January 1, 2014 or the expiration of the current approval, whichever is later.

Section 4: This Ordinance shall apply retroactively to any approval valid on or before January 1, 2013.

Section 5: This Ordinance shall become effective upon its adoption by a majority of all members elected to the County Council of Sussex County.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. _____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE _____ DAY OF _____, 20___.

Robin A. Griffith
Clerk of the Council

DRAFT

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR THE ADDITIONAL TEMPORARY EXTENSION OF TIME FOR SUBDIVISION APPLICATIONS, CONDITIONAL USE APPLICATIONS, AND RESIDENTIAL PLANNED COMMUNITY DISTRICTS, WITH A PROVISION FOR FURTHER EXTENSION UPON WRITTEN REQUEST.

WHEREAS, the Sussex County Council has the power to develop, adopt, amend, and revise its Subdivision and Zoning Ordinances as it shall deem necessary in order to preserve and protect the public health, safety, morals, beauty and good appearance of Sussex County and to provide for the orderly growth thereof; and

WHEREAS, the Sussex County Council has adopted Subdivision and Zoning Ordinances and a Comprehensive Land Use Plan in order to provide for the regulation and orderly approval of residential, commercial, and industrial uses with Sussex County; and

WHEREAS, on August 9, 2011, the Sussex County Council adopted Ordinance No. 2208, which extended all subdivision, Residential Planned Community and Conditional Use approvals as set forth therein; and

WHEREAS, the Sussex County Council continues to be concerned that the approvals and/or permits that have been granted by it and the County Planning and Zoning Commission may lapse due to the current economic crisis, and drastic recession affecting this County, the State and the United States, and severely impacting the County's banking, real estate, construction, and building materials businesses and employment in Sussex County; and

WHEREAS, the process of obtaining approvals and/or permits can be difficult, time consuming, and expensive for both the applicants and the County Government; and

WHEREAS, approvals and/or permits could be difficult to extend, renew, or re-obtain once lapsed or expired; and

WHEREAS, the Sussex County Council deems it appropriate to implement a temporary general extension of approvals and/or permits for Subdivision and Residential Planned community approvals, and Conditional Uses to allow all such projects that remain viable to seek, in writing, an additional time extension of their approval; and

WHEREAS, the Sussex County Council is of the opinion that the granting of such extensions is appropriate in order to avoid unnecessary administrative issues related to repetitive applications for extensions of time for approvals and/or permits or rehearing previously approved applications, and to otherwise provide for the orderly growth of Sussex County.

DRAFT

NOW, THEREFORE, THE SUSSEX COUNTY COUNCIL HEREBY ORDAINS:

Section 1: Notwithstanding the time limits for validity set out in Chapter 99 of the Sussex County Code, any preliminary subdivision plat under Section 99-9 B, and any recorded subdivision plat valid under Section 99-11 and Section 99-40, with a date of approval of January 1, 2009 or later shall be valid until June 1, 2013 or the expiration of the current approval, whichever is later.

Section 2: Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Residential Planned Community valid under Article XVI and outstanding as of January 1, 2009 or later shall be valid until June 1, 2013 or the expiration of the current approval, whichever is later.

Section 3: Notwithstanding any other provisions of Chapter 115 of the Sussex County Code for any Conditional use action approved pursuant to the provision of Article XVI, Article XXIV, and Article XXVIII of Chapter 115 of the Sussex County Code valid and outstanding as of January 1, 2009 or later, and relating to new residential, commercial, or industrial developments, shall be valid until June 1, 2013 or the expiration of the current approval, whichever is later.

Section 4: Any applicant holding a valid approval as set forth in the preceding Sections 1, 2 or 3 may request an additional extension of time for the validity of said approval until January 1, 2014. Such a request must be in writing, delivered to the Director of Planning and Zoning on or before June 1, 2013. At a minimum, the written request must include the following information:

A. A development schedule or phasing plan for the project.

B. The minimum percentage of the project that the applicant expects to complete during the first five years after the Final Site Plan is approved.

C. A list of all governmental agency approvals that have been obtained, and for any that remain outstanding, the anticipated time frame for obtaining them.

D. A detailed explanation of the grounds, and reasons in support of the applicant's request for the time extension.

The Planning and Zoning Commission shall consider any written request submitted pursuant to this Ordinance at any regular meeting. Requests for time extensions shall be granted by the Planning and Zoning Commission only upon a finding that all of the information required herein has been supplied and that there is good cause for the granting of the requested extension.

Section 5: This Ordinance shall apply retroactively to any approval valid on or before January 1, 2013.

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Section 6: This Ordinance shall become effective upon its adoption by a majority of all members elected to the County Council of Sussex County.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. _____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE _____ DAY OF _____, 20___.

Robin A. Griffith
Clerk of the Council

DRAFT

SUSAN M. WEBB, CPA
FINANCE DIRECTOR

Sussex County

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

MEMORANDUM:

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

FROM: Susan M. Webb, CPA
Finance Director

RE: ***ECONOMIC DEVELOPMENT LOAN – TECHWORLD MEDICALS***

DATE: December 6, 2012

On Tuesday, December 11, 2012, the Council will hear a presentation from Mr. James, Liu, MD, PHD and Chief Executive Officer for TechWorld Medicals, Inc., a manufacturing company for NasalCare and Dr. Healing Healthcare products. TechWorld Medicals, Inc. has applied for an Economic Development Loan in the amount of $200,000. He has completed the application process, presented his project before the Economic Development Loan Committee at a public hearing, and is prepared to take his project before County Council for final approval. Attached to this memo are the minutes of the public hearing held on November 16, 2012, as well as the information on his project/product.

Here are details on TechWorld Medicals, Inc. product and business:

- DEDO support – found the building he is now leasing in Milford
- Very large private capital investment from stockholders
- Applied for federal grant funding
- Currently has internet sales of a variety of products
- Owns 14 patents/Intellectual Property – plus 4 pending
- Commitment from large pharmacy chain to sell product
- Pending commitments from other large pharmacy chains

- Milestone at 10% potential – 10 new employees hired locally
- Milestone at 50% potential – 20 new employees hired locally
- FDA approved project
- Product has achieved many awards

Here are details on the financing:

- $200,000 secured loan – UCC financing statement, mechanics lien, and personal guarantees by stockholders
- 1 percent interest rate
- 10 year amortization with a balloon payment at the end of every three years with an option to renew loan, as long as they continue to meet the new employment growth commitment presented to the Committee
- All documents to be obtained and reviewed by legal counsel

A motion was made by the committee to recommend to County Council that TechWorld Medicals, Inc. receive a $200,000 loan from the Economic Development Committee.

SMW/nc

Attachments

SUSAN M. WEBB, CPA
FINANCE DIRECTOR
(302) 855-7741 T
(302) 855-7749 F
swebb@sussexcountyde.gov

Sussex County
DELAWARE
sussexcountyde.gov

ECONOMIC DEVELOPMENT STIMULUS LOAN COMMITTEE

Minutes of Meeting

November 16, 2012

The Sussex County Economic Development Stimulus Loan Committee met on November 16, 2012, at 10:00 a.m. in the County Council Chambers, Georgetown, Delaware, with the following members present:

Todd F. Lawson	County Administrator
Susan M. Webb, CPA	Finance Director
Julie Wheatley	Director of Economic Development
J. Everett Moore	County Attorney

Also in attendance, Dr. James Liu, MD, PhD, Chief Executive Officer for TechWorld Medicals, Inc. a manufacturing company for NasalCare & Dr. Healing Healthcare products.

The Agenda for today's meeting was posted on November 9, 2012 in the County's locked bulletin board (located in the lobby of the County's Administrative Office Building) as well as on the Sussex County website.

Mrs. Webb welcomed the committee and Dr. Lui.

Mrs. Webb noted that the purpose of today's meeting was to review more specifically the financial aspects of TechWorld's request for an Economic Development Stimulus Loan not to exceed $200,000.

During today's meeting, each Committee member was given the opportunity to ask questions. While individual questions are not specifically noted, the minutes do reflect the responses given and the overall discussion.

Dr. Lui stated that TechWorld Medicals, Inc., a C-Corporation, incorporated in the State of Delaware choose Sussex County Economic Development Loan for

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funding over a traditional bank loan for two reasons; the 1% interest rate and the opportunity to build a business relationship with Sussex County as the manufacturing facility will be located in Milford, Delaware.

Currently, TechWorld has applied for two grants through the Federal Government totaling $200,000 to sustain the financing of a clinical trial which would allow them the resources to be more productive in the manufacturing process. At this time, TechWorld has not received an acceptance letter from the Federal Government in regards to their submitted application, and have not applied for any funding through the State of Delaware.

The financial statement provided by TechWorld states that Other Long Term Liabilities of the Corporation are $865,000. Dr. Lui clarified that the liability is a partnership liability and not a bank liability, $500,000 of this liability is a result of the investment of TechWorld's six key investors.

There was discussion about the commitment that TechWorld has secured with CVS Pharmacy and Dr. Lui stated that CVS would like delivery of the AsthmaCare product in their stores by February 28, 2013. At the present time, TechWorld has about one half of the inventory needed to meet their obligation for the February 28, 2012 deadline and has begun the assembly process for the remaining half which will take approximately two (2) months to complete. Once the obligation to CVS is met, they will continue manufacturing to replenish their inventory.

Sales representatives are currently making contact with local drug stores to negotiate contracts of their healthcare product. All of the products are available for purchase on their website (www.techworldcorp.com), and in January 2013, Dr. Lui will be flying to Chicago to meet with Walgreens Pharmacy to discuss a possible contract.

The terms of the loan were discussed and Dr. Lui stated that it would be beneficial for TechWorld to have a term of ten (10) years on the loan with the ability to payoff off early without penalty. Mr. Moore suggested, if approved by the Committee and County Council, that an arrangement for a lessor period of time, which could be renewed. Similar to banking, there would be a three (3) year call period where the County could look to see if TechWorld is meeting the new employment and growth commitments they made to the Committee in their presentation.

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Suppliers for TechWorld are local with the exception of the manufacture of the homeopathic blend that is located in Iowa. TechWorld is in discussions with Colorbox in Harrington, Delaware for the manufacture of the boxes and has contracted with Kent-Sussex Industries (KSI) of Milford, Delaware for assembly work.

The primary purpose for this loan is to enable TechWorld to hire employees for its Milford location. Techworld Medicals, Inc. has two employees currently, an administrative person hired locally and an engineer who relocated from Pennsylvania. Dr. Lui stated that TechWorld has immediate plans to hire two (2) employees, trained in manufacturing, and anticipates hiring up to ten within the first year of operation. The starting pay for a new employee is estimated to be around $10.00 hour, at this time they do not offer employee benefits but once they have ten (10) employees they will consider offering.

Currently, TechWorld has 14 US patents with plans to file (4) new patents by the end of 2012. In 2010, they won the Best New Product Award at the National Cough, Cold and Allergy Conference.

The Sussex County Economic Development Committee has agreed to move forward with the application process and requests the following documents be provided for the Committee's review:

1. Articles of Incorporation for TechWorld Medicals, Inc.
2. List of all stockholders of the corporation
3. CVS contract
4. Invoice of the machines you have recently purchased
5. List of inventory on hand
6. List of all equipment/assets the corporation owns

The meeting was adjourned in error; action does need to be taken on this day as a result of the presentation.

A Motion was made by Mr. Moore, seconded by Mrs. Webb, to reconvene the meeting.

Motion Adopted: 4 Yea

Voted by Roll Call: Mr. Moore, Yea; Mr. Lawson, Yea;
Mrs. Webb, Yea; Mrs. Wheatley, Yea

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A Motion was made by Mr. Moore, seconded by Mr. Lawson that the Committee recommends to Council a $200,000 Economic Development Stimulus Loan to TechWorld based on the following:

- Interest rate of 1%
- 10 year amortization with a balloon payment at the end of every three (3) years with an option to renew loan as long as they continue to meet the new employment and growth commitment presented to the Committee
- The loan be contingent upon Legal Counsel reviewing the Corporate documents
- A list of all stockholders
- Verification that all shareholders are in compliance with the County's Clean Hands Ordinance
- A complete list of all equipment, inventory, parts and any other items that may be used as part of the manufacturing process
- Loan agreement signed as well as a note by TechWorld
- Individual guarantees by the stockholders
- UCC Financial Statements
- Liens placed on all the equipment, inventory, parts and proceeds of all product sales

Mrs. Webb asked if the three (3) year loan term would be amortized based on three (3) or nine (9) years.

In response to Mrs. Webb's question, Mr. Moore stated that the Committee could be flexible with the number of years that the loan would be amortized and could have a balloon payment at the end of each three year period.

A Motion was made by Mrs. Webb, seconded by Mr. Lawson, to amend the above motion to include the loan amortization at ten (10) years, with a balloon payment at the end of three (3) years with the option for up to two (2) renewals for the same period of time.

Motion Adopted: 4 Yea

Voted by Roll Call: Mr. Moore, Yea; Mr. Lawson, Yea;
Mrs. Webb, Yea; Mrs. Wheatley, Yea

At 11:03, a Motion was made by Mr. Lawson, seconded by Mrs. Webb, to adjourn.

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Motion Adopted: 5 Yea

Voted by Roll Call: Mr. Moore, Yea; Mr. Lawson, Yea;
Mrs. Webb, Yea; Mrs. Wheatley, Yea

Respectfully Submitted,

Kelly A. Collins
Administrative Secretary

DRAFT

TechWorld Medicals, Inc.
111 McCoy Street, Milford, DE 19963, USA
Tel: 302-595-9307 Fax: 302-565-4424 Email: info@techworldcorp.com

October 22, 2012

Ms. Susan M. Webb, CPA
Sussex County Finance Director
P.O. Box 589
Georgetown, DE 19947

Dear Ms. Webb:

The Office of the Honorable Senator Thomas Carper's local officer referred me to the University of Delaware Business Development, and our company is in the process to file the SBIR grant application – Phase 1 with a maximum of $150,000. We plan only ask for $50,000 for conducting a preliminary feasibility test. The research hypothesis is: Reduce Asthma Common Triggers can reduce asthma attack. We may apply for much more when our budget is reached with our collaborator(s).

As you may know, more than 25 millions of asthma patients in the US are lack of the preventive therapy to reduce its flare up. Our AsthmaCare™ Kit under the DrHealing™ name brand is to meet this unmet need. We already manufactured about 10,000 units of this product, and part of these units will be used for a preliminary study to verify if our research hypothesis is correct. The grant application is to be submitted by the end of November 2012.

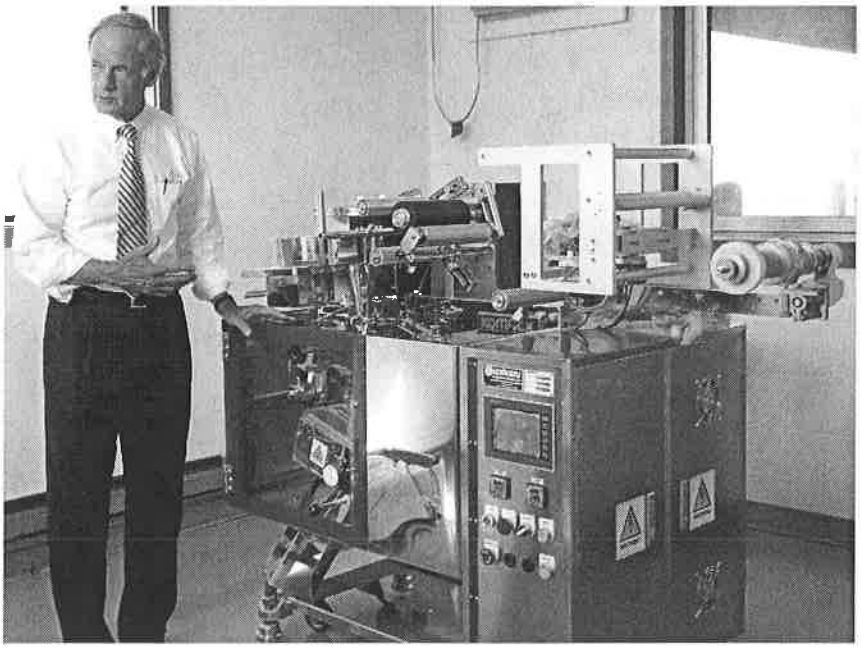
The $50,000 private contribution is secured. This is from my classmate in our graduate school. This professional really likes to invest into my company to have some ownership at this early and quick development stage. This is a very friendly investment, and no specific requirement is asked. I promised to do a good job to grow the company. The first paycheck is to be delivered in October 2012.

If you need any other information, please let me know.

Sincerely yours,

James Z. Liu, MD, PhD
Chief Executive Officer

$50,000 investment from classmate in graduate school. First installment 10/12
$50,000 possible SBIR grant which needs $150,000 investment.
Gary Simons



TechWorld Medicals, Inc.

111 McCoy Street, Milford, DE 19963, USA
Tel: 302-595-9307 Fax: 302-565-4424 Email: info@techworldcorp.com

October 22, 2012

Ms. Susan M. Webb, CPA
Sussex County Finance Director
P.O. Box 589
Georgetown, DE 19947

Dear Ms. Webb:

The loan our company applied for is to financially support the commercialization of the critically needed health care product, DrHealing™ AsthmaCare™ Kit, made based on our patent pending technology in our Milford facility by our current and new employees.

More than 25 millions of asthma patients in the US are lack of the preventive therapy to reduce its flare up. Our AsthmaCare™ Kit under the DrHealing™ name brand is to meet this unmet need. We already manufactured about 10,000 units of this product for launching our online sales, and need to make much more to support the big commercial sales by a national leading pharmacy chain store starting in March 2013.

This manufacture and commercialization project is a natural progress for our company to grow in Milford. When the project reaches its 10% potential, annual revenue at $2,000,000, we need to hire about 10 new employees locally. When it reaches 50% potential ($10,000,000), another 10 new employees will be needed. This project along with our other projects, like ColdFluCare Kit, NasalCleanse Kit, AllergyRelief Kit, PainCare™, OralCare Kit, FemaCare Kit, and multiple vitamins, will significantly enhance the economic development of the Sussex County. Our goal is to build a company with the 50-million dollar revenue within 5 years.

Your initial support is critically needed for us to hire new employees and add the needed clean-manufacture rooms. Your support is very much appreciated. We can pay back this loan within 12 months after the national retail chain stores start sales.

Sincerely yours,

James Z. Liu, MD, PhD
Chief Executive Officer

Julie Wheatley

From: James Liu <jamesliu@techworldcorp.com>
Sent: Friday, November 02, 2012 1:31 PM
To: Susie M. Webb; Julie Wheatley; 'Everett Moore'; Todd F. Lawson
Cc: 'Levin Alan (DEDO)'; 'Booker Melody (DEDO)'
Subject: Techworld County Loan Review Meeting - a very good news - confidential

Importance: High

Dear Susie, Julie, Everett and Todd,

I'd like to share that CVS has finalized their paper work and will place our AsthmaCare Kits into their 7000+ stores nationwide. We are preparing to deliver these 42,000 units for the first order in Feb 2013. We need a working capital of about $210,00. Your support is so much in need and I cannot thank you enough for developing our company into the next Significant Player in Sussex County, as our ColdFluCare Kit is in-line for the next seasonal planograms by other pharmacy chains.

Thank you and have a nice weekend,

Jim

James Liu, MD, PhD
Chief Executive Officer
TechWorld Medicals, Inc.
111 McCoy Street
Milford, DE 19963
Ph: 302-595-9307
Fx: 302-565-4424
www.nasalcleanse.com

TechWorld Medicals, Inc.

Innovative in medical devices & clinical nutrition

DrHealing™ Products
Meeting the Big Un-met Needs

James Z. Liu, MD, PhD, CEO
TechWorld Medicals, Inc.
111 McCoy Street, Milford, DE 19963
Ph: 302-595-9307, FX: 302-565-4424
Email: jamesliu@techworldcorp.com

Company and Product History

- Incorporated in 1998 and now operated in Milford, Delaware
- Certified minority owned small business
- Co-founders: James Liu, MD, PhD; Lilly Zhang, PhD
- US patents filed for NasalCare in 1997 & 1998 and awarded 2001 & 2004
- Total patents filed = 7, and 4 new patents to be filed
- Five trademarks were filed, 2 to be filed
- FDA 510K cleared for sales of NasalCare in 2002
- Import certificates were obtained from China SFDA in 2004 and 2007
- Post marketing safety tests for NasalCare continued 2003-2007
- Recognized as the best product in 2007 by medical doctors of FDNY who are treating these Sept. 11 firefighters with NasalCare
- NasalCare exported to many foreign countries in 2007-2010
- Best New Product Award - 2010 National Cough, Cold and Allergy Conference
- Clinically proven to shorten common cold duration by average 4.5 days in 2011
- Clinically proven that using NasalCare can improve patients' sense of smell
- Asthma patients stopped flare up for a week after daily using NasalCare Kit
- DrHealing products were developed in 2011 & 2012, including AsthmaCare

NasalCare® & DrHealing 2 Product Lines

Adult Kit
1 irrigator
30 packets

Adult Refill
30 packets

Adult Refill
100 packets

Kids' Kit
1 irrigator
30 ct packets

Kids' Refill
30 ct packets

Neti Pot Kit
1 irrigator
60 packets

No.1

No.2

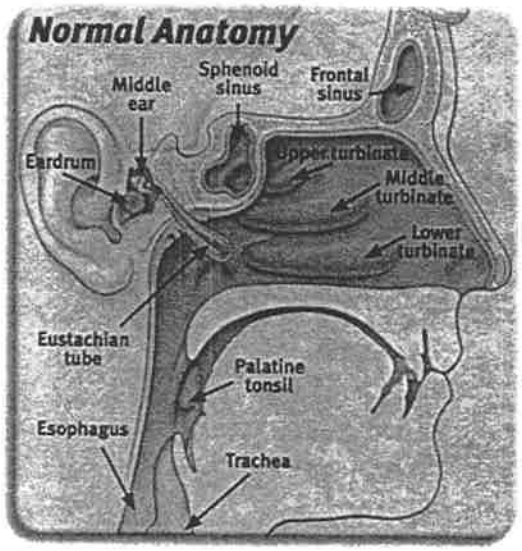
Asthma Troublesome for 26M Patients

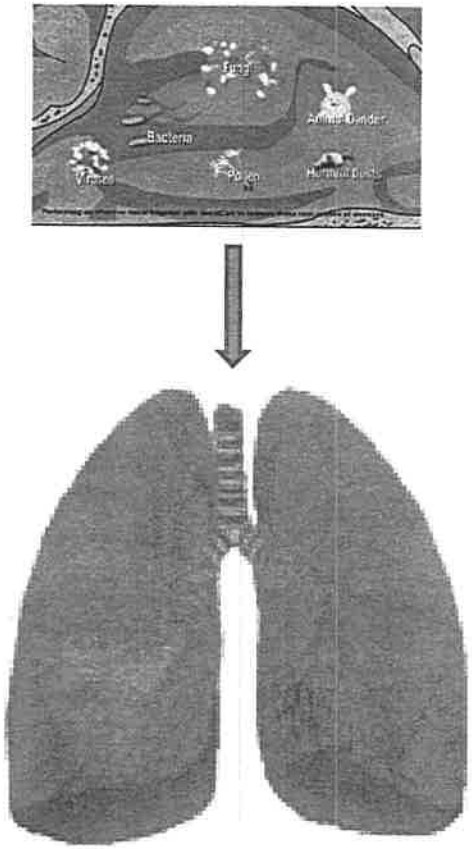
- Uncontrollable coughing - at night, cannot sleep;
- Wheezing, a high-pitched whistle sound that is heard when you breathe out;
- Shortness of breath, frightening!
- Pain and/or Pressure in Chest

- Viruses, allergens trigger asthma
- No therapy to prevent its attack
- $56 Billion lost due to asthma

AsthmaCare Kit

For One-Airway Diseases



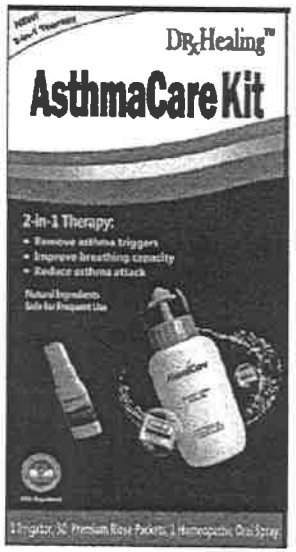


Asthma triggers are in the nose!

New! DRxHealing

AsthmaCare Kit: the 2-in-1 therapy

- ✓ Contain an award winning "Best New Product" Rinse system
- ✓ Use natural 23 active ingredients for self-healing
- ✓ Anti-viruses: physically removing any viral triggers
- ✓ Anti-allergy: physically removing allergic triggers
- ✓ Anti-inflammation: Removes Inflammatory factors and naturally quite down reactive airway
- ✓ Speedy self healing
- ✓ Reduce nasal air-filter builds up



5P Marketing Approach

Positioning

Publishing

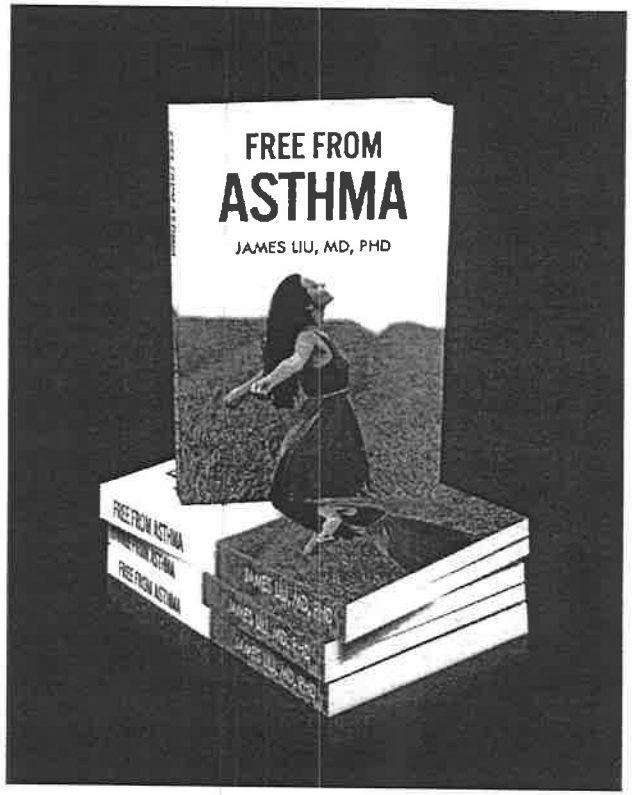
Product

Promotion

Profit

P2: Publishing

- Free download to collect names into a database
- Educate millions of patients to become consumers



AsthmaCare: Big Unmet Need

- AsthmaCare Kit:

  The Best OTC Device + The Best OTC Drug
- Cost to Make: $5.00/Kit & $4/Kit Profit

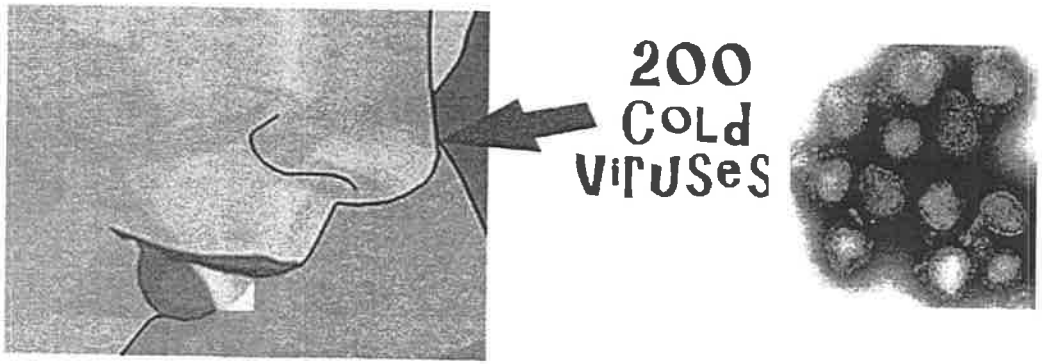
  Online sales: $19.99, $14/Kit Profit

  Wholesales: $9.99/Kit

  Marketing Cost: 2% by the powerful 5P approach
- 25.7 Millions Asthma patients

  Penetrate 2.5% market first year: 0.63 M patients
- $10/Kit Sales x 0.63 M = $6 Millions Revenue
- $4/Kit Profit x 0.63 M = $2.52 Millions Profit

ColdFluCare Kit
The Cold is a Nasal Disease!



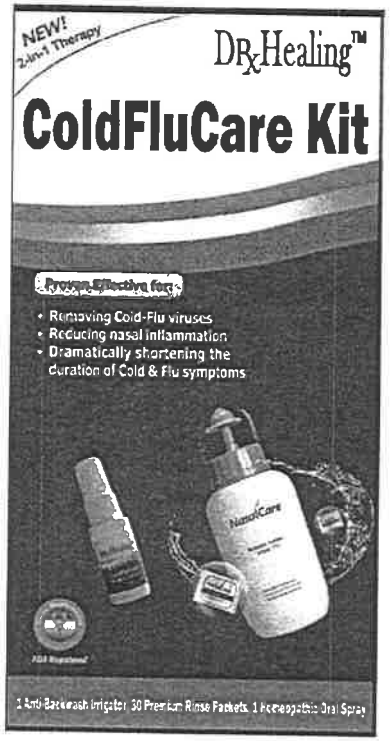
91°F (33°C)

Wake up!
It is all in our nose

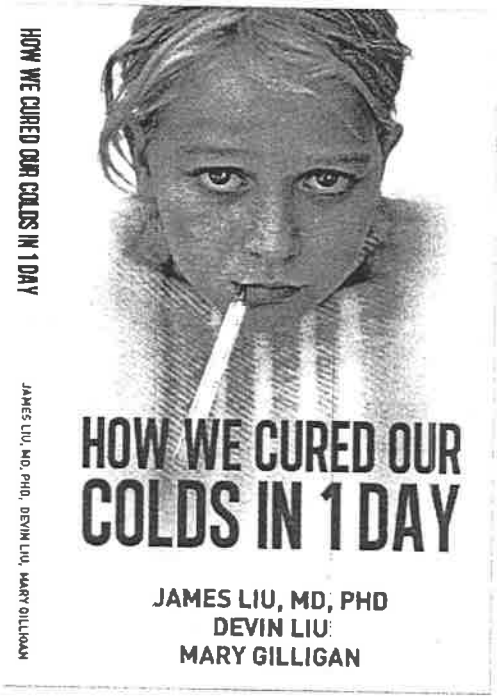
Copyright of Dr. James Liu, TechWorld Medicals 2012

Product and Publishing

Patients with the colds = 300 millions



The Product

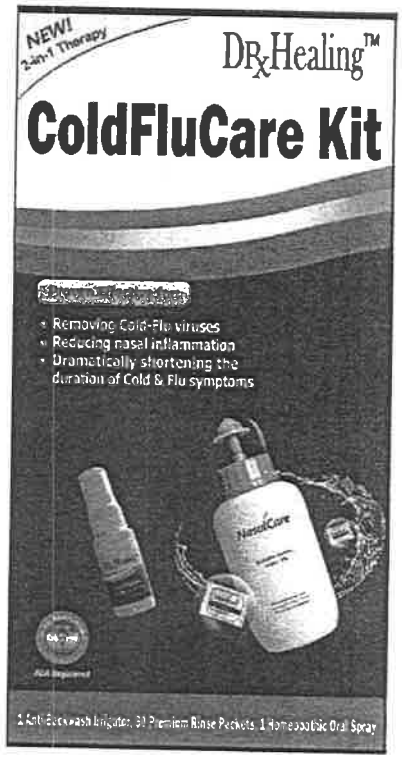


The Book

Combinational Therapy for Cold-Flu

New! DrHealing™ ColdFluCare™ Kit

- ✓ A "Best New Product" award wining nasal rinse system
- ✓ A natural cocktail of self-healing ingredients in a spray
- ✓ Anti-viruses: physically cleanse out common viruses
- ✓ Anti-inflammation: remove physically & inhibit chemically
- ✓ Speedy self healing and improve body's strong resistance
- ✓ Cleanse out excessive mucus
- ✓ Reduce nasal congestion and other symptoms
- ✓ Reduce virus spreading to family or co-workers
- ✓ Go back to work/school faster



Additional value added to the 2010 "Best New Product"

ColdFluCare: Bigger Market

- **ColdFluCare Kit:**

  The Best OTC Device + The Best OTC Drug
- Cost to Make: $5.00/Kit & $4/Kit Profit

  Online sales: $19.99, $14/Kit Profit

  Wholesales: $9.99/Kit

  Marketing Cost: 2% by the powerful 5P approach
- 300 Millions Cold-Flu Patients

  Penetrate 0.5% market 1st Yr: 1.5 M Patients
- $10/Kit Sales x 1.5 M = $15 Millions Revenue
- $4/Kit Profit x 1.5 M = $6 Millions Profit

Next? The Seed *$$$*

To Manufacture Enough Products:

1) **Employees** – how many when Salary + benefits – which products
2) **Materials**
3) **Facility** – equip. purchased?

Payback? Yes, Highly Confident

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947

Administration	302-855-7718
Airport & Industrial Park	302-855-7774
Environmental Services	302-855-7730
Public Works	302-855-7703
Records Management	302-854-5033
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299

Fax: 302-855-7799

December 06, 2012

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
BARRINGTON PARK, AKA/ BISHOP'S LANDING
AGREEMENT NO. 733 - 2

DEVELOPER:

Mr. Steven Brodbeck
Dove Barrington Development, L.L.C.
8965 Guilford Road Suite 290
Columbia, MD 21046

LOCATION:

Southwest corner of Road 353 and Road 352 intersection

SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:
Subdivision consisting of (206) Single Family Homes and (251) Townhomes, w/amenities to include clubhouse, pool, tennis court, dog park, etc. 191 units in this phase

SYSTEM CONNECTION CHARGES:
$1,177,324.00

SANITARY SEWER APPROVAL:
Sussex County Engineering Department Plan Approval
06/11/12

Department Of Natural Resources Plan Approval
08/23/12

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 100
Construction Admin And Construction Inspection Cost – $116,140.80
Proposed Construction Cost – $774,272.00

//west-fs1/Engineering/99110/agr_num733/agr_num733-2/UCD_Construction_Fact_Sheet_1.rtf
12/06/2012

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947

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Utility Permits	302-855-7719
Utility Planning	302-855-1299

Fax: 302-855-7799

January 15, 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. 733-2, THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "DOVE BARRINGTON DEVELOPMENT,L.L.C," FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "BARRINGTON PARK" (A/K/A – BISHOPS LANDING), LOCATED IN MILLVILLE EXPANSION OF THE BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 733-2

TODD LAWSON
COUNTY ADMINISTRATOR

HAROLD F. GODWIN
DEPUTY COUNTY ADMINISTRATOR

Sussex County
ADMINISTRATIVE OFFICE BUILDING
2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
TEL: 302-854-5060
CELL: 302-841-2812
FAX: 302-854-5383
E-MAIL: hgodwin@sussexcountyde.gov

Memorandum

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

Todd Lawson
County Administrator

Susan M. Webb, CPA
Finance Director

FROM: Hal Godwin
Deputy Administrator

RE: **SUSSEX COUNTY AIRPORT RESTAURANT LEASE AMENDMENT**

DATE: December 7, 2012

Paul Buchness, our restaurant operator, does not want to renew his lease on our airport restaurant which expires May 31, 2013. Paul had notified us a short time ago that he wanted to leave our restaurant as of December 31, 2012. I have worked with Paul to develop a compromise that keeps him in business at the airport restaurant provided we reduce his monthly rent to One Dollar per month for January, February and March of 2013. This extra three month arrangement will allow time to recruit a new restaurant operator.

Please review the attached Lease Amendment and feel free to ask any questions that you may have.

HFG/kac

Attachment

LEASE AMENDMENT

Amend the Lease between

Sussex County, Delaware, as the Landlord

AND

M & P, Adventures, Inc., as Tenant

AT

Sussex County Airport Terminal Building

Dated June 1, 2008

*Delete in its entirety paragraph (e), Subsection 1-1, Section 1, "Lease Term" on Page 2 as follows:

"Starts on the Lease Commencement Date (June 1, 2008) and ends on May 31, 2013."

And replace Subsection (e) "Lease Term" as follows:

"Starts on Lease Commencement Date (June 1, 2008) and ends on March 31, 2013 or any earlier date mutually agreed upon in writing giving 15 days' notice."

*Delete in its entirety paragraph (g), Subsection 1-1, "Minimum Rent" on Page 2 as follows:

Time Period	Monthly Installment	Minimum Annual Rent
1st Six months	$1	
6 months - 18 months	$1,200	
18-60 Months	$1,200	$14,400

DRAFT

And replace Subsection (g), "Minimum Rent" as follows:

Time Period	Monthly Installment	Minimum Annual Rent
1st Six months	$1	
6 months - 18 months	$1,200	
18-55 Months	$1,200	$14,400
56-58 Months	$1	

This Amendment shall become effective on December 15, 2012.

Lease Amendment executed on the _____ day of December, 2012.

LANDLORD:

ATTEST:

SUSSEX COUNTY, DELAWARE

By:_____
Robin A. Griffith
Clerk of the Council

By:_____
Michael H. Vincent
President

TENANT:

ATTEST:

M&P ADVENTURES, INC.

By: _____
Mary E. Buchness, Secretary

By:_____
Paul H. Buchness, President

WITNESS: _____

Printed Name: _____

DRAFT

State of Delaware)
)
County of Sussex)

I certify that on this ____day of _____, 2012, Michael H. Vincent, President of Sussex County Council, personally well known to me (or satisfactorily proven) to be the person who executed the foregoing instrument, acknowledged before me that he holds the title set forth above and that he executed the instrument on behalf of the Sussex County Council by proper authority and as the act of the Sussex County Council for the purposes therein stated.

_____
Notary Public

Printed Name: _____

My Commission Expires: _____

DRAFT

HAROLD F. GODWIN
DEPUTY COUNTY ADMINISTRATOR

Sussex County
ADMINISTRATIVE OFFICE BUILDING
2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
TEL: 302-854-5060
CELL: 302-841-2812
FAX: 302-854-5383
E-MAIL: hgodwin@sussexcountyde.gov

Memorandum

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

Todd F. Lawson
County Administrator

Susan M. Webb, CPA
Finance Director

FROM: Harold F. Godwin
Deputy County Administrator

RE: ***REQUEST TO ISSUE A REQUEST FOR PROPOSAL***
SUSSEX COUNTY AIRPORT RESTAURANT OPERATION

DATE: December 7, 2012

The lease on our airport restaurant expires May 31, 2013. I opened discussion with our lessee, Paul Buchness, this past summer about renewing. On October 11, 2012, I received the attached letter from Paul, and he and I began discussing options.

In an attempt to keep the restaurant open continuously while we secure a new operator, Paul has agreed to keep it open through March 31, 2013. Paul started operations on June 1, 2008, and began closing the restaurant at 3:00 p.m. daily mid-2010.

If you have any questions, please feel free to contact me.

HFG/sww

Attachments

HAROLD F. GODWIN
DEPUTY COUNTY ADMINISTRATOR

Sussex County
ADMINISTRATIVE OFFICE BUILDING
2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DELAWARE 19947
TEL: 302-854-5060
CELL: 302-841-2812
FAX: 302-854-5383
E-MAIL: hgodwin@sussexcountyde.gov

REQUEST FOR PROPOSAL

Sussex County Council is accepting proposals for the lease and operation of the Sussex County Airport Terminal Building **RESTAURANT** located in Georgetown, Delaware.

Interested parties may obtain a proposal package, which contains operation standards and minimum requirements, from the Sussex County Administration building located at 2 The Circle, Georgetown, Delaware, Monday thru Friday, 8:30 a.m.-4:30 p.m.

Appointments to view the restaurant facility can be arranged by contacting Hal Godwin at 302-854-5060 or 302-841-2812.

DEADLINE: **Proposals must be completed and submitted to Hal Godwin at 2 The Circle, Georgetown, Delaware, by 12:00 P.M., January 25, 2013.**

Proposals will be opened Monday, January 28, 2013, at 3:00 p.m. in the Sussex County Council Chambers located at 2 The Circle, Georgetown, Delaware.

DISCLAIMER: The County reserves the right to reject any and all proposals, to waive any irregularity or informality in any proposal, or to take any other action it may deem to be in the best interest of the County.

PROPOSAL SUBMISSION GUIDE:

Please provide as much detail as possible on the following:

- **Hours of Operation**
- **Payment Options offered to your customers**
- **Sample Menu with prices**
- **Restaurant Theme/Décor**
- **Types of service offered:**
  -Dining Room table service, buffet, cafeteria, carry out, delivery
- **Will you serve alcohol? Please provide details**
- **Advertising plan and how much you will spend**
- **Rent**
- **Financial Statement**
- **Restaurant experience in detail**

PREFERRED SERVICES

1. Open seven (7) days per week, minimum hours 7:00 am- 9:00 pm, Monday thru Saturday, and Sunday 8:00 am- 8:00 pm.

2. Three (3) meal services each day (breakfast, lunch & dinner)

3. Buffets are acceptable in addition to menu service.

4. Menu to be reviewed by Sussex County Administrator once per year with comments.

5. At least three (3) dinner entrees offered daily below $10.00 (Ten Dollars)

6. Carry out should be available.

7. If Lessee serves alcohol, alcohol sales should be made with food as part of meal service, and no alcohol carried out.

8. Accept Visa/MasterCard/Debit cards/Cash as payment from patrons. Additional cards or options may be acceptable.

*Applicant can change or alter any of the above services in your proposal as you see fit. These are County preferences only.

COUNTY RESPONSIBILITIES

SUSSEX COUNTY PROVIDES:

1. Facility- Building footprint as outlined on attached floor plan, (see Exhibit A).

2. Heating & Air Conditioning equipment in operation and maintenance of the same.

3. All kitchen equipment in working order as per list attached (see Exhibit B) and ½ (one half) the cost of annual service contract and any needed repairs.

4. Water and wastewater service.

5. All building maintenance, including roof, doors, windows and floors.

6. Propane gas for cooking and heating.

LEASE REQUIREMENTS

1. Insurance coverage per County requirements: See attachment (Exhibit C)

2. Restaurant must be open during agreed minimum hours. County declares default of lease after 48 consecutive hours of closed or not operating within lease agreement.

3. Food and Service must be that which is customarily defined as a "Family Restaurant" operation providing premium quality products and services.

4. Customer satisfaction is of PARAMOUNT importance. Customer complaints require Lessee's attention and resolution.

5. Lessee must pay all vendors and suppliers in a timely manner.

6. Rent must be paid on or before due date or a late charge of 20 % (twenty percent) will be applied.

7. Five (5) year lease term. If both parties wish to renew lease, next lease must be signed by both parties at least 180 days before current lease expires, but not more than 360 days before.

8. Provide a restaurant financial operating statement quarterly to the Sussex County Administrator due within 30 days after the end of each quarter.

9. Request permission for special events and any entertainment from the Sussex County Administrator.

RESTRICTIONS

SUSSEX COUNTY WILL NOT PERMIT:

1. Alcohol only service, especially after 9:00 pm.
2. Any illegal behavior, actions or business practices.
3. Restaurant to be unattended during minimum hours of operation.
4. Transfer or assignment of this lease.

EXHIBIT A

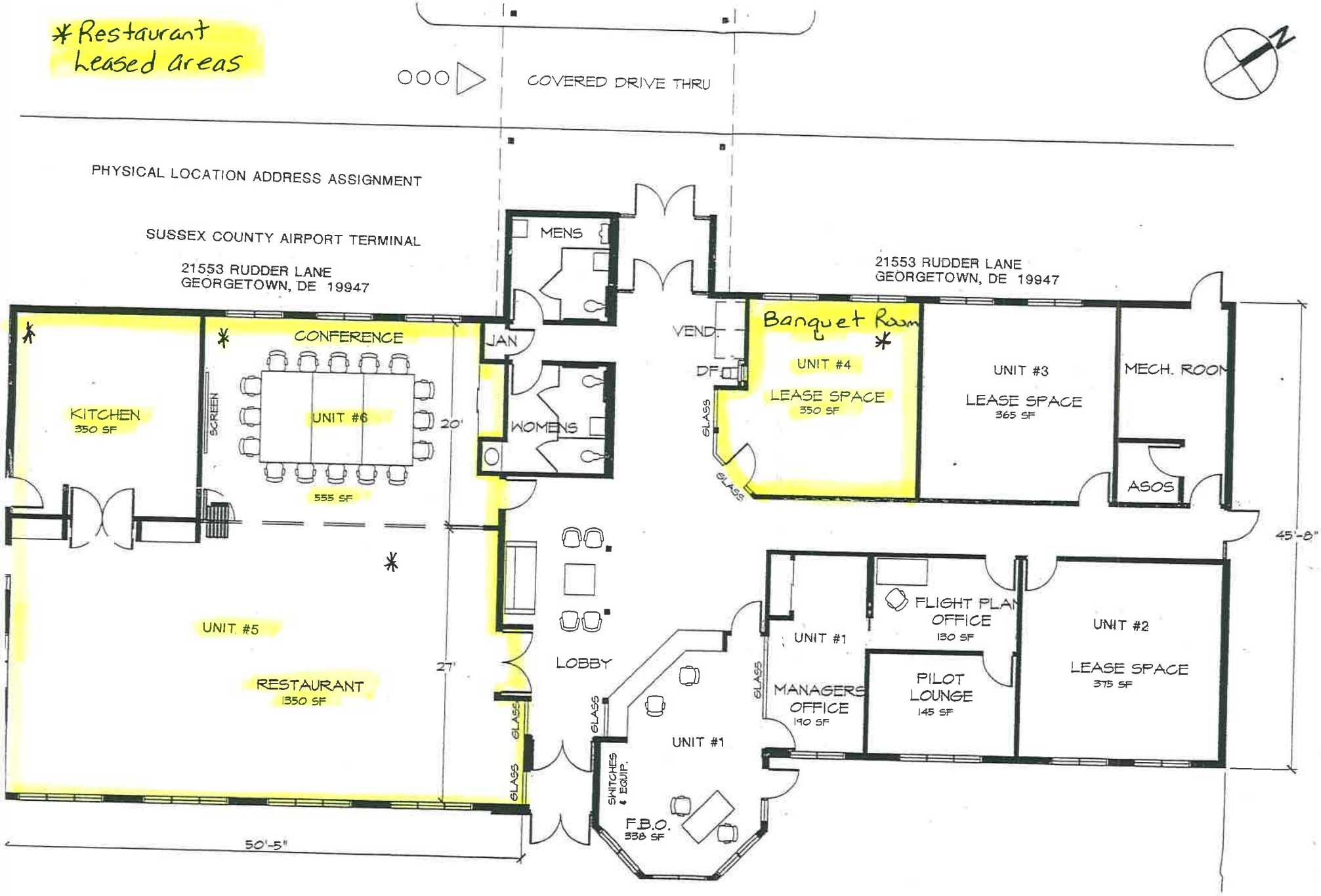

*Restaurant Leased areas
COVERED DRIVE THRU
PHYSICAL LOCATION ADDRESS ASSIGNMENT
SUSSEX COUNTY AIRPORT TERMINAL
21553 RUDDER LANE
GEORGETOWN, DE 19947
21553 RUDDER LANE
GEORGETOWN, DE 19947
MENS
JAN
WOMENS
VEND.
DF
GLASS
Banquet Room
UNIT #4
LEASE SPACE
350 SF
UNIT #3
LEASE SPACE
365 SF
MECH. ROOM
ASOS
CONFERENCE
UNIT #6
555 SF
SCREEN
KITCHEN
350 SF
20'
UNIT #5
RESTAURANT
1350 SF
27'
50'-5"
45'-0"
LOBBY
UNIT #1
SWITCHES & EQUIP.
F.B.O.
338 SF
UNIT #1
MANAGERS OFFICE
190 SF
FLIGHT PLAN OFFICE
130 SF
PILOT LOUNGE
145 SF
UNIT #2
LEASE SPACE
375 SF

EXHIBIT B

SUSSEX COUNTY COUNCIL
AIRPORT TERMINAL BUILDING
RESTAURANT EQUIPMENT

LIST OF KITCHEN EQUIPMENT OWNED & PURCHASED BY SUSSEX COUNTY:

ITEM	ASSET TAG #	REMARKS
AMERICAN RANGE 60" WIDE	3472	
RANKIN CHARBROILER GRILL 72"	5942	
CAPTIVE AIR HOOD SYSTEM 10' PC	3475	
KEATING FLOOR FRYER 18TS	3462	
KEATING FLOOR FRYER 20TS	3463	
IMPERIAL GRIDDLE 36"	3468	
IMPERIAL GRIDDLE 48"	3467	
CLEVELAND STEAMER	5944	
HOT FOOD TABLE W/ OVERSHELVES	5943	
VICTORY 6' COOLER/FOOD TABLE	3478	
MANITOMAC ICE MACHINE	3473	
WIRE SHELVING FOR COOLER	CBT	
DISHWASHER		
PRE-RINSE SINK (METAL MASTER)	3470	
ADV. TABCO 3-BOWL SINK	3469	
TRUE DESSERT COOLER	3476	

EXHIBIT C

INSURANCE

(a) Property and Business Income Insurance. Tenant shall secure and maintain, at its own expense, all risk (special form) property insurance which insures against direct physical loss of or damage to Tenant's personal property, removable trade fixtures and tenant-owned equipment located in or at the Leased Property, on a replacement cost valuation basis, with limits not less than 100% of the insurable replacement cost of all such property located therein. Tenant shall also secure all risk (special form) business income and extra expense insurance in amounts satisfactory to protect its interests for loss of income or extra expense that result from direct physical loss of or damage to covered property, fixtures and equipment located in or at the Premises. The Landlord shall be an insured on Tenant's property and business income insurance as its interests may appear.

(b) Waiver of Subrogation. To the fullest extent permitted by law, Tenant waives any right of recovery from Landlord, and its appointed and elected officials, employees, officers, directors, agents, volunteers and consultants, for any loss of or damage to the Tenant's personal property, removable trade fixtures and tenant-owned equipment (or resulting loss of income or extra expense), by reason of any peril required to be insured against under this Lease, regardless of the cause of origin, including the negligence of the Landlord and its appointed and elected officials, officers, directors, employees, agents, volunteers and consultants. To the fullest extent permitted by law, Tenant's property insurer shall not hold any right of subrogation against Landlord and its appointed and elected officials, officers, directors, employees, agents, volunteers and consultants. Tenant shall advise its insurer(s) of the foregoing and such waiver shall be permitted under any property and/or business income insurance policies maintained by Tenant. Any deductible amount(s) selected by Tenant shall be the sole responsibility of Tenant.

(c) Commercial General Liability Insurance. Tenant shall secure and maintain at its own expense, commercial general liability insurance which insures against bodily injury, property damage, personal and advertising injury claims arising from the Tenant's occupancy of the Leased Property or operations incidental thereto, with minimum limits of:

$1,000,000 - combined single limited - each occurrence;

$1,000,000 - personal and advertising injury limit;

$2,000,000 - combined single limit - general aggregate; and

$1,000,000 -combined single limit-products/completed operations aggregate.

Such insurance shall be endorsed to name Landlord and its appointed and elected officials, officers, directors, employees, agents, volunteers and consultants as additional insureds.

(d) Liquor Legal Liability Insurance. If the Tenant elects to sell, serve or furnish alcoholic beverages on the Leased Property, Tenant shall secure and maintain, at its own expense, Liquor Legal Liability Insurance which insures against injury claims arising from the Tenant selling, serving or furnishing any alcoholic beverage on or from the Leased Property, with minimum limits of:

$1,000,000 - each common cause, and
$1,000,000 - annual aggregate.

Such insurance shall be endorsed to name Landlord and its appointed and elected officials, officers, directors, employees, agents, volunteers and consultants as additional insureds.

(e) Workers Compensation & Employers Liability. Tenant shall secure and maintain, at its own expense, workers compensation insurance and employers liability insurance. The workers compensation insurance must satisfy Tenant's workers compensation obligation to its employees in Delaware. Employers liability insurance must be secured with minimum limits of $100,000 for bodily injury by accident, $100,000 each employee for bodily injury by disease, and a $500,000 policy limit for bodily injury by disease.

(f) Evidence of Insurance/Insurers. Tenant shall furnish certificates of insurance, acceptable to Landlord, and its appointed and elected officials, officers, directors, employees, agents, volunteers and consultants, evidencing all policies required above at execution of this Agreement and prior to each renewal thereafter. Such insurance shall be written with insurers licensed to do business in Delaware, with a current Best's Financial Strength Rating of "A-" or better, and a financial size category of "Class VIII" or higher, unless Landlord grants specific approval for an exception. Such policies shall be endorsed and such certificates shall provide that no cancellation, non-renewal or material reduction in coverage can take effect unless 30 days prior written notice by registered mail is furnished to Landlord. Liability policies required herein may not be written on a "claims made" basis without the prior written approval of Landlord. If Tenant shall fail, refuse or neglect to secure and maintain any insurance required of Tenant or to furnish satisfactory evidence or insurance, Landlord shall have the right to purchase such insurance. All such payments made by Landlord shall be recoverable by Landlord from Tenant, together with interest thereon, as additional rent promptly upon being billed therefore.

(g) All policy limits as stated herein shall be adjusted every five (5) years in accordance with increases in the consumer price index to levels satisfactory to Landlord.

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

JAMES A. HICKIN
Airport Manager

P.O. BOX 589
GEORGETOWN, DELAWARE 19947

Administration	302-855-7718
Airport & Industrial Park	302-855-7774
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299

Airport Fax: 302-855-7773

MEMORANDUM

TO: **Sussex County Council**

THROUGH: Todd Lawson
County Administrator

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

RE: **DELTECH POWERPLANT FACILITY**

DATE: December 7, 2012

I am on the December 11th agenda to present an addendum to the County's lease with Delaware Technical and Community College (DTCC) for Lot NA-3 at the Sussex County Airport.

The County entered a commercial lease with DTCC in June 2011 for Lot NA-3, to be used by the college for their Powerplant Maintenance training facility. At the time, the metes and bounds included in the lease document were preliminary and the lease required the college to provide a final survey of the property.

DTCC has completed the final design of the facility and has provided the final survey for inclusion in the lease. The proposed addendum replaces the preliminary metes and bounds drawing with a final, sealed survey. No other changes are made to the lease.

Attached are the proposed addendum and the final survey.

I recommend Council approve this addendum. Please feel free to call me at 855-7775 with any questions.

cc: Michael A. Izzo, P.E., County Engineer

FIRST ADDENDUM TO COMMERCIAL LEASE AGREEMENT

THIS FIRST ADDENDUM to a Commercial Lease Agreement is made and executed on this _____ day of _____, A.D., 20_____ by and between:

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

AND

DELAWARE TECHNICAL AND COMMUNITY COLLEGE with an address of 100 Campus Drive, Dover, Delaware 19903, hereinafter referred to as **"Lessee"**

WHEREAS, on June 7, 2011, Lessor and Lessee entered into a Commercial Lease Agreement (hereinafter referred to as "the Agreement") for space known as Lot NA-3, located at 21480 Rudder Lane, Georgetown, Delaware 19947 (hereinafter referred to as "the Subject Property");

WHEREAS, in the Agreement, Lessee agreed to obtain a survey of the Subject Property to determine the metes and bounds thereof;

WHEREAS, Lessee has obtained a survey of the Subject Property; and

WHEREAS, the parties hereto desire to amend the terms of the Agreement as outlined herein to incorporate the new survey of the Subject Property to properly show the metes and bounds of the Subject Property,

WITNESSETH:

That Lessor, in consideration of the rents, terms, covenants, conditions and agreement hereinafter made on the part of Lessee to be paid, kept and performed and Lessee, in consideration of the right to occupy the Subject Property, subject to the

COPY

terms, covenants, conditions and agreements hereinafter set forth, do together hereby agree as follows:

1. Exhibit A of the Agreement shall be removed and replaced with the survey of the Subject Property which is attached hereto as Exhibit 1 and is incorporated by reference herein. The parties agree that the new survey accurately reflects the metes and bounds description of the Leased Premises.
2. **Interpretation of Addendum**. All other terms and conditions of the Agreement dated the 7th day of June, 2011 shall remain in tact and in full force and effect. Wherever there exists a conflict between this Addendum and the Agreement, the provisions of this Addendum shall control. Unless otherwise indicated, capitalized terms shall be defined in the manner set forth in the Agreement.
3. **Counterparts**. This Addendum may be signed in one or more counterparts, each of which shall be deemed an original and all of which, taken together, shall constitute one (1) instrument.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, this ____ day of _____, A.D. 20_____.

Attest:

_____
Name: _____
Title: Clerk of County Council

LESSOR: SUSSEX COUNTY COUNCIL

_____**(SEAL)**
Name: _____
Title: _____

APPROVED AS TO FORM:

_____
J. Everett Moore, Jr., County Attorney

COPY

Attest:

LESSEE: DELAWARE TECHNICAL AND COMMUNITY COLLEGE

_____

Name:_____

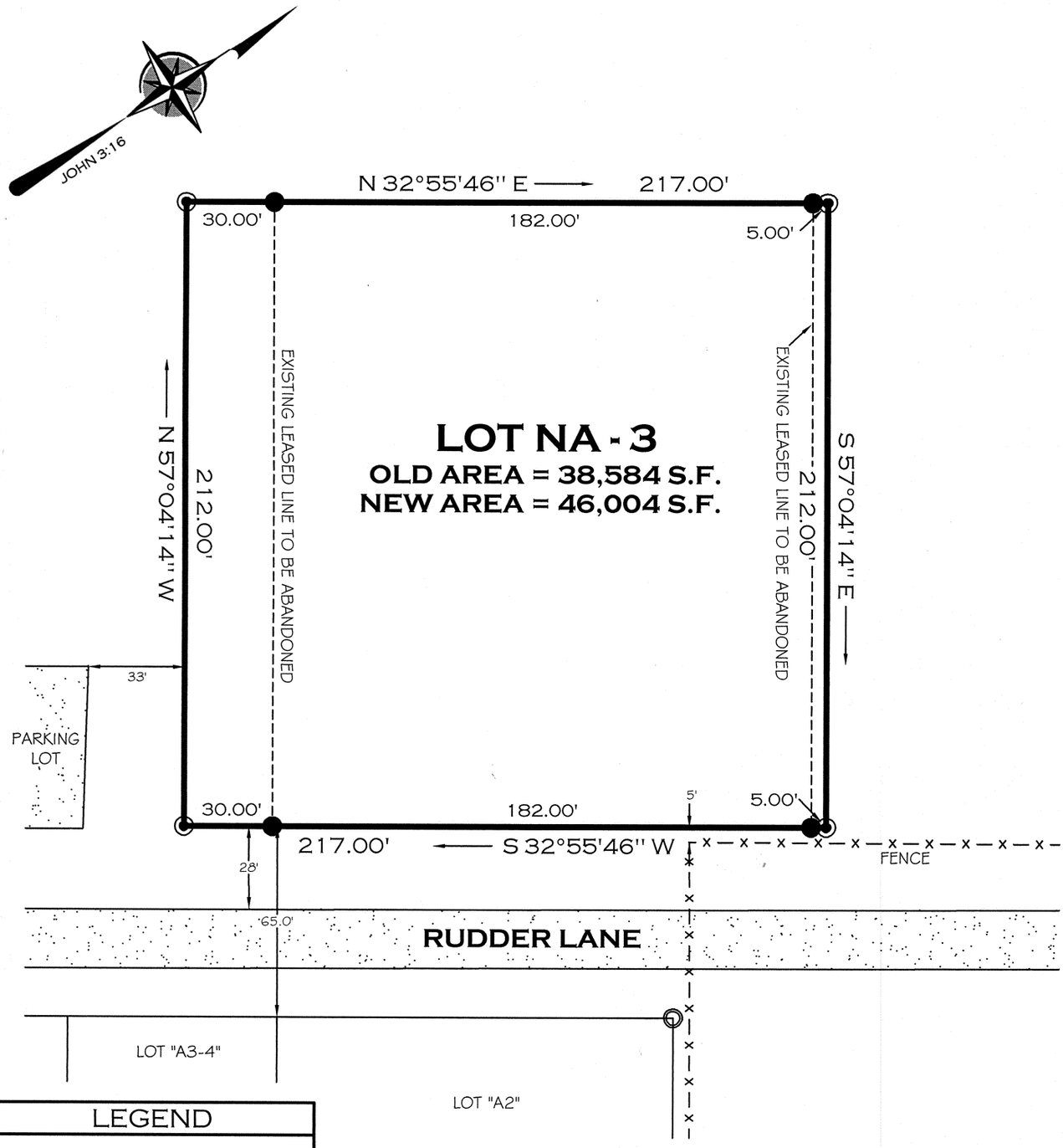
Title: _____

_____**(SEAL)**

Name: _____

Title: _____

COPY



LEGEND

- ● IRON ROD W/ CAP FOUND
- ◎ IRON PIPE FOUND
- ◉ IRON ROD W/ CAP TO BE SET

BRADLEY A. ABSHER
REGISTERED
NO. 735
DELAWARE
PROFESSIONAL LAND SURVEYOR

NOTES

1. CLASSIFICATION OF SURVEY: SUBURBAN
2. PLAT REFERENCE: UNRECORDED PLAT ENTITLED "AIRPORT LEASED LOTS"
3. NO TITLE REPORT WAS PROVIDED FOR OUR USE, THEREFORE THIS BOUNDARY SURVEY IS SUBJECT TO ANY ENCUMBRANCES, RESTRICTIONS, EASEMENTS, AND/OR RIGHTS OF WAY THAT MIGHT BE REVEALED BY A THOROUGH TITLE SEARCH.

TAX MAP #	1-35 - 20.00 - 75.00
STATE	DELAWARE
COUNTY	SUSSEX
HUNDRED	GEORGETOWN
SUBDIVISION	---
SECTION #	---
BLOCK #	---
LOT #	NA - 3
DEED REF.	727 / 068
PLAT REF.	---
DRAWN BY	BAA
DATE	12 / 05 / 12
SCALE	1" = 50'
SURVEY #	DE - 00797

PROPOSED LEASED LOT

FOR

SUSSEX COUNTY AIRPORT

RUDDER LANE, GEORGETOWN, DE

TRUE NORTH
LAND SURVEYING
118 ATLANTIC AVENUE, SUITE 202
OCEAN VIEW, DE 19970
DE: 302-539-2488
MD: 410-430-2092
FX: 302-539-2499
WEB: TRUENORTHLS.COM

MOTION

BE IT MOVED, BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT THAT THE FOLLOWING BE APPROVED FOR SUSSEX COUNTY PROJECT #09-19, INLAND BAYS REGIONAL WASTEWATER FACILITY, PHASE 1 EXPANSION CONTINGENT UPON THE RECEIPT OF APPROVAL FROM THE FUNDING AGENCIES:

- THE FORMAL TERM SHEET BETWEEN SUSSEX COUNTY AND WHITING TURNER BE APPROVED;
- SUBSTANTIAL COMPLETION BE GRANTED TO WHITING-TURNER CONSTRUCTION CO., FINAL PAYMENT BE MADE AND ALL HELD RETAINAGE BE RELEASED;
- CHANGE ORDER NOS. 7 & 8 BE APPROVED IN THE CREDIT AMOUNT TOTAL OF $205,684.47; AND
- CONTRACT AMENDMENT #15 WITH WHITMAN REQUARDT AND ASSOCIATES BE APPROVED IN THE AMOUNT OF $79,997.

Michael A. Izzo, P.E.
County Engineer

December 11, 2012

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into this 20th day of November, 2012, by and between Sussex County, Delaware ("Sussex"), and The Whiting-Turner Contracting Company ("Whiting-Turner") (collectively "the Parties").

WHEREAS, on or about January 25, 2010, Whiting-Turner entered into a contract with Sussex ("the Contract") whereby Whiting-Turner agreed to perform work in connection with construction at The Inland Bays Regional Waste Management Facility Phase I Expansion Project ("the Project").

WHEREAS, certain disputes have arisen between the Parties regarding the Project and the amounts due and owing to Whiting-Turner for its work on the Project.

WHEREAS, the Parties, without admitting fault or liability, wish to resolve all disputes and issues between Sussex and Whiting-Turner arising out of or related to the Contract and the Project.

NOW THEREFORE, for the consideration and mutual promises set forth herein, including the Recitals which are incorporated herein as a material part of this Agreement, and for other good and valuable consideration, receipt of which is hereby acknowledged, Sussex and Whiting-Turner hereby agree as follows:

1. Within five (5) days of the execution of this Agreement, Sussex and Whiting-Turner will execute a final change order that will contain at least the following:

   (a) A credit of $21,081.52 to the County for approved credits; and

   (b) A Contract resolution credit of $184,602.95 to the County for unused contingent items.

   (c) An amount due to Whiting-Turner under the contract of $650,735.17.

COPY

2. Exhibit 1 is a final contract reconciliation that contains the items that will be included in the final change order. Sussex will prepare and issue the appropriate change order and associated papers. The change order will be in compliance with the terms of this Agreement. Within fourteen (14) business days of the execution of this Agreement, Whiting-Turner shall provide to Sussex:

(a) final As-Build drawings signed and sealed by a Professional Land Surveyor;

(b) final Section 17000 O&M Manual; and

(c) executed Release of Liens from its Subcontractors in the form attached hereto as Exhibit 2.

(d) Payment Requisition no. 27 subject to the terms and amounts set forth in paragraph no. 1and Exhibit no. 1.

3. The Parties hereby agree that the conditional acceptance period has been completed and that the warranty period under the Contract began to run on March 15, 2012.

4. The Parties hereby agree that Final Inspection was successfully completed on March 15, 2012 and that Whiting-Turner has completed the final punch-list.

5. The Parties hereby agree that Sussex assumed operation of the Inland Bays Plant on April 19, 2012, and that Whiting-Turner shall have no further responsibility for the operation of the plant.

6. The Parties hereby agree that Sussex will retain its rights regarding the equipment warranty provided by Parkson Corporation and that the Process Guarantee parameters, dated 11/2/09, as represented in the Contract Documents, have been completed.

COPY

7. Within fifteen (15) business days of Whiting-Turner's delivery to Sussex of the documents set forth in Paragraph 2 of this Agreement, Sussex shall deliver a check made payable to The Whiting-Turner Contracting Company in the amount of $ 650,735.17 representing final payment of the Contract balance and retention for the Project.

8. Whiting-Turner, for itself and for its predecessors, successors, affiliates, parents, subsidiaries and assigns (hereinafter referred to in this Paragraph 8 as "Releasor"), does hereby irrevocably and unconditionally release, acquit, exonerate and forever discharge Sussex, and their respective past, present, and future predecessors, successors, assigns, parents, subsidiaries, affiliates, directors, officers, stockholders, insurers, sureties, attorneys, agents, servants, and employees (hereinafter referred to in this Paragraph 8 as "Releasees"), of and from all and every manner of action and actions, cause and causes of action, suits, proceedings, debts, dues, sums of money, accounts, reckoning, bonds, bills, specialties, covenants, contracts, agreements, promises, damages, judgments, executions, liens, mechanic's liens, costs and expenses, attorneys' fees, costs and expenses of suits, and any and all claims, demands, and liabilities, which the Releasor, or anyone claiming through the Releasor, has against the Releasees, individually, jointly, severally, collectively, or otherwise, for, upon, or by reason of any matter, cause, thing, or event from the beginning of the world to the effective date of this Settlement Agreement, relating to or arising from the disputes, the Contract or the Project, but saving and excepting the rights, duties and obligations of the Parties under this Agreement and any rights

COPY

EXHIBIT 1

FINAL CONTRACT RECONCILIATION

ORIGINAL CONTRACT VALUE	$	13,212,197.00
APPROVED CHANGE ORDERS	$	(379,760.20)
CURRENT CONTRACT AMOUNT	**$**	**12,832,436.80**
UNUSED Contingent Item D	$	(34,974.59)
UNUSED Contingent Item F	$	(115,756.36)
UNUSED add/Alternate G Items	$	(33,872.00)
Revised Contract Amount Subtotal	**$**	**12,647,833.85**
Credit Change Odrers #40, #44 & #47	$	(14,638.52)
WR&A Overtime	$	(6,443.00)
subtotal	**$**	**(21,081.52)**
FINAL CONTRACT AMOUNT	**$**	**12,626,752.33**
AMOUNT PAID-TO-DATE	**$**	**11,976,017.16**
PCO#31		$40,000.00
OPEN CONTRACT BALANCE		$1,500.00
CURRENT RETAINAGE		$630,316.69
SUB TOTAL DUE TO WT	**$**	**671,816.69**
Misc. credits & OT	$	(21,081.52)
BALANCE DUE TO WT	**$**	**650,735.17**

COPY

EXHIBIT 2

SUBCONTRACTOR'S FINAL RELEASE AND AFFIDAVIT

TO: THE WHITING-TURNER CONTRACTING COMPANY *(Contractor)* DATE: _____

300 East Joppa Road

Baltimore, MD 21286

FROM: _____ *(Subcontractor)*

RE: WT SUBCONTRACT NO.: _____ DATED: _____

OWNER: Sussex County- Engineering Dept.

PROJECT: Inland Bays Regional Wastewater Facility- Phase I Expansion

The undersigned Subcontractor, in consideration of final payment as set forth herein, hereby waives all mechanic's liens and rights to file mechanic's liens and generally releases, and agrees to indemnify and save harmless, The Whiting-Turner Contracting Company and the above Owner and their sureties, their successors and assigns, from all causes of action, suits, debts, contracts, damages, judgments, decrees, claims, bond claims, demands, liens, rights to assert liens, awards and expenses, including attorneys' fees, in law, equity or otherwise, which Subcontractor, its subcontractors and suppliers, their successors and assigns and any persons claiming through them or based upon their acts or omissions ever had, now have or hereafter may have against The Whiting-Turner Contracting Company or the above Owner, and any real property or improvements of Owner, from the beginning of the world to the date of this Release, in any manner relating to or arising in connection with the above referenced contract or project.

Subcontractor represents that the amounts set forth below are correct and that the amount of the current payment due will promptly be applied to full payment of all outstanding amounts due from Subcontractor to others in connection with the Project.

Final Contract Amount	$_____
Less Previous Payments	$_____
Final Payment Due	$_____

I hereby certify, under penalties of perjury, that the information and representations set forth above are true and accurate to the best of my knowledge, information and belief.

_____
Subcontractor

BY: _____ Address: _____
Signature, Duly Authorized Agent of Subcontractor

_____
Printed Name and Title

STATE OF)
(CITY)(COUNTY)OF))to wit:

On this _____ day of _____, _____, appeared before me _____ and he/she made oath in due form of law that the facts, information and representations set forth in the foregoing Final Release and Affidavit, are true and accurate to the best of his/her knowledge, information and belief.

_____ My commission expires: _____
(Notary Public)

R-002
2/2001

COPY

UNITED STATES
DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT

AND OR

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATER RESOURCES
FINANCIAL ASSISTANCE BRANCH

CHANGE ORDER NO: 7

DATE: 10/19/12

STATE: Delaware

COUNTY: Sussex

SEPARATELY OR JOINTLY FUNDED PROJECT

CONTRACT CHANGE ORDER

CONTRACT FOR: Inland Bays Regional Wastewater Facility: Phase I Expansion (Contract 09-19)

OWNER: Sussex County Engineering Department

To: The Whiting-Turner Contracting Company
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE In Contract Price
PCO No. 40: Contract Cost decrease for the elimination of a gate operator.	$ (4,500.00)	
PCO No. 44: Adjustments Contract Cost to provide/modify/eliminate Part "A" Bid Items (See attachments)		
Change (6) hand hole boxes to (6) hand boxes.	$ (1,600.00)	
Elimination of Link Seals at various pipes and structures.	$ (3,273.00)	
Eliminate the 36" D.I.P. stub out from the CL2 Contact Tank.	$ (2,250.00)	
Provide toe-plate between Clarifier walkway and Scum Pump Station		$ 858.00
PCO No. 47: Contract Cost credit for the elimination of flush mix valves at the Scum P.S.	$ (3,874.00)	
Overtime Inspection Cost Credit (See attachments)	$ (6,442.52)	
TOTALS	$ (21,939.52)	$ 858.00
NET CHANGE IN CONTRACT PRICE	$ (21,081.52)	$

JUSTIFICATION: Explain (Differing Site Conditions) (Errors or Omissions in Drawings or Specifications) (Changes in Regulatory Requirements) (Design Changes) (Over run or Under run in Quantities) (Factors Affecting Time of Completion) (Described below)

(1) Minor modifications/design changes to the proposed pipe systems, elimination of ancillary equipment as requested by the Owner and reviewed by the project Engineer (PCO No. 40, PCO No. 44 and PCO No. 47). **(2)** Contract cost credit adjustment due to overtime inspection costs on the 09-19 Contract as defined in the Contract Specifications.

The original amount of the Contract: Thirteen Million, Two Hundred Twelve Thousand, One Hundred Ninety-Seven Dollars and Zero Cents: Dollars ($13,212,197.00)

The amount of the Contract as adjusted by all previously approved Change Orders: Twelve Million, Eight Hundred Thirty-Two Thousand, Four Hundred Thirty-Six Dollars and Eighty Cents: Dollars ($12,832,436.80)

The amount of the Contract will be (Decreased) through this Change Order by the sum of: Twenty-One Thousand, Eighty-One Dollars and Fifty-Two Cents Dollars ($ 21,081.52)

The Contract Total including this and all previous Change Orders will be: Twelve Million, Eight Hundred Eleven Thousand, Three Hundred Fifty-Five Dollars and Twenty-Eight Cents Dollars ($12,811,355.28)

The Contract Period provided for completion will be (Unchanged) by: _____ (0) Calendar Days

COPY

UNITED STATES
DEPARTMENT OF AGRICULTURE
RURAL DEVELOPMENT

AND
OR

STATE OF DELAWARE
DEPARTMENT OF NATURAL RESOURCES AND ENVIRONMENTAL CONTROL
DIVISION OF WATER RESOURCES
FINANCIAL ASSISTANCE BRANCH

CHANGE ORDER NO: 8

DATE: 10/22/12

STATE: Delaware

COUNTY: Sussex

SEPARATELY OR JOINTLY FUNDED PROJECT

CONTRACT CHANGE ORDER

CONTRACT FOR: Inland Bays Regional Wastewater Facility: Phase I Expansion (Contract 09-19)

OWNER: Sussex County Engineering Department

To: The Whiting-Turner Contracting Company
(Contractor)

You are hereby requested to comply with the following changes from the contract plans and specifications:

Description of Changes (Supplemental Plans and Specifications Attached)	DECREASE in Contract Price	INCREASE In Contract Price
Balancing of Used/Unused Bid Item Quantities for final quantity adjustments needed to close-out the 09-19 Contract. (See attachments)	$ (184,602.95)	
TOTALS	$ (184,602.95)	
NET CHANGE IN CONTRACT PRICE	$ (184,602.95)	

JUSTIFICATION: Explain (Differing Site Conditions) (Errors or Omissions in Drawings or Specifications) (Changes in Regulatory Requirements) (Design Changes) (Over run or Under run in Quantities) (Factors Affecting Time of Completion)

(1) Accounting/balancing of the actual under-run/over-run quantities in relation to the estimated quantities regarding the Original Contract Bid Items: Part A - IBRWF Phase I Expansion, Part B - Regional Force Main Extensions, Part C - Stipulated Equipment Price Items, Part D - Stipulated Contingent Bid Items, Part E - Allowances, Part F - Unstipulated Contingent Bid Items and Part G - Add/Alternate Bid Items.

The original amount of the Contract: Thirteen Million, Two Hundred Twelve Thousand, One Hundred Ninety-Seven Dollars and Zero Cents: Dollars ($13,212,197.00)

The amount of the Contract as adjusted by all previously approved Change Orders: Twelve Million, Eight Hundred Eleven Thousand, Three Hundred Fifty-Five Dollars and Twenty-Eight Cents: Dollars ($12,811,355.28)

The amount of the Contract will be (Decreased) through this Change Order by the sum of: One Hundred Eighty-Four Thousand, Six Hundred Two Dollars and Ninety-Five Cents: Dollars ($184,602.95)

The Contract Total including this and all previous Change Orders will be: Twelve Million, Six Hundred Twenty-Six Thousand, Seven Hundred Fifty-Two Dollars and Thirty-Three Cents Dollars ($12,626,752.33)

The Contract Period provided for completion will be (Unchanged) by: _____ (0) Calendar Days

COPY

NORTH COASTAL PLANNING AREA

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 15

This contract amendment, **Contract Amendment No. 15** dated **December 5, 2012** amends our original contract dated October 13, 2004 between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and Whitman, Requardt and Associates, LLP, a State of Maryland Limited Liability Partnership, as the Second Party, hereinafter referred to as the CONSULTANT, whose address is 801 South Caroline Street, Baltimore, Maryland 21231. By execution of this amendment, the following sections are hereby changed in the existing engineering services agreement dated October 13, 2004:

ARTICLE FOUR

FEE STRUCTURE

4.4.7 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for the **Inland Bays Regional Wastewater Facility Phase 1 Expansion Design Services (Amendment #12)** shall be amended from **Nine Hundred and Twenty Nine Thousand and Four Hundred and Sixty Eight Dollars ($929,468.00)** to **Eight Hundred and Twenty Nine Thousand and Four Hundred and Sixty Eight Dollars ($829,468.00)** and the **Inland Bays Regional Wastewater Facility Phase 1 Expansion Construction Administration and Resident Project Representation (Amendment #14)** shall be amended from **Nine Hundred and Thirty Four Thousand and Forty Two Dollars (934,042.00)** to **One Million and Thirty Four Thousand and Forty Two Dollars ($1,034,042.00).** This Amendment, **Amendment #15** for the **Inland Bays Regional Wastewater Facility Phase 1 Expansion Additional Construction Administration and Resident Project Representation Services** shall not exceed **Seventy Nine Thousand Nine Hundred and Ninety Seven Dollars ($79,997.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.7 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.7 shall govern.

Attachment "V"

Consultant's Scope of Services, **Inland Bays Regional Wastewater Facility Phase 1 Expansion Additional Construction Administration and Resident Project Representation Services**, with Man-hour spreadsheets.

COPY

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. **15** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

_____
President, Sussex County Council

APPROVED AS TO FORM:

_____
Date

_____
Assistant Sussex County Attorney

ATTEST:

_____
Clerk of the Sussex County Council

FOR THE CONSULTANT:

WHITMAN, REQUARDT and ASSOCIATES, LLP

_____
Dennis J. Hasson, P.E., BCEE, Partner

WITNESS:

_____

COPY

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E.
County Engineer

2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DE 19947

Administration	302-855-7718
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299

FAX: 302-855-7799

EOC SUPPLIMENTAL COOLING - SUSSEX COUNTY PROJECT 12-03
BID RESULTS

BIDDER	BASE BID	ALTERNATE BID ITEM #B-1 SYSTEM INTEGRATION	ALTERNATE BID ITEM #B-2 UNDER-FLOOR CONTROLS	BID WITH ALTERNATES
*** GILLIS GILKERSON, SALISBURY MARYLAND**	**$476,685.00 Recommended Bid Award**	$12,600.00	$29,295.00	$518,580.00
KENT CONSTRUCTION SMYRNA , DELAWARE	$489,800.00	$0.00	$31,100.00	$520,900.00
JOSHI CONSTRUCTION HOCKESSIN, DELAWARE	$581,946.00	$1,000.00	$45,285.00	$627,231.00
JOSEPH H ZIMMER HOUSTON, DELAWARE	$564,600.00	$22,000.00	$32,500.00	$619,100.00
DIAMOND STATE ENGINEERING DOVER DELAWARE	$589,000.00	$0.00	$29,500.00	$618,500.00

*** APPARENT LOW BIDDER**

OLD BUSINESS
December 11, 2012

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

Respectfully submitted:
COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

C/U #1917 – application of **ROSSEVELT DOMOND** to consider Conditional Use of land in AR-1 Agricultural Residential District for a beauty salon, barber shop, and spa to be located on a certain parcel of land lying and being in Little Creek Hundred, Sussex County, containing 17,228.6 square feet, more or less, lying northeast corner Trussum Pond Road (Road 462) and Gordy Road (Route 70).

The Commission found that the Applicant submitted a survey/site plan for review.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided a memorandum on December 13, 2011 which advises that the site is located in the Western Sussex – Laurel Growth Area; that an on-site septic system is proposed to serve the site; that conformity to the Western Sussex Planning Study will be required; that the proposed use is not in an area where Sussex County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that DelDOT provided a Support Facilities Report on September 19, 2011 which advises that the Department has reviewed Trussum Pond Road and Gordy Road in this evaluation; that a traffic impact study was not recommended; that the current Level of Service "B" of Trussum Pond Road will not change as a result of this application; and that the current Level of Service "A" of Gordy Road will not change as a result of this application.

Mr. Lank provided copies of nine (9) letters in opposition to this application from Lane and Rebecca Joseph, Frank E. Ward, John and Janice Whitby, Robert M. Bowie, Marvin and Sharon Jones, Richard L. O'Neal, Trudy J. Murray, Paul and Brenda Harper, and Joseph and Virginia

Patchett. The letters expressed concerns referencing that the Laurel area already has 20 plus beauty shops/barber shops and many more nail/tanning/massage spas; that it is not believed that there will be any benefit to the neighborhood or the Town of Laurel to change another residence into another such business; that this is a quiet neighborhood; that the residential neighborhood has grown by 14 new homes in one development along Trussum Pond Road and four new homes and homes under construction on Gordy Road; that they realize that traffic is being increased by the new homes; that this site is located on a high traffic intersection with a main access to U.S. Route 13, which is used frequently by emergency vehicles to respond to accidents and fires occurring on the southeast side of Laurel, and is also a main route to both the Laurel High School and Laurel Middle School for daily school buses; that the use will not be an improvement or an asset to this residential area; that there is not sufficient parking and sewer accommodation to support such a business; that the use will not enhance nor will it be in keeping with our mature, established agricultural residential area; that the subject property will not support such activity with existing sewer and parking issues; that parking issues relating to this property include vehicles back out from the site into traffic onto Trussum Pond Road, and instances of near collisions involving vehicles turning onto Trussum Pond Road from Gordy Road with vehicles entering or leaving the site; that the residence on the site has been converted into three apartments; that when the three apartments were rented the tenants had trouble with their sewer system not being adequate for all units; that the proposed business will tax the sewer system even further; that noise is a concern; that there are other locations in the Laurel area that are zoned for such use; that residential property values may depreciate; that there are children in the area and safety is a concern; and that the parking layout proposed will require the vehicles to back out into Trussum Pond Road.

The Commission found that Roosevelt Domond was present and stated in his presentation and in response to questions raised by the Commission that the dwelling on the property is actually three apartment; that the tenants have caused some problems with trash, vehicles, etc.; that he plans on improving the building; that he does not want to be a nuisance and wants to be a good neighbor; that the existing parking causes vehicles to back out onto Trussum Pond Road; that he may fence the easterly property line similar to the fence on the northerly property line; that he anticipates two employees for the beauty shop and two employees in the barber shop; that he is not sure how many employees will be in the spa or if he will create the spa; that he is presently remodeling a part of the building; that the operating hours are proposed to be from 10:00 a.m. to 5:00 p.m. six days per week, Monday through Saturday; that he would like to erect a small unlighted sign; that he can place a screened dumpster to the rear of the building; that he understands that some of the neighbors do not see a need for the uses since there are other similar uses throughout the Laurel area, but he feels that life is competitive and it depends on the quality of the work performed; that he plans on retaining two apartments and converting the other into the shops; that he has replaced some plaster with dry wall; that when he purchased the property it contained three apartments; that the septic system is located to the northeasterly corner of the lot; that there are some small businesses in the general area, but not in the immediate area; and that a church is located in close proximity to the property.

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

The Commission found that Marvin Jones, a resident living across the street from the property, was present in opposition to the proposed uses, not the Applicant; that he cannot figure out how the parking layout can prevent vehicles from backing out into Trussum Pond Road; that neighbors believe that salons and spas will require more water and sewer than the three apartment, and added that the tenants have reported in the past that the septic has failed; that the previous owner converted the dwelling into apartments, not the Applicant; and that the site is not an appropriate location for the use.

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

On December 15, 2011 there was a motion by Mr. Ross, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 5 – 0.

On January 26, 2012 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend denial of C/U #1917 for Roosevelt Domond for a beauty salon, barber shop, and spa based upon the record made during the public hearing and for the following reasons:

1) The Applicant stated that there are no other businesses or commercial uses anywhere in the vicinity of this site. The surrounding areas are residential, agricultural, and vacant.
2) The site currently has 3 apartments on it. No evidence was presented that there are adequate septic facilities available for the existing 3 apartments, or the proposed salon with the remaining 2 apartments. This is a significant concern, given the amount of water that a successful salon would use.
3) The Applicant indicated in his testimony that vehicles would likely have to park in the building setback bordering Trussum Pond Road and back out on this road to leave the premises. I am not satisfied that there is ample space for parking on the site, especially once a new septic system is installed.
4) The proposed conversion of part of the existing building on the corner of Trussum Pond Road and Gordy Road to a commercial use poses a safety hazard for traffic, parking and pedestrians. The Applicant has proposed to utilize an existing porch, which is only about 10 feet from the roadway. This, with the parking requirements, will impair visibility for drivers on the roadways and people trying to park.
5) Several parties appeared in opposition to the project expressing concerns about its incompatibility with the residential and agricultural character of the area; concerns about traffic and corner visibility; and the septic system.
6) There was testimony that there are many vacant properties with zoning that would permit this type of use in and around Laurel already.
7) In general, there was not an adequate record supporting the Conditional Use application.

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

C/U #1933 – application of **MARK A. GIBLIN** to consider Conditional Use of land in an AR-1 Agricultural Residential District for a towing service and landscaping to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 3.374 acres, more or less, lying southeast of Route 17 (Roxana Road), 1,185 feet northeast of Road 382 (Zion Church Road) (Tax Map I.D. 5-33-6.00-60.02).

The Commission found that the Applicant submitted a survey/site plan with his application.

Mr. Lank advised that Commission that this application originated due to violations being issued for the business activities on the site, and that the Applicant has been to Magistrate Court and pleaded guilty to one count each of violation of conditional use for operating the towing service and the landscaping service without approval, and that two other counts were nolle prosed.

The Commission found that on December 8, 2011 DelDOT submitted comments in the form of a Support Facilities Report which references that a traffic impact study is not recommended and that the current Level of Service "C" of Roxana Road will not change as a result of this application.

The Commission found that on July 19, 2012 the County Engineering Department Utility Planning Division submitted comments in the form of a Memorandum which references that the site is located in the Roxana Planning Area; that use of an on-site septic system is proposed; that conformity to the South Coastal Area Planning Study, 2005 Update will be required; that the proposed use is not in an area where the County has a schedule to provide sewer at this time; that when the County provides sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required.

The Commission found that the Mark A. Giblin was present on behalf of his application and stated in his presentation and in response to questions raised by the Commission that he has been operating the towing business for 12 to 13 years; that employees work from their homes since they are on call; that he thought that he had previously been approved; that since he found out that he had not been approved, he made application to get compliant; that he lives on the site and has an office on the site; that the towing business is on call 24 hours per day; that 85% of his hauls go to other sites, primarily in the Ocean City area; that he may have 7 to 10 vehicles in impound on the site; that the site is wooded behind the shop; that security lighting will not be directed toward neighboring properties; that the landscaping business is an occasional use, which primarily provides topsoil and stones; that there are no automobile sales performed on the site; that all storage is to the rear of the residence; that there will not be any activities in front of the residence; that a bait and tackle shop exists on the adjacent property; that an air conditioning service business and other businesses exists in close proximity; and that his application includes towing, service, and landscaping.

The Commission found that James Mershon, an adjacent property owner, was present and expressed concerns that the Applicant has been operating several businesses before obtaining approval; that he opposes the impound yard use and the repair/service use; that he is concerned about the safety of his children; that vehicle owners have come knocking on his door trying to

locate the impound lot; and that he does not have a problem with the towing service or the landscaping service, only the impound yard use and the repair/service use.

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

On July 26, 2012 a motion was made by Mr. Ross, seconded by Mr. Burton, and carried with three (3) votes, to defer action for further consideration. Motion carried 3 – 0. Mr. Smith was absent during the vote.

On August 9, 2012 the Commission discussed this application under Old Business.

Mr. Smith asked the Commission if they had any concerns; that he would like to make a recommendation of approval, but with conditions; that he would like to limit the number of vehicles that can be impounded to 18 vehicles; and that there should not be any display or storage of vehicles between the residence and the public road.

Mr. Ross stated that there should be no vehicle sales on premises.

Mr. Smith added that the opponent referenced that people have been knocking on his door looking for the impound area; and that a sign should eliminate that problem.

Mr. Smith stated that he would move that the Commission recommend approval of C/U #1933 for Mark A. Giblin for a towing, service and landscaping business in an AR-1 Agricultural Residential District based upon the record made at the public hearing and for the following reasons:

1) The use has been in existence for 12 to 13 years and was recently violated for operating without an approval. This Conditional Use, with stipulations and conditions placed upon it, will regulate the use of the business and mitigate any adverse effects on the neighboring or adjacent properties.
2) The use is on a 3.374 acre tract where the Applicant currently resides.
3) Although the towing business operates from the site, the employees mostly work from their homes, since they are on call. As a result, there is not a great deal of traffic that is generated to or from the site.
4) The only opposition came from a next door neighbor who only opposed the impound yard use and repair/service use. This objection seemed to rise out of uncertainty from people looking for their cars about where the impound yard was located. This concern can be alleviated with the conditions we shall place upon this recommendation. The next door neighbor did not oppose the towing service or the landscaping service.
5) The use is consistent with other small scale business uses in the area, including a bait and tackle shop on the adjacent property, an air conditioning service business, and other uses in close proximity to the site.
6) This recommendation is subject to the following conditions:
    A. The impound yard shall be surrounded by a fence with landscaping to screen it from neighboring and adjacent properties.

B. No more than 18 vehicles shall be permitted on the property besides the Applicant's own vehicles.
C. No permanently disabled or abandoned vehicles shall be allowed to remain on the property.
D. There shall be one lighted sign which shall not exceed 32 square feet in size to identify the towing service and the impound lot. The sign shall include a phone number to call for information about vehicles impounded and for other information about the service.
E. No vehicles shall be displayed for sale.
F. All security lighting shall be downward screened so that it does not shine on neighboring or adjacent properties.
G. The Final Site Plan shall clearly depict the areas set aside for parking of impounded vehicles, vehicles that are being serviced, and towing equipment.
H. The area set aside for the landscaping business, including equipment storage and any bins for materials such as topsoil, mulch, etc. shall clearly be depicted on the Final Site Plan.
I. The service business hours of operation shall be limited to 7:00 a.m. to 6:00 p.m. Monday through Friday, and 8:00 a.m. to 12:00 noon on Saturdays, with no Sunday hours.
J. The Final Site Plan shall include a landscaping plan for the area surrounding the impound yard screening it from neighboring or adjacent properties.
K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

C/U #1945 – application of **ALFONSO MATOS** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a small storage facility, to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 14,964 square feet, more or less, lying southwest of Route 20 (Concord Road) 392 feet southeast of Haven Drive, the entry into Broad Acres Subdivision, approximately 1.0 mile east of U.S. Route 13 (Tax Map I.D. 1-32-2.00-133.00).

The Commission found that DelDOT provided comments in the form of a Support Facilities Report, dated May 7, 2012, referencing that a traffic impact study was not recommended, and that the current Level of Service "C" of Route 20 will not change as a result of this application.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum, dated September 17, 2012, referencing that the soils are mapped as Henlopen – Rosedale – Urban and Runclint loamy sand; that with respect to erosion and sedimentation control, the applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation after construction; that the soils are

Prime and other Important Farmlands; that no storm flood hazard area or tax ditch is affected; and it is not likely that it will be necessary for any on-site or off-site drainage improvements.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided written comments, dated September 11, 2012, advising that the site is not located in a proposed or current County operated and maintained sanitary sewer district; that the site is located in the Blades Project Planning Area #1; that it is not in an area where Sussex County currently has a schedule to provide sewer service; and that a concept plan is not required.

Alfonso and Miquel Matos were present on behalf of this application and stated in their presentation and in response to questions raised by the Commission that they agree with the intent of the application; that they are proposing a small storage facility for boxes of clothing that will be shipped to the Dominican Republic; that no new buildings are proposed; that there will not be any retail conducted at the site; that the clothing items will be delivered by truck; that the boxes are loaded then shipped from the site; that there will be an office for paper work and preparing items for customs; that there are two entrances to the site, one from Route 20 and one from Cassell Lane; that there is a church, convenience store and package store in close proximity to the site; that no one resides on the site; that there is a need for clothing in "3rd world countries; that this use is prominent in New York City; that they have owned the property for 9 years; that the existing buildings will be remodeled and there will be an addition connecting the front and rear buildings; that the old cars and boats on the site will be removed; that they would like to have a sign on the property; that the hours of operation will be from 8:00 a.m. to 6:00 p.m. Monday through Friday; that there would be 3 employees at the site at this time; that there may be a need for more employees in the future; that there is a septic system on the site; and that the site was previously used as a grocery store and as a tire business.

The Commission found that no parties appeared in support of this application.

Michael Cotton, Christy Mulford King and Ruth Mulford, area residents, were present in opposition to this application and advised the Commission that they applaud the applicant's intentions but this is not a suitable site due to the size of the parcel; that it appears that the garage has been used as a hobby garage; that if the use is approved, it will depreciate property values; that the tractor trailers will not be able to enter and exit the site due to the lot size; that there are more suitable sites in the area for this use; that the area is predominantly residential; that the property should be cleaned up; that the site was an old fish market approximately 35 years ago; that the site is in disrepair; that the adjacent church is located on a large parcel; that other commercial uses in the area are approximately ¾ mile away; that they have safety concerns for children in the area; that Route 20 has a posted speed limit of 35 miles per hour; and that the proposed use will have negative impacts on the area.

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

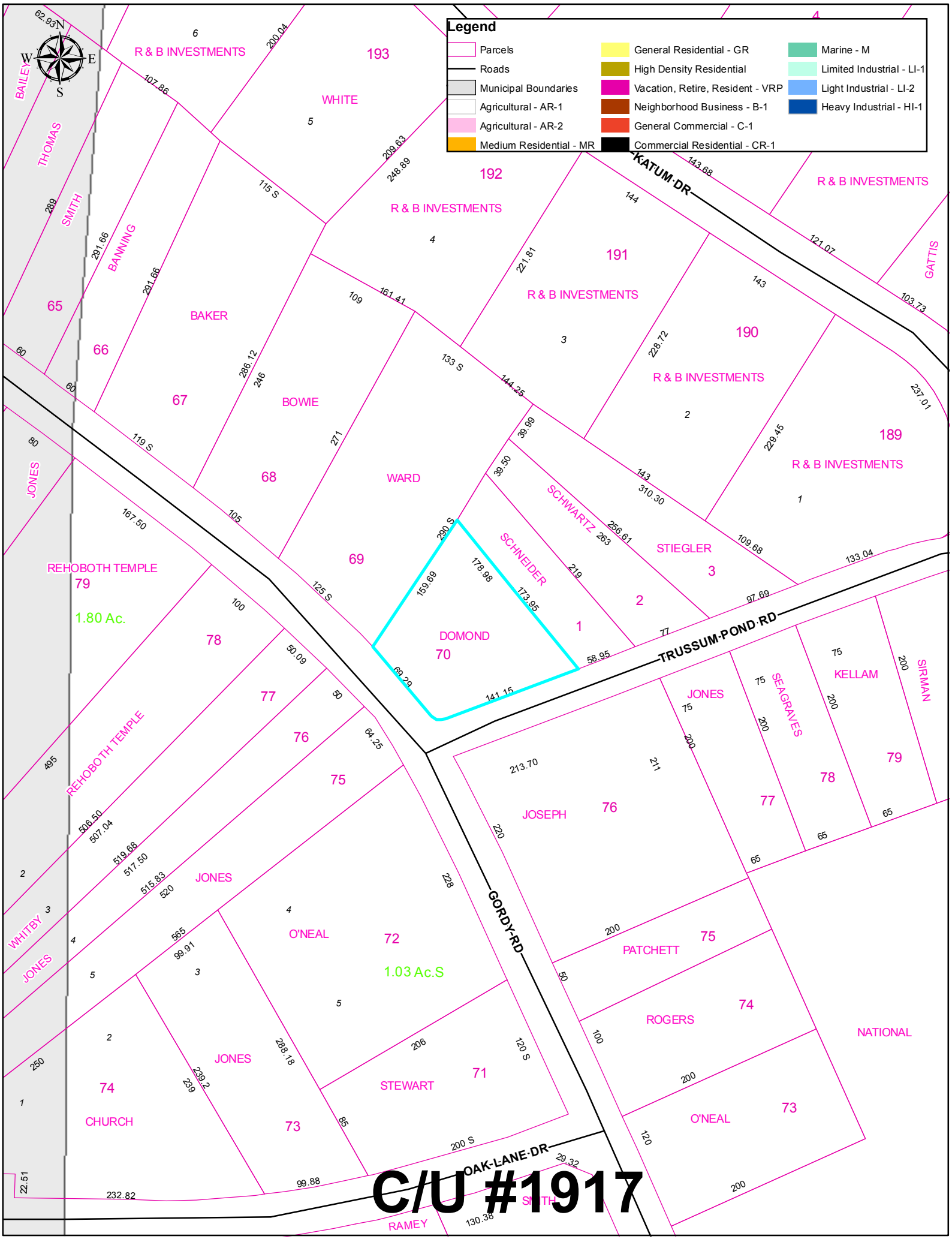
On September 20, 2012 there was a motion by Mr. Johnson, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0. Mr. Burton was absent.

On October 25, 2012 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend denial of CU #1945 for Alfonso Matos for a conditional use to operate a storage facility based upon the record made at the public hearing and for the following reasons:

1. Although advertised as a "small Storage Facility", the proposed operation is really a sorting facility for the collection and shipment of clothing and other goods out of this country with regular tractor-trailer pickups and deliveries.
2. Mr. Smith is not satisfied that this property is configured in such a way that permits the safe entrance and exit of tractor trailers. For example, the applicants stated that they would be using a private road for tractor trailer access, without providing any proof that such a use was permitted on this private road.
3. Although the property has been historically used for small-scale commercial purposes such as a grocery or a fish market, all of these have been in support of, or not detrimental to, the surrounding community. The proposed use as a warehouse, sorting, packing and shipping facility is not consistent with the surrounding properties and uses.
4. The size of the parcel, at 14,964 square feet, is too small for the proposed use and the tractor trailers that would serve it.
5. This is the type of use that is more suited to existing commercially or industrially zoned properties, where there is sufficient space for the proposed operation and the trucks that will serve it.
6. Several parties appeared in opposition to the proposed use, expressing concerns about the incompatibility of the use; the applicant's ongoing failure to maintain the property in a neat and orderly manner which raised concerns about the future use and maintenance of the property; safety concerns about truck traffic trying to get in and out of such a small parcel; and that it should be located somewhere else that is more appropriate for the use.

Motion by Mr. Smith, seconded by Mr. Johnson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be denied for the reasons stated. Motion carried 5 – 0.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Vacation, Retire, Resident - VRP
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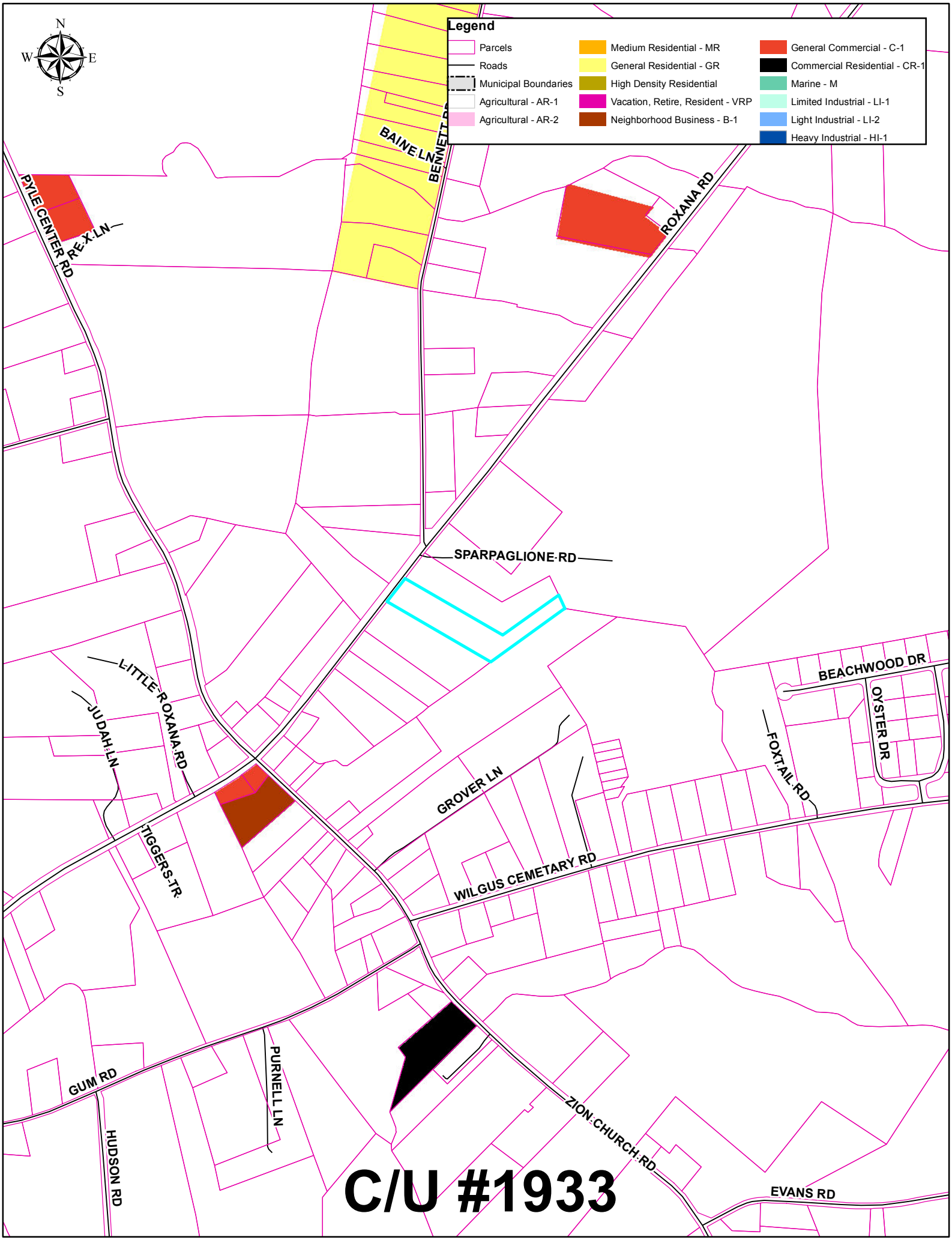
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BEACHWOOD DR
OYSTER DR
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WILGUS CEMETARY RD
PURNELL LN
GUM RD
HUDSON RD
ZION CHURCH RD
EVANS RD
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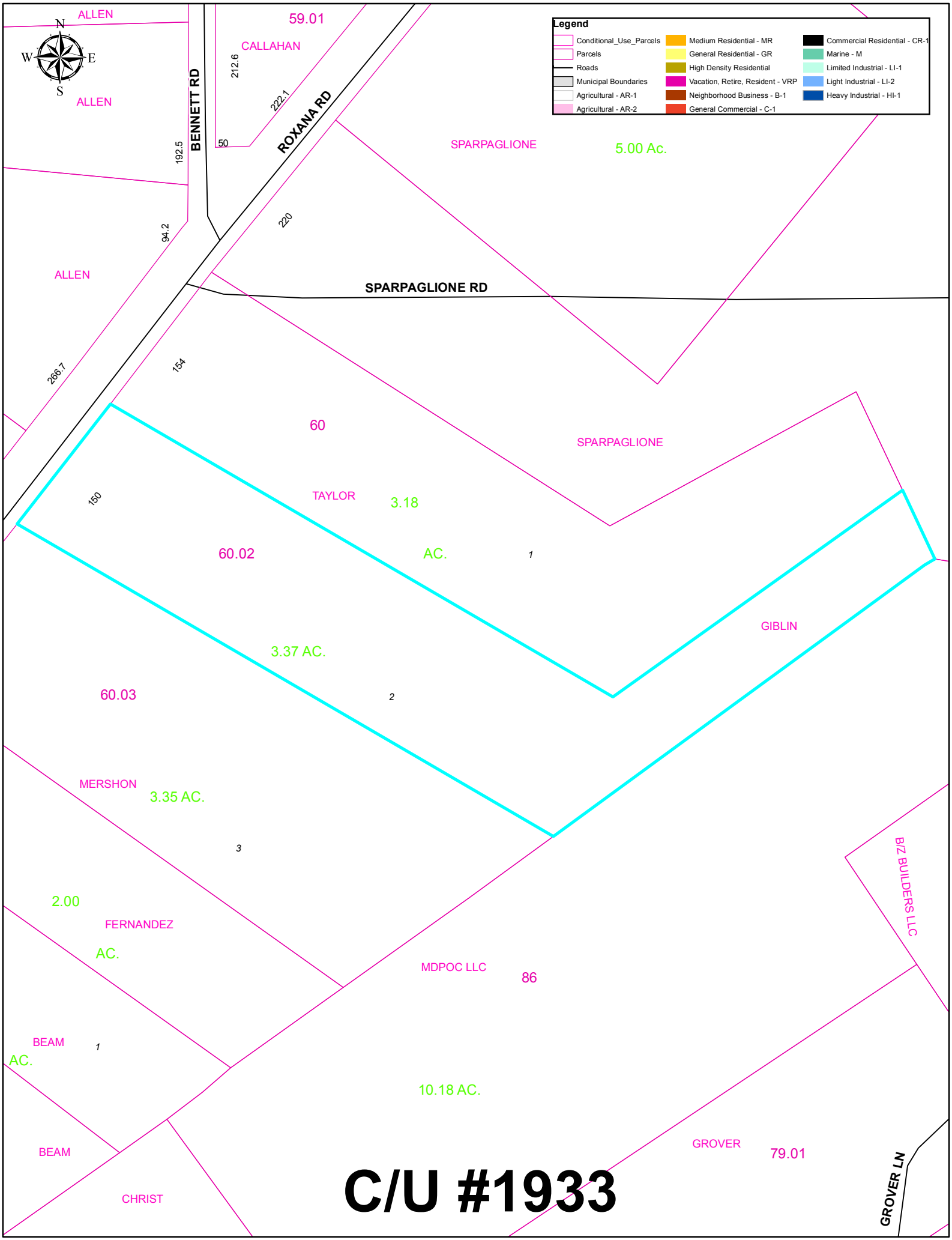
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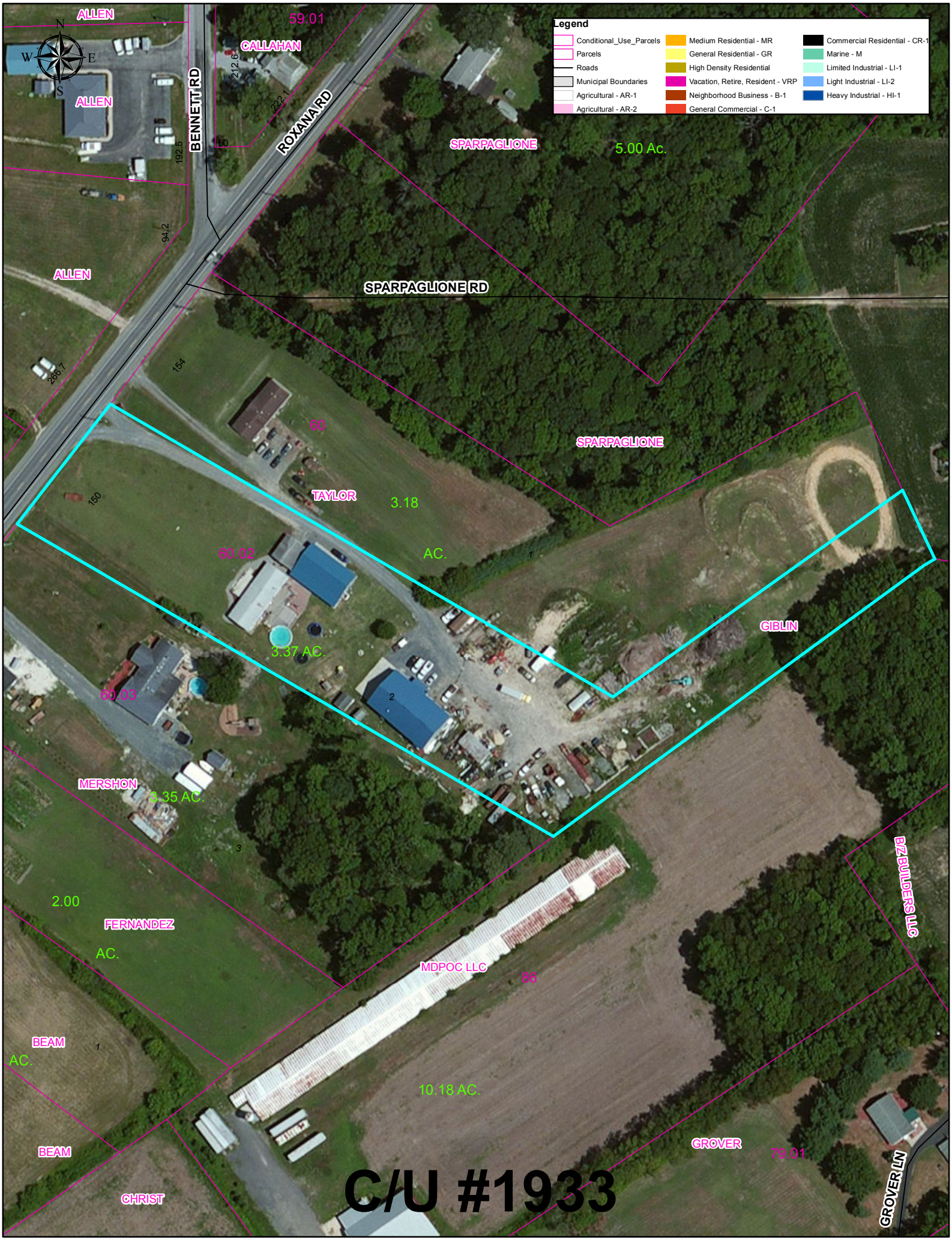
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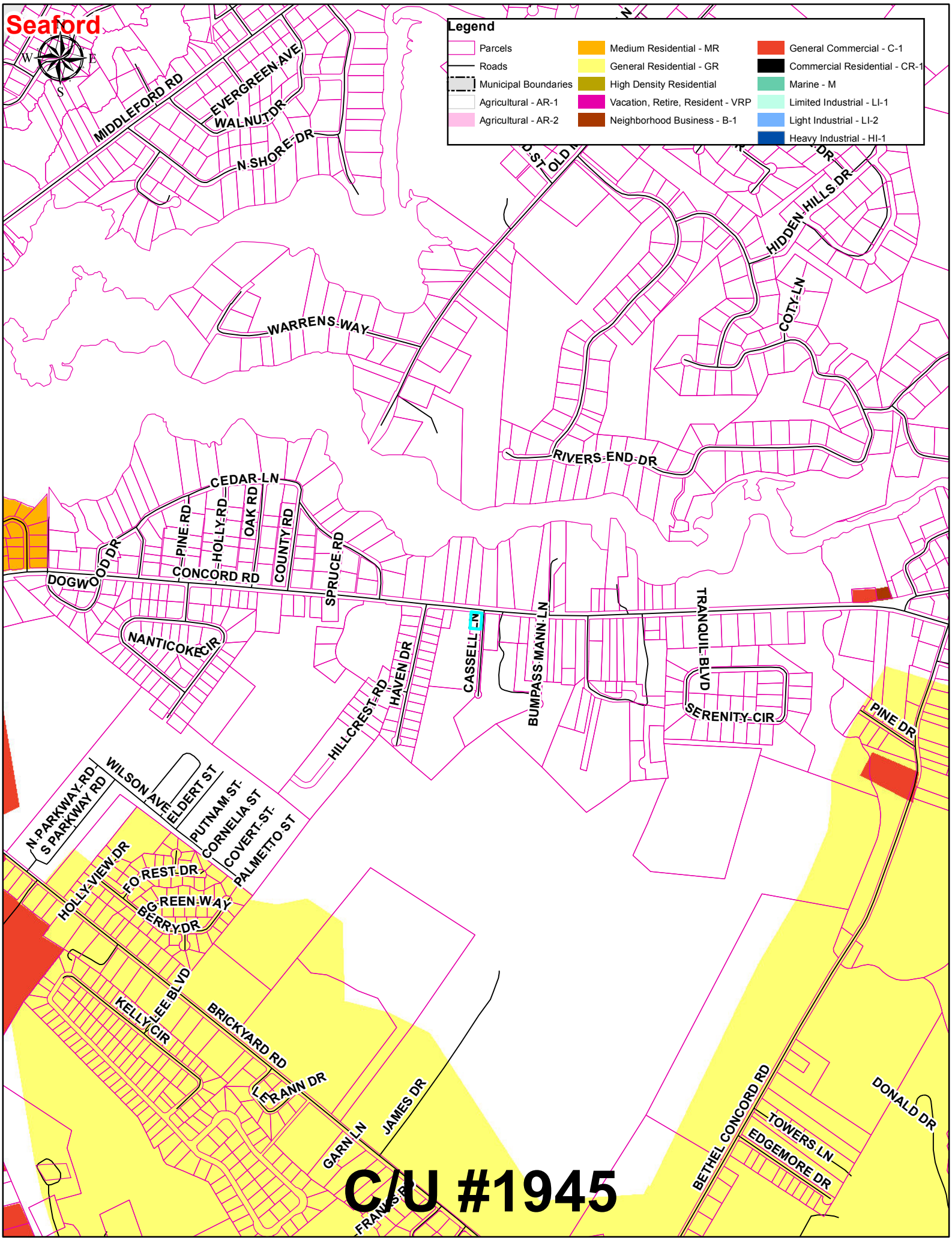
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BUMPASS MANN LN
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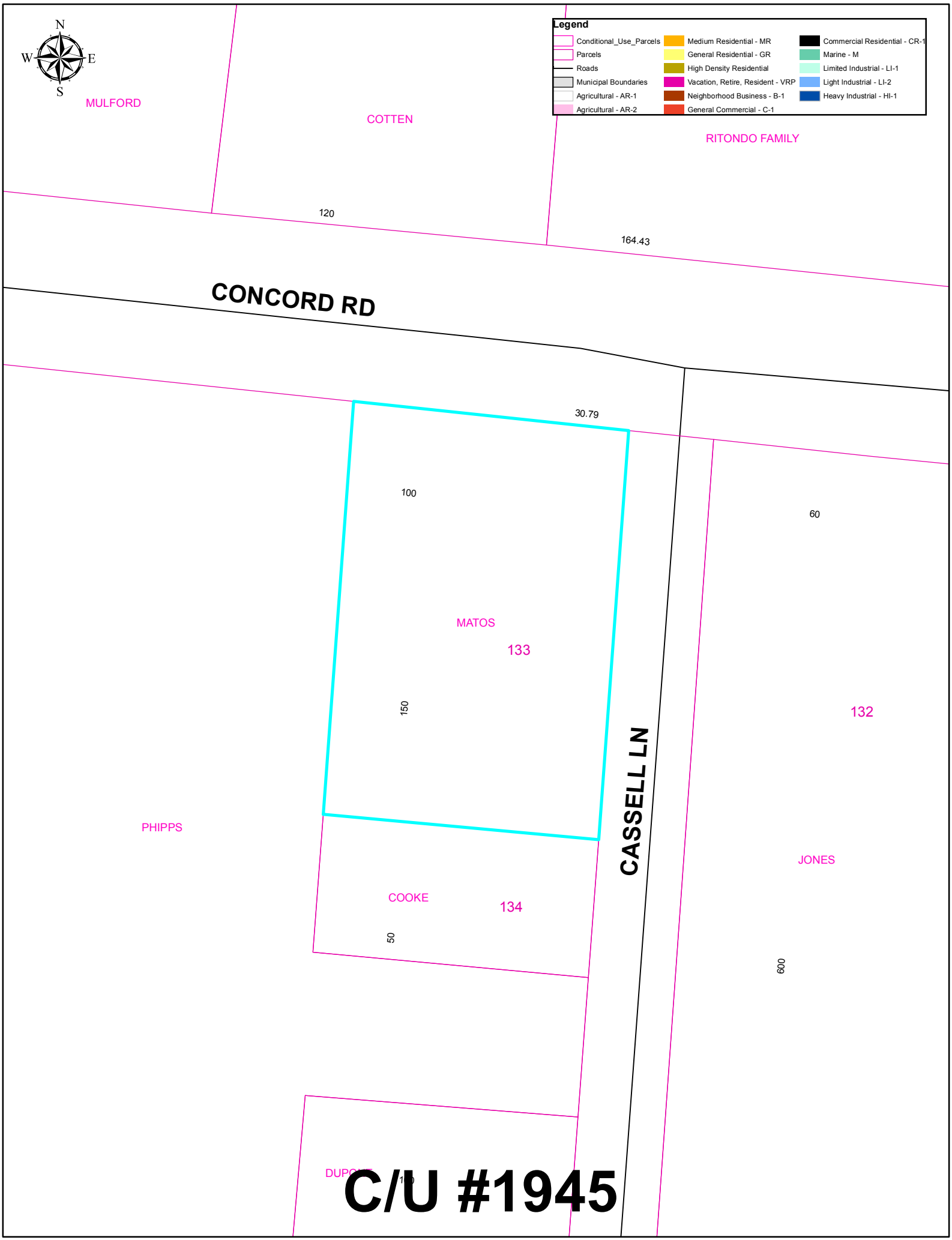
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November 28, 2012

Ms. Susan M. Webb
Sussex County Council
Administrative Office Building
2 The Circle, PO Box 589
Georgetown, DE 19947

Dear Susan,

Thank you for the opportunity to submit a grant request for a Sussex County Human Services Grant. Junior Achievement of Delaware, Inc. is a member of JA USA and is non-profit organization. The tax exempt ID number of JA USA is 84-1267604 (please see attachment).

The request is for $2,500 to fund Junior Achievement (JA) of Delaware's initiative to provide **financial literacy and workforce readiness programming for Sussex County students enrolled in kindergarten – 5th grade**.

JA's elementary school programs are the foundation of its K-12 curricula. There are six sequential themes (att'd), each with five hands-on activities work to change students' lives by helping them understand business and economics. All JA programs are designed to support the skills and competencies identified by the Partnership for 21st Century Skills. These programs also augment school-based, work-based, and connecting activities for communities with school-to-work initiatives. **Last school year, JA taught financial literacy skills to nearly 2000 students in the classroom throughout Sussex County.**

I hope that the Sussex County Council agrees that providing our children with hands-on financial literacy education is more critical now than it as ever been and fully funs this project. Please let me know if there is anything else you might need.

Sincerely,

Rebecca M. Fisher

Rebecca M. Fisher
Vice President of Education

Attachments

When You Choose To Give...

$1000 will provide medically necessary medications to four individuals so they can begin their journey to a healthier life.

$500 will allow two individuals to receive medications needed for their recovery and lead to a better quality of life through healthier outcomes.

$250 will assist one individual with medications. This could be a parent that needs the help of the Prescription Drug Fund so their child can have needed medications without the parent having to use money budgeted for other essentials.

$100 will provide financial support of the Prescription Drug Fund and help individuals in our community during a time of need.

Every gift is valuable.

Regardless of amount, every donation to the Prescription Drug Fund is a valuable gift to the patients at Nanticoke Memorial Hospital, and in turn, to the future of the community we share.

NANTICOKE
HEALTH SERVICES

www.nanticoke.org | *Always Caring. Always Here.*

801 Middleford Road, Seaford, DE 19973 • 302-629-6611

To Our Friends, Neighbors and Colleagues...

"Wishing You a Happy and Healthy Holiday Season"

We take this holiday greeting for granted but for many, remaining healthy after leaving the hospital is impossible if they cannot afford their medication.

You see, about 250 patients, needing about $60,000*, will be unable to pay for their prescriptions when they are discharged from the hospital.

Won't you choose to make a difference in just one patient's life and be part of making it a healthier one.

A gift to the Holiday Appeal can make that holiday wish a reality for many in our community.

*average cost per patient is $250

The Nanticoke Health Services Prescription Drug Fund was established twenty years ago to assist patients who could not afford their prescription medications after their discharge from the hospital. In the last five years, individuals have received over $100,000 in support of prescriptions needed through the help of the community.

WOMEN'S CLUB OF THE KEENWICKS
POST OFFICE 899
SELBYVILLE, DE 19975

November 22, 2012

SUSSEX COUNTY COUNCIL
c/o Councilman Vance Phillips
P.O. Box 589
Georgetown, DE 19947

Dear Councilman Phillips:

Our Needy Fund Chairman Ms. Muriel Mooney, spoke with you at the Halloween Parade, and has asked for this request to be forwarded to you.

On behalf of the Women's Club of the Keenwicks, I would like to request a grant of $500.00. As you know, the Women's Club contributes to many charitable projects, one of which is the Selbyville Middle School, Selbyville, Delaware. At the present time the school is in urgent need of one or more computers for their reading program. If the Council sees fit to grant us the requested $500.00, we would be able to combine our resources and purchase the computers as needed to get started.

The check should be made out to: The Women's Club of the Keenwicks. Our MD tax exempt # is 31168975 and our Federal Tax ID is # 52-2053345.

Thank you in advance for your consideration of this matter.

Sincerely,

Bonnie Aldridge

Bonnie Aldridge, President

GREATER GEORGETOWN
CHAMBER OF COMMERCE

Georgetown Delaware

LINKING BUSINESS & THE COMMUNITY

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

October 31, 2012

RE: ***2012 Georgetown Christmas "Balloon" Parade***
To be held December 6, 2012

To the Sussex County Council:

Thank you for taking the time to consider partnering with the Greater Georgetown Chamber of Commerce in the 2012 *Georgetown Christmas "Balloon" Parade.* This year's theme is *"Christmas in Candyland,"* and we hope the parade will reflect the sweet goodness of Christmas throughout the County!

The Chamber's Christmas Parade in Georgetown is a holiday tradition in Sussex County, and there are many good reasons for the County Council to continue to help sponsor this event:

- **The Georgetown Christmas Parade grows in size and celebrity every season, yet always maintains its small-town charm and character. This parade in particular, brings a community of great cultural diversity together in peace & joy- the true spirit of Christmas.**

- **Public and private organizations in Sussex County including schools, civic groups, churches, etc. participate in this parade- often at significant cost. Their time, energies and monies are generously spent to make the Georgetown parade the great event it is. County sponsorship helps the Chamber provide the spotlight for them to really shine.**

- **Georgetown is the county seat, and as such, many thousands of Sussex Countians come to Georgetown to see its Christmas parade and celebrate the season. Council's sponsorship in the Georgetown Christmas Parade demonstrates its support of a special community event that serves a special community in a special county.**

As we have these past several years, the Chamber has budgeted quite conservatively in 2012 and made deliberate effort to hold down costs for this year's parade. Nevertheless, there is still significant expense associated with it (3500 balloons, helium, school bands' transportation costs, food for volunteers, prizes to be awarded, etc.) So we would be so grateful to the Council if it joined with the Georgetown Chamber, and the other distinguished organizations and businesses that make a financial commitment to support the parade, and contributed at least $1,000.00 towards this community program.

Your sponsorship will be recognized as the highest level of Parade Sponsorship, and as such, the County will enjoy all of the benefits of a **Diamond Sponsorship**, as detailed in the attached material. Please help us make this festive parade- *"Christmas in Candyland,"* a sweet success in Sussex County!

Sincerely,

Karin Joensen by KSD
Karin Joensen, Chairperson,
GGCOC 2012 Christmas "Balloon" Parade

Karen S. Duffield
Karen Duffield, Executive Director
GGCOC

RECEIVED
OCT 31 2012
SUSSEX COUNTY COUNCIL

Enclosure

229 West Market Street Georgetown, DE 19947
T) 302-856-1544; (F) 856-1577
www.georgetowncoc.com info@georgetowncoc.com

Indian River High School Band and Chorus
IRHS Band Boosters
29772 Armory Road
Dagsboro, DE 19939
(302) 732-1500

Mark Marvel, Band Director
Ben Ables, Choral Director
Elaine Marvel, Booster Treasurer

Brian Baull, President
Scott and Brandee Hook, Vice President
Lisa Bird, Booster Secretary

Dec. 3, 2012

Sussex County Council
2 The Circle P.O. Box 589
Georgetown, DE 19947
Att: Hon. Vance Phillips

Dear Mr. Phillips:

The Indian River High School Band would like to ask the county to help us fund our band and choir trip to Atlanta, GA.

As we're sure you know, these annual performances and trips are a wonderful learning experience for the students. And for some students and their families, raising the money to pay for the trip is difficult if not impossible.

In addition to providing students with several fundraising opportunities throughout the year to help defray the cost of the trip, the IRHS Band Boosters subsidizes the overall cost of the trip and provides additional assistance to individual students facing financial hardships. In fact, we have some students who would not be able to go at all if the Boosters weren't able to pay for some or all of the trip (which this year will cost more than $700 per student). And as a result of the economy, the number of students who need that assistance is on the rise.

One way the boosters helps reduce the individual cost to students is to pay for the transportation. We take three buses, which cost the boosters roughly $20,000. We'd like to ask the County Council to fund the price of one bus, or about $6,000.

We hope we can count on your financial support of the students this year, and any donation the council could make this year would be greatly appreciated. Please let us know if the IRHS band and choir students can count on your support again for the 2012-13 school year. And if you have any questions, please feel free to contact me directly by email at lahuber66@gmail.com or by phone at 302-569-1544.

Thanks in advance for your time and consideration.

Sincerely,

Lisa A Bird
IRBB Secretary

The Indian River School District is an Equal Opportunity Employer and does not discriminate or deny services on the basis of race, color, national origin, sex, disability, and/or age.

The Seaford Library and Cultural Center

Seaford Library & Cultural Center
600 North Market Street Ext.
Seaford, Delaware 19973
(302) 629-2524

Board of Trustees

Kay Wheatley
President

Amy Russell
Vice President

Carol Sapna
Treasurer

Peggy Boyd
Commissioner

Janet Messick
Commissioner

Dr. John Painter, Ed.D
Library Director

Seaford District Library is a 501(c)(3) non-profit organization

Promises Kept

Dear Friends of the Seaford Library:

Since its opening in December, 2009, the new Seaford Library and Cultural Center has been a true gift to the Seaford community. This building now serves as Seaford's primary information, educational and cultural center. Our community has embraced this new facility, and it has become a key resource for all residents of the Seaford area. Programs offered at the library serve patrons of all ages, and our new workforce development program has now become a successful part of our daily operations.

Last year alone, 127,248 patrons took advantage of the various programs and services offered at the library. There were 27,345 people who made use of the latest in available technology through the library's computer system, taking part in training sessions, doing research, and even searching for employment. The library staff offered 192 program opportunities for children and teens during the year, and more than 200 groups used the community rooms that are now available for meetings and activities. This meant that more than 5,500 people were able to attend meetings in a terrific space that is now available to businesses and community groups.

The Seaford Library Board of Trustees is proud to have fulfilled its promise to bring such a wonderful new facility to our community. ***None of it would have been possible without the generosity of donors like you.*** As we enjoy all of the new services and amenities that are available in the new library, however, there is still one major challenge facing the Board in the coming year. In order to keep this facility a model library statewide and to be able to sustain and grow its programs, the board must raise enough funds to retire the remaining mortgage on the library building.

To that end, we have received a commitment from a major foundation in Wilmington to match every two dollars received from donors with a dollar from the foundation. If we can meet this challenge, it will make it possible for the library to retire its debt and sustain and grow its operations into the future. However, the matching funds are only available for a limited time, so we need to act quickly.

In order to accomplish our goal, we really need your help. The library has enjoyed very generous community support in the past, and your contributions were instrumental in making the new building a reality. Please help the library meet its goal to retire the mortgage and sustain and grow our educational and social programs, by returning your gift with the enclosed card. Your gift will increase in value as it serves as a match to the challenge from our donor foundation. ***This is truly a gift worth giving!*** Thank you again for your generosity and support.

Sincerely,
Kay Wheatley

Kay Wheatley
Board President

****All contributions are 100% tax-deductible.***

PUBLIC HEARINGS
December 11, 2012

This is to certify that on November 15, 2012 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Change of Zone and Conditional Use. At the conclusion of the public hearings, the Commission moved and passed that these applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

C/Z #1723 – application of **JOHN M. GILMAN** to amend the Comprehensive Zoning Map from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 8.25 acres, more or less, lying east of Pyle Center (Road 20) 800 feet northwest of Roxana Road (Route 17) (Tax Map I.D. 5-33-6.00-25.01).

The Commission found that on November 9, 2012 the Applicants provided an Exhibit Booklet which includes a site plan; references to compliance with the Sussex County Comprehensive Land Use Plan; an introduction by the Applicant; a revised Site Evaluation Report; a letter from the U.S. Army Corps. of Engineers relating to wetlands; a copy of the deed to the property; a modified business plan for the property; an interior building plan for the fitness center; information on the proposed fitness equipment; an aerial photograph; suggested proposed Findings of Fact; an affidavit from Laf Erickson, Soil Scientist; a copy of Ordinance No. 2002 for Conditional Use No. 1750; a copy of a DelDOT Support Facilities Report; a support letter from MidCoast Community Bank; an index and photographs of comparable uses in the area; and a petition to support the application containing 16 signatures.

The Commission found that on August 17, 2012 DelDOT provided a letter and Support Facilities Report that reference that the Department understands that the developer is only seeking a rezoning of the land for financial reasons and to lease part of the existing structure on the property for office space; that the Department would be willing to postpone a decision on their requirement for a Traffic Impact Study until the subject land has been rezoned and a specific use, beyond what currently exists and the proposed office use, has been identified; that when a

specific use has been identified and development is being pursued, the Department will determine through the site plan process whether a Traffic Impact Study is necessary; and that the current Level of Service "C" could change to a Level of Service "D" when the site is fully developed.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on November 14, 2012 in the form of a memorandum which references that the site is located in the Roxana Planning Area; that use of an on-site septic system is proposed at this time; that conformity to the South Coastal Area Planning Study – 2005 Update will be required; that the County does not have a schedule to provide central sewer service to the parcel at this time; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required at this time.

Mr. Lank advised the Commission that a letter in opposition to this application was received from Paul Trionfo questioning if the Commission would want a strip mall in their neighborhood; questioning what happened to the big plans for a sports complex on the site; and referencing that the Applicant removed the forest on the site and burned the stumps during a no burning period that required firemen from four (4) areas to put out the fires; and referencing that the Applicant does not live on the property.

The Commission found that John Gilman was present with Elizabeth Soucek, Attorney with Sergovic, Carmean & Weidman, P.A., and that they stated in their presentations and in response to questions raised by the Commission that the site has had Conditional Use approval for athletic fields and related parking (C/U #1750/Ordinance 2002) since 2008; that the economic downturn has impacted the use of the property; that the Applicant is now proposing to create an office or offices on the second floor of the existing building by applying for B-1 Neighborhood Business zoning; that the Applicant has been unable to secure enough funds to fully open the fitness center; that the B-1 zoning will provide flexibility to rent the upstairs portion of the building; that he has been advised by banks that they can only provide funding for his project if he can rent space to generate outside business revenue; that the proposal is in compliance with the Comprehensive Land Use Plan since it will encourage tourism and other responsible commercial and industrial job providers to locate and invest in the County; that devoting the land to active recreational uses will serve tourism; that the site is located in a Low Density Area where business development should be largely confined to businesses addressing the needs of the uses of agricultural activities and residential development; that the application is compliant due to the focus of retail and office uses that will be providing convenience goods and services to nearby residents; that the Applicant is an entrepreneur who does not seek financial partnership with the County, only approval of a B-1 zoning classification to meet financial criteria of his lender to allow additional revenue sources necessary to finance the implementation of the primary uses addressed in his Conditional Use previously granted; that part of the purpose of the B-1 zoning classification references that it is the intent to serve the needs of a relatively small area, primarily nearby rural, low-density and medium density residential neighborhoods, and to enhance the general character of the district and its compatibility with its residential surroundings; that signs are limited to those accessory to businesses conducted on the premises, and the number, area and

type of signs are limited; that the active recreational uses are still intended; that the Applicant has owned the property for 19 years; that the site is currently restricted to minimal uses due to septic limitations; that DelDOT currently has limited the use of the site to not exceed more than 200 trips per day; that there are 31 business or commercial uses in the Roxana area; that the Exhibit Booklet contains petitions in support of the application from 16 residents within one mile of the site; that the rezoning should not adversely impact the community or property values; that the building is completed, the entrance and driveway are completed with curbing, and that he still is intending to install the fitness equipment for the fitness center on the first floor of the building.

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

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

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1723 for John M. Gilman for a change in zone from an AR-1 Agricultural Residential District to a B-1 Neighborhood Business District based upon the record made at the public hearing and for the following reasons:

1) The Applicant states that he intends to continue the use as a fitness and sports complex on the site as permitted by C/U #1750, and that the rezoning to B-1 is more appropriate for this use and this site than the Conditional Use designation.
2) This is for a change of zone to B-1 zoning along Route 20 and near the Route 17 intersection. This location on these thoroughfares is appropriate for B-1 zoning.
3) The site is located in the Environmentally Sensitive Developing District Overlay Zone, which is a Developing Area under the Comprehensive Plan. B-1 Districts are appropriate in this Developing Area.
4) There are other commercial and business zonings and uses in the immediate vicinity of this project, including boat storage, an HVAC company, central storage units, another sports complex and other business and retail uses.
5) The use will not have any adverse impact on neighboring properties, traffic, or roadways.
6) The permitted neighborhood business uses in the B-1 District will serve the surrounding residential uses and will be compatible with them.
7) No parties appeared in opposition to the proposed rezoning, and several neighboring parties signed a petition in favor of the application.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0.

C/U #1949 – application of **BANKS FAMILY FARM PRESERVATION TRUST** to consider Conditional Use of land in an AR-1 Agricultural Residential District for relocation of the access easement to proposed borrow pit (C/U #1897), to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 2.1571 acres, more or less, lying east of Irons Lane (Road 348) 800 feet north of Old Mill Road (Road 349) (Tax Map I.D. 1-34-7.00-186.00).

Mr. Lank advised the Commission that Solutions IPEM had submitted a site plan for C/U #1897 for a proposed borrow pit and it was found that the easement proposed to serve the borrow pit had a somewhat different legal description than the easement reviewed during the original public hearings; that it was determined that the easement needed to go back through the public hearing process to correct the location; and that according to Solutions IPEM the easement is generally in the same location as the original easement; that based on updated site topography the entrance has shifted north along Irons Lane approximately five (5) feet to avoid an existing power pole; and that the easement was shifted on-site to better align with an existing farm road that has always been intended to be utilized as part of the access.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on November 14, 2012 in the form of a memorandum which references that the site is located in the Beaver Dam Planning Area; that wastewater capacity is available for the project; that Ordinance 38 construction will not be required; that central sewer service has not been extended to the area at this time; that conformity to the South Coastal Area Planning Study – 2005 Update will be required; that the County does not have a schedule to provide sewer service to the parcel at this time; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required at this time.

The Commission found that Frank Kea of Solutions IPEM was present on behalf of the Applicants and stated that this application should be considered an administrative matter; that the statement made by Mr. Lank is accurate as it relates to the easement; that the easement is only moving approximately 5 feet; and that he does not anticipate any impact on the roadway or the entrance location with this change.

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

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

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use #1949 for the Banks Family Farm Preservation Trust for the relocation of the access easement to a borrow pit approved as Conditional Use #1897 based on the record made at the public hearing and for the following reasons:

1) This application is part of a borrow pit application that was previously approved by Sussex County Council with conditions. As part of that approval, the area of the access road to the borrow pit operation was included in the ordinance granting the Conditional Use. After the approval was granted, the Applicant and its land planners recognized that the road needed to be slightly relocated from where it was originally shown.
2) This approval simply adjusts or corrects the location of the access road so that the Final Site Plan will accurately reflect where the road is located on the ground. The road is still located in the same general location as where it was depicted during the public hearing on C/U #1897 and the adjustments are very minor.

3) This approval of the minor adjustment to the access road location will have no impact on traffic or the neighboring public roadways.
4) This approval has no impact upon the primary use of the site as a borrow pit.
5) This recommendation is subject to all of the Conditions imposed as part of Conditional Use #1897.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved based on the reasons stated. Motion carried 4 – 0.0

C/U #1948 – application of **SHARON L. SHERWOOD AND VAN SHERWOOD** to consider Conditional Use of land in an AR-1 Agricultural Residential District for professional office use, to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 1.03 acres, more or less, lying northeast of Route One, 150 feet southeast of Millcreek Court, a private street in Millcreek Manor Subdivision at 16649 Coastal Highway (Tax Map I.D. 3-34-1.00-7.01).

The Commission found that DelDOT provided comments on August 9, 2012 in the form of a Support Facilities Report which references that Route One at this location is considered a Level of Service "D", and that on November 15, 2012 Troy Brestel of DelDOT informed the staff that there was a computer error in the original Support Facilities Report which should have read that a traffic impact study was not recommended.

The Commission found that the Sussex County Engineering Department Utility Planning Division provided comments on November 14, 2012 in the form of a memorandum which references that the site is located in the North Planning Area of the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District; that Ordinance 38 construction will not be required; that central sewer service is not available to the parcel at this time; that an on-site septic system must be utilized; that conformity to the North Coastal Area Planning Study will be required; that the County does not have a schedule to provide central sewer service to the parcel at this time; that when the County does provide sewer service, it is required that the on-site system be abandoned and a connection made to the central sewer system; and that a concept plan is not required at this time.

Mr. Lank advised the Commission that letters in opposition to this application were received from J. Ralph Cintron and Christine Cintron, and Roy L. Wattenbarger and Susan Wattenbarger expressing concerns that the property owners will still have viable use of their property without this request; that a setback variance has previously been granted along the Cintron side yard for the existing workshop/studio; that they are concerned about depreciation of property values; that the use would change the spirit of the neighborhood and infringe on their rights, use, and enjoyment of their property; that the expanded use of the property for a commercial enterprise could adversely impact the surrounding neighborhood or environment in many ways (i.e. light pollution, noise, additional traffic, paving, etc.); that the property has an existing cesspool, gravel driveway, deteriorating privacy fence and a two story building that overlooks their properties in a restricted community; that due to traffic in summer months and on weekends, getting out onto

the highway can be difficult; that if approved people would be pulling out to the south of their community only a few feet away from their community entrance; fearing that all of the existing buildings could be torn down and replaced with a massive office building; and requesting that, if approved, a new privacy fence be provided along their community so that no one can enter their property; and that they hope that stipulations could include that lighting, signs, and hours not be excessive, so that they can maintain their property without commercial influence at night. The Wattenbarger's letter included information they received from DNREC on the cesspool.

The Commission found that Sharon Sherwood was present, presented a services of photographs of the area and the site, and stated in her presentation and in response to questions raised by the Commission that she and her husband purchased the property to improve the residential appearance; that they will be improving the privacy fence on the north side of the site along the neighboring properties back to the rear property corner; that some of the photographs depict a furniture store, a lighting store, an auto repair and muffler shop, a restaurant, along with offices and warehousing uses that exists in the immediate area along the east side of Route One from Old Mill Road north to Red Mill Pond; that some of the photographs depict the site and the improvements on the site, and the interior of the dwelling on the premises and the improvements being made to the dwelling; that she has attached a floor plan of the house to the photographs; that they are proposing to rent the house for office use, or to rent the house for a home business use; that the previous owners did upholstery work and made draperies; that the two story building to the rear and north side of the site is to be used by the Applicants as an art studio, for their own personal enjoyment, not as a business; that they do not intend to rent out the studio building; that they hope to rent the house with limitations of use during weekdays only; that the site is not a part of the Millcreek Manor Subdivision; that the tree line runs along both sides of the property line; and that the property is more viable as a business use, rather than residential use, due to the location immediately adjacent to Route One.

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

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

On November 15, 2012 there was a motion by Mr. Burton, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On December 6, 2012 the Commission discussed this application under Old Business.

Mr. Burton state that he would move that the Commission recommend approval of C/U #1948 for Sharon L. Sherwood and Van Sherwood for professional offices based upon the record made at the public hearing and for the following reasons:

1) The proposed Conditional Use is generally similar to other uses in the vicinity of the property.
2) The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.

3) The use of the property for small professional offices will not generate a significant increase in traffic or noise.
4) The site, with direct frontage on Route One, is no longer reasonably useable as a residence, according to the Applicant's testimony.
5) The Applicants stated that they intend to maintain the residential appearance of the property.
6) This recommendation for approval is subject to the following conditions and stipulations:
   A. The use of the property shall be limited to small scale professional offices, such as doctors, lawyers, artist studios, accountants or similar uses.
   B. There will only be one unlighted sign on the premises that shall not exceed 32 square feet on each side.
   C. Any security lights shall only be installed on the buildings and shall be screened so that they do not shine on neighboring properties. There shall be no more than two offices on the property
   D. No outside storage shall be allowed on the premises.
   E. A 6-foot tall screening fence shall be installed along the northern boundary line of the property.
   F. Hours of operation shall be limited to 9:00 a.m. to 5:00 p.m. five (5) days per week.
   G. The parking shall comply with all Code requirements for the particular use of this property. The Final Site Plan shall clearly show all required parking, and the parking areas must be clearly marked on the site.
   H. The Site Plan shall be subject to approval of the Planning and Zoning Commission.

Motion by Mr. Burton, seconded by Mr. Smith, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0 with Mr. Johnson not voting.

C/U #1946 – application of **CLEAN DELAWARE, LLC** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for land application of class "B" sanitary waste, non-sanitary food processing residuals, and potable water iron residuals, to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 259.08 acres, more or less, lying on both sides of Road 201 (McColley Road) and north of and across from Road 202 (Shockley Road) (Tax Map I.D. 3-30-3.00-7.00 and 3-30-4.00-1.00, 1.01 to 1.04, 1.08 to 1.16, 19.00 and 21.00).

The Commission found that on November 5, 2012 the Applicants provided an Exhibit Packet which includes a DNREC letter, dated January 1, 2012; a DNREC Land Application Permit #AGU 1202-5-03 (Effective January 1, 2012); a Project Development Report prepared by Atlantic Resource Management, Inc., dated January 31, 2012; a Clean Delaware, LLC letter, dated August 13, 2012; and a series of location maps.

The Commission found that on November 14, 2012 the Sussex County Engineering Department Utility Planning Division provided comments in the form of a memorandum referencing that the site is located in the North Coastal Planning Area; that conformity to the North Coastal Planning

Study will be required; that the proposed use is not in an area where the County has a schedule to provide sewer service; and that a concept plan is not required.

Mr. Lank advised the Commission that letters of support of this application have been received from Allen Harim Foods, LLC, Severn Trent Services for the Board of Public Works at Lewes, the Town of Bethany Beach, Artesian Resources, Tidewater Environmental Services, Inc., the Town of Bridgeville, J. G. Townsend Jr., and Co., Eastern Shore Poultry, Ralph & Paul Adams, Inc., the Town of Selbyville, and Dogfish Head Craft Brewery.

Mr. Lank advised the Commission that letters or emails in opposition to this application have been received from Jim and Gerry Maher, Richard Watson, Lisa Morris, Carolyn and Robert Donovan, Laura and Stan Lavend, and Jeffrey A. Chorman referencing concerns about the placement of a dump so close to existing homes and land; smells and pest; the effect on the water table; the amount of increased traffic with large garbage trucks invading the quiet farm community; the impact on the small two lane roads that have no shoulders; odors and diseases; the impact on wells; the depreciation of property values; flies and gnats; that the use is not environmentally friendly and is hazardous to public health; that procedures used by sanitary facilities are unsustainable for the planet, unhealthy for ecosystems, not to mention the risk of contamination; that facilities with specific hazardous waste disposal procedures run the risk of inadvertently contaminating the ground water; that once groundwater is contaminated it is impossible to remove hazardous substances; that research indicates that the amount of waste produced by society is on the rise, that the population of the County is still growing, and that this facility will continue to dispose more and more waste materials over time; that the Applicants should be able to find a site that is less populated and desolated to operate the facility; noise pollution; ground and drinking water pollution; run-off of these materials into the Mispillion River and marsh area; that area residents are already putting up with the odors from the Blessings facility on Draper Road; and that the Applicant's current operations facility on Isaacs Road is currently emitting strong odors.

The Commission found that Gerry Desmond was present on behalf of Clean Delaware, LLC, with James Fuqua, Attorney with Fuqua, Yori and Willard, P.A., Laf Erikson, Soil Scientist with Atlantic Resource Management, Inc., and Chris McCabe of Coastal Compliance Solutions, and that they stated in their presentation and in response to questions raised by the Commission that rather than refer to all of the individual materials proposed to be applied to the property they are going to refer to those materials as bio-solids; that the bio-solids placed on the property are subject to State DNREC regulations; that the site is mostly tilled land and includes several poultry houses; that site evaluations were performed on several locations on the site; that the evaluation studied the topographic and geological conditions of the property; that it was found that the site is suitable for the requested use; that Clean Delaware, LLC has been in business for more than 20 years; that regulations on the use are subject to both State and Federal regulations; that a permit is required from DNREC for land treatment of bio-solids; that DNREC granted approval on January 1, 2012 to utilize all Clean Delaware, LLC sites; that they currently use three other sites for the same purpose; that the other three sites are located at (1) the northeast corner of Routes 30 and 16, (2) near Ellendale, and (3) southeast of Routes 5 and 9 near Harbeson; that the same application methods are proposed for this site; that a copy of the

DNREC permit is included in the Exhibit Packet; that the permit references sludge, septage and waste application limitations, other limitations, groundwater limitations, monitoring requirements, stabilized septage, wastes, sludge stabilization process monitoring, vector attraction reduction, soil monitoring, groundwater monitoring, a schedule of compliance, bonding, monitoring, reporting, definitions, management requirements, responsibilities, and special conditions; that the reason for this application is that the Applicants need additional acreage for bio-solids disposal; that Clean Delaware, LLC is approved to accept sludge, septage, and waste from Allen's Harim Foods, LLC (Harbeson Plant), Perdue Georgetown Sludge, the Town of Bridgeville, the City of Lewes, the Town of Milton, and the Town of Selbyville; approved to accept septage from Artesian Resources community wastewater systems, B. Brittingham, Dukes Septic Services, Harry Caswell, Inc., McMullen Septic Services, Inc., Midway Services, Inc., Mobile Gardens M.H. P., Service Energy, LLC, Tidewater Utilities community wastewater systems, and Street Sanitation Services; approved to accept non-sanitary wastes from Dogfish Head Craft Brewery (brewery waste water), Eastern Shore Poultry Products (food processed grease), J.G. Townsend, Inc. (vegetable processing waste water), iron sludge from water treatment plants, Perdue Farms, Georgetown (dewatered sludge cake), RAPA Scrapple, Inc. (grease by-products), restaurant grease trap waste (containing no sanitary waste), and Roos Foods, Inc. (dairy waste); that they are providing a service to businesses, industries, municipalities, and developments in Sussex County by reuse of beneficial food bio-products; that the company currently has 20 employees; that in 1989 the company received approval from DNREC for the use of the other three sites; that they do not dump raw waste or handle hazardous waste; that prior to receiving any products, DNREC must authorize use of the products for crop growth; that the property will continue to be farmed; that they are proposing to create six sections of the property into sections for land application; that the permitted crops in the sections will be corn, wheat, and soy-beans; that buffers (greater setbacks) will be established; that monitoring will be performed; that there will be two types of applications; the application of dry products and the application of wet products; that the dry products will be applied by spreader on a section of the fields and then disked into the soils; that the wet products are subsurface injected or spray applied on the fields; that there will not be any storage of equipment on the site other than normal farm equipment; that the equipment will be stored behind the poultry houses; that there will not be any wet product storage on the site; that all of the products have already been treated prior to land application; that very little odors are generated; that they have no plans on composting any products on the site; that they are offering some suggested proposed Conditions of Approval for consideration: 1) All activities shall be as authorized by and in compliance with Clean Delaware, LLC's DNREC permit "Authorization to Operate a Land Treatment System for the Agricultural Utilization of Sludge and Waste Products" (State Permit Number AGU 1202-5-03 and Amendments thereto); 2) This Conditional Use Approval shall remain valid and in effect for as long as the aforesaid DNREC permit exists for this site and shall automatically terminate in the event the DNREC permit expires or is terminated; 3) Land Application Activities shall be limited to the hours of 8:00 a.m. to 6:00 p.m. Monday through Friday; and 4) No Land Application Material shall be stockpiled longer than seven (7) days on site; that the site is zoned AR-1 Agricultural Residential, which has a stated purpose of providing for a full range of agricultural activities and to protect agricultural lands, as one of the County's most valuable natural resources, from the depreciating effect of objectionable, hazardous and unsightly uses; that the Agricultural Districts are established to protect established agricultural operations and

activities; that this type of use is authorized for Conditional Use applications; that they believe that the use complies, provides a service, and benefits many Sussex County businesses and communities; that the process is reviewed, monitored, and controlled by DNREC, making the use appropriate and essential; that the buffer zones referenced are setbacks from dwellings, wells, property lines, streams, drainage ditches, etc.; that they are submitting a copy of the DNREC buffer zone references, which reference that the following setbacks are required for surface application: 200 feet from occupied off-site dwellings; 100 feet from occupied on-site dwellings and potable wells; 25 feet from non-potable wells and public roads; 50 feet from bedrock outcrops, streams, tidal waters, and other water bodies; 25 feet from drainage ditches; that the following setbacks are required for subsurface injection: 100 feet from occupied off-site dwellings and potable wells; 50 feet from occupied on-site dwellings; 25 feet from non-potable wells; 15 feet from public roads; and 25 feet from bedrock outcrops, streams, tidal waters, other water bodies, and drainage ditches; that the products are tested by the clients, then approved by DNREC, and then they can be applied on the farm; that there may be 2 to 6 trucks per day; that the DNREC approval for this site is on hold until the Conditional Use is approved; that the site is viable for the use; that the soils are well drained with fine textured soils; that that have established all well sites in the area; that there are no public wells in the area; that 9 hand auger borings and 10 test pits were conducted to characterize the soil properties on the project area; that DNREC requires bonding and that they are currently bonded; that Nutrient Management Plans are required by DNREC; that the poultry house on the site are in production; that the litter from the poultry houses will not be applied to this site; that a porta-toilet will be located on the site; that there will not be an office or scales located on the site; that the dry product is not a dusty product; that the dry product will be stored in a manure storage type structure or on a concrete pad; that a portion of the farm is irrigated, and that they will not be adding any irrigation; that all setback buffers will be complied with; and that there will be no hauling of dump materials, only approved bio-products.

The Commission found that Brian Churchill, Environmental Scientist with DNREC, stated that he is in charge of the Bio-Solids Program for DNREC; that the Applicant has detailed and described the process; that DNREC supports the benefit of the use as an agricultural application; that the Town of Georgetown, the City of Rehoboth Beach, and Pinnacle Foods also apply bio-solids; that this operation is different from the Blessing composting operation near Primehook Road; and that the use is essential to the County.

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

The Commission found that David Hitchens, State Representative Harvey Kenton, Glenn Watson, Jr., Mary Sue Sharp, David Grant, Neil Shockley, Neil Moore, George Jester, Robert Donovan, Jim Hammond, Charles Moore, Alan Mills, Phillip Bradley, Jason Donovan, Norman Wilfong, Lloyd Webb, Bill Hopkins, Bill Pfaffenhauser, Tracy Ingram, and Wayne Hurd were present and spoke in opposition to this application expressing concerns that the location was not an appropriate location due to the close proximity to the Mispillion River and Flood Plain; that the site is only 0.5 mile from the city limits of the City of Milford and two (2) miles from up-town Milford; that the site is the wrong location for all the right reasons; that the river and wetlands need to be protected; that sludge has heavy metals; that the eco-system along the river

needs to be preserved; that several acres of the site flood on occasion; that residents have expressed concerns about additional truck and equipment traffic, noise, odors, well problems, run-off into the river and/or across property lines, depreciation of property values, and insect infestation; that area residents are concerned that zinc, iron, and other chemicals may neutralize adjoining farms resulting in low crop yields; that the use could impact tourism in the area and along the river; questioning if the bio-products will be applied on the same day that they are brought onto the site or within seven (7) days; that school buses travel these public roads two or three times per day; that the roads are very narrow with no shoulders; that DNREC promotes tourism and should be separating tourism from sludge application sites; that the bonding requirement is not adequate to protect the area residents if they should loss the potable wells by intrusion of bio-products; that groundwater contamination, lower crop yields, and the impact on wildlife habitat should be a concern; that there is no benefit to area residents by approval of this use; questioning why the property owner did not want his home farm location included in the application; that the supporters are mid-sized and large businesses and industries, not area residents; questioning the integrity of the providers of the bio-products; that the run-off from the site could impact vegetable growers and crops on adjacent farms; questioning if scrubbers will be required to clean the tires on the trucks and equipment entering at the dirt entrance from dragging mud and bio-products onto the public roads; that there have been issues with run-off impacting the roads in the area; that some of the owners are concerned about impacts on their shallow wells; that all four of the families that surround the site are opposed to the application; that this is a daily use, not a seasonal use like most farm tilling operations; that the public road at this location is not wide enough for two passing vehicles, much less large trucks and school buses; that erosion is a concern; that the use could impact poultry operations in the area; that the water table is rising and this use could impact all wells; that the County needs to be good stewards of the land and should protect this area; questioning if area residents will be notified if any problems occur by DNREC; questioning who monitors the test wells, how often they are monitored, and the creditability of the examiner; questioning if test results are made public; questioning if buffers are vegetated; that untreated litter from the poultry houses could be picked up and carried into the fields; that the price of well water is more expensive than gasoline; and that the fields are sandy and will be impacted by the bio-solid products, causing more run-off, not percolation.

The Commission found that the Applicant or his representatives responded to questions raised by the Commission and stated that there are some areas of the site that are within flood zone boundaries; that they will be applying bio-products in different sections of the site, not in the same section all of the time; that they will be applying bio-products five (5) days per week, when weather permits, in one section or another; that on this site they anticipate approximately 35% of the application to be on this site in any given year; that disking is not performed in one location continuously, it is performed on multiple locations; that portions of the site are listed as areas to avoid due to flooding or high water tables; that typically the application area is tilled the same day as the bio-products is spread; that they will be utilizing the best soils to eliminate erosion and run-off; that pathogens die in unsaturated soils; that some of the buffers may contain bio-swales and filter strips to prevent run-off to adjacent crop lands; that they have test wells on one of their farms and observation wells on other farms; that they will be converting to monitoring wells; that the fly activity on the Milton farm is due to a dumpster in use, not the application of bio-

products; that they have a budget item for fly prevention; that the Ellendale farm has always been monitored and tested, and that no substantial change has been established; that buffers will be grassed and not tilled; and that the monitoring well testing is performed by independent laboratories.

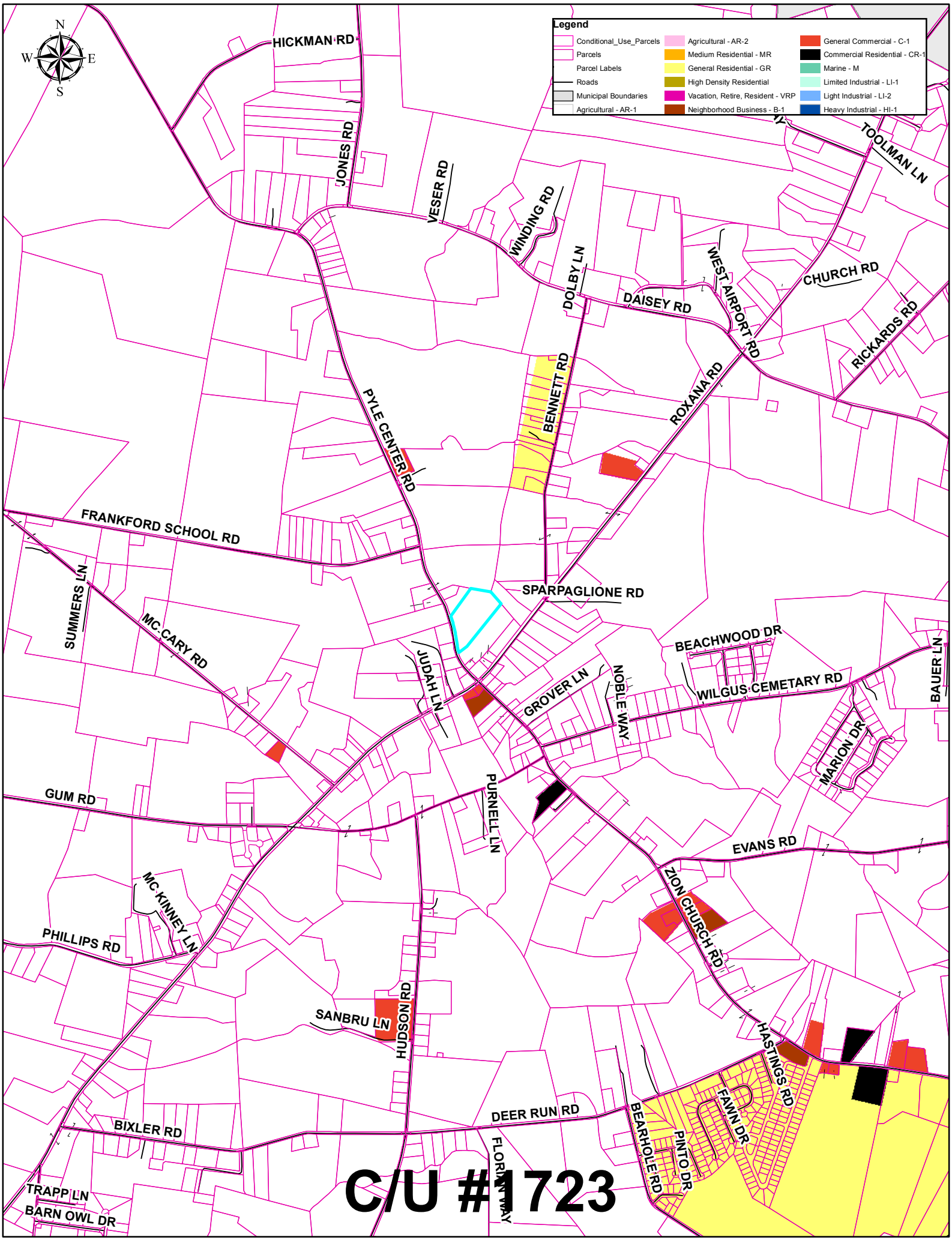
The Commission found that Mr. Churchill added that he needs to review the regulations more closely; that a hydrologist will be assigned to the project; that DNREC will be required to notify neighbors; that buffer requirements can be increased; and that more specific buffer requirements can be included in the permit.

The Commission found that Mr. Fuqua stated that the Applicant can provide copies of testing reports to the neighbors.

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

On November 15, 2012 there was a motion by Mr. Burton, seconded by Mr. Smith, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On December 6, 2012 the Commission discussed this application under Old Business and again deferred action for further consideration. Motion carried 5 – 0.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High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
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VESER RD
WINDING RD
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DAISEY RD
WEST AIRPORT RD
CHURCH RD
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RICKARDS RD
ROXANA RD
BENNETT RD
PYLE CENTER RD
FRANKFORD SCHOOL RD
SUMMERS LN
MC CARY RD
SPARPAGLIONE RD
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WILGUS CEMETARY RD
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GROVER LN
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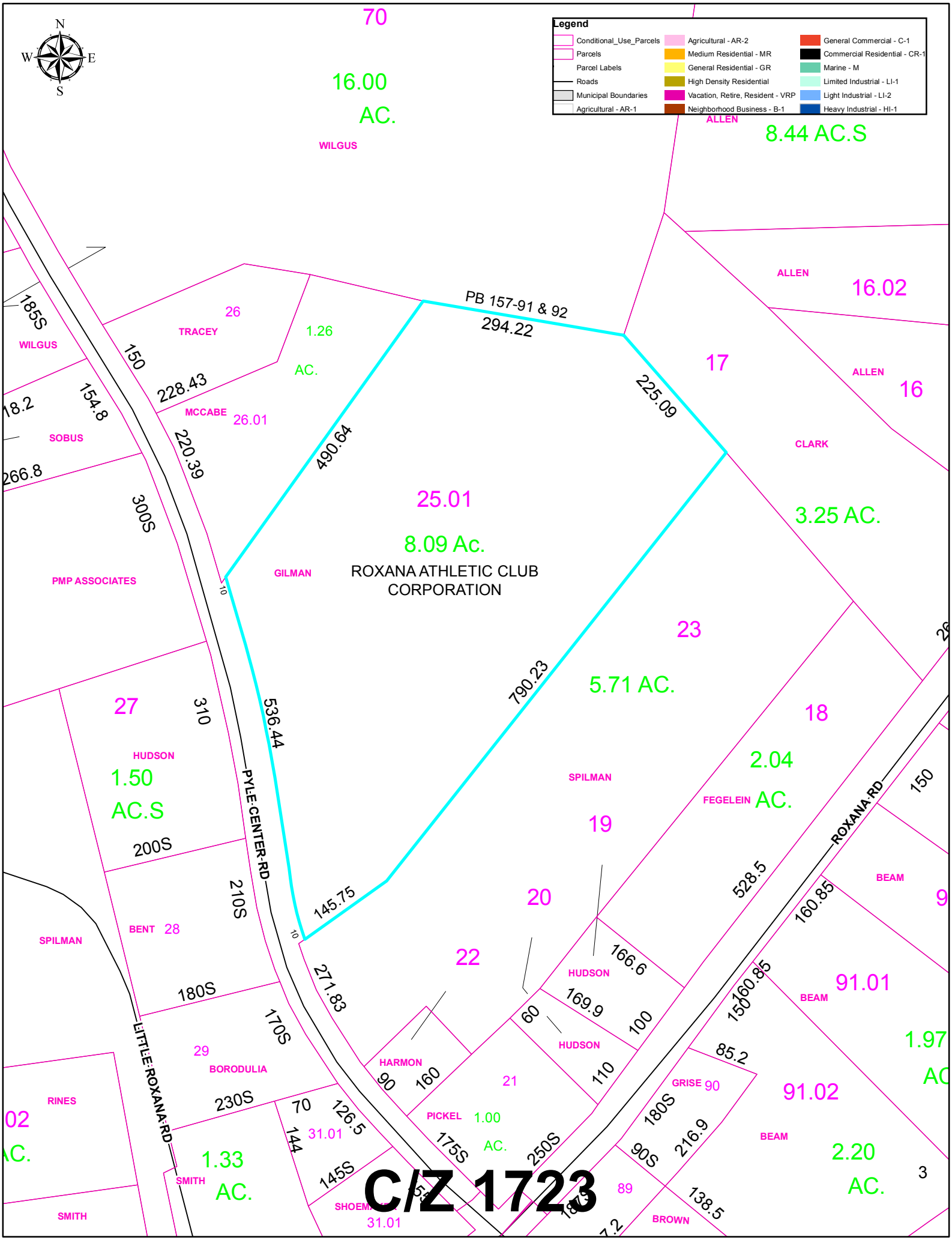
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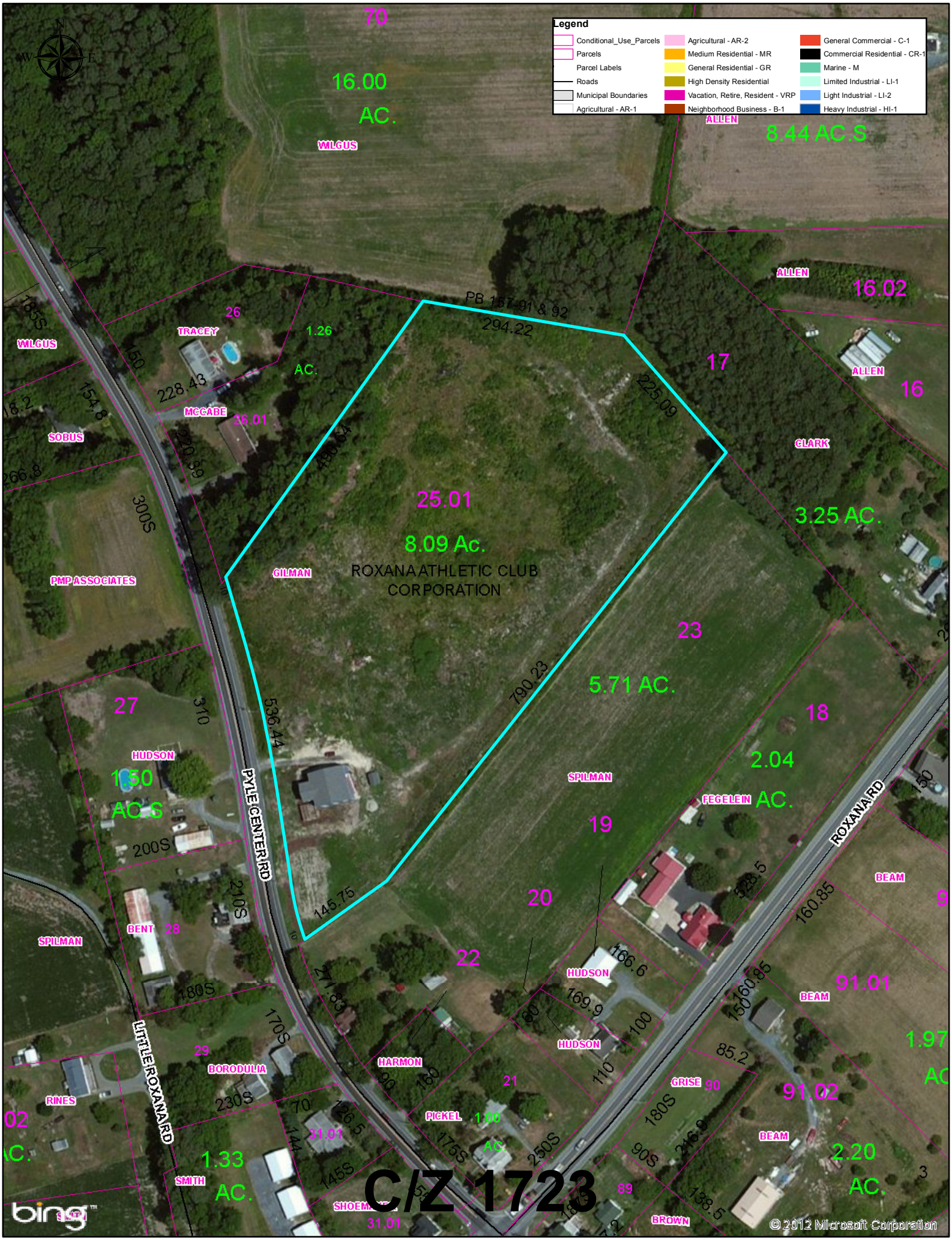
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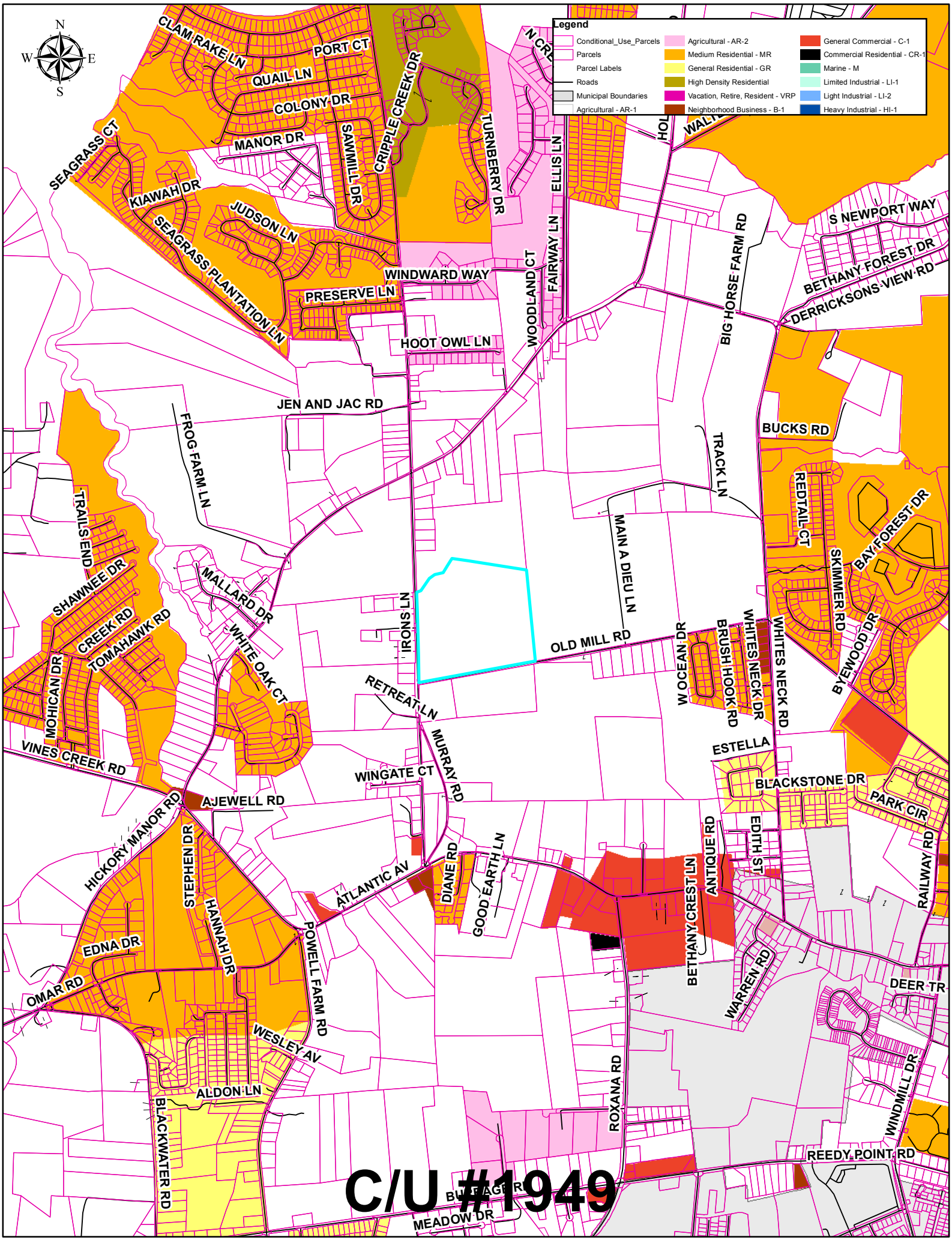
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QUAIL LN
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MANOR DR
SEAGRASS CT
KIAWAH DR
JUDSON LN
SEAGRASS PLANTATION LN
SAWMILL DR
CRIPPLE CREEK DR
TURNBERRY DR
ELLIS LN
WINDWARD WAY
PRESERVE LN
HOOT OWL LN
WOODLAND CT
FAIRWAY LN
BIG HORSE FARM RD
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DERRICKSONS VIEW RD
JEN AND JAC RD
FROG FARM LN
BUCKS RD
TRACK LN
REDTAIL CT
BAY FOREST DR
SKIMMER RD
BYEWOOD DR
TRAILS END
SHAWNEE DR
MALLARD DR
CREEK RD
TOMAHAWK RD
MOHICAN DR
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IRONS LN
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RETREAT LN
MURRAY RD
VINES CREEK RD
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BLACKSTONE DR
PARK CIR
AJEWELL RD
HICKORY MANOR RD
STEPHEN DR
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DIANE RD
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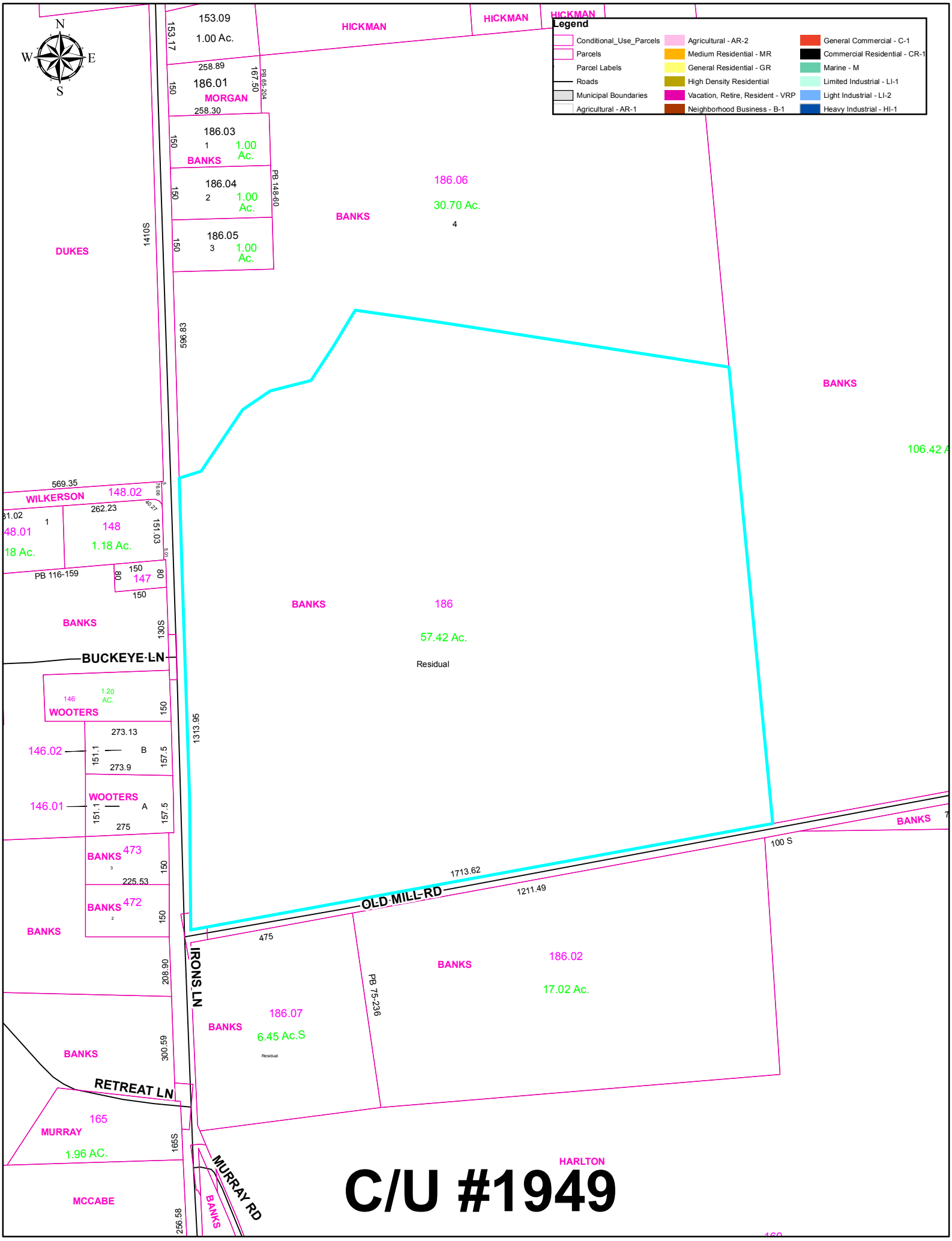
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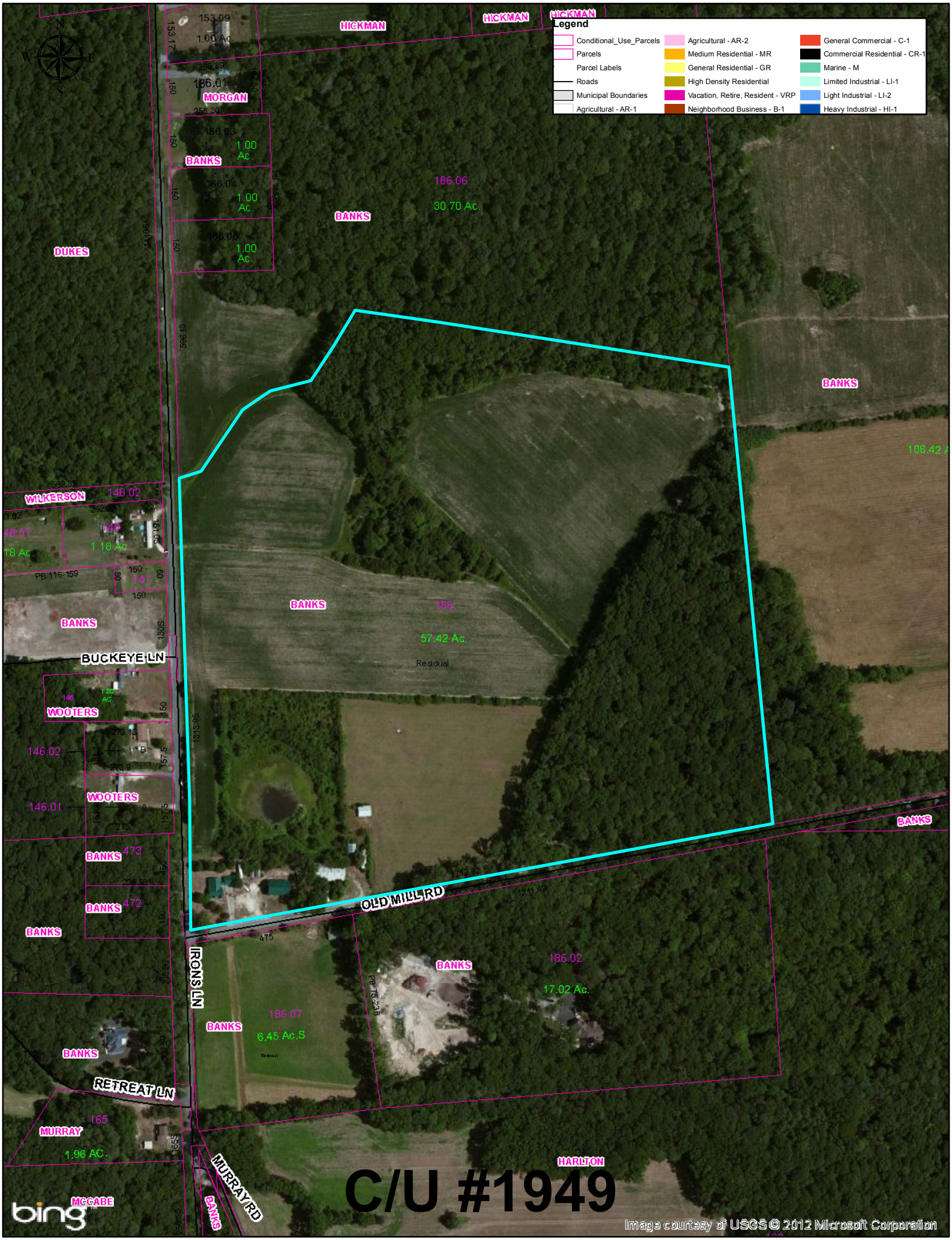
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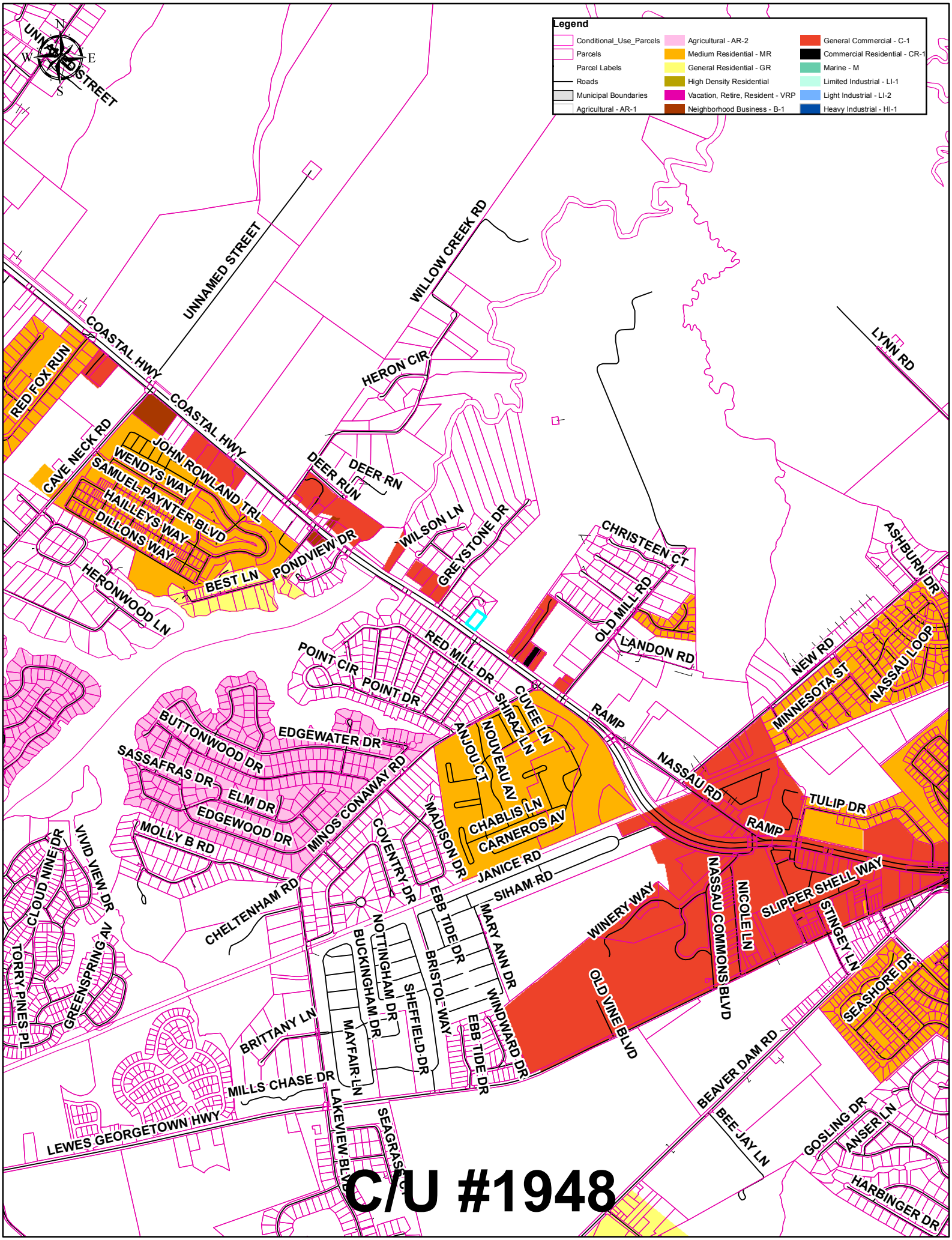
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LYNN RD
RED FOX RUN
CAVE NECK RD
JOHN ROWLAND TRL
WENDYS WAY
SAMUEL PAYNTER BLVD
HAILLEYS WAY
DILLONS WAY
DEER RN
DEER RUN
WILSON LN
GREYSTONE DR
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ASHBURN DR
PONDVIEW DR
BEST LN
HERONWOOD LN
OLD MILL RD
LANDON RD
NEW RD
NASSAU LOOP
MINNESOTA ST
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SHIRAZ LN
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EDGEWATER DR
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MARY ANN DR
WINERY WAY
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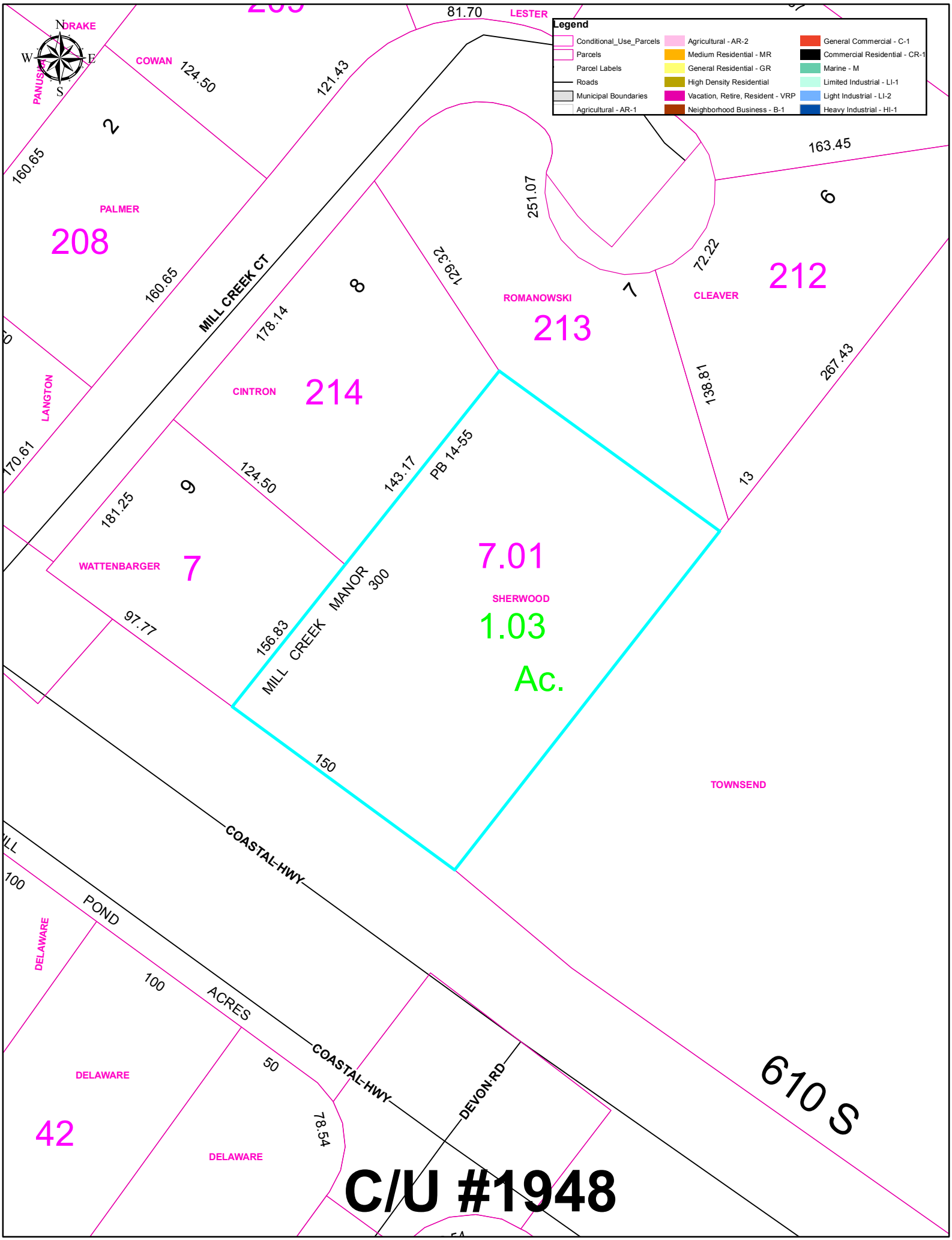
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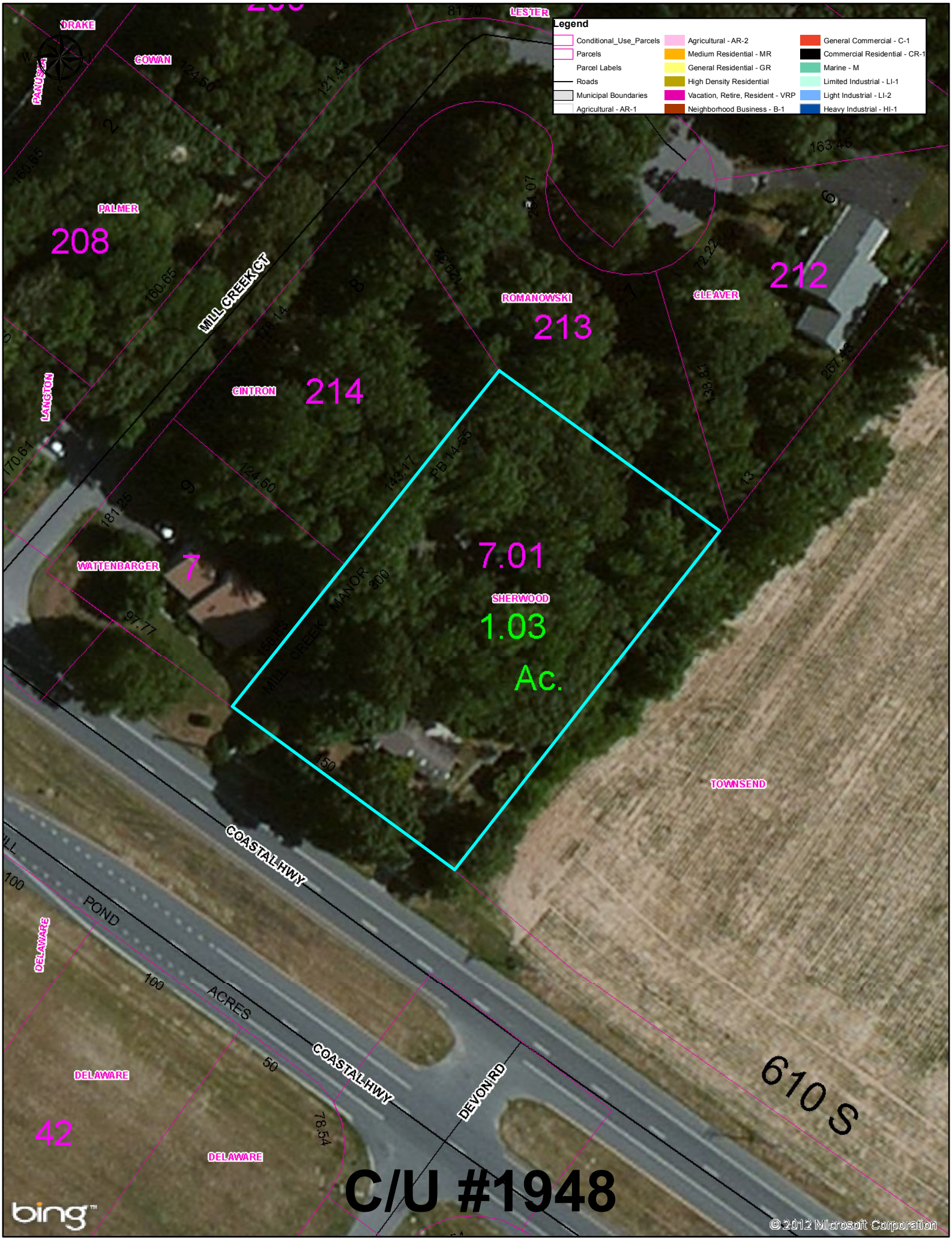
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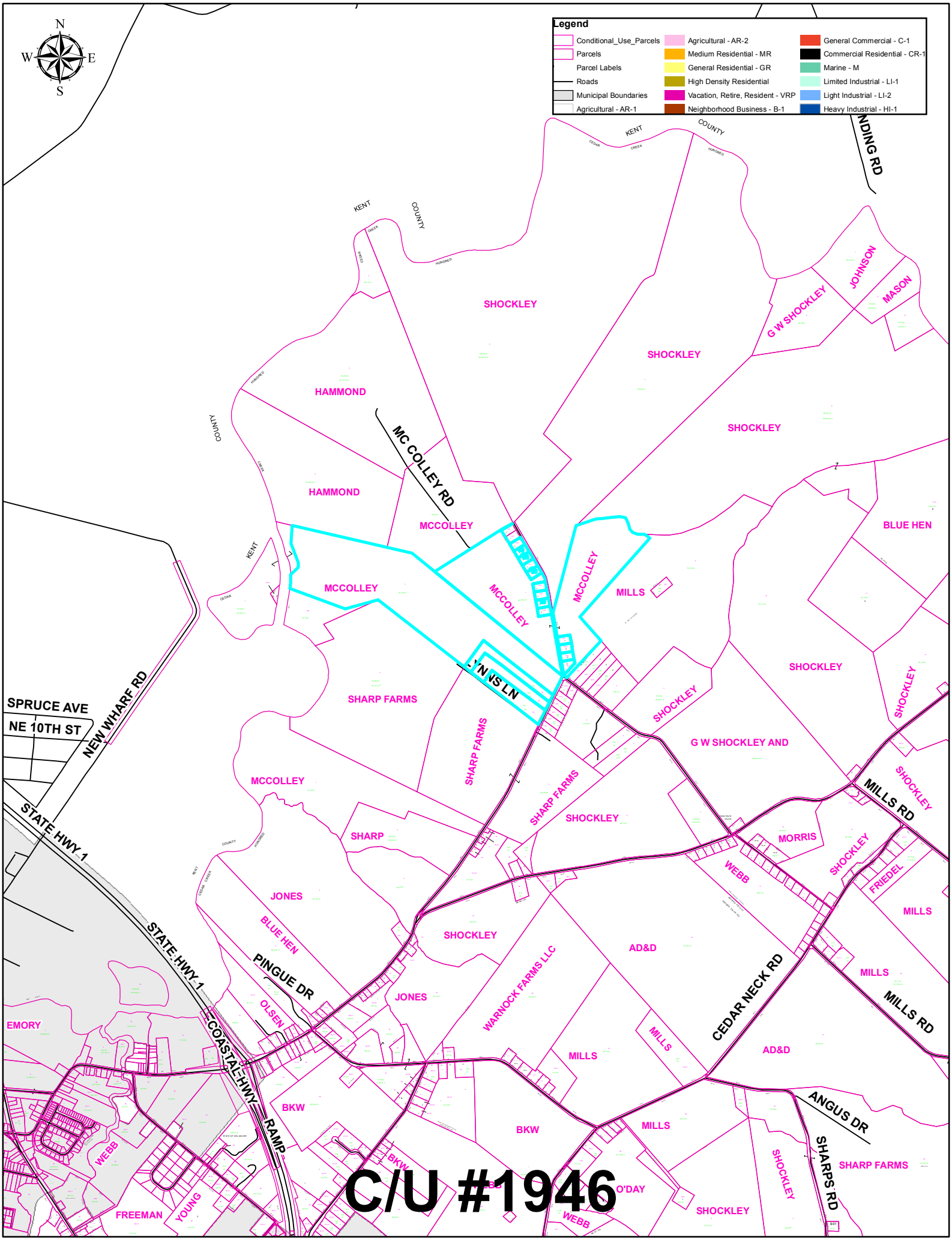
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BLUE HEN
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LYNNS LN
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SPRUCE AVE
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SHARP
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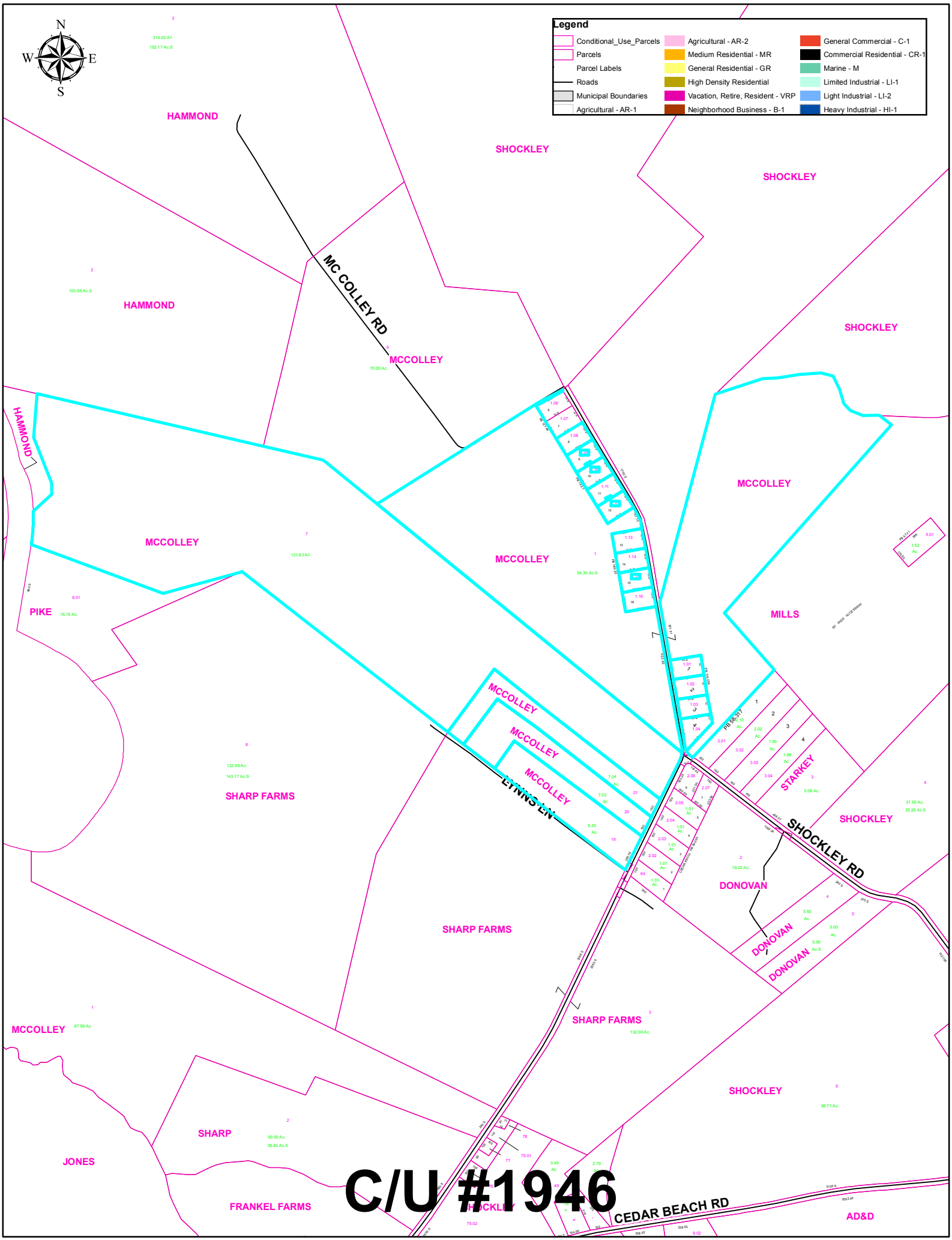
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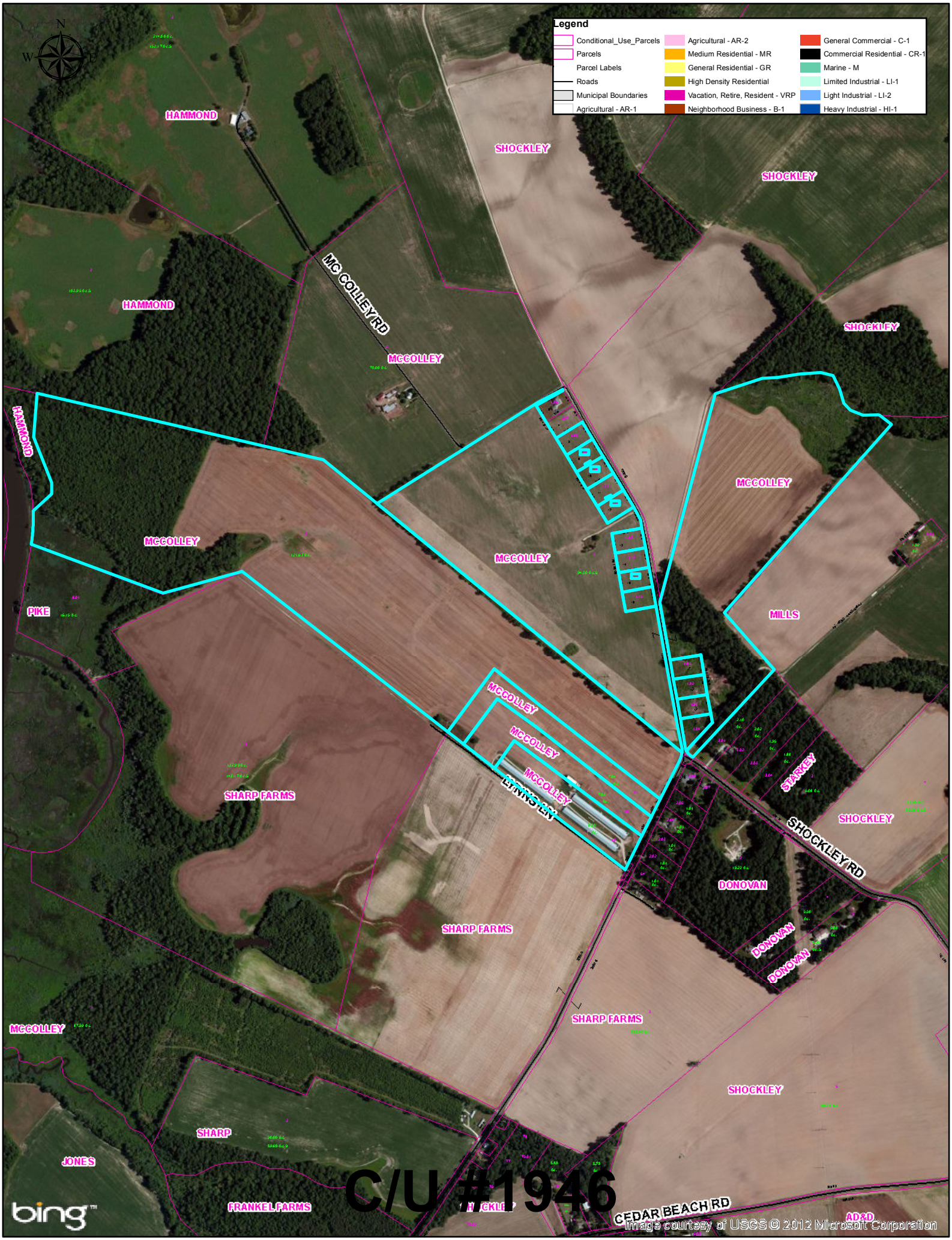
AD&D
C/U #1946


Legend
Conditional_Use_Parcels
Parcels
Parcel Labels
Roads
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
General Commercial - C-1
Commercial Residential - CR-1
Marine - M
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
N
W
E
S
HAMMOND
SHOCKLEY
MC COLLEY RD
MCCOLLEY
PIKE
SHARP FARMS
LYNYS LN
MILLS
STARKEY
SHOCKLEY RD
DONOVAN
SHARP
JONES
FRANKEL FARMS
CEDAR BEACH RD
ADAD
bing
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