# Sussex County Council
# Public/Media Packet

## MEETING:
# NOVEMBER 27, 2012

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

# SUSSEX COUNTY COUNCIL

## AGENDA

**NOVEMBER 27, 2012**

**10:00 A.M.**

**Call to Order**

**Approval of Agenda**

**Approval of Minutes**

**Reading of Correspondence**

**Discussion of DNREC's Proposed Changes to Onsite Wastewater and Treatment Disposal Systems (Chesapeake Bay Tidal Areas)**

**Todd Lawson, County Administrator**

1. **Employee of the Quarter – John Norris**

2. **Administrator's Report**

**Everett Moore, County Attorney**

1. **Discussion and Possible Introduction of a Draft Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 52, SECTION 52-18 C. AND E. OF THE CODE OF SUSSEX COUNTY IN REGARD TO THE SEALING OF DRAWINGS, SPECIFICATIONS, ETC. BY AN ARCHITECT AND/OR ENGINEER"**

**10:30 a.m. Public Hearing**

**"AN ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF SUSSEX COUNTY RELATING TO SUSSEX COUNTY COUNCIL MEETINGS THAT FALL ON LEGAL HOLIDAYS"**

**Hal Godwin, Deputy County Administrator**

1. **Wastewater Agreement**

   A. **Forest Landing, Phase 2C**

**Old Business**

1. **"AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY RELATING TO FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND CIVIL UNIONS"**

**Bob Jones, Project Engineer**

1. **Sussex County Airport Taxiway A #11-10**

   A. **Balancing Change Order and Substantial Completion**

2. **Sussex County Airport Taxiway B #10-02**

   A. **Balancing Change Order and Substantial Completion**

**Juel Gibbons, Project Engineer**

1. **Nanticoke Dredge Project – Casing Alignment (Contract 12-26)**

   A. **Bid Award**

2. **Pump Station 207 Improvements (Contract 12-23)**

   A. **Award of Contract for Design Services**

**Grant Requests**

1. **Sussex County Foster Parent Association for Annual Holiday Party.**

2. **Delmarva Teen Challenge for program expenses.**

3. **Town of Blades for Kid's Christmas Bazaar.**

4. **Ocean View Historical Society for historical preservation project.**

5. **Boy Scout Troop 281 for Jacob Martin's Eagle Scout Project.**

6. **Sussex Central Pop Warner for travel expenses.**

7. **Laurel Lions Club for maintenance/upkeep of their recreational facility.**

8. **Polly Branch Extended McCabe Court Civic Association for the community "Make a Difference Day" event.**

9. **Delaware State University Alumni Association for scholarship fundraiser.**

**Introduction of Proposed Zoning Ordinances**

**Any Additional Business Brought Before Council**

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

**Possible Action on Executive Session Items**

**1:30 p.m. Public Hearings**

**Conditional Use No. 1947 filed on behalf of CHEER Delaware**
**"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PUBLIC SERVICE BUILDING/USE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 4.35 ACRES, MORE OR LESS" (land lying at the north of Broadkill Road (Route 16) 800 feet east of Country Road (Road 22A) (Tax Map I.D. 2-35-14.00-122.02 and 122.04)**

**Change of Zone No. 1722 filed on behalf of Robert and Patricia Robinson**
**"AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A LI-2 LIGHT INDUSTRIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.91 ACRES, MORE OR LESS" (land lying west of Route 13A (Seaford Road) 1,300 feet north of Road 488 (Johnson Road) (Tax Map I.D. 1-32-6.00-186.01)**

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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 November 20, 2012 at 4:45 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.**

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 13, 2012**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 13, 2012, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

| | |
|---|---|
| **Michael H. Vincent** | **President** |
| **George B. Cole** | **Councilman** |
| **Joan R. Deaver** | **Councilwoman** |
| **Vance Phillips** | **Councilman** |
| **Todd F. Lawson** | **County Administrator** |
| **Susan M. Webb** | **Finance Director** |
| **Everett Moore** | **County Attorney** |

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

**Call to Order**

**Mr. Vincent called the meeting to order.**

**M 528 12 Amend and Approve Agenda**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Agenda by deleting "Job Applicants' Qualifications" and "Personnel" under "Executive Session"; and to approve the Agenda, as amended.**

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**Mrs. Deaver joined the meeting.**

**Minutes**

**The minutes of October 16, 2012 were approved by consent.**

**Corre-spondence**

**Mr. Moore read the following correspondence:**

**THE WAY HOME, GEORGETOWN, DELAWARE.**
**RE: Letter in appreciation of grant.**

**DELAWARE HOSPICE, WILMINGTON, DELAWARE.**
**RE: Letter in appreciation of grant.**

**Delmarva Teen Challenge**

**Robert Carey, Executive Director, Delmarva Teen Challenge, updated the Council on who Delmarva Teen Challenge is and what they do. Delmarva Teen Challenge (DTC) is an affiliate of Teen Challenge International and is a non-profit 501(c)(3) organization with its own Board of Directors. DTC is an induction center which provides a residential program for the first 4 months of a 1-year program; the second phase, an 8-month program, is held at**

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**Delmarva Teen Challenge (continued)**

**another U.S. location. DTC is currently the only long-term drug/alcohol/addiction residential program in Delaware. DTC is a faith-based residential program whose mission is to restore broken lives of men who have been affected by issues like anger, rebellion, depression, drug/alcohol abuse and other life controlling problems. Mr. Carey reported that DTC has an 86 percent success rate.**

**DNREC/ Proposed Changes to Onsite Wastewater and Treatment Disposal Systems**

**Dave Schepens, Program Manager of the Groundwater Discharge Section of DNREC, was in attendance at the invitation of the Council to discuss proposed regulations governing the design, installation, and operation of on-site wastewater treatment and disposal systems. Also present was James Cassidy, Manager of the Georgetown Office in charge of individual systems in Sussex County. Mr. Schepens stated that the proposed changes are needed to improve water quality as every stream in Delaware is impaired, there is a decrease in fish populations and an increase in algae blooms and dead zones, and many waterways are not safe for swimming.**

**Mr. Schepens provided a background on the proposed regulations. The process was started in November 2008. Since that time, the Department has conducted 11 public workshops throughout the State, held several meetings with stakeholders, and established seven working committees. A Public Hearing was held on May 3rd. Another public hearing will be held on November 15th; once that hearing has been held, the Department plans to have the record open for a minimum of 15 days.**

**Mr. Schepens discussed the portion of the proposed regulations that relate to individual septic systems: (1) FEMA guidelines must be adhered to in "V" zones; systems, including holding tanks, will be located and designed to minimize or eliminate flood damage, (2) all new and replacement on-site wastewater treatment and disposal systems permitted within the 1,000 feet of the Chesapeake Bay Tidal Waters must meet performance standards.**

**Mr. Schepens reviewed the costs for individual septic systems: $2,500 to $5,000 plus the cost of having a service provider look at the systems twice a year – the service costs are approximately $175.00 to $250.00. Owners may retrofit one of these units on a permitted existing system as a repair which will usually add years to the drain field (for replacement systems only). The regulations allow for a homeowner to become a service provider for their own system.**

**Mr. Schepens reviewed a map outlining parcels in Delaware completely within 1,000 feet of the Chesapeake Bay Tidal Areas.**

**Mr. Schepens stated that, per the proposed regulations, cesspools and seepage pits will be prohibited statewide and when found must be replaced within one year. Cesspools and seepage pits will be found through inspections on the system for real estate transfers, complaints from the public for overflowing systems, and requests for authorization to use existing systems for additions of bedrooms and new dwellings on existing properties for which a septic permit**

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**DNREC/ (continued)**

**was not issued previously.**

**Mr. Schepens provided information on the Septic Rehabilitation Loan Program and the Septic Extended Funding Option.**

**At the conclusion of the presentation, Mr. Phillips stated that property owners to be affected by the 1,000 feet overlay should receive notification of the November 15th Public Hearing.**

**M 529 12 Letter to DNREC/ Motion Died**

**A Motion was made by Mr. Phillips that the Sussex County Council write a letter to DNREC suggesting that letters be sent to affected landowners.**

**The Motion died for the lack of a Second.**

**Public Hearing/ Clerk of the Peace Fees/ Military**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY RELATING TO FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND CIVIL UNIONS".**

**The Proposed Ordinance sets the fees the Clerk of the Peace charges for marriage and civil union ceremonies for Delaware residents, non-residents, and active United States military personnel.**

**George Parish, Clerk of the Peace, explained the Proposed Ordinance and he stated that it would extend the County's appreciation and gratitude to the men and women of the military as it would provide for the same rates that are charged to Delaware residents:**

- **$50.00 fee for a marriage or civil union license**
- **$50.00 fee for conducting a marriage or civil union ceremony in the office of the Clerk of the Peace or on The Circle or any building fronting The Circle**
- **$75.00 fee for conducting a marriage or civil union ceremony outside of the office of the Clerk of the Peace**
- **$50.00 fee for performing a renewal of marriage or civil union vows in the office of the Clerk of the Peace or on The Circle or any building fronting The Circle**
- **$75.00 fee for performing a renewal of marriage or civil union vows ceremony outside of the office of the Clerk of the Peace**

**Mr. Parish noted that New Castle County and Kent County have already implemented this reduction of fees.**

**Mr. Phillips noted that, at that time the Council introduced the Proposed Ordinance, some Council members expressed an interest in waiving the fees for men and women of the military. For this reason, prior to public comments, Mr. Phillips made the following Motion:**

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**M 530 12 (Proposed)**

**A Motion was made by Mr. Phillips to waive the fees (related to marriage and civil licenses and ceremonies) for men and women of the military.**

**Continue Public Hearing/ Clerk of the Peace Fees/ Military**

**Public comments were heard.**

**Dan Kramer stated that the Sussex County Council shouldn't do something just because New Castle County and Kent County is doing it and that the veterans, whether they are active or retired, should not be charged any amount.**

**Michael Cotton, Commander of Squadron 28, American Legion Oak Orchard Post 28 and Commander of the Detachment to the Delaware Sons of the American Legion, stated that they would appreciate the Council's support of the Proposed Ordinance.**

**The Public Hearing and the public record were closed.**

**In response to questions, Mr. Parish stated that the proposal to raise or waive fees would have a minor financial impact on the revenues of the department.**

**M 530 12 Amend Proposed Ordinance**

**A Motion was made by Mr. Phillips, seconded by Mr. Cole, to amend the Proposed Ordinance to waive (completely) the fees charged (related to marriage and civil licenses and ceremonies) to active military as well as veterans.**

**Continue Public Hearing/ Clerk of the Peace Fees/ Military**

**Mr. Moore reported on the changes that would have to be made to the Proposed Ordinance if the Motion is adopted.**

**The Council discussed the definition of "veteran" and whether it includes reservists, national guard, etc.**

**Mr. Moore noted that it would be preferable to have the definitions included in the Proposed Ordinance.**

**Mr. Moore asked Mr. Parish to submit a memo on who would be considered to be eligible to receive waived fees per the ordinance, if adopted.**

**M 530 12 Withdrawn**

**Mr. Phillips and Mr. Cole withdrew their Motion and Second.**

**Action Deferred**

**Mr. Vincent stated that the Proposed Ordinance, with amendments and definitions, will be considered at the November 27th meeting.**

**Proposed Holiday and Council Schedule for 2013**

**Mr. Lawson presented the proposed 2013 Holiday Schedule:**

| | |
|---|---|
| New Year's Day | January 1 (Tuesday) |
| Martin Luther King, Jr.'s Birthday | January 21 (Monday) |
| Good Friday | March 29 (Friday) |
| Memorial Day | May 27 (Monday) |

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**Proposed Holiday and Council Schedule for 2013 (continued)**

| | |
|---|---|
| **Independence Day** | **July 4 (Thursday)** |
| **Labor Day** | **September 2 (Monday)** |
| **Veterans Day** | **November 11 (Monday)** |
| **Thanksgiving Day** | **November 28 (Thursday)** |
| **Day After Thanksgiving** | **November 29 (Friday)** |
| **Christmas** | **December 24 (Tuesday)**<br>**December 25 (Wednesday)** |

**Mr. Lawson presented the proposed County Council (no meeting) Schedule for 2013:**

| | |
|---|---|
| **January 1** | **New Year's Day** |
| **March 5** | **NACo Conference** |
| **March 12** | **Winter Holiday** |
| **April 2** | **Easter Holiday** |
| **May 28** | **Memorial Day Holiday** |
| **July 2** | **Summer Holiday** |
| **July 9** | **Summer Holiday** |
| **August 27** | **Summer Holiday** |
| **September 3** | **Summer Holiday** |
| **November 26** | **Thanksgiving Holiday** |
| **December 24** | **Christmas Holiday** |
| **December 31** | **Christmas Holiday** |

**M 531 12 Adopt 2013 Holiday and County Council Schedule**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to adopt the 2013 Holiday Schedule and County Council Schedule.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Administrator's Report**

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

**1. <u>Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County</u>**

**The Advisory Committee on Aging and Adults with Physical Disabilities for Sussex County will meet on Monday, November 19, 2012, at 10:00 a.m. at the Sussex County West Administrative Complex in Georgetown. A copy of the agenda is attached. Guest speaker at the meeting is Emily A. Farley, Esquire, Elder Law Project Director, Community Legal Aid Society, Inc., where she will be speaking on "*The programs of the Community Legal Aid Society***

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**Administrator's Report (continued)**

***and how they help elders and persons with disabilities in the community."***

**2. <u>Sussex County Emergency Operations Center Call Statistics – October 2012</u>**

**Attached please find the call statistics for the Fire and Ambulance Callboard for October 2012. There were 15,924 total calls handled in the month of October. Of those 9-1-1 calls in October, 75 percent were made from wireless phones.**

**3. <u>Project Receiving Substantial Completion</u>**

**As you will see from the attached Engineering Department fact sheet, The Woods at Johnson's Corner a/k/a Fenwick Hamlet a/k/a Fox Haven – Phase I reached Substantial Completion effective November 2, 2012.**

**4. <u>Thanksgiving Holiday</u>**

**The Sussex County Council will not meet on Tuesday, November 20, 2012, during the week of Thanksgiving. County offices will be closed on November 22 and 23 for the Thanksgiving holiday and will reopen on Monday, November 26, at 8:30 a.m.**

**5. <u>Superstorm Sandy Update</u>**

**Nearly two weeks since Superstorm Sandy made landfall, it is apparent that Sussex County and the State of Delaware were spared the devastating effects of the storm. That being said, there are communities within the County that have damage and their post-storm efforts continue.**

**When an event such as Sandy is predicted to hit Sussex County, there are two aspects to the County's response: the one that involves keeping critical County infrastructure and services such as our wastewater and communications systems operating, and the other that involves the County's role in providing public safety to our citizens.**

**During the days leading up to the main force of the storm and after the storm passed, our County's employees performed dutifully and without pause. Many were required to work, but there were several others who volunteered their time as well. I want to extend my sincere appreciation and gratitude for their efforts.**

**There are too many individuals to name; however, the following departments deserve a tremendous amount of credit, including: Assessment, Communications, Engineering, Information**

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**Administrator's Report (continued)**

**Technology, Paramedics, and our flagship Emergency Operations Center staff led by Joe Thomas.**

**During Sandy, the County provided information through its press releases and network of social media including Twitter and Facebook. We also developed a new service to our citizens in the form of video reports which provided critical, real-time updates to those seeking information. <u>The results were astounding</u>. During the storm:**

- **The County's website had over 57,000 views;**
- **Facebook followers jumped nearly 200 percent;**
- **Reach through the Facebook page (followers to friends and friends of friends) grew to 44,203;**
- **The EOC Twitter handle had the most referrals and activity in its history; and**
- **The YouTube Video Reports had over 32,000 views.**

**These reports helped keep our citizens informed and well-prepared for the effects of the storm.**

**Finally, our partners at the State and Federal levels are still assessing the damage Sandy caused to determine what, if any, relief the County and State will receive. The assessments will determine if the State can seek a Federal Major Disaster Declaration. As of today, no determination has been made, but we anticipate one soon.**

**If they have not already done so, Sussex County residents who suffered damage as a result of Sandy should report their damage at the following number: 302-856-7366.**

**Again, thank you to the staff of Sussex County for their professional service during Superstorm Sandy—we commend your efforts.**

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

**Proposed Lease Amendment/ Universal Forest Products**

**David Rutt, Assistant County Attorney, presented a Lease Amendment with Universal Forest Products (UFP) for land at Sussex County Industrial Park (the lease has been in effect since 1994). He noted that this building has remained vacant for several years without a tenant. Dating as far back as 1991, the lease for this building has gone through multiple assignments and there have been some errors in the lease terms and parcel lot dimensions as a result. The County was made aware of these issues recently.**

**Mr. Rutt explained that the original lease was entered into with North American Housing Corp. and subsequently assigned to Shoffner, which became Universal Forest Products (UFP). The original lease was for 5 1/2 acres; however, this turned out to be incorrect as the correct acreage is**

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**Proposed Lease Amend-ment/ Universal Forest Products (continued)**

**actually 7.22 acres. There was also a question as to whether they had agreed to an assignment of an additional 17± acres. A building was constructed on the 7.22 acres and UFP owns the building but leases the land; however, they never did anything with the building and it is empty. Mr. Rutt advised that UFP now has a potential tenant (Delmarva Aluminum) for the property (and the building). UFP acknowledges that they lease the 7.22 acres and that they do not have a lease on the 17± acres. UFP is willing to waive any rights to the 17± acres since there is no lease giving the County the option to re-lease it to someone else or use it for other purposes, i.e. stormwater drainage.**

**Mr. Rutt reviewed a Memorandum of Understanding (MOU) which has been signed by UFP and by which the assignment of the 7.22 acres to UFP can be amended (allowing an assignment or a sublease). By doing this, the County agrees that, if the tenant exercises the option to purchase the building, the tenant would not have to come back to the Council for approval.**

**M 532 12 Execute MOU/ Universal Forest Products**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to authorize the President of Sussex County Council to execute the Memorandum of Understanding that has been drafted between Universal Forest Products and Sussex County to clarify the nature of the Land Lease and to amend the Lease Agreement with Universal Forest Products.**

**Motion Adopted: 4 Yeas, 2 Absent.**

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

**Mr. Phillips was out of the room during the vote.**

**Proposed Human Service Grants**

**Mrs. Webb presented the following list of proposed Human Service Grants for Fiscal Year 2013:**

| | |
|---|---|
| **Alzheimer's Association** | **$ 500.00** |
| **American Diabetes Association** | **$ 500.00** |
| **The Arc of Delaware** | **$1,000.00** |
| **Best Buddies Delaware** | **500.00** |
| **Big Brothers/Big Sisters of Delaware, Inc.** | **$1,000.00** |
| **Booker Street Church of God** | **$ 500.00** |
| **Bridgeville Community Action** | **$1,000.00** |

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| **Proposed Human Service Grants (continued)** | **Cancer Support Community** | **$ 500.00** |
| | **Can-Do Playground at Milford** | **$ 500.00** |
| | **Cape Henlopen Food Basket** | **$ 500.00** |
| | **CASA San Francisco** | **$1,000.00** |
| | **CHEER, Inc. – Meal Program** | **$2,500.00** |
| | **CHEER, Inc. - Home Services** | **$1,000.00** |
| | **CHEER Centers** | |
| | **A. Georgetown** | **$5,000.00** |
| | **B. Greenwood** | **$5,000.00** |
| | **C. Harbour Lights (Lewes)** | **$5,000.00** |
| | **D. Milton** | **$5,000.00** |
| | **E. Roxana** | **$5,000.00** |
| | **F. Coastal Leisure Center** | **$5,000.00** |
| | **G. Long Neck (Pelican Cove)** | **$5,000.00** |
| | **Church of God and Saints of Christ** | **$ 900.00** |
| | **Contact Lifeline** | **$1,000.00** |
| | **Coverdale Crossroads Community Council, Inc.** | **$ 500.00** |
| | **Dagsboro Boys & Girls Club** | **$1,500.00** |
| | **Dagsboro Church of God** | **$1,000.00** |
| | **Delaware Adolescent Program, Inc.** | **$1,000.00** |
| | **Delaware Community Reinvestment Action Council, Inc.** | **$ 500.00** |
| | **Delaware Crime Stoppers** | **$ 500.00** |
| | **Delaware Foundation Reaching Citizens with Cognitive Disabilities** | **$2,500.00** |
| | **Delaware Guidance Services for Children & Youth** | **$2,000.00** |
| | **Delaware Housing Coalition** | **$2,000.00** |
| | **Delaware Lions Foundation** | **$ 500.00** |
| | **Delaware Nature Society** | **$1,000.00** |

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|---|---|---|
| **Proposed Human Service Grants (continued)** | **Delmarva Clergy United in Social Action Foundation** | **$1,000.00** |
| | **Easter Seal Rehabilitation Center** | **$1,000.00** |
| | **El Centro Cultural, Inc.** | **$1,000.00** |
| | **Everlasting Hope Ministries** | **$1,000.00** |
| | **Families in Crisis Conference** | **$ 500.00** |
| | **Family Outreach Multipurpose Community Center** | **$ 500.00** |
| | **First Steps Primeros Pasos** | **$ 500.00** |
| | **Food Bank of Delaware** | **$ 500.00** |
| | **Georgetown Boys & Girls Club** | **$1,500.00** |
| | **Girls State of Delaware** | **$ 500.00** |
| | **Good Samaritan Aid Organization** | **$1,000.00** |
| | **Kent-Sussex Industries, Inc.** | **$1,000.00** |
| | **Kiwanis Foundation of Coastal Delaware** | **$1,000.00** |
| | **La Esperanza** | **$1,500.00** |
| | **La Red Health Center** | **$ 500.00** |
| | **Laurel Boys & Girls Club** | **$1,500.00** |
| | **Laurel Community Foundation** | **$1,000.00** |
| | **Laurel Lions Club** | **$1,000.00** |
| | **Lewes Historical Society** | **$1,000.00** |
| | **Meals on Wheels of Lewes & Rehoboth, Inc.** | **$6,000.00** |
| | **Milton Historical Society** | **$ .00** |
| | **Mt. Zion Church** | **$ 500.00** |
| | **National Multiple Sclerosis Society** | **$1,000.00** |
| | **New Coverdale Outreach Mission** | **$1,000.00** |
| | **New Hope Recreation & Development Center** | **$ 500.00** |

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|---|---|---|
| **Proposed Human Service Grants (continued)** | **Oak Orchard/Riverdale Boys & Girls Club** | **$1,500.00** |
| | **Open Arms Soup Kitchen & Food Pantry** | **$ 500.00** |
| | **People's Place** | **$2,000.00** |
| | **Read-Aloud Delaware** | **$1,000.00** |
| | **Reading ASSIST Institute** | **$ 500.00** |
| | **Rehoboth Beach Boys & Girls Club** | **$1,500.00** |
| | **The Ronald McDonald House of Delaware** | **$1,000.00** |
| | **Seaford Historical Society, Inc.** | **$1,000.00** |
| | **Shechinah Empowerment Center** | **$ 500.00** |
| | **Sussex County Senior Centers** | |
| | **A. Bridgeville** | **$5,000.00** |
| | **B. Cape Henlopen** | **$5,000.00** |
| | **C. Indian River** | **$5,000.00** |
| | **D. Laurel** | **$5,000.00** |
| | **E. Lewes** | **$5,000.00** |
| | **F. Milford** | **$5,000.00** |
| | **G. Nanticoke** | **$5,000.00** |
| | **Sussex Community Crisis Housing Services, Inc.** | **$2,000.00** |
| | **Sussex County Habitat for Humanity** | **$1,000.00** |
| | **Sussex County Retired and Senior Volunteer Program Advisory Committee** | **$ 500.00** |
| | **Sussex Family YMCA** | **$1,000.00** |
| | **Sussex Pregnancy Care Center** | **$1,000.00** |
| | **Teens in Perspective, Inc.** | **$ 500.00** |
| | **UCOUNT, Inc.** | **$ 500.00** |
| | **The Way Home Program** | **$1,000.00** |
| | **Western Sussex Boys and Girls Club** | **$1,500.00** |
| | **YWCA** | **$ 500.00** |
| | **Total** | **$141,400.00** |

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**(continued)** **Mrs. Webb noted that the 2013 Budget allocation for Human Service Grants is $143,520.00 leaving an available balance of $2,120.00.**

**M 533 12 Approve Human Service Grants**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council approves the disbursement of Human Service Grants for Fiscal Year 2013, as submitted.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Economic Development Incentives**

**Mrs. Webb presented information for further discussion on the Economic Development Incentives, a proposed policy that was previously discussed by the Council on October 9, 2012. At that meeting, staff was tasked to appoint someone to the Economic Development Committee that is a Sussex County Council appointee (from the private sector). Mrs. Webb reported that she and the County Administrator recommend that Robert Ryder be appointed to the Committee. Mrs. Webb noted that the Economic Development Incentives (Policy) is a grant policy and is just another tool that can be used for Economic Development. Additionally, each prospective applicant must be vetted though the Economic Development Committee and a recommendation made to the Council for final approval.**

**M 534 12 Adopt Grant Guidelines/ Economic Development Fund**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council adopts grant guidelines for the Economic Development Fund.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Wastewater Agreements**

**Hal Godwin, Deputy County Administrator, presented wastewater agreements for the Council's consideration.**

**M 535 12 Execute Wastewater Agreement/ Senators, Phase 1A**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 766-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Senators Lewes, LP, for wastewater facilities to be constructed in Senators, Phase 1A, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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**M 535 12 (continued)**

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

**M 536 12 Execute Wastewater Agreement/ Senators, Phase 1B**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 766-3, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Senators Lewes, LP, for wastewater facilities to be constructed in Senators, Phase 1B, located in the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 537 12 Execute Wastewater Agreement/ The Landings at Pepper Creek**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 516-2, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and H.K.S. 4, LLC, for wastewater facilities to be constructed in The Landing at Pepper Creek – Phase 2 (A/K/A The Marina at Pepper's Creek), located in the Dagsboro/Frankford Sanitary Sewer District.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Georgetown Air Services Sublease**

**Jim Hickin, Airport Manager, presented a request for a Sublease Amendment between Georgetown Air Services and Northrop Grumman Systems Corporation. Mr. Hickin reported that Georgetown Air Services currently subleases 100 square feet to Northrop Grumman Systems Corporation for use as office space and storage; the sublease expires at the end of 2012. The proposal extends the sublease for a period of three years.**

**M 538 12 Approve Sublease/ George-town Air Services**

**A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the First Amendment to the Georgetown Air Services Sublease with Northrop Grumman Systems Corporation; the form shall be approved by the County Attorney.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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**M 538 12 (continued)**

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

**William Briedis Sublease**

**Jim Hickin, Airport Manager, reported that William Briedis currently leases Lot 20B in the Sussex County Industrial Park and he is requesting approval to sublease a portion of the property to AG Adams Construction LLC for use as office and conference space and also for machinery and maintenance repair. His lease requires he obtain written consent from the Sussex County Council before any sublease.**

**M 539 12 Approve Sublease/ William Briedis to AG Adams Con-struction**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council approves the use of Lot 20B at the Sussex County Industrial Airpark for use as office space and equipment repair and consents to William Briedis entering into a Commercial Lease Agreement with AG Adams Construction LLC for the use of Lot 20B.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Economic Develop-ment/ Airport**

**Mr. Phillips discussed economic development at the Airpark and questioned if any infrastructure is needed. He suggested that the Council could enter into a financial partnership/rent arrangement with businesses to entice them to come to the Airpark.**

**Mrs. Deaver stated that the internet service is inadequate at the Airport and Industrial Park and she questioned how the County can lease space to businesses when the internet service is substandard.**

**Mr. Cole questioned if the County should help fund infrastructure (internet service, sewer, water).**

**Mr. Vincent asked that the County's IT Department look into the internet service at the Airport and report back to the Council with suggestions.**

**Mr. Lawson advised that a lot of the topics being discussed are being worked on preliminarily and a report will be made to the Council.**

**Baylis Estates Annexation/ Oak Orchard SSD**

**Rob Davis, Senior Planner, presented a request to prepare and post public hearing notices for a public hearing to consider a request to annex a parcel of land into the Oak Orchard Sanitary Sewer District. The area to be annexed is the development known as Baylis Estates, which adjoins the existing sewer district and is proposed to be a 99 lot single family subdivision with a clubhouse and pool. The area to be added is located on the easterly side of Mount Joy Road (Road 297) west of the intersection with John J. Williams Highway (Route 24). A Royal Farm Store, the Nanticoke**

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**Baylis Estates Annexation/ OOSSD (continued)**

**Indian Museum and Mary, Mother of Peace Catholic Church are southeast at the intersection and the Indiantown Farms subdivision is to the north; the parcel is approximately 75.48 acres. Mr. Davis noted that sewer capacity is adequate for the 99 homes and that the developer will pay approximately $364,500.00 in system connection fees. The Public Hearing is tentatively scheduled for December 4, 2012.**

**M 540 12 Prepare and Post Notices/ Baylis Estates Annexation/ OOSSD**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the extension of the Oak Orchard Sanitary Sewer District to include one parcel of land (Baylis Estates).**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**West Complex Renovations**

**Brad Hawkes, Director of the Utility Engineering, stated that the Engineering Department has been tasked to look at options for improvements at the West Complex building. Mr. Hawkes presented information so that a decision can be made as to whether or not to move forward with the project. It was noted that, due to previous modifications, the building lacks an ADA entrance and hallway on the first floor with access to the elevator. In addition, the West Complex has over 3,000 square feet of unused and deteriorated office space on the second floor which was previously occupied by a bank. The project will address both of these issues and will bring the building into ADA compliance and create much needed office space, i.e. training room, conference room, etc. No change is proposed to the foot print of the building as all improvements would be interior renovations. A question was raised regarding cost and Mr. Lawson stated that the project was approved in the 2013 Budget in the amount of $105,000.**

**Rudder Lane Pole Building Project**

**Julie Cooper, Project Engineer, presented a Change Order request for the Rudder Lane Pole Building Project. The proposed Change Order, at a cost of $221.00, is for electrical work.**

**M 541 12 Grant Substantial Completion/ Approve C/O and Release Retainage/ Rudder Lane Pole Building**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Sussex County Council grants Substantial Completion, effective October 29, 2012, to John L. Briggs & Co. of Georgetown, Delaware, for Sussex County Project No. 11-12, Rudder Lane Pole Building, and further that Change Order No. 2 be approved in the amount of $221.00, increasing the contract total to $233,571.84 and that final payment be made and any held retainage be released in accordance with the terms and conditions of the contract documents.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Consultants Agreement/ Greenwood Library Project**

**Julie Cooper, Project Engineer, reported that the Engineering Department has negotiated a contract with Davis, Bowen & Friedel for Construction Administration for the Greenwood Library Project. The Notice to Proceed for the construction was issued to Richard Y. Johnson & Sons on October 29, 2012 and a Contract Amendment to the original design contract was negotiated with Davis Bowen & Friedel in the amount of $157,259.00. Ms. Cooper reported that the scope of work of the Contract Administration Amendment includes the review of shop drawings and samples, responses to requests for information from the contractor, review of change order requests, review of applications for payment from the contractor, systems commissioning, inspection and production of record drawings.**

**M 542 12 Execute Consultants Agreement/ Greenwood Library Project**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Sussex County Council authorizes its President to execute Amendment No. 1 to the existing Contract with Davis, Bowen & Friedel, Inc. of Salisbury, Maryland to provide Construction Administration Services for Sussex County Project 07-05, Greenwood Library, at a cost not to exceed $157,259.00.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Millville SSD/ Northwest Expansion/ Whites Neck Road/ Proposed Change Order**

**Michael Izzo, County Engineer, presented a Balancing Change Order for Sussex County Project No. 11-02, Millville Sanitary Sewer District Northwest Expansion, Whites Neck Road. The Balancing Change Order, in the credit amount of $163,991.54, is for an added work scope including the installation of a new 6 foot high chain link fence at Pump Station No. 309 and the balancing of final Contract quantities and all used/unused stipulated and unstipulated contingent bid items. A time extension of 30 calendar days was included in the Change Order based upon extra work that the County requested.**

**M 543 12 Approve Change Order/ Millville SSD/ Northwest Expansion/ Whites Neck Road**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department that the Balancing Change Order for Sussex County Project No. 11-02, Millville Sanitary Sewer District Northwest Expansion, Whites Neck Road, be approved at a credit amount of $163,991.54, which decreases the total contract to $2,396,468.46, and increases the contract time by 30 calendar days, pending the receipt of approval from the funding agencies.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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**M 543 12 (continued)**

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

**Pump Station 30 Improvements**

**Michael Izzo, County Engineer, presented a Credit Change Order in the amount of $9,794.10 for the rehabilitation of Pump Station No. 30 that services Fenwick Island and is located off of SR 54. Three credit items are included in the Change Order and Mr. Izzo reviewed those items.**

**M 544 12 Approve Change Order/ Pump Station 30 Improvements**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Sussex County Project No. 09-17, South Coastal Regional Wastewater Facilities, Pump Station No. 30 Improvements, be approved at a credit amount of $9,794.10, which decreases the total contract to $3,439,665.90, pending the receipt of approval from the funding agencies.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**EMS Station 106/ Bid Results**

**John Ashman, Director of Utility Planning, presented the bid results for the Long Neck EMS Station No. 106 (Contract No. 12-19). Seven bids were received and the apparent low bidder was Willow Construction of Easton, Maryland in the amount of $478,950.00. The Engineer's Estimate for the project was $512,000.00.**

**M 545 12 Award Bid/ EMS Station 106**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Sussex County Project No. 12-19, Sussex County Emergency Medical Services, Long Neck Station No. 106, be awarded to Willow Construction of Easton Maryland at the bid amount of $478,950.00.**

**The Council discussed the cost of the project, State wage rate requirements, and the option of a modular building.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Grant Requests**

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

**M 546 12 Council-manic Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give $500.00 from Mr. Vincent's Councilmanic Grant Account to the Downtown Seaford Association for Christmas parade expenses.**

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**M 546 12 (continued)**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 547 12 Council-manic Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give $500.00 ($250.00 each from Mrs. Deaver's and Mr. Wilson's Councilmanic Grant Accounts) to Milford Community Parades for parade expenses.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 548 12 Council-manic Grant**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give $2,500.00 from Mr. Cole's Councilmanic Grant Account to West Rehoboth Community Land Trust for their housing initiative.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**M 549 12 Council-manic Grant**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give $1,000.00 from Mr. Phillips' Councilmanic Grant Account to Create 1 Marketing for the Decorating Delmarva fundraiser.**

**Motion Adopted:** **3 Yeas, 2 Absent.**

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

**(Mr. Cole was out of the room during the vote.)**

**M 550 12 Council-manic Grant**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give $3,000.00 ($1,500.00 each from Mr. Phillips' and Mr. Vincent's Councilmanic Grant Accounts) to the Laurel Public Library.**

**Motion Adopted:** **3 Yeas, 2 Absent.**

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

**(Mr. Cole was out of the room during the vote.)**

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**M 551 12 Council-manic Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to give $1,000.00 ($600.00 from Mr. Phillips' Councilmanic Grant Account and $100.00 each from Mr. Cole's, Mrs. Deaver's, Mr. Vincent's and Mr. Wilson's Councilmanic Grant Accounts) to the Mason Dixon Woodworkers for toys for needy children.**

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**(Mr. Cole was out of the room during the vote.)**

**M 552 12 Council-manic Grant**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give $1,000.00 from Mr. Phillips' Councilmanic Grant Accounts to the Fenwick Island Lions Club for Selbyville Halloween Parade expenses.**

**Motion Adopted: 3 Yeas, 2 Absent.**

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

**(Mr. Cole was out of the room during the vote.)**

**Introduction of Proposed Ordinances**

**Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT FOR PARKING COMMERCIAL TRACTOR TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 9.59 ACRES, MORE OR LESS" (Conditional Use No. 1950) filed on behalf of Erlin L. Rivera.**

**Mrs. Deaver, introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV RESORT AND CAMPGROUND TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 162.424 ACRES, MORE OR LESS (Conditional Use No. 1951) filed on behalf of Jack Lingo Asset Management, LLC.**

**Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR BOAT REPAIR, BOAT STORAGE, AND BOAT SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD**

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**Introduction of Proposed Ordinances (continued)**

**CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.36 ACRES, MORE OR LESS" (Conditional Use No. 1952) filed on behalf of Clinton E. McCutchen.**

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

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL\RETAIL SHOP (HANDCRAFTED FURNITURE\GIFTS AND ANTIQUES) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 2.306 ACRES, MORE OR LESS" (Conditional Use No. 1954) filed on behalf of Robert A. Hermanson.**

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

**Mrs. Deaver introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 74 ACRES, MORE OR LESS" (Change of Zone No. 1725) filed on behalf of Jack Lingo Asset Management, LLC.**

**The Proposed Ordinances will be advertised for Public Hearing.**

**Additional Business**

**Under Additional Business, Ed Funk of Captain's Way in Millsboro discussed the increase in crime in Sussex County and he questioned why the County spends tax money on State Police when it is their obligation to provide services/coverage. He also commented that additional funding should be provided in the County Sheriff's Budget.**

**Under Additional Business, Rich Collins of Millsboro commented on the sewer presentation made by DNREC earlier in the meeting.**

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**Additional Business (continued)**

**Under Additional Business, Dan Kramer of Greenwood commented on the Council giving money to churches and he stated that the money could have been given to veterans.**

**M 553 12 Go Into Executive Session**

**At 12:23 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to go into Executive Session to discuss matters pertaining to land acquisition and pending/potential litigation.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Executive Session**

**At 12:54 p.m., following lunch, the Council held an Executive Session in the Council Chambers for the purpose of discussing matters pertaining to land acquisition and pending/potential litigation. The Executive Session concluded at 2:13 p.m.**

**M 554 12 Reconvene Regular Session**

**At 2:17 p.m., a Motion was made by Mr. Cole, seconded by Mr. Phillips, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**Matters Discussed in Executive Session**

**Mr. Moore stated that the Council discussed two matters in Executive Session:**

**1. Land Acquisition - Legal Counsel gave a report and discussed strategies and made a recommendation.**

**M 555 12 Pursue Recommen-dation of Legal Counsel/ Land Acquisition**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to pursue the recommendation of Legal Counsel on the land acquisition matter discussed during Executive Session.**

**Motion Adopted: 4 Yeas, 1 Absent.**

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

**2. Pending/Potential Litigation – Legal Counsel gave a report and discussed strategies and made a recommendation.**

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**M 556 12**
**Pursue Recommendation of Legal Counsel/ Pending/ Potential Litigation**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to proceed with the recommendation of Legal Counsel on the pending/potential litigation matter discussed during Executive Session.**

**Motion Adopted:** **3 Yeas, 1 Nay, 1 Absent.**

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

**M 557 12**
**Adjourn**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:19 p.m.**

**Motion Adopted:** **4 Yeas, 1 Absent.**

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

**Respectfully submitted,**

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

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SUSSEX COUNTY COUNCIL

# TRIBUTE

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

## JOHN NORRIS

**SUSSEX COUNTY**
**EMPLOYEE OF THE QUARTER**

*~Fourth Quarter 2012~*

*The Sussex County Council extends its thanks and congratulations and directs this Tribute to be presented to John Norris on the 27th day of November 2012.*

*Michael H. Vincent, President*

TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
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**Sussex County**
DELAWARE
sussexcountyde.gov

# Memorandum

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

FROM: Todd F. Lawson
County Administrator

RE: ***County Code Section 52-18***

DATE: November 19, 2012

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During Tuesday's Council meeting, Everett Moore will discuss an issue Attorney General Biden's office has asked the County to address. Please find the attached correspondence. An Ordinance is required to correct this matter.

In summary, the Section 52-18 "Drawings and Specifications" of the County Code is in conflict with Delaware Code. The Attorney General's Office has asked the County to amend the County Code to come into compliance with the State.

Should you have any questions, please let me know.

TFL/kac

Attachments

pc: Mr. J. Everett Moore
Mr. Andy Wright
Mr. Eddy Parker

JOSEPH R. BIDEN, III
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

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CRIMINAL DIVISION (302) 577-8500
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FRAUD DIVISION (302) 577-8600
FAX (302) 577-6499
TTY (302) 577-5783

October 23, 2012

J. Everett Moore, Jr., Esq.
Moore & Rutt, P.A.
122 West Market St.
Georgetown, DE 19947

**Re:** Sussex County Code Section 52-18

Dear Mr. Moore:

The purpose of this letter is to follow up on recent conversations that you and Deputy Attorney General Peter Jamison have had regarding the above-referenced matter. As Mr. Jamison advised you, the Delaware Board of Architects ("Board of Architects") and the Council of the Delaware Association of Professional Engineers ("DAPE Council") (both of whom are represented by the Attorney General) have for some time been concerned about language in section 52-18 of the Sussex County Code that allows for the issuance of a building permit where the drawings, specifications and accompanying data submitted with the application for the permit are not prepared by a Delaware registered architect or Delaware licensed engineer. As Mr. Jamison advised you, that language appears to be at odds with State statutory law that prohibits persons from practicing architecture or engineering in Delaware without first being licensed in Delaware. We are, therefore, pleased to hear that Sussex County is willing to take corrective action to address the matter. In our view, the matter may be resolved by an amendment to section 52-18 as follows:

1. Delete existing Section 52-18 C of the Sussex County Code and replace with the following:

**§ 52-18. Drawings and specifications.**

C. All drawings, specifications and accompanying data shall bear the name and address of the designer. All drawings, specifications and accompanying data submitted for review by the building official and any documents submitted to the building official with a permit application shall meet the requirements of the Delaware Code. Said

drawings, specifications and accompanying data shall have affixed upon them the official seal of an architect and/or engineer, and no permit application will be approved unless, for plans sealed by an architect, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications, and accompanying data, in compliance with the registration provisions of 24 Del. C. Ch. 3 or, for plans sealed by an engineer, the person so affixing his or her seal is, in connection with the preparation and submission of such drawings, specifications, and accompanying data, in compliance with the licensing provisions of 24 Del. C. Ch. 28.

2. Delete existing Section 52-18 E.

Upon Sussex County amending the Sussex County Code as indicated above, the Board of Architects and the DAPE Council believe that the concerns previously expressed with respect to Section 52-18 being in conflict with controlling state law will be resolved. Please respond within 10 days of the date of this letter to advise of the date that this matter will be placed on the Sussex County Council's public meeting agenda and the date that you anticipate the changes to the Sussex County Code will be effective. Our expectation is that the changes to the Sussex County Code will be effective within 30 days and if the changes are not in effect by that time we will have to consider other remedies.

Thank you for your consideration.

Sincerely,

Andrew G. Kerber
Deputy Attorney General
Board of Architects

Catherine T. Hickey
Deputy Attorney General
DAPE Council

**MOORE & RUTT, P.A.**
ATTORNEYS AT LAW

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FAX 302-424-0468
(Wed. & Thurs. & By Appointment Only)

J. EVERETT MOORE JR.*
DAVID N. RUTT**
JAMES P. SHARP***
DORIAN ROWE KLEINSTUBER
SHANNON R. OWENS

* Del. and D.C.
** Del. and Penna.
*** Del. and MD.

Reply To ✓ Georgetown
___ Milford

April 12th, 2012

Hans M. Medlarz, P.E.
Director of Public Works
555 South Bay Road
Dover, DE 19901

**RE: SUSSEX COUNTY CODE SECTION 52-18 C**

Dear Mr. Medlarz:

I have reviewed your letter under date of March 10th, 2011 with Sussex County Council President, Michael H. Vincent regarding the above-captioned matter. Mr. Vincent has asked that I contact the appropriate County departments, as well as our new Sussex County Administrator to discuss this matter thoroughly.

We will follow up in regards to this matter.

Sincerely yours,

J. Everett Moore, Jr.

JEM,JR./rac

STATE OF DELAWARE
**DEPARTMENT OF STATE**
DIVISION OF PROFESSIONAL REGULATION

CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

March 10, 2011

Michael H. Vincent, President
Sussex County Council
Administrative Offices
2 The Circle
P.O. Box 589
Georgetown, DE 19947

**Re:** Sussex County Code Section 52-18 C

Dear Council President Vincent:

As President of the Delaware Board of Architects ("Board of Architects"), I am contacting you with respect to two issues that the Board of Architects has identified with Section 52-18 C of the Sussex County Code. The Board of Architects has also been in communication with representatives of the Council of the Delaware Association of Professional Engineers (the "DAPE Council") and knows that the DAPE Council also has the same concerns with Section 52-18 of the Sussex County Code.

Deputy Attorney General Andrew Kerber, representing the Board of Architects, previously contacted David B. Baker, County Administrator by letter dated March 21, 2007 on behalf of the Board of Architects with respect to one of the issues with Section 52-18 C. However, Mr. Baker did not acknowledge or respond to the letter. A copy of this letter is enclosed. The Board of Architects is aware that Deputy Attorney General Tom Ellis, representing the Law Enforcement and Ethics Committee of the DAPE Council, was in contact with attorney David N. Rutt, representing Sussex County, with respect to the other issue with Section 52-18 C, most recently by letter dated October 7, 2010. Mr. Rutt did not acknowledge or offer any response to the October 7, 2010 letter.

The two issues the Board of Architects has with Section 52-18 C of the Sussex County Code are as follows:

(1) Under Section 52-18 C, architects and engineers registered in any state are permitted to seal drawings and specifications submitted with an application for a building permit in Sussex County. The inclusion of the words "of any state in the United States" in Section 52-18 C results in this section being out of compliance with applicable state law governing the practice of architecture in Delaware, specifically 24 Del. C §303(a). Section 52-18 C would be in compliance with state law if the words "of any state in the United States" were changed to "of Delaware."

(2) In addition, under Section 52-18 C, an official seal of an architect or engineer is only required for certain Educational, Institutional and Assembly Occupancy buildings and for buildings of 5,000 square feet or more. The state statutes for the Board of Architects contain no such limitation on the size of buildings. Under Delaware state law, if a person performs architectural services with respect to a building in Delaware without being a Delaware registered architect, that person is engaged in the unlawful practice of architecture. Section 52-18 C would be in compliance with state law if the section read as follows:

**§ 52-18. Drawings and specifications.**

C. All drawings, specifications and accompanying data shall bear the name and address of the designer. All design work for new construction, alteration, repair, expansion, addition or modification work involving the practice of architecture or engineering, as defined by the professional registration laws of the State of Delaware, shall be prepared by an architect or engineer legally registered or licensed under the laws of Delaware, consistent with the professional registration or licensing laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the architect or engineer and shall be signed, sealed and dated by the architect or engineer in accordance with professional registration or licensing laws of the State of Delaware.

The primary objective of the Board of Architects is to protect the general public from unsafe practices and, in furtherance of that objective, the Board of Architects is charged with preventing the unregistered practice of architecture in Delaware pursuant to 24 Del C §303(a). The Board of Architects view the cited provisions of Section 52-18 C of the Sussex County Code as authorizing the unlicensed practice of architecture in Delaware in violation of Delaware state law. Accordingly, the Board of Architects requests that the Sussex County Council take the steps necessary to revise Section 52-18 C to comply with Delaware state law.

In the event that the Board of Architects is not able to come to an acceptable resolution with Sussex County on the issues with Section 52-18 C within 30 days of the date of this letter, the next recourse would be to seek a declaration from the Delaware Courts that the cited provisions of Section 52-18 C are void and unenforceable under state law.

Please accept my thanks in advance for your consideration.

Sincerely,

Kenneth Freemark, RA
President, Delaware Board of Architects

STATE OF DELAWARE

**DELAWARE ASSOCIATION OF PROFESSIONAL ENGINEERS**
**92 Read's Way, Suite 208, New Castle, DE 19720**

**PHONE: 302-323-4588 FAX: 302-323-4590**

March 10, 2011

Michael H. Vincent, President
Sussex County Council
Administrative Offices
2 The Circle
P.O. Box 589
Georgetown, DE 19947

**Re:** Sussex County Code Section 52-18 C

Dear Council President Vincent:

As President of the Council of the Delaware Association of Professional Engineers (the "DAPE Council"), I am contacting you with respect to two issues that the DAPE Council has identified with Section 52-18 C of the Sussex County Code. The DAPE Council has also been in communication with representatives of the Delaware Board of Architects ("Board of Architects") and knows that it also has the same concerns with Section 52-18 of the Sussex County Code.

Deputy Attorney General Tom Ellis, representing the Law Enforcement and Ethics Committee of the DAPE Council, was in contact with attorney David N. Rutt, representing Sussex County, with respect to one issue with Section 52-18 C, most recently by letter dated October 7, 2010. Mr. Rutt did not acknowledge or offer any response to the October 7, 2010 letter. A copy of this letter is enclosed. DAPE Council is aware that the Board of Architects previously contacted David B. Baker, County Administrator by letter dated March 21, 2007 with respect to the other issue with Section 52-18 C. However, Mr. Baker did not acknowledge or respond to this letter.

The two issues the DAPE Council has with Section 52-18 C of the Sussex County Code are as follows:

(1) Under Section 52-18 C, architects and engineers registered in any state are permitted to seal drawings and specifications submitted with an application for a building permit in Sussex County. The inclusion of the words "of any state in the United States" in Section 52-18 C results in this section being out of compliance with applicable state law governing the practice of engineering in Delaware, specifically 24 Del. C §2802. Section 52-18 C would be in compliance with state law if the words "of any state in the United States" were changed to "of Delaware."

(2) In addition, under Section 52-18 C, an official seal of an architect or engineer is only required for certain Educational, Institutional and Assembly Occupancy buildings and for buildings of 5,000 square feet or more. The state statutes for the Delaware Association of Professional Engineers contain no such limitation on the size or use of buildings. Under Delaware state law, if a person performs engineering services with respect to a building in Delaware without being a Delaware registered engineer, that person is engaged in the unlawful practice of engineering. Section 52-18 C would be in compliance with state law if the section read as follows:

**§ 52-18. Drawings and specifications.**

C. All drawings, specifications and accompanying data shall bear the name and address of the designer. All design work for new construction, alteration, repair, expansion, addition or modification work involving the practice of architecture or engineering, as defined by the professional registration laws of the State of Delaware, shall be prepared by an architect or engineer legally registered or licensed under the laws of Delaware, consistent with the professional registration or licensing laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the architect or engineer and shall be signed, sealed and dated by the architect or engineer in accordance with professional registration or licensing laws of the State of Delaware.

The Delaware Professional Engineers Act (24 Del. C. Chapter 28) was enacted to safeguard life, health, and property and to promote the public welfare (24 Del. C. §2802), through the regulation of the practice of engineering, including through the imposition of penalties for the unlicensed practice of engineering in Delaware (24 Del. C. §2825). The DAPE Council view the cited provisions of Section 52-18 C of the Sussex County Code as authorizing the unlicensed practice of engineering in Delaware in violation of Delaware state law. Accordingly, the DAPE Council requests that the Sussex County Council take the steps necessary to revise Section 52-18 C to comply with Delaware state law.

In the event that the DAPE Council is not able to come to an acceptable resolution with Sussex County on the issues with Section 52-18 C within 30 days of the date of this letter, the next recourse would be to seek a declaration from the Delaware Courts that the cited provisions of Section 52-18 C are void and unenforceable under state law.

Please accept my thanks in advance for your consideration.

Sincerely,

Gregory G. Pawlowski

Gregory G. Pawlowski, P.E.
President

Enclosure
C: The Board of Architects
File

JOSEPH R. BIDEN, III
ATTORNEY GENERAL

DEPARTMENT OF JUSTICE
NEW CASTLE COUNTY
820 NORTH FRENCH STREET
WILMINGTON, DELAWARE 19801

CIVIL DIVISION (302) 577-8400
FAX (302) 577-6630
CRIMINAL DIVISION (302) 577-8500
FAX (302) 577-2496
FRAUD DIVISION (302) 577-8600
FAX (302) 577-6499
TTY (302) 577-5783

October 7, 2010

David N. Rutt, Esquire
P.O. Box 554
Georgetown, DE 19947

**Re: Sussex County Code §52-18**

Dear Mr. Rutt,

Thank you for your letter of September 1, 2010 and your invitation to submit this reply to more fully explain the concerns of the Law Enforcement and Ethics Subcommittee ("Subcommittee") of the Delaware Association of Professional Engineers.

Twenty-four Del. C. §2803(24) defines what constitutes the practice of engineering in Delaware while §2825 proscribes the unlicensed practice of engineering. As you will note, §2803(24) defines the practice of engineering not in terms of the size of a particular building or structure, but rather in terms of the actions of an individual. This makes sense.

The Sussex County Building Code would seem to suggest that the size of a building or structure, and specifically ones less than 5000 square feet in dimension, is determinative of whether or not an individual is practicing engineering, i.e., a Delaware professional engineer's stamp and signature is only required on work in Sussex County involving buildings and structures of 5000 square feet or more. The Subcommittee thinks this approach is fundamentally misguided and ignores the vital public safety role that Delaware Professional Engineers have played historically in the state. The Subcommittee questions on what basis the conclusion was reached that a 5000 square foot threshold would adequately protect the citizens of this state as opposed to some other random number. The Subcommittee respectfully maintains that 52-18 creates a real tension between the state law that mandates the possession of a Delaware Professional Engineering License to practice engineering and the Sussex County Building Code provision that implies that for structures of less than 5000 square feet such a license is unnecessary.

Conversely, there may be buildings or structures of more than 5000 square feet which does not involve "the practice of engineering." Nevertheless, the Subcommittee can envision a

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situation where an individual who is not a licensed Delaware Professional Engineer, nevertheless "practices engineering" in Sussex County on a structure of less than 5000 square feet who claims he is exempt from the state law requiring licensure by virtue of the Sussex County Building Code provision. In my view, the state licensing law preempts the Sussex County provision as it is currently written. The engineering statute itself supplies the only exemptions from the state licensing requirement that currently exist. See 24 Del. C. §2825(j). The architects' statute you have relied upon (24 Del.C. §303(e)) in your letter of 9/1 is not relevant as the architects certainly don't speak for, much less regulate, the engineering profession.

In my view, a reasonable resolution of this matter would be for Sussex County Council to revise its Building Code provision by amending it so as to read:

> "§52-18 E. Nothing in this section is to be construed as an exemption from 24 Del. C. §2825(a)(1) that mandates that anyone practicing engineering, as that term is defined at 24 Del. C. §2803(24), must be licensed in Delaware in order to develop drawings and/or specifications for buildings or structures of less than five thousand (5,000) square feet in area."

I look forward to hearing from you again on this subject at your earliest convenience. Thanks for your consideration.

Very truly yours,

Thomas Ellis
Deputy Attorney General

**MOORE & RUTT, P.A.**
ATTORNEYS AT LAW

GEORGETOWN OFFICE
P.O. BOX 554
122 WEST MARKET STREET
GEORGETOWN, DE 19947
302-856-9568
FAX 302-855-9803

MILFORD OFFICE
830 SO. DUPONT HWY.
MILFORD, DE 19963
302-424-2240
FAX 302-424-0468
(Wed. -Thurs. & By Appointment)

www.mooreandrutt.com

J. EVERETT MOORE, JR.*
DAVID N. RUTT**
PATRICK E. VANDERSLICE***
JAMES P. SHARP***
DORIAN ROWE KLEINSTUBER

*Del. and D.C.
** Del. and Penna.
*** Del. and MD.

Reply To ___ Georgetown
___ Milford

September 1, 2010

Thomas H. Ellis, Esquire
Delaware Department of Justice
Carvel State Office Building
820 North French Street
Wilmington, DE 19801

RE: Section 52-18 of the Sussex County Code

Dear Mr. Ellis:

You contacted me regarding complaints that had been lodged by certain engineers regarding the provisions under Section 52-18 of the Sussex County Code that permit a designer who is not an architect or engineer to develop drawings and specifications for buildings of less than 5,000 square feet. The argument was that someone could practice either professional engineering or architecture without receiving a license to do so from the State.

My research has indicated that there is no requirement in the Delaware Code that buildings of less than 5,000 square feet require the use of professional engineers or architects. I focused specifically in Title 24, Chapter 28 of the Delaware Code, which regulates engineers, and found nothing obligating the County to amend its Code to require that plans encompassed by the SCC bear the stamp of a professional engineer. I also reviewed Title 24, Chapter 3, which regulates architects. In particular, 24 Del.C., ' '303(b)(5) and 303(c) address the issue which you have raised. Exempted from the definition of the practice of architecture is the design of single and two-family dwellings with incidental outbuildings, farm buildings and alterations or renovations that do not affect the safety features of a structure, though these sections of 24 Del.C., Chapter 3 do not place size limitations on the size of the structure that can be built. It can be argued that the Sussex County Code is more restrictive than the Delaware Code in that respect.

24 Del.C., §303(c) does address when an owner of real property must also obtain the certificate of an engineer. However, under Section 303(c)(1)(d), the necessity of utilizing an engineer or architect is exempted under projects that fall within the parameters of Section 52-18 of the Sussex County Code.

I think there is an argument on both sides of this issue. If I understand the positions of the Law Enforcement and Ethics Committee of the Delaware Association of Engineers, they wish to have all structures in Sussex County, regardless of the nature of the building or the size of the building, certified by an engineer or architect. That is not what the Delaware Code requires. I would ask that you put into letter form the specific concerns of the Committee and I will address them with Sussex County Council.

Please feel free to contact me with any questions.

Very truly yours,

MOORE & RUTT, P.A.

*/s/ David N. Rutt*

David N. Rutt

DNR:mes
cc: David Baker, Sussex County Administrator

**Introduced on 10/9/12**

**ORDINANCE NO. ____**

**AN ORDINANCE TO AMEND CHAPTER 1 OF THE CODE OF SUSSEX COUNTY RELATING TO SUSSEX COUNTY COUNCIL MEETINGS THAT FALL ON LEGAL HOLIDAYS**

**WHEREAS, Title 9, § 334 (a) of the Delaware Code, entitled, "Organization meeting; election of president" states, "(a) The governing bodies of the respective counties shall meet for organization on the first Tuesday in January following the biennial general election, or on the date specified by ordinance in the respective county," thereby mandating the Sussex County Council to meet on the first Tuesday in January each year unless the County passes an ordinance stating otherwise; and**

**WHEREAS, Title 9, § 7002 (k) (1) of the Delaware Code which addresses Sussex County Council procedure states in part that "[t]he place and dates of such meetings shall be established by the county government as a part of the rules of procedure adopted for the conduct of its meetings,"; and**

**WHEREAS, Title 9 § 7002 (k) (2) of the Delaware Code states in part that "[t]he county government shall determine its own rules and order of business,"; and**

**WHEREAS, Sussex County Council desires to clarify when its meetings shall be held in the event its regularly scheduled Tuesday meeting falls on a legal holiday; and**

**WHEREAS, this ordinance shall amend Chapter 1 of the Sussex County Code by creating a new Article II, entitled, "Sussex County Council Procedure" and a new § 11-20, entitled, "Meetings on Legal Holidays" to clarify when a Sussex County Council meeting shall take place if the regularly scheduled meeting falls on a legal holiday;**

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**NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. Amend Sussex County Code, Chapter 1, by creating a new Article II, entitled, "Sussex County Council Procedures" and a new § 1-20, entitled, "Meetings on Legal Holidays, containing the underlined language as follows:**

**Article II. Sussex County Council Procedures**

**§ 1 – 20 Meetings on Legal Holidays.**

**In the event any Council meetings mandated by the Delaware Code, Sussex County Code or Sussex County Council's Rules of Procedure fall on a legal holiday, the meeting shall take place on the next regularly scheduled Tuesday meeting date, or on such other date to be scheduled by the Council, upon providing proper notice to the public in accordance with Title 29, Chapter 100, of the Delaware Code.**

**Section 2. Effective Date. This Ordinance shall become effective immediately upon its passage.**

**Synopsis**

**This Ordinance allows for meetings of the Sussex County Council to take place on the next regularly scheduled Tuesday meeting date in the event a meeting date falls on a legal holiday.**

**No text is deleted. Additional text is underlined.**

DRAFT

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

November 01, 2012

# FACT SHEET

SUSSEX COUNTY PROJECT 81-04
FOREST LANDING - PHASE 2C
AGREEMENT NO. 343 - 5

## DEVELOPER:

Mr. Dave Dombert
Forest Landing Communities, LLC
Natelli Communities, LLC
506 Main Street, Suite 300
Gaithersburg, MD 20878

## LOCATION:

Intersection Of County Road 368 And County Road 84.

## SANITARY SEWER DISTRICT:

Miller Creek Sanitary Sewer District

## TYPE AND SIZE DEVELOPMENT:

74 Single Family Lots And Town Houses

## SYSTEM CONNECTION CHARGES:

$379,694.00

## SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
08/04/04

Department Of Natural Resources Plan Approval
10/29/04

## SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90
Construction Admin And Construction Inspection Cost – $23,699.55
Proposed Construction Cost – $157,997.00

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

**November 27, 2012**

# 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. 343-5, THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "FOREST LANDING COMMUNITIES, LLC", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "FOREST LANDING-PHASE 2C", LOCATED IN THE MILLER CREEK SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 343-5

TODD LAWSON
COUNTY ADMINISTRATOR

**ORDINANCE NO. _____**

**AN ORDINANCE TO AMEND CHAPTER 62 OF THE CODE OF SUSSEX COUNTY RELATING TO FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND CIVIL UNIONS.**

**WHEREAS, Sussex County Code, Chapter 62, Article V, Section 62-16 currently establishes the fees to be charged by the Clerk of the Peace for performing marriage ceremonies, and**

**WHEREAS, this ordinance shall amend Section 62-16 by including the fees to be charged for civil unions and providing Delaware resident rates for all active United States military personnel.**

**NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:**

**Section 1. Amend Sussex County Code, Chapter 62, Article, V, Section 62-16, Enumeration of Fees, by adding the underlined language as follows:**

**A. The fee for a marriage or civil union license issued by the Clerk of the Peace for Sussex County to a Delaware resident or any active United States military personnel, regardless of residency, shall be $50 each.**

**B. The fee for providing a marriage or civil union license issued by the Clerk of the Peace for Sussex County to a non-Delaware resident shall be $100 each.**

**C. The fee for providing a certified copy of a marriage or civil union license issued by the Clerk of the Peace for Sussex County shall be $25 each.**

**D. The fee for conducting a Memorable Marriage or Civil Union Ceremony for a Delaware resident or any active United States military personnel, regardless of residency, in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, shall be $50.**

**E. The fee for conducting a Memorable Marriage or Civil Union Ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, for a non-Delaware resident shall be $100.**

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**F. The fee for conducting a Memorable Marriage <u>or Civil Union</u> Ceremony outside of the office of the Clerk of the Peace for Sussex County for a Delaware resident <u>or any active United States military personnel, regardless of residency,</u> shall be $75.**

**G. The fee for conducting a Memorable Marriage <u>or Civil Union</u> Ceremony outside of the office of the Clerk of the Peace for Sussex County for a non-Delaware resident shall be $150.**

**H. The fee for performing a renewal of <u>marriage or civil union</u> vows ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, for a Delaware resident <u>or any active United States military personnel, regardless of residency,</u> shall be $50.**

**I. The fee for performing a renewal of <u>marriage or civil union</u> vows ceremony in the office of the Clerk of the Peace for Sussex County, or on The Circle or any building fronting The Circle, for a non-Delaware resident shall be $100.**

**J. The fee for performing a renewal of <u>marriage or civil union</u> vows ceremony outside of the office of the Clerk of the Peace for Sussex County for a Delaware resident <u>or any active United States military personnel, regardless of residency,</u> shall be $75.**

**K. The fee for performing a renewal of <u>marriage or civil union</u> vows ceremony outside of the office of the Clerk of the Peace for Sussex County for a non-Delaware resident shall be $150.**

**Section 2. Effective Date. This Ordinance shall become effective on _____, 2012.**

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## <u>Synopsis</u>

**This Ordinance sets the fees the Clerk of the Peace charges for marriage and civil union ceremonies for Delaware residents, non-residents and active United States military personnel.**

**No text is deleted. Additional text is underlined and in italics.**

***SUSSEX COUNTY***
***CHANGE ORDER REQUEST***

**A. ADMINISTRATIVE:**

1. Project Name: **REHABILITATE TAXIWAY A (N)**

2. Sussex County Contract No. 11-10

3. Change Order No. 1

4. Date Change Order Initiated - 11/14/12

5. a. Original Contract Sum $ 458,080.00

   b. Net Change by Previous Change Orders -0-

   c. Contract Sum Prior to Change Order $ 458,080.00

   d. Requested Change - $ 86,457.60

   e. Net Change (No. of days) -0-

   f. New Contract Amount $ 371,622.40

6. Contact Person Michael A. Izzo, P.E.

   Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

__ 1. Differing Site Conditions

__ 2. Errors and Omissions in Construction Drawings and Specifications

__ 3. Changes Instituted by Regulatory Requirements

__ 4. Design Change

_X 5. Overrun/Underrun in Quantity

COPY

__ 6. Factors Affecting Time of Completion

__ 7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Balancing change order to adjust bid quantities to actual final quantities incorporated into the project.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?:**

Yes _____ No _____X_____

**E. <u>APPROVALS</u>**

1. _____
David A. Bramble, Inc. Date

2. _____
County Engineer Date

COPY

***SUSSEX COUNTY***
***CHANGE ORDER REQUEST***

**A. ADMINISTRATIVE:**

1. Project Name: **REHABILITATE TAXIWAY B**

2. Sussex County Contract No. 10-02

3. Change Order No. 1

4. Date Change Order Initiated - 11/14/12

5. a. Original Contract Sum $ 532,520.00

   b. Net Change by Previous Change Orders -0-

   c. Contract Sum Prior to Change Order $ 532,520.00

   d. Requested Change - $ 79,955.73

   e. Net Change (No. of days) -0-

   f. New Contract Amount $ 452,564.27

6. Contact Person Michael A. Izzo, P.E.

   Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

__ 1. Differing Site Conditions

__ 2. Errors and Omissions in Construction Drawings and Specifications

__ 3. Changes Instituted by Regulatory Requirements

__ 4. Design Change

X 5. Overrun/Underrun in Quantity

COPY

__ 6. Factors Affecting Time of Completion

__ 7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Balancing change order to adjust bid quantities to actual final quantities incorporated into the project.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?:**

Yes _____ No _____X_____

**E. <u>APPROVALS</u>**

1. _____
David A. Bramble, Inc. Date

2. _____
County Engineer Date

3. _____
County Council President Date

COPY

**NANTICOKE DREDGE PROJECT- CASING ALIGNMENT CONTRACT 12-26**

**BID AWARD**

This project is part of the broader Nanticoke Dredge Project (NDP) being undertaken by the US Army Corps of Engineers in conjunction with Sussex County. The NDP involves dredging of the Nanticoke River to widen the channel in Seaford. The dredged material will be piped from the river to the County-owned dredge site via an 18" diameter pipe within a 30" steel casing pipe. The return water from the dredge site to the river will be conveyed via pipe of the same size running parallel to the pipe carrying the dredge material.

The Bid Opening for this project is on November 20th, 2012, with the Bid Award scheduled for Council on November 27th, 2012.

**PUMP STATION 207 IMPROVEMENTS CONTRACT 12-23**

**DESIGN SERVICES CONTRACT AWARD**

This contract is for engineering design services in support of improvements to PS 207 in the West Rehoboth expansion of the Dewey Beach Sanitary Sewer District. PS 207 is already operating above its original design capacity with 1,200 EDUs currently being served. In addition, it is projected that this pump station will need to serve a future capacity of approximately 5,000 EDUs. Thus, the existing pump station and force main need to be enlarged in order to accommodate this increased capacity.

The scope of services for the design work to be undertaken by George, Miles, and Buhr, LLC includes, but is not limited to, the following areas:

- Site design
- Wet well and pumps
- Electrical

The fee for the design work is $118, 428.00.

# SUSSEX COUNTY FOSTER PARENT ASSOCIATION

President
Andy Ehlers

Vice President
Nichole Stewart

Secretary
Lynn Stanton

"Think of the Child First"
PO Box 806 Georgetown, DE 19947

Treasurer
Chrissy Hanna

October 25, 2012

Sussex County Council
PO. Box 429
Georgetown, DE 19947

Attn: Susan Webb

Dear Ms. Webb:

The Sussex County Foster Parent Association has begun preparation for our Annual Holiday Party for foster families in Sussex County.

The happy event will be held at the Ellendale Fire Company on December 15, 2012. The Fire Hall will be decorated in Holiday cheer, lunch will be provided, a craft for the kids, music, a Magic show, and a visit from Santa with a gift for every child.

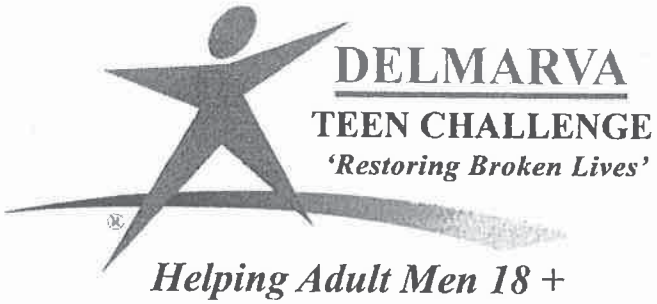
The Foster Parent Assoc. strives to make children in foster care feel special and loved, especially during the Holiday Season, and with your help we can achieve this goal.

Thank you, in advance, for your generous contribution to the Foster Parent Association and helping us realize our vision to "think of the child first."

Sincerely,

Lynn Stanton
Foster Parent Assoc. Secretary

501C 20-5761254




November 13th, 2012

Sussex County Council
PO Box 589
Georgetown, DE 19947

RE: Program Information

Dear Council Members:

In 1958, the first Teen Challenge (TC) Center was established in New York City to work with inner-city youth wanting a life that did not involve gangs and drugs. TC endeavors to help the whole person become mentally sound, emotionally balanced, socially adjusted, physically well and spiritually alive. Today there are more than 300 TC centers throughout the United States helping men, women, boys and girls trapped by addictions and over 1,100 TC Centers now operating on over six continents. Over the last two years alone, over 20,000 students were inducted into TC USA programs and over 5,029 students completed a one-year residential recovery program.

Delmarva Teen Challenge (DTC) is an affiliate of Teen Challenge International, USA, but autonomous from the national headquarters. DTC is a non-profit 501(c)(3) organization with its own Board of Directors. In 2008, DTC took over the site of the former Mission of Hope in Seaford, Delaware. DTC is an induction center which provides a residential program for the first 4 months of a 1-year program; the second phase, an 8-month program, is held at another U.S. location. DTC is currently the only long-term drug/alcohol/addiction residential program in Delaware. Since commencing the Teen Challenge programs in Seaford, DE in 2008, DTC has served over 600 men; approximately 40% have been students and the others have taken advantage of the weekly food assistance program. It is too early to measure our success, however we do know that in a little more than four years, we have graduated 126-men. More graduations are anticipated this calendar year. In addition, DTC employs seven graduates of the program who work/oversee the dormitory. Over 600-men have walked through the DTC doors and have experienced a positive impact in order to re-enter society.

**Mission Statement:** Our purpose is to restore broken lives of men who have been affected by issues like anger, rebellion, depression, drug/alcohol abuse and other life controlling problems. Delmarva Teen Challenge reaches out to men 18 years of age and up from all walks of life. DTC will provide an effective solution to life-controlling drug and alcohol problems in order for men to become productive members of society. DTC endeavors to help men become mentally sound, emotionally balanced, socially adjusted, physically well and spiritually alive.

**Success Rates:** There have been a number of studies conducted and that show that Teen Challenge has a great abstinence success rate, as high as 86% in some studies when including only graduates of the program. A

recent independent 2007 study[1] also indicates that the Minnesota Teen Challenge has a superior accomplishment rate with their program. This follow-up survey and study found that the average graduate had graduated an average of 2.7 years prior to the survey (graduation years ranged from 1 and 5 years; 2001-2005). The complete one–page summary and findings are attached. Following is a list of a few findings:

- Graduates were asked about their drug/alcohol use in the 6 months prior to the follow-up and 73% of adult graduates reported no substance usage in the last 6 months.
- Over 80% rated the overall quality of Teen Challenge as "outstanding" or "very good."
- 87% said "completely true" when asked if they think their circumstances today would be a lot worse if they had not gone through the Teen Challenge program.

**Community Served:** Currently we serve men 18 years of age and older who have addiction or life-controlling problems; service to women is planned for the future. The service area for DTC is the Delmarva Peninsula which extends between the Chesapeake and Delaware Bays. The peninsula is about 180 miles long and up to 70 miles wide. It encompasses parts of the states of Delaware, Maryland and Virginia. The population of the Delmarva Peninsula was about 681,030 in the 2000 census.

**Services Provided/Programs Offered:** The DTC has had full community support for DTC's miraculous neighborhood improvement programs including tearing down drug users/dealers hangouts and disbanding users and dealers from gathering in the neighborhood.

Delmarva Teen Challenge offers a 4-12 month residential program; the students upon assessment will then be transferred to another U.S. TC Training Center as they complete the full 1 year program. In addition to the DTC services provided in this building, non-profit community groups will also have use of this building.

Sincerely,

Robert M. Carey
Executive Director
Delmarva Teen Challenge
302.629.2559 office
302.604.4668 mobile
www.delmarvateenchallenge.org

# Town Of Blades Kid's Christmas Fund

Dear Sponsor,

The holidays rapidly approach, and we are preparing for the annual "Blades Kids Christmas Bazaar". The event targets kids from the Blades, Bridgeville, Seaford, and Laurel area. They receive gifts, make crafts, play games, have lunch, and get a photo and visit with Santa.
Funding is key for continued success and past support has come from the Town and generous sponsors like yourself. I was hoping you may be able to help out again.
This years party is on Sunday, December 2nd, from 1:00 to 3:00 P.M. and will host approximately 100 kids.
All sponsors are recognized the day of the event and in the town news-letter. Donations of course are tax deductible. No matter the amount, it all adds up to one special afternoon for some kids and their parents who could use a little holiday cheer.

Our Sincere Thanks
Michael Smith
Blades Mayor

If you can help, please send donations to...
Town Of Blades Kid's Christmas
20 West 4th Street
Blades, Delaware 19973

For more information call Bazaar Coordinator Joe McCabe at 841-5232 or Town Administrator Vikki Prettyman at Blades Town Hall (629-7366).

**Ocean View Historical Society**

**P.O. Box 576**
**Ocean View, DE 19970**
**www.ovhistoricalsociety.org**

***Board of Trustees***

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*The Ocean View Historical Society is a 501(c)(3) non-profit organization*

November 5, 2012

Councilmember George Cole
900 N. Pennsylvania Avenue
Bethany Beach, DE 19930

Dear Councilmember Cole:

The Ocean View Historical Society (OVHS), in conjunction with other local townships, is conducting a capital campaign designed to preserve the rich history of the coastal towns of lower Sussex County. This project will have two aspects: first, the restoration of an historical home to its original condition, circa the period between the 1860's and 1880's, along with the restoration of a period Post Office building and chicken coop; and second, the construction of a new Coastal Towns Museum, to be built on the property adjacent to the historical home. The museum will be a place for visitors and residents to view artifacts and displays that reflect the history of Ocean View and the surrounding towns of Millville, Clarksville, Bethany Beach, and Selbyville, among others. The renovated home will be open to the public as well, and will reflect homes as they existed during the late 19th Century.

The OVHS building project will benefit the community in two ways: first, as an educational opportunity for local schoolchildren to visit and learn about what it was like to live in this community in the 1800's; and second, as a community development program, promoting the history of our coastal towns for residents and visitors alike.

To date, the OVHS has raised more than $140,000 to renovate the outside of the Tunnel-West House, located on the John West Park property in Ocean View. The first Ocean View Post Office, which was donated to the OVHS, has also been moved onto the property adjacent to the Tunnel-West house, along with a period chicken coop that reflects the area's acknowledged history as the birthplace of the boiler chicken industry. Just recently, The Tunnell-West House was approved by the United States Department of the Interior to be placed on the Registry of Historic Places in the United States, and a plaque will soon be placed on the exterior of the house reflecting this designation.

It is the goal of the OVHS to complete this first phase of the project by next spring, so that we can open up the Tunnel-West House and the post office to local school systems for youth to visit for field trips. The OVHS needs just $40,000 to complete the renovation on the inside of the house so that it is ready for the spring of 2013.

The first phase of the project has brought together representatives from the surrounding towns of Bethany Beach, Fenwick, South Bethany, Millville and Selbyville, who have now begun to hold meetings to gather artifacts that reflect the history of each of their respective towns. This has been a good precursor of what is in store for the area as the OVHS moves forward with Phase 2 of the project, building a new Coastal Towns Museum.

In the past, the Sussex County Council has generously supported the OVHS in our efforts to preserve the history of the Coastal Towns of lower Delaware. As we approach the final stages of the first phase of this capital campaign, the OVHS would like to once again request a grant in the amount of **$5,000** from the Council to help us complete renovations on the inside of the Tunnel-West House. Grant funds would specifically be used to complete work on the living room and foyer of the house, allowing the OVHS to stay on target for a spring 2013 opening to the public.

If you have any questions in reference to this request, I can be reached at (302) 541-0911, or by email at deedm2002@yahoo.com. Thank you again.

Sincerely,

*Diane Dee*

Diane Dee
President

October, 2012

Hello,

I am a Life Scout with Troop 281 and I am working on an Eagle Scout Project. I am going to purchase life saving boxes that will hold rescue rope and life rings, build stands, and install them at strategic locations along the Indian River Inlet.

Many fishermen and bystanders have slipped off of the rocks and concrete walls and have drowned in the inlet. The Indian River Inlet is the second most dangerous inlet on the Eastern Shore and several people fall in the water there every year. There are currently no life rings in the area accessible to the public.

The cost of my project is estimated to be $4000. If you would like to fund, partially fund or donate anything to my project it would be greatly appreciated. I will inform you when my project is complete and I will be mentioning my supporters in any interviews or writings about my project.

Please make your donations in the form of a check to Troop 281 with 'Martin Eagle Project' in the memo. If by chance there are any leftover funds not used for the initial project, this money will be put in a fund managed by DNREC for upkeep to the boxes and resupplying the boxes with rope and rings.

Checks can be mailed to:
Scout Troop 281
c/o Tom Roth
P.O. Box 293
Ocean View, DE 19970

If you have any questions about the project or wish to contact me directly for any reason feel free to contact me by email or phone listed below.

Thank you,

Jacob Martin

Jacob Martin
Eagle Scout Candidate, Troop 281
302-228-3302
martin37726@hotmail.com

# Sussex Central Pop Warner

**26286 Oak Forest Lane**
**Millsboro DE 19966**

Dear Council Members:

I am writing to you representing Sussex Central Pop Warner.We are a local football and cheer organization and have been serving the youth of the Millsboro,Georgetown,and Long Neck communities for the last 40 years.We are a member of Henlopen Pop Warner,a league which serves the youth of Kent and Sussex counties as well as the Berlin and Salisbury areas.

We have 8 teams in our organization and serve over 200 children each year.This year we have a cheerleading squad with a possible opportunity to advance and compete in the Pop Warner National Cheer and Dance Championships at ESPN Wide World of Sports Complex in Disney World.This team of 31 girls,ages 11-15,has logged over 100 hours of practice,game and competiton cheering so far this season to reach this point.They won our Henlopen competiton on October 14th with the highest score of 53 total teams.They went to the Eastern Region Qualifiers on the 27th and placed 1st in the division and 6th overall out of 96 teams.If they finish 1st or 2nd in their division at the Regional Championship on November 18th they will qualify for the National Championship which runs from December 1-7.They would be the first team ver from our organization to accomplish this and just the 2nd from Henlopen.

However this once in a lifetime opportunity comes at a significant price which is why we need help.There is a mandatory 3 day stay required at the resort to compete with a 4 person per room maximum. The price per person is $418.00 just for the room and passes.Our 31 girls require 11 chaperones so the total for rooms is $17,556.00 and is due 5 days after we compete.When you add in plane tickets and meals we are staring at a $30,000.00 total bill for the trip.

As stated we are a non-profit with many children to serve.Our funds do not allow us to pay for a trip this size or this expensive without the help of our communities.We would tremendously appreciate any funds you can assist with or any help you can give by spreading the word about this super talented,hard working group of girls.They deserve this opportunity and may never get it again and we are trying to find a way to provide it for them.Thank you for your time and consideration.

Troy Truitt
Sussex Central Pop Warner President
302-381-0534
Troy8jr@yahoo.com

Vance Phillips
Sussex County Council
2 The Circle
P.O. Box 589
Georgetown, De 19947

Dear Mr. Phillips and Council Members,

The Laurel Lions Club has been working hard providing funds and service to those in our community who need assistance. Our projects are quite broad. But the foundation of the Lions is to provide for sight, vision, and hearing research and assistance. To get the necessary attention from the community that support us, we try to maintain as much visibility as possible. One of the ways that we can maintain the visibility is to provide for the upkeep of our recreational facility in Laurel.

In past years, the County Council has generously provided us with funds to help in the maintenance of the facility. We hope that you will consider continuing your support this year. We look forward to hearing from you.

Sincerely,

Barry Munoz

Lion Barry Munoz
2nd Vice President
Laurel Lions Club

Barry Munoz
33512 Horsey Church Road
Laurel, DE 19956

**POLLY RANCH EXTENDED**
**MCCABE COURT CIVIC ASSOCIATION**
***"EMBRACING THE LIVES OF OTHERS***

October 24, 2012

Councilman Vance Phillips
2 The Circle
P.O. Box 589
Georgetown, DE 19947

**RE: Polly Branch Civic Association (51-0557018)**

Dear Councilman Phillips:

The community association was organized in 2005. The board members and community residents are working for promoting the welfare of the community and public through concerted efforts. The goals are to provide a better quality of life in the neighborhood by using sustainable youth and community economic development initiatives in the area. The community is hoping to make a difference by bringing the community together in having a "Music Festival". This project will be for the community "Make a Difference Day". The community would like this to take place in November 2012 with your support.

The community is rallying together to bridge the gap in building a better community for the future youth. The Civic Association is working hard to build a positive neighborhood. We would like you to join us in making this day possible. The community is requesting $675.00 in making this event happen. These resources will be used for the following:

**1 multi 7 component Bouncer $250.00**
**The lollipop lady $100.00**
**Food for barbecue $200.00**
**Face painting/balloons/games $ 50.00**
**1 DJ $75.00**

The Polly Branch Extended McCabe Court Civic Association is structuring this event. Thank you in advance for your support in this matter.

Respectfully,
Mary A. Johnson
Mary A. Johnson
President

Sussex County Chapter
Delaware State University Alumni Association
Robert G. Draine, Sr., President
28044 Chief Rd.
Millsboro, De. 19966
Phone: (302) 947-4580
E-Mail: draine11@verizon.net

October 16, 2012

George B. Cole
29271 Woods Edge Drive
Ocean View, DE. 19970

Dear Councilman Cole:

The Sussex County Chapter of the Delaware State University Alumni Association is planning our souvenir booklet to commemorate our Third Annual Holiday Dinner Dance on Saturday, December 15, 2012 at Jimmy's Grill & Conference Center Rt. 13, Bridgeville, Delaware at 5:00 p.m.

Last year your generous support provided four seniors from Sussex County with a scholarship of $1000.00 each to attend Delaware State University. Once again, we would like your enterprise to share in our annual fundraiser by purchasing an ad in our souvenir booklet. I am attaching the necessary materials for the purchase of an ad.

All proceeds from the Holiday Dinner dance and Souvenir Booklet will be given to the Delaware State University Foundation for scholarships for students from Sussex County.

I had the privilege of serving as your representative on The Sussex County Senior Citizens and Disability Board.

Sincerely,

Robert G. Draine, Sr.
President, Sussex County Chapter DSUAA

SUSSEX COUNTY CHAPTER
OF
DELAWARE STATE UNIVERSITY ALUMNI ASSOCIATION
SCHOLARSHIP FUND

**Souvenir Booklet**

**Dear Alumni and Friends:**

**Greetings, on behalf of the Sussex County Chapter of Delaware State University Alumni Association.**

**On Saturday, December 15th at 5:00 p.m. the Sussex County Chapter will host our Third Annual Holiday Dinner Dance at Jimmy's Grill & Conference Center located on Rt. 13, Bridgeville, DE . The tickets are $40.00 per person. The events purpose is to support our Sussex County Scholarship Fund at the university.**

**Come ring in the holidays, greet old friends, enjoy some good music, food and dance the night away. This will truly be a festive affair !!!**

**We are very excited about our Annual Dinner Dance and a souvenir booklet is being prepared. The booklet will be a keepsake for everyone, especially our guest.**

**The ad costs are as follows:**

**Front Inside Cover/ Back Inside Cover $200.00**

**Full page $100.00**

**1/2 page $50.00**

**1/4th page $25.00**

**1/8th page $15.00**

**There is also a patron's list at a cost of $10.00. We would love to have you and your company to help us celebrate by placing an ad in our booklet.**

**Net proceeds will benefit scholarships for Sussex County students who will attend Delaware State University. Please send all ads and monies to: Delbert & Phyllis Dixon 23047 DuPont Highway, Greenwood, Delaware 19950. All ads are due by Friday, November 16, 2012 and Must Be Camera ready.**

**If additional information is required, please contact Delbert or Phyllis Dixon at 349-4847. Please find enclosed the Ad Form to be used for the booklet.**

PUBLIC HEARINGS
November 27, 2012

This is to certify that on October 25, 2012 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that these applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

CU #1947 – application of **CHEER DELAWARE** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a public service building/use, to be located on a certain parcel of land lying and being in Broadkill Hundred, Sussex County, containing 4.35 acres, more or less, lying north of Broadkill Road (Route 16) 800 feet east of County Road (Road 22A) (Tax Map I.D. 2-35-14.00-122.02 and 122.04).

The Commission found that on October 15, 2012 the Applicants provided a Presentation Booklet for consideration that contains a presentation outline, with references to land use and zoning, land utilization, environmental, traffic, and civil engineering; a portion of the State Strategies map showing the site; a portion of the Future Land Use Map from the Comprehensive Plan showing the site; an aerial map labeled with other business and commercial uses in the area; a site plan; a portion of the Town of Milton Existing Zoning Map showing the site; a portion of a Flood Insurance Rate Map showing the site; and a DelDOT Support Facilities Report referencing that a traffic impact study is not recommended and that the current Level of Service "C" will not change as a result of this application.

The Commission found that on October 11, 2012 the Sussex Conservation District provided comments referencing that there are 2 soil types on this property; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas and no tax ditches are affected; that it may not be necessary for any off-site drainage improvements; and that it may be possible that on-site drainage improvements will be required.

The Commission found that on October 19, 2012 the Sussex County Engineering Department Utility Planning Division provided comments referencing that the site is located in the North Coastal Planning Area; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that Ken Bock, Deputy Director of Cheer, was present on behalf of Cheer Delaware with Ring Lardner, Professional Engineer with Davis, Bowen and Friedel, Inc., and that they stated in their presentations and in response to questions raised by the Commission that they are submitting suggested proposed Findings of Fact and suggested proposed Conditions of Approval; that they are proposing a public use facility containing 6,000 square feet; that the two existing parcels will be combined into one parcel; that the site is located in a Level 3 according to the State Strategies; that the site is located in a Low-Density Area according to the County Comprehensive Land Use Plan; that maps in the Presentation Booklet depict other business and commercial uses in the area along Route 16; that Cheer Delaware has not yet purchased the site; that they are proposing to relocate the existing Cheer operation to this site from the current leased site at the intersection of Reynolds Pond Road and Broadkill Road; that the proposed 195 parking spaces may be reduced in number, if not needed; that the site is not located in a Flood Plain; that there are no wetlands identified on the site; that they have reviewed the site plan with DelDOT; that on-site well and on-site septic system are proposed; that a septic site evaluation has been completed and approved; that they are planning to use green technologies in designing the stormwater management facilities in cooperation with the Sussex Conservation District; that a lighted signage will not exceed 32 square feet per side; that they propose to serve the needs of the senior adults in the area; that the facility will have normal operating hours Monday through Friday from 8:00 a.m. to 4:00 p.m.; that they anticipate 3 to 4 full time employees; that there will be some evening activities, i.e. meals, bingo, conferences, occurring 1 or 2 times a month on weeknights; that they would like to provide space for weddings, banquets and conferences on weekends no more than once per month; that daily activities would include nutrient programs, games, crafts and similar activities for the senior population in the Milton area; that transportation will be made available when needed; that the facility will include a fitness center; that the current site is leased and does not have enough area for expansion; that a full commercial type kitchen will be provided to serve foods on site and to prepare foods for delivery to home bound seniors in the area; that the existing piped storm drain system was place near the rear of the site to correct a flooding issue several years ago in the area; that DelDOT did not require any turn lanes or by-pass lanes in the entrance design; that handicap spaces have been provided on the site plan; and that a dumpster location will be provided on the preliminary and final site plans if the use is approved.

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. Burton stated that he would move that the Commission recommend approval of C/U #1947 for Cheer Delaware for a public service building based upon the record made during the public hearing and for the following reasons:

1) The site will be used as a Cheer center, which is a non-profit organization providing services to mature Sussex County residents.
2) The site is appropriate for this type of use, since it is located along Route 16, and is just outside the boundary of the Town of Milton.
3) The use is consistent with nearby uses, which include various types of small scale commercial businesses. It will not have any adverse effects upon neighboring properties or area roadways.
4) The use is a public service that promotes the health, safety, and welfare of Sussex County residents.
5) No parties appeared in opposition to the project.
6) DelDOT has no objection to the project.
7) This recommendation is subject to the following conditions:
    A. The regular hours of operation shall be Monday through Friday from 8:00 a.m. through 4:00 p.m., with extended hours for special activities.
    B. Meals-On-Wheels, a meal delivery service, is a part of Cheer's regular operations and services. This type of service shall be permitted on the site.
    C. Special events (such as weddings and receptions, banquets, conferences, etc.) are part of Cheer's regular operations, and shall be permitted on the site and outside of regular operating hours.
    D. Any lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
    E. One lighted sign, not to exceed 32 square feet in size per side, shall be permitted.
    F. There may be full kitchen facilities on the site.
    G. The location of a dumpster shall be shown on the Final Site Plan. It shall be screened from view of neighboring properties and roadways.
    H. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

CZ #1722 – application of **ROBERT AND PATRICIA ROBINSON** to amend the Comprehensive Zoning Map from a LI-2 Light Industrial District to an AR-1 Agricultural Residential District to be located on a certain parcel of land lying and being in Broad Creek Hundred, Sussex County, containing 1.91 acres, more or less, lying west of Route 13A (Seaford Road), 1,300 feet north of Road 488 (Johnson Road) (Tax Map I.D. 1-32-6.00-186.01).

Mr. Lank advised the Commission that a Support Facilities Report was not requested from DelDOT since the application is a down zoning from Light Industrial to Agricultural Residential.

Mr. Lank added that this site was originally zoned AR-1 Agricultural Residential; and that the Applicants applied for rezoning to LI-2 Light Industrial (C/Z #854) and were approved so that the Applicants could erect a small store and warehousing for the sale and storage of dry and canned dog foods.

The Commission found that on October 11, 2012 the Sussex Conservation District provided comments referencing that there are 4 soil types on this property; that the Applicant will be required to follow recommended erosion and sediment control practices during construction and to maintain vegetation; that no storm flood hazard areas and no tax ditches are affected; and that it may not be necessary for any on-site or off-site drainage improvements.

The Commission found that on October 19, 2012 the Sussex County Engineering Department Utility Planning Division provided comments referencing that the site is located in the Blades Planning Area #2; that use of an on-site septic system is proposed; that the project is not capable of being annexed into a County operated Sanitary Sewer District; that the proposed project is located in the Blades Planning Area, but is not in an area where the County has a schedule to provide sewer service; and that a concept plan is not required.

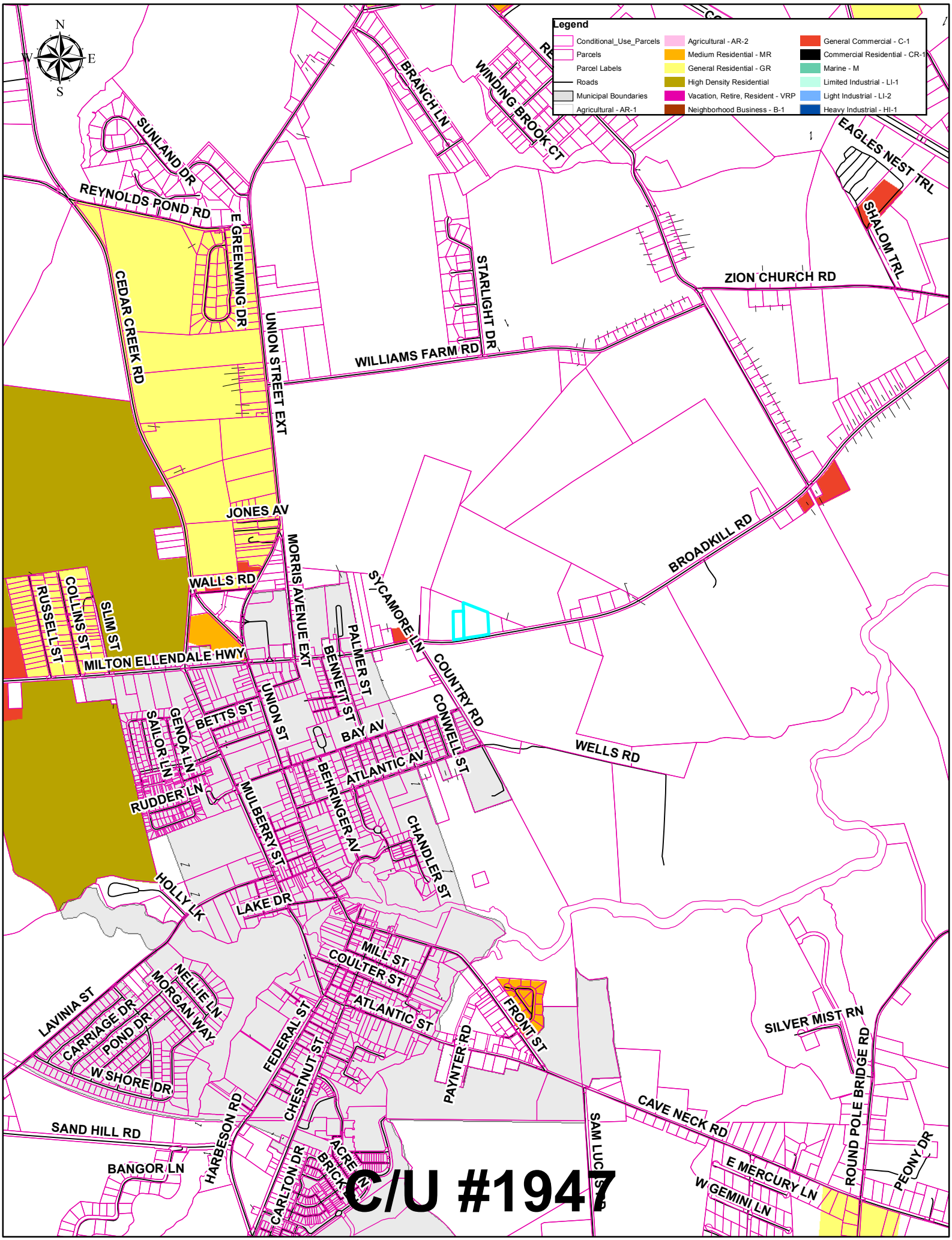
The Commission found that Robert Robinson was present and stated in his presentation that he no longer is operating a business on the site; that he has applied so that his taxes can be reduced; that there will be no adverse effects on traffic; and that there will be no adverse effect on property values.

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

Mr. Johnson stated that he would move that the Commission recommend approval of C/Z #1722 for Robert and Patricia Robinson for a change in zone from LI-2 Light Industrial to AR-1 Agricultural Residential based on the record made at the public hearing and for the following reasons:

1) The application is for a downzoning that returns the property to its original AR-1 zoning.
2) The return to AR-1 zoning is consistent with surrounding uses and zonings.
3) The Applicant no longer intends to use the property for industrial purposes, so it is appropriate to eliminate the potential industrial uses that could occur there.
4) AR-1 zoning is appropriate, since the Applicant resides there, and the only use that occurs there is low-density residential use.
5) The downzoning will have no negative impact on neighboring properties or roadways.

Motion by Mr. Johnson, seconded by Mr. Burton, 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 5 – 0.


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
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CEDAR CREEK RD
BRANCH LN
WINDING BROOK CT
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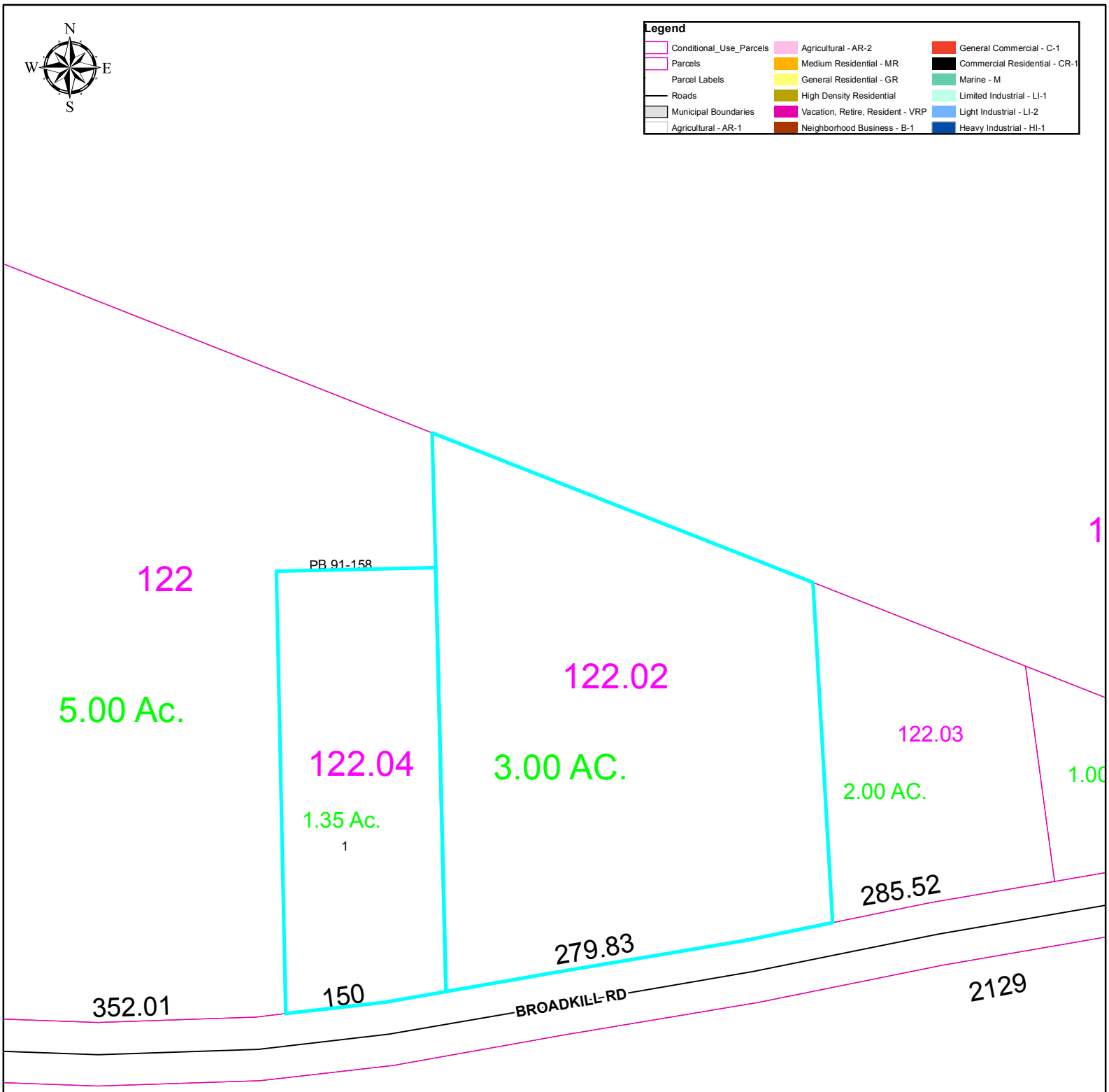
SHALOM TRL
STARLIGHT DR
ZION CHURCH RD
WILLIAMS FARM RD
UNION STREET EXT
JONES AV
MORRIS AVENUE EXT
WALLS RD
BROADKILL RD
SYCAMORE LN
COUNTRY RD
RUSSELL ST
COLLINS ST
SLIM ST
MILTON ELLENDALE HWY
PALMER ST
BENNETT ST
UNION ST
BETTS ST
GENOA LN
SAILOR LN
RUDDER LN
BAY AV
CONWELL ST
WELLS RD
ATLANTIC AV
BEHRINGER AV
MULBERRY ST
CHANDLER ST
HOLLY LK
LAKE DR
MILL ST
COULTER ST
ATLANTIC ST
FRONT ST
LAVINIA ST
CARRIAGE DR
POND DR
MORGAN WAY
NELLIE LN
W SHORE DR
FEDERAL ST
CHESTNUT ST
PAYNTER RD
SILVER MIST RN
ROUND POLE BRIDGE RD
CAVE NECK RD
SAND HILL RD
HARBESON RD
BANGOR LN
CARLTON DR
ACRE
BRICK
SAM LUCAS
E MERCURY LN
W GEMINI LN
PEONY DR

C/U #1947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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
122
5.00 Ac.
PB 91-158
122.04
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1
122.02
3.00 AC.
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1
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285.52
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150
BROADKILL RD
2129

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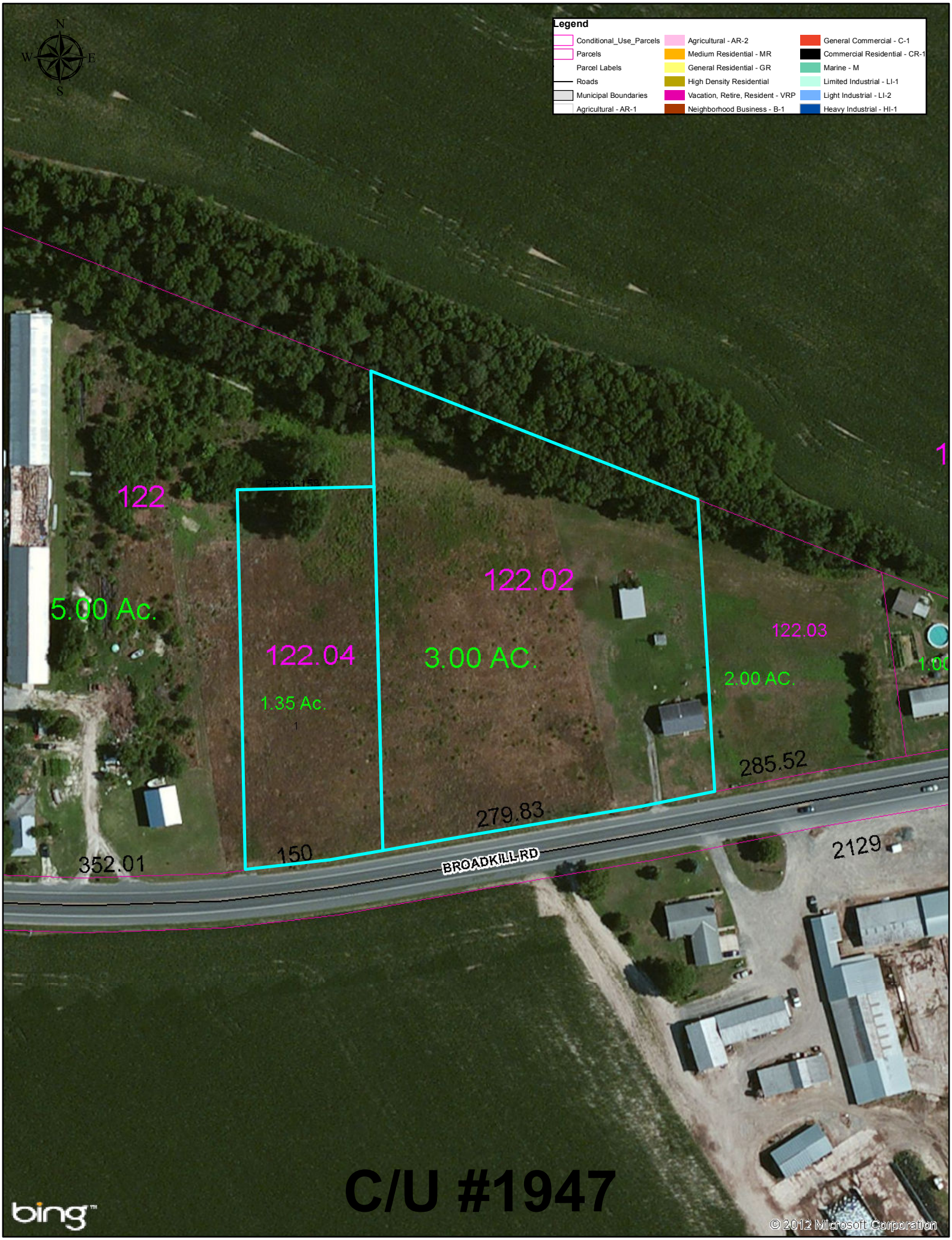
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Conditional_Use_Parcels
Parcels
Parcel Labels
Roads
Municipal Boundaries
Agricultural - AR-1
Agricultural - AR-2
Medium Residential - MR
General Residential - GR
High Density Residential
Vacation, Retire, Resident - VRP
Neighborhood Business - B-1
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
122
5.00 Ac.
122.04
1.35 Ac.
122.02
3.00 AC.
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285.52
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352.01
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BROADKILL RD
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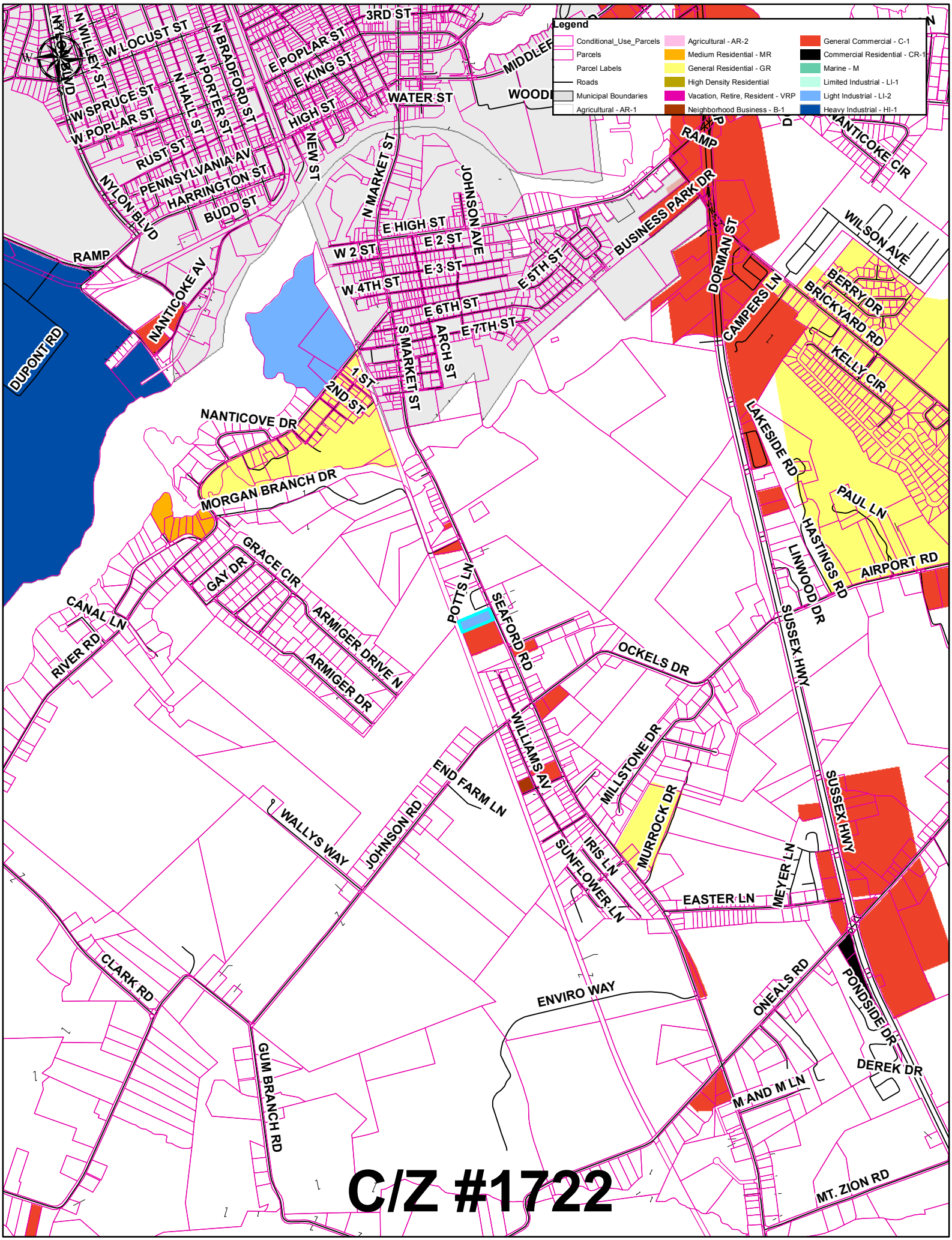
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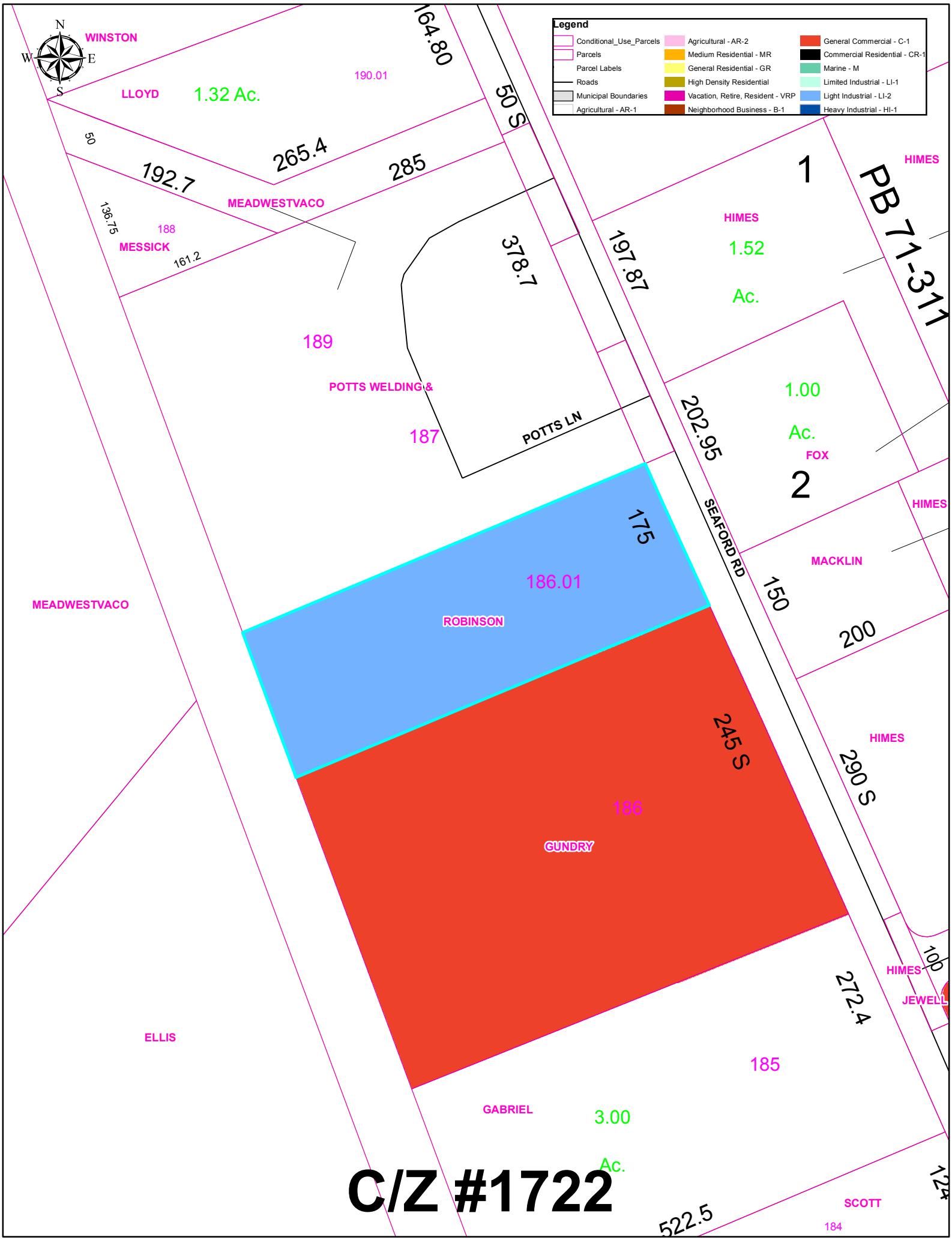
Limited Industrial - LI-1
Light Industrial - LI-2
Heavy Industrial - HI-1
3RD ST
W LOCUST ST
N WILLEY ST
N BRADFORD ST
E POPLAR ST
E KING ST
MIDDLEF
WOODL
WATER ST
W SPRUCE ST
W POPLAR ST
N HALL ST
N PORTER ST
HIGH ST
NEW ST
RUST ST
PENNSYLVANIA AV
HARRINGTON ST
BUDD ST
NYLON BLVD
N MARKET ST
JOHNSON AVE
E HIGH ST
W 2 ST
E 2 ST
E 3 ST
W 4TH ST
E 5TH ST
E 6TH ST
E 7TH ST
ARCH ST
S MARKET ST
1 ST
2ND ST
RAMP
NANTICOKE AV
DUPONT RD
NANTICOVE DR
MORGAN BRANCH DR
GRACE CIR
GAY DR
CANAL LN
RIVER RD
ARMIGER DRIVE N
ARMIGER DR
POTTS LN
SEAFORD RD
WILLIAMS AV
END FARM LN
WALLYS WAY
JOHNSON RD
CLARK RD
GUM BRANCH RD
OCKELS DR
MILLSTONE DR
MURROCK DR
IRIS LN
SUNFLOWER LN
EASTER LN
MEYER LN
ENVIRO WAY
ONEALS RD
M AND M LN
PONDSIDE DR
DEREK DR
MT. ZION RD
SUSSEX HWY
SUSSEX HWY
LINWOOD DR
HASTINGS RD
AIRPORT RD
PAUL LN
LAKESIDE RD
DORMAN ST
CAMPERS LN
BUSINESS PARK DR
RAMP
NANTICOKE CIR
WILSON AVE
BERRY DR
BRICKYARD RD
KELLY CIR
C/Z #1722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N
S
E
W
WINSTON
LLOYD
1.32 Ac.
190.01
164.80
50 S
50
192.7
265.4
285
MEADWESTVACO
136.75
188
MESSICK
161.2
378.7
197.87
HIMES
1
1.52
Ac.
PB 71-311
189
POTTS WELDING &
187
POTTS LN
202.95
1.00
Ac.
FOX
2
HIMES
175
186.01
ROBINSON
SEAFORD RD
MACKLIN
150
200
MEADWESTVACO
245 S
186
GUNDRY
HIMES
290 S
100
HIMES
JEWELL
272.4
ELLIS
185
GABRIEL
3.00
Ac.
SCOTT
522.5
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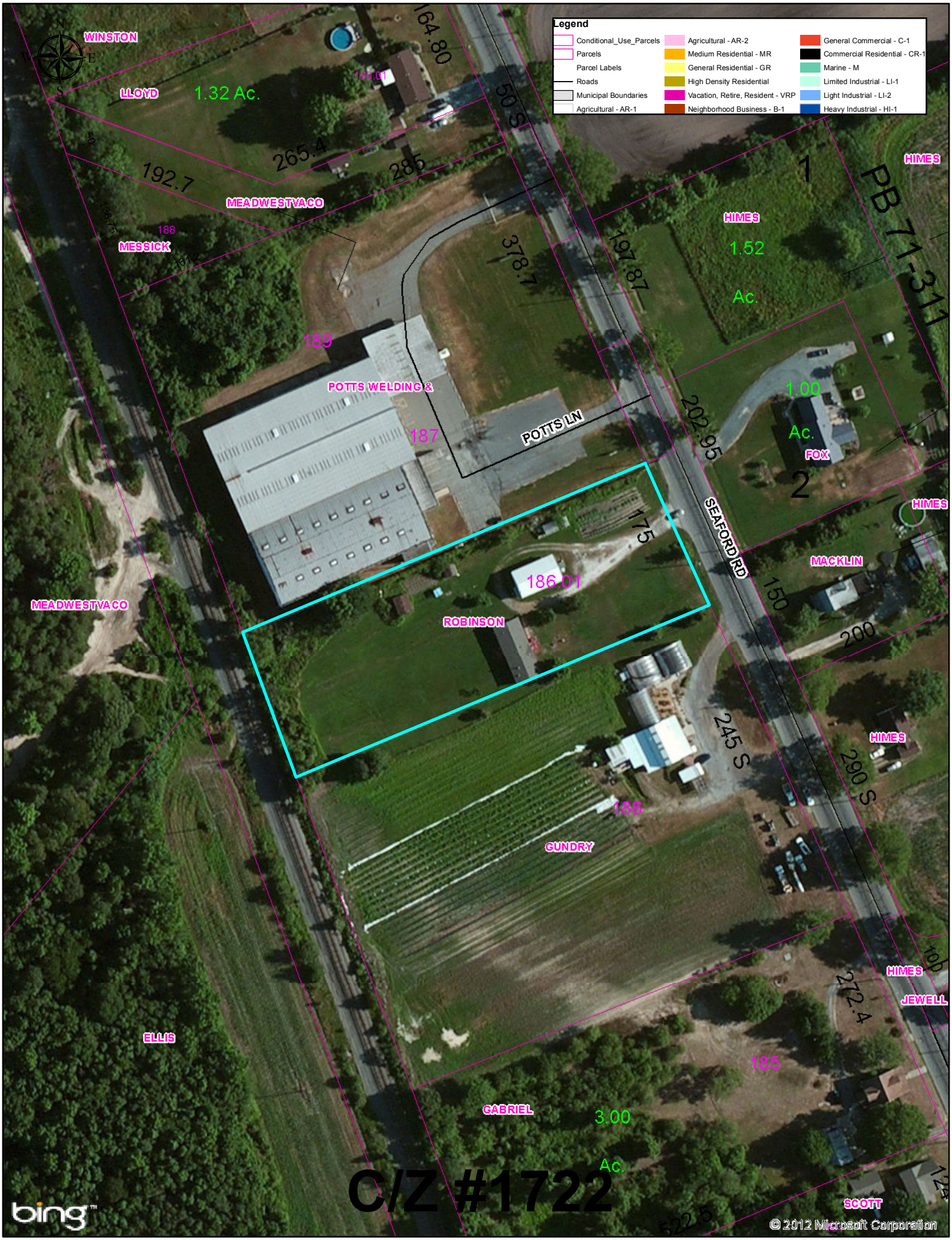
124

# C/Z #1722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