



# **Sussex County Council Public/Media Packet**

**MEETING:  
January 3, 2017**

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

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



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# Sussex County Council

## AGENDA

JANUARY 3, 2017

9:00 A.M. - Swearing-In Ceremony

10:00 A.M. – Regular Meeting

Call to Order

Approval of Agenda

Election of Council Officers

Council Member Appointments

Appointment of Legal Counsel

Adoption of Rules of Procedure

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Proclamation – Woodbridge High School Football Team
2. Recognition of Retiring Clerk of the Peace John Brady
3. Recognition of Retiring Director of Planning and Zoning Lawrence Lank
4. Wastewater Agreement No. 990-2  
Sussex County Project No. 81-04  
Ocean View Beach Club – Amenities Sewer  
Bethany Beach Sanitary Sewer District
5. Administrator's Report



**Gina Jennings, Finance Director**

1. Bank Account Resolutions

**Hans Medlarz, County Engineer**

1. Millville Sanitary Sewer District Northwest Expansion II, Irons Lane and Pump Station #311
  - A. Bid Award

**Introduction of Proposed Zoning Ordinances**

**Council Members' Comments**

**Executive Session – Personnel and Land Acquisition pursuant to 29 Del. C. §10004(b)**

**Possible Action on Executive Session Items**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on December 27, 2016 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

This Agenda was prepared by the County Administrator and is subject to change to include the addition or deletion of items, including Executive Sessions, which arise at the time of the Meeting.

Agenda items listed may be considered out of sequence.

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 6, 2016**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 6, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

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

**M 716 16  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to amend the Agenda by deleting “Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction” under “Old Business”; and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of November 29, 2016 were approved by consent.**

**Corre-  
spondence**

**The following correspondence was received:**

**DELAWARE HOUSING COALITION, DOVER, DELAWARE.  
RE: Letter in appreciation of grant.**

**READ ALOUD, GEORGETOWN, DELAWARE.  
RE: Letter in appreciation of grant.**

**PEOPLE’S PLACE, MILFORD, DELAWARE.  
RE: Letter in appreciation of grant.**

**COASTAL CONCERTS, LEWES, DELAWARE.  
RE: Letter in appreciation of grant.**

**Public  
Comments**

**Public Comments**

**Paul Reiger commented on the commercial zoning presentation at the November 29<sup>th</sup> Council meeting.**

**Dan Kramer congratulated the Delmar High School Field Hockey Team on their championship win .**

**William Kinnick complimented the County's Caroling on The Circle event.**

**Delaware  
State  
Police  
Presenta-  
tion**

**Lt. Mike Wheeler, Troop 5, Delaware State Police, gave an overview of activities in the areas covered by Troop 5. Lt. Wheeler also reported on the SPEAR (State Police Enhanced Analytical Response) Program which allows police to see real time data and implement action according to that data in different crime related areas, which will improve the way police target certain areas and anticipate core crime.**

**Procla-  
mation/  
Delmar  
Field  
Hockey  
Team**

**The Council recognized the Delmar High School Field Hockey Team, 2016 State Champions, and presented them with a Proclamation entitled "A PROCLAMATION TO HONOR THE DELMAR HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2016 DIAA CHAMPIONSHIP".**

**Adminis-  
trator's  
Report**

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

**1. Delaware State Police Activity Report**

**The Delaware State Police year-to-date activity report for October is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 192 troopers assigned to Sussex County for the month of October.**

**2. Project Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheet, Coastal Club – Land Bay 4 – Phase 1 received Substantial Completion effective November 30<sup>th</sup>.**

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

**Fair  
Housing  
Update**

**Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, presented a six-month and final update on the progress of the County's fair housing settlement requirements with HUD and the Department of Justice:**

**Fair  
Housing  
Update  
(continued)**

**U.S. Department of Justice Consent Decree**

- Section 2 relates to affordable housing by Diamond State Community Land Trust (DSCLT). The County has continued to submit letters of support and partnership and have met with the organization to discuss opportunities for additional community land trust houses in Sussex County. DSCLT has three homes under contract in Ingram Village in Ellendale, and three more homes planned for 2017.
- Section 3 relates to an Affordable and Fair Housing Marketing Plan, the County has not yet received official approval from the Department of Justice; however, the County continues to proceed as if it were approved. One of the items implemented is hosting an annual Sussex County Homebuyer Fair in September.
- Under Section 4, regarding housing discrimination complaints, Brandy Nauman, Fair Housing Compliance Officer, receives and reviews complaints of housing discrimination against the County. In the last six months, one complaint was received, reviewed and investigated, and subsequently was withdrawn by the complainants.
- A reporting requirement is the Semi-Annual Compliance Report on all fair housing activities. This report was submitted to the Department of Justice on September 28th.
- The County's Fourth Annual Fair Housing Training was held on June 9, 2016. The Community Development and Housing Department works closely with the Human Resources Department to ensure that any new employees hired in a department that is affiliated with administration, housing, land use or zoning receives fair housing training within 30 days of their effective date of hire.
- The County created an affordable and fair housing webpage in 2013. Compliance reports and notice of public hearings and meetings and other events are posted on the website. The webpage will continue to be updated regularly.
- The County is required to report any changes that relate to County zoning and land use laws and regulations that address affordable housing construction, especially those processed under the Moderately Priced Housing Unit Program (MPHU) or Rental Program. Correspondence was recently submitted regarding the recently approved Rental Program Ordinance Amendment which was adopted by Council in November.

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

- Under Section 3, the County is required to review and evaluate the three Analysis of Impediments to fair housing, which the County did and created a priority fair housing plan to address those impediments and has corresponded with HUD to revise those plans and has recently submitted a revised plan to them in May 2016. One item recently implemented was to ensure that the County's Fair Housing Policy and

**Fair  
Housing  
Update  
(continued)**

**Affordable Housing Support Policy** are advertised clearly through the County's Planning and Zoning Office; the material is now available in the subdivision application, the County's webpage, and the office's bulletin board.

- Under Section 3, regarding the Strong Communities Initiative and the RFP status, the County is required to perform an internal evaluation of the fourteen rural communities in the County. The results of this evaluation were presented to the Council in October 2016. From that data, a prioritization policy regarding infrastructure and improvements to the rural communities was developed. Both items are available on the Department's webpage.
- The County submitted to HUD its eighth and final semi-annual compliance report on all of its activities and efforts on September 28, 2016. A response was received from HUD on November 28, 2016 seeking additional clarification. A letter of response from the County was submitted on December 5, 2016 addressing the clarifications and with a request to meet with them with hopes of ensuring the formal close of the VCA by the end of 2016.

**The  
Estuary/  
Agreements**

Hans Medlarz, County Engineer, presented a request for the approval of an agreement for the Use of Existing Infrastructure with Estuary Development, LLC to allow the wastewater originating from the approved project as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County. Under the proposed arrangement, most of The Estuary development and an adjacent, existing subdivision will be connected to a local pump station tied to the existing regional forcemain. In return for utilization of said forcemain, Estuary Development, LLC will contribute \$101,532.68 for the perpetual use of these transmission facilities. A later phase of The Estuary will connect to a future County pump station under a separate cost share agreement to be established at a later date.

Mr. Medlarz reported that, in the case where a development entity installs infrastructure larger than required for their project alone, the County assumes the cost of over-sizing by means of a credit to the developer. The Estuary Development, LLC has already installed regional infrastructure originally requested by the County now requiring such an Oversizing Agreement crediting the initial over-sizing cost back to the Developer. The value based on as-bid prices presented by the developer totals \$310,490.00. This credit will be applied to the System Connection Charges and the inspect fees expended.

**M 717 16  
Approve  
Agreements/  
The  
Estuary**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, to approve The Estuary Over-Sizing Infrastructure Agreement and the Use of Existing Infrastructure Agreement, both dated November 22, 2016.

**Motion Adopted: 5 Yeas.**

**M 717 16  
(continued)**

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

**Request to  
Post  
Notices/  
Camp  
Arrowhead  
Annexation**

**John Ashman, Director of Utility Planning, presented a request to prepare and post notices for the Camp Arrowhead Annexation to the Sussex County Unified Sanitary Sewer District (Angola Neck Area) consisting of 423.5± acres. The expansion request was submitted by the Diocesan Council for Camp Arrowhead. The Camp will be responsible for the pump station on their parcel and a force main to a connection point near the Woods on Herring Creek. Mr. Ashman reported that the Engineering Department has included the adjacent State lands to form a contiguous boundary including the parcel to the west side of Camp Arrowhead Road in the middle of the State lands (after a call from the property owner about a potentially failing system that may need a connection in the near future). The parcels will be responsible for system connection charges of \$5,775.00 based on current rates. Mr. Ashman noted that there is a MOU component associated with this annexation that defines what buildings on the Camp parcel will be connected and fees to be paid. The Camp has an immediate need for sewer for new facilities to be constructed; the Camp also wants to connect their bathhouses and an existing system needs to get off-line. The proposed expansion does not bring in all of their buildings which have multiple septic systems; they plan to bring other buildings on-line in the future as funds are available. Mr. Ashman noted that the Camp parcel consists of approximately 2.2 acres of the approximately 423.5± acres (most of which is State-owned property).**

**M 718 16  
Authorize  
Posting of  
Notices/  
Camp  
Arrowhead  
Annexation**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Engineering Department is authorized to prepare and post notices for the Camp Arrowhead Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area), as presented on this date.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
CU 2059**

**Under Old Business, the Council discussed Conditional Use No. 2059 filed on behalf of Julie Norwood.**

**The Planning and Zoning Commission held a Public Hearing on this application on September 22, 2016 at which time action was deferred; on November 17, 2016 the Commission recommended approval with conditions.**

**The County Council held a Public Hearing on this application on October 25, 2016 at which time action was deferred.**



**Old  
Business/  
CU 2059  
(continued)**

**Janelle Cornwell, Planning and Zoning Director Appointee, read a summary of the Commission's recommendation of approval.**

**Ms. Cornwell reported that an email was received on December 5, 2016 from DelDOT granting approval to the entrance off of Retz Lane.**

**M 719 16  
Adopt  
Ordinance  
No. 2478  
(CU 2059)**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to Adopt Ordinance No. 2478 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BEAUTY SALON TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,205 SQUARE FEET, MORE OR LESS" (Conditional Use No. 2059) filed on behalf of Julie Norwood, with the following conditions:**

- A. In addition to these conditions, the applicant must comply with the relevant conditions imposed by Conditional Use No. 1981, identified as Ordinance No. 2344, granted to Robert and Julie Norwood to operate an office for a cleaning service.**
- B. This use as a beauty salon must occur within the structure that currently exists on the property.**
- C. Access to the property must be from Retz Lane. There shall not be any direct access to the property or this use from Route 24. The entrance installed on Route 24 must be removed and landscaped to control the use.**
- D. The Final Site Plan shall clearly show the parking areas and spaces set aside for this use as well as the parking areas and spaces set aside for the cleaning service office. Both uses shall comply with the parking requirements set forth in the Sussex County Zoning Code.**
- E. As proposed by the applicant, there shall be no more than 4 stylists working within the salon at any one time.**
- F. As stated by the applicant, the hours of operation shall be from 9:00 a.m. until 6:00 p.m., Tuesday through Friday, and 9:00 a.m. through 2:00 p.m. on Saturdays.**
- G. Only one lighted sign, not to exceed 32 square feet per side, shall be permitted on the property. This single sign must be used to advertise the beauty salon business and the cleaning service.**
- H. This conditional use is on the same property as Conditional Use No. 1981/Ordinance No. 2344 and Julie Norwood was identified as an applicant on both. Since no Final Site Plan has been submitted in the prior application at this time, the applicants shall submit a single Final Site Plan that consolidates this Conditional Use with Conditional Use No. 1981/Ordinance No. 2344. This consolidated Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

**Motion Adopted: 5 Yeas.**



**M 722 16  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**M 723 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$2,500.00 from Mr. Arlett's Councilmanic Grant Account to the Gumboro Community Association for operations / community services.**

**Motion Adopted: 5 Yeas.**

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

**M 724 16  
Council-  
manic  
Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to give \$500.00 (\$250.00 each from Mr. Wilson's and Mrs. Deaver's Councilmanic Grant Accounts) to Delmarva Clergy United in Social Action Foundation for needy children.**

**Motion Adopted: 5 Yeas.**

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

**M 725 16  
Council-  
manic  
Grant**

**A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$250.00 from Mr. Vincent's Councilmanic Grant Account to Nanticoke Health Services for Holiday Prescription Drug Funding.**

**Motion Adopted: 5 Yeas.**

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

**Introduction  
of Proposed  
Ordinances**

**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 SPECIAL NEEDS SCHOOL (SUSSEX CONSORTIUM) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 25.0 ACRES, MORE OR LESS" (Conditional Use No. 2070) filed on behalf of Cape Henlopen School District (Tax I.D. No. 235-27.00-20.00) (911 Address: 17344 Sweetbriar Road, Lewes).**

**Introduction of Proposed Ordinances (continued)**

**Mr. Vincent 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 NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 0.71 ACRES, MORE OR LESS” (Change of Zone No. 1816) filed on behalf of Bruce Fisher (Tax I.D. No. 131-19.00-10.01) (911 Address: 20446 Camp Road, Bridgeville).**

**Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 141.086 ACRES, MORE OR LESS” (Change of Zone No. 1817) filed on behalf of Liborio Ellendale, LLC (Tax I.D. No. 230-26.00-115.00, 115.04, 122.00, and 230-31.00, 33.00) (911 Address: None Available).**

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

**Council Members' Comments and County Administrator's Comments**

**Council Members' Comments**

**Joan Deaver compliment the Planning and Zoning Department operations.**

**Rob Arlett thanked staff and all involved with the Mildred King Luncheon held on December 2, 2016.**

**Mr. Lawson reported on a letter received from Karen Kelley thanking the County and especially the Engineering Department for helping with problems in the Woods at Walls Creek. Mr. Lawson noted that the development was completed with bond funds.**

**M 726 16 Go Into Executive Session**

**At 11:02 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to Collective Bargaining and Land Acquisition.**

**Motion Adopted: 5 Yeas.**

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

**Executive Session**

**At 11:05 a.m., an Executive Session of the Sussex County Council was held for the purpose of discussing matters relating to Collective Bargaining and Land Acquisition. The Executive Session concluded at 11:33 a.m.**

**M 727 16  
Reconvene  
Regular  
Session**

**At 11:36 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted: 5 Yeas.**

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

**There was no action on Executive Session matters.**

**M 728 16  
Adjourn**

**At 11:36 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

*{An audio recording of this meeting is available on the County's website.}*

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, DECEMBER 13, 2016**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, December 13, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

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

**M 729 16  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to amend the Agenda by deleting "Approval of Minutes" and to approve the Agenda, as amended.**

**Motion Adopted: 5 Yeas.**

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

**Agenda  
Order**

**Mr. Lawson announced that agenda items will be taken out of order; the discussion and possible action related to the Collective Bargaining Agreement will be discussed after the Executive Session.**

**Corre-  
spondence**

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

**JUNIOR ACHIEVEMENT OF DELAWARE, WILMINGTON,  
DELAWARE.**

**RE: Letter in appreciation of grant.**

**CLOTHING OUR KIDS, MILLSBORO, DELAWARE**

**RE: Letter in appreciation of grant.**

**THE ARC OF DELAWARE, WILMINGTON, DELAWARE.**

**RE: Letter in appreciation of grant.**

Corre-  
spondence  
(continued)

**HABITAT FOR HUMANITY, GEORGETOWN, DELAWARE.  
RE: Letter in appreciation of grant.**

**BETHEL HELPING HANDS FOOD BANK, FRANKFORD,  
DELAWARE.**

**RE: Holiday card in appreciation of food donation from Caroling on The  
Circle food drive.**

Public  
Comments

**Public Comments**

**Philip Golden of Mallard Lakes thanked the County for its assistance in  
2014 regarding hazard mitigation; as a result, the 24 units in Mallard Lakes  
are recognized as a high priority for mitigation. Repairs were made but  
issues arose and as of this time, residents have no Certificate of Occupancy.  
The residents are asking the County for help to bring this matter to a  
conclusion.**

**Pastor Arron Applin referenced the Lingo Townsend project and asked  
Council to consider the Nanticoke Indians heritage and burial grounds on  
the site.**

**Mr. Moore announced that a Public Hearing has been held on the Lingo  
Townsend matter and that the public record has been closed. Mr. Moore  
stated that additional information cannot be allowed and he cautioned  
Council that only information contained in the record can be considered  
when voting on the application.**

Procla-  
mation and  
Recognition  
of Retiring  
Council-  
woman  
Joan  
Deaver

**The Council recognized retiring County Councilwoman Joan Deaver for  
her eight years of elected service to the County.**

**A Proclamation was read into the record and presented to Councilwoman  
Deaver:**

**“A PROCLAMATION TO HONOR COUNTY COUNCILWOMAN JOAN  
R. DEEVER”**

**WHEREAS, the Sussex County Council wishes to recognize  
individuals for their outstanding accomplishments and contributions to the  
County government and the people of Sussex County; and**

**WHEREAS, Joan R. Deaver has faithfully served the citizens of  
Sussex County as the County Council’s third district representative for the  
past eight years, first winning elected office in 2008 and going on to serve  
two consecutive terms; and**

**WHEREAS, Joan Deaver’s tenure on the Sussex County Council will  
end with her retirement on January 3, 2017; and**

**Proclamation and Recognition of Retiring Council-woman Joan Deaver (continued)**

**WHEREAS, Joan Deaver has the distinction of being the first woman elected to the Sussex County Council, an accomplishment for which she was immensely proud, yet humbled by the responsibility carried with that honor; and**

**WHEREAS, Joan Deaver, as a native of Annapolis, Maryland, has long held a special place in her heart for Sussex County, first vacationing here with her family before moving to the Rehoboth Beach-area full time in the 1990s, where she quickly became engaged in the community and served as a vocal advocate for various causes and concerns; and**

**WHEREAS, Joan Deaver, both as a community advocate and as an elected public servant, has been an unwavering champion for managed, responsible growth, protecting the environment and promoting the area's rich quality of life – the essence of Sussex County – for future generations to enjoy; and**

**WHEREAS, Joan Deaver can count numerous successes during her years of service, including helping the County navigate the uncertain economic downturn early in her tenure, as well as promoting a higher level of transparency in County government; and**

**WHEREAS, Joan Deaver, while leaving County Council, will not leave the collective hearts and minds of those who have been privileged to serve with her;**

**NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council extends its most heartfelt best wishes to and commends Joan Deaver on her eight years of service to the people of Sussex County, and hereby proclaims Tuesday, December 13, 2016 as a day for all Sussex Countians to honor her achievements.**

**Election Year Scholarship Contest**

**Mr. Lawson reported on the 2016 Election Year Scholarship Contest. Students ages 18 and younger were eligible to participate in the contest for chances to win \$200 and \$100 scholarships. Participants predicted the winners of the 20 national, state and local races in the November 8th general election. To break a tie, each entrant was asked to predict the total number of votes the winner of the presidential race would receive from Sussex County.**

**One winner and five runners-up were declared, based on their predictions and the tie-breaking question, from a field of 430 participants. The following students were recognized by the County Council:**

- Brandon Bradshaw, 17, a senior at Sussex Technical High School (Winner)**
- Brooke Ward, 17 a senior at Sussex Technical High School (First runner-up)**



**Election  
Year  
Scholarship  
Contest  
(continued)**

- **Dahria Kalmbach, 16, a junior at Indian River High School (Second runner-up)**
- **Samuel Rojas, 17, a senior at Indian River High School (Third runner-up)**
- **Keith Chatterton, 18, a senior at Indian River High School (Fourth runner-up)**
- **Julia Swingle, 14, a ninth grader at Sussex Academy (Fifth runner-up)**

The winner of the contest won a \$200 scholarship and each of the five runners-up won a \$100 scholarship. Funding comes from councilmanic grants, as well as from the law firm of Moore & Rutt.

**Adminis-  
trator's  
Report**

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

**1. Caroling on The Circle**

The Sussex County Council would like to thank the community for participating in the 33<sup>rd</sup> annual Caroling on The Circle on Monday, December 5<sup>th</sup>. We had a very successful night with hundreds of carolers and thus far have collected over 14,000 canned goods and nonperishable food items for our less fortunate neighbors.

We remind everyone that the County is continuing to collect items until the end of the year, and will continue to distribute these goods to our local food pantries. We want to thank all of our volunteers, local businesses, and schools for helping to collect the food over the last month and for making this year's Caroling on The Circle a success!

**2. Project Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheet, Glenmill South (aka The Refuge at Dirickson Creek – Phase 10) received Substantial Completion effective December 5<sup>th</sup>.

**3. Christmas and New Year's Holidays**

Please note, County offices will be closed on December 23<sup>rd</sup> and 26<sup>th</sup> to celebrate the Christmas holiday, and January 2<sup>nd</sup> for the New Year's holiday. In addition, the Sussex County Council will not meet on December 20<sup>th</sup> or December 27<sup>th</sup>. The next regularly scheduled Council meeting will be held on Tuesday, January 3<sup>rd</sup>, at 10:00 a.m.

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

**Private  
Activity  
Bond  
Volume Cap**

Mrs. Jennings reported that the County has received correspondence from the State of Delaware Department of Finance requesting that the unused portion of the County's annual Private Activity Bond Volume Cap be

**Private Activity Bond Volume Cap Reassignment (continued)**

reassigned to the State. The State plans to allocate it to the State Housing Authority. Private Activity Bonds (PABs) are tax-exempt bonds issued by public entities to provide low cost financing for private projects that serve a public purpose. Federal tax law imposes a number of restrictions and requirements on the issuance of PABs. These bonds are for private entities and have no impact on Sussex County government. IRS requires state and local governments to serve as conduits for these tax-exempt bonds so they will be regulated properly. Mrs. Jennings reported that, typically, every year at this time, the County reassigns its unused portion to the State and she recommended that the Council reassign the County's 2016 unused Private Activity Bond volume cap of \$30,290,000 to the State of Delaware.

**M 730 16 Reassign Unused Private Activity Bond Volume Cap**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council reassigns the County's 2016 unused Private Activity Bond Volume Cap of \$30,290,000 to the State of Delaware.

**Motion Adopted: 5 Yeas.**

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

**Quarterly Pension Update and Funding Policy Recommendation**

Mrs. Jennings presented a quarterly pension update. The market value of the Pension Fund as of September 30, 2016 was \$76,473,231 reflecting a Third Quarter gain of \$2,529,287 and a Third Quarter return of 3.3%. The market value of the OPEB (Benefits) Fund was \$32,798,392 reflecting a Third Quarter gain of \$878,238 and a Third Quarter return of 2.7%.

Mrs. Jennings presented the Annual Actuarial Report for the Pension Fund which shows what the County should be contributing and what the unfunded liability is. Also provided was a 20 year projection for liability, assets, and actuarial funded ratio. In FY 2016, the recommended contribution was \$3,057,193; the FY 2017 recommended contribution is \$3,391,726; the FY 2017 budgeted contribution is \$3,562,000. In FY 2016, the unfunded liability was \$13,964,244; in FY 2017, the unfunded liability is \$15,687,976. Mrs. Jennings explained that the increase is due to lower returns. The actuarial funded ratio was 84% in FY 2016 and is 83% in FY 2017.

Mrs. Jennings presented the Annual Actuarial Report for the OPEB Fund. In FY 2016, the recommended contribution was \$1,857,254; the FY 2017 recommended contribution is \$1,870,754; the FY 2017 budgeted contribution is \$2,163,000. In FY 2016, the unfunded liability was \$10,924,473; in FY 2017, the unfunded liability is \$16,983,740 which reflects an increase that is due to accounting standards changing. The actuarial funded ratio was 73% in FY 2016 and is 65% in FY 2017.

Mrs. Jennings reported that it is required by the Government Accounting Standards Board (GASB) that the County adopt a formal funding policy.

**Quarterly Pension Update and Funding Policy Recommendation (continued)**

Additionally, bond rating agencies look for an adopted policy. The objective of this policy is to provide sufficient assets to permit the payment of all benefits under the Trusts, to maintain equity among generations of taxpayers, improve the Trusts' funded ratio, and minimize the volatility of the employer's annual contribution. Mrs. Jennings provided a summary of the proposed policies:

**Pension** – The County will contribute at least the actuarial determined contribution as calculated by the Actuary. The Actuary will use a closed 20-year period in calculating the contribution.

**OPEB** – The County will contribute at least 9.5% of pay and at least the actuarially determined contribution as calculated by the Actuary. The Actuary will use an Entry Age Normal Actuarial Cost Method.

Mrs. Jennings noted that the two policies were included in Council's packets.

**M 731 16 Adopt Pension and OPEB Funding Policies**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, that the Sussex County Council, based on the recommendation of the Pension Committee, Cheiron, and Peirce Park Group, adopts the Pension and OPEB Funding Policies, as presented.

**Motion Adopted:** 5 Yeas.

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

**The Estuary/ Engineering Services Base Agreement**

Hans Medlarz, County Engineer, requested approval of Contract Amendment No. 2 in the amount of \$42,587.00 to the Base Engineering Contract for Miscellaneous Engineering Services with George, Miles & Buhr, LLC. The Amendment is for the value based redesign of the main pump station (BYPS #1) which will be used for The Estuary.

**M 732 16 Approve Amendment to Engineering Services Base Agreement/ The Estuary**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Amendment No. 2 to the Base Engineering Contract for Miscellaneous Engineering Services with George, Miles & Buhr, LLC be approved in the amount not to exceed \$42,587.00 for The Estuary – BYPS #1 Value Engineered Redesign Services.

**Motion Adopted:** 5 Yeas.

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

**Taxiway B (W) and Asphalt Tie-Down Apron Project**

Joe Wright, Assistant County Engineer, presented a Balancing Change Order to the Taxiway B (W) & Asphalt Tie-Down Apron (N) Rehabilitation Project (Contract 16-21). The Change Order, which is the first and final Change Order, is in the credit amount of \$52,053.44. Mr. Wright recommended granting Substantial Completion for the project as the project was substantially complete on November 4, 2016.

**M 733 16 Approve Change Order and Substantial Completion for Taxiway B (W) and Asphalt Tie-Down Apron Project**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Contract 16-21, Taxiway B (W) & Asphalt Tie-Down Apron (N) Rehabilitation, be approved which decreases the Contract amount by \$52,053.44 for a new total of \$290,631.56; and, that Substantial Completion be granted effective November 4, 2016 and any held retainage be released in accordance with contract documents.

**Motion Adopted: 5 Yeas.**

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

**Runway 4-22 24-Inch Storm Drain Lining Project**

Joe Wright, Assistant County Engineer, presented Change Order No. 2 for the Runway 4-22 24-Inch Storm Drain Lining Project (Contract 16-16). The Change Order is in the credit amount of \$638.00. Mr. Wright recommended granting Substantial Completion for the project as the project was substantially complete on August 12, 2016.

**M 734 16 Approve Change Order and Substantial Completion for Runway 4-22 24-Inch Storm Drain Lining Project**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Change Order No. 2 for Contract 16-16, Runway 4-22 24-Inch Storm Drain Lining Project, be approved, which decreases the Contract amount by \$638.00 for a new total of \$62,291.00; and, that Substantial Completion be granted effective August 12, 2016 and any held retainage be released in accordance with contract documents.

**Motion Adopted: 5 Yeas.**

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

**Old Business/ CU 2046**

Under Old Business, the Council discussed Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc.

The Planning and Zoning Commission held a Public Hearing on this application on March 24, 2016 at which time the Commission deferred action for further consideration. On April 14, 2016, the Commission recommended that the application be approved for the following reasons and with the following conditions:

**Old  
Business/  
CU 2046  
(continued)**

- 1) **The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.**
- 2) **The development will be consistent with surrounding developments that include other multi-family uses.**
- 3) **The development will not adversely affect neighboring properties, roadways or communities.**
- 4) **The development will be required to comply with all DelDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.**
- 5) **The multi-family development will be served by central sewer provided by Sussex County.**
- 6) **The multi-family development will be served by central water.**
- 7) **The proposed development at a density of approximately 5.7 units per acres is consistent with surrounding densities and is appropriate for this location.**
- 8) **The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.**
- 9) **This recommendation is subject to the following:**
  - A. **There shall be no more than 202 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.**
  - B. **The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
  - C. **The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.**
  - D. **All entrances and roadway improvements shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.**
  - E. **Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.**
  - F. **The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
  - G. **A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.**
  - H. **The project shall be served by Sussex County sewer.**
  - I. **As proffered by the applicant, the developer shall construct the pool and community building no later than the issuance of the**

Old  
Business/  
CU 2046  
(continued)

- 75<sup>th</sup> residential building permit for the project.
- J. As proffered by the applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.
  - K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.
  - L. The applicant shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.
  - M. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
  - N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

The County Council held a Public Hearing on this application on June 14, 2016 at which time action was deferred; action was deferred again on this application on September 20th, November 29th, and December 6th. Mr. Lank noted that, on September 20, 2016, the Council granted approval of Change of Zone No. 1796 for the same parcels; the parcels are now zoned MR Medium Density Residential.

M 735 16  
Amend  
P&Z's  
Reasons &  
Conditions  
for  
Approval/  
CU 2046

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the density be modified and changed to 4 units per acre with a maximum density of 142 units (Amend the Planning and Zoning Commission's Reason #7, as follows: "The proposed development at a density of approximately 4 units per acre is consistent with surrounding densities and is appropriate for this location." and amend the first sentence of the Planning and Zoning Commission's Reason/Condition No. 9A, as follows: "There shall be no more than 142 units within the development.")

Motion Adopted: 3 Yeas, 2 Nays.

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

M 736 16  
Amend  
P&Z's  
Reasons &  
Conditions  
for  
Approval/  
CU 2046

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to amend the Planning and Zoning Commission's Reason/Condition 9A by striking the second sentence.

Motion Adopted: 5 Yeas.

**M 736 16  
(continued)**

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

**M 737 16  
Adopt  
Ordinance  
No. 2479  
(CU 2046)**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2479 entitled “AN ORDINANCE N ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS” (Conditional Use No. 2046) filed on behalf of Lockwood Design and Construction, Inc., for the following reasons and with the following conditions, as amended:**

- 1) The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.**
- 2) The development will be consistent with surrounding developments that include other multi-family uses.**
- 3) The development will not adversely affect neighboring properties, roadways or communities.**
- 4) The development will be required to comply with all DelDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.**
- 5) The multi-family development will be served by central sewer provided by Sussex County.**
- 6) The multi-family development will be served by central water.**
- 7) The proposed development at a density of approximately 4 units per acres is consistent with surrounding densities and is appropriate for this location.**
- 8) The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.**
- 9) This recommendation is subject to the following:**
  - A. There shall be no more than 142 units within the development.**
  - B. The Applicant shall form a homeowners’ or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.**
  - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.**
  - D. All entrances and roadway improvements shall comply with all of DelDOT’s requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.**
  - E. Road naming and addressing shall be subject to the review and**

**M 737 16  
Adopt  
Ordinance  
No. 2479  
(CU 2046)  
(continued)**

**approval of the Sussex County Mapping and Addressing Departments.**

- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.**
- G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.**
- H. The project shall be served by Sussex County sewer.**
- I. As proffered by the applicant, the developer shall construct the pool and community building no later than the issuance of the 75<sup>th</sup> residential building permit for the project.**
- J. As proffered by the applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.**
- K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.**
- L. The applicant shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.**
- M. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.**
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.**

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

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

**Old  
Business/  
CZ 1802**

**Under Old Business, the Council discussed Change of Zone No. 1802 filed on behalf of J. G. Townsend, Jr. & Co.**

**The Planning and Zoning Commission held a Public Hearing on this application on July 14, 2016 at which time the Commission deferred action. On July 28, 2016, the Commission recommended approval of the application for the following reasons (as stated by Commissioner I. G. Burton):**



Old  
Business/  
CZ 1802  
(continued)

- 1) **This application is for a change in zone from AR-1 (Agricultural Residential) to B-1 (Neighborhood Business). According to the Zoning Code, the B-1 (Neighborhood Business) zone is appropriate “to provide retail shopping and personal service uses” and “to serve the needs of a relatively small area, primarily nearby rural, low density or medium density residential neighborhoods”.**
- 2) **The purpose of the B-1 (Neighborhood Business District) is satisfied by this application. Right now, there are approximately 1,500 residential units located or approved along Gills Neck Road. All of these units have developed with low and medium density designs. And residents in all of these units currently must travel to Route One or cross Kings Highway and Clay Road to the Village of Five Points for their retail shopping needs and personal service uses, such as a grocery store. Neighborhood Business uses here will be convenient to those existing and future residents and will eliminate the traffic and congestion caused by having to travel to Route One or Savannah Road. B-1 (Neighborhood Business) zoning is appropriate for this site.**
- 3) **The B-1 (Neighborhood Business) zoning district is the most limited commercial or business zoning category in Sussex County. Here, B-1 (Neighborhood Business) zoning will limit the size and type of uses that occur on this site, ensuring that any future development of it will be on a scale that is compatible with the surrounding area.**
- 4) **There was a great deal of concern about the location of the City of Lewes’ wells across Kings Highway from this site, and whether the existence of these wells should prevent the rezoning of this property. The protection of these wells is important to everyone, and it is governed by the Sussex County Source Water Protection Ordinance that was adopted in 2008. Those protections apply at the Site Plan stage, and any development of this site must comply with the requirements of the Source Water Protection Ordinance, whether the site is zoned AR-1 (Agricultural Residential) or B-1 (Neighborhood Business). But, the existence of these wells is not a reason to deny this particular application.**
- 5) **The Sussex County Comprehensive Plan supports this rezoning. The property is located in the Environmentally Sensitive Developing Area according to the Plan. In this Area, our Plan says that “retail and office uses are appropriate”, and that “careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home”. This rezoning falls squarely within this guidance established by our Comprehensive Plan.**
- 6) **The Comprehensive Plan also directs that appropriate growth such as this B-1 (Neighborhood Business) rezoning should be directed towards a Growth Area, which includes the Environmentally Sensitive Developing Area where this property is located, based on several guidelines, including:**
  - a. **The proximity to an incorporated municipality;**
  - b. **The existence of public sewer and water;**
  - c. **The location on or near a major road;**

Old  
Business/  
CZ 1802  
(continued)

- d. The character and intensity of surrounding development; and
- e. How the area ranks according to the “Delaware Strategies for State Policies and Spending”.

Here, our Plan’s guidelines are all satisfied, since the project is close to the City of Lewes; there is public sewer and water available; the property is located along an “Arterial” roadway according to the Mobility Element of the Plan; the surrounding residential development supports the need for neighborhood business uses; the rezoning is consistent with other business and commercial trends in the area; and the location is in Level 1 according to the State Strategies. Our Comprehensive Plan supports this rezoning.

- 7) DelDOT has approved the Traffic Impact Study (TIS) for this project, and both DelDOT and the applicant have entered into an agreement for extensive roadway improvements in this area that support the rezoning. Both the TIS and the Agreement are based on a development of a much larger project than what can be built on this 11 acres of B-1 (Neighborhood Business) zoning. These roadway improvements, at the developer’s expense, will be a benefit to all travelers in the area. One example is the improvements of the Cape Henlopen High School/Gill’s Neck Road/Kings Highway intersection, which is currently underway.
- 8) The rezoning to B-1 (Neighborhood Business) is consistent with neighboring and adjacent uses. Besides the need for reasonable neighborhood businesses to serve the existing residential uses, B-1 (Neighborhood Business) zoning and the limited uses it allows are consistent with the small-scale commercial zoning across the road from the site, a small shopping center just down the road, the high school, and other businesses, retail establishments, restaurants, and offices that are nearby.
- 9) B-1 (Neighborhood Business) zoning is appropriate for this site. But, if approved by the County Council, that is not the end of the County’s involvement if it is developed. The Planning and Zoning Commission and its staff must still review any site plan for development of the project, including whether it complies with the County’s Source Water Protection Ordinance, how it relates to the Lewes Scenic Byways Program recently endorsed by County Council, especially at this location as a gateway to Lewes, and how it is interconnected with adjacent developments and roadways.
- 10) For all of these reasons, it is my recommendation that this rezoning from AR-1 (Agricultural Residential) to B-1 (Neighborhood Business) should be approved.

Mr. Lank noted that a report on the Commission’s Public Hearing, findings, and recommendation were included in the Council packets.

M 738 16  
Adopt  
Ordinance  
No. 2480  
(CZ 1802)

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2480 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL

**M 738 16**  
**Adopt**  
**Ordinance**  
**No. 2480**  
**(CZ 1802)**  
**(continued)**

**OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 11.66 ACRES, MORE OR LESS” (Change of Zone No. 1802) filed on behalf of J. G. Townsend Jr. & Co., (Tax Map I.D. No. 335-12.00-Part of Parcel 3.00) (911 Address: None Available (Acreage).**

**Motion Adopted: 5 Yeas.**

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

**Grant**  
**Requests**

**Mrs. Jennings presented grant requests for the Council’s consideration.**

**M 739 16**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to give \$1,100.00 (\$220.00 from each Councilmanic Grant Account) to the Mason Dixon Woodworkers for a charitable outreach program.**

**Motion Adopted: 5 Yeas.**

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

**M 740 16**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$2,500.00 from Mr. Cole’s Councilmanic Grant Account to the Rehoboth Beach Historical Society for their capital campaign.**

**Motion Adopted: 5 Yeas.**

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

**M 741 16**  
**Council-**  
**manic**  
**Grant**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$1,950.00 from Mr. Vincent’s Councilmanic Grant Account to the Seaford Volunteer Fire Department for the purchase of a utility task vehicle trailer.**

**Motion Adopted: 5 Yeas.**

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

**Council**  
**Members’**  
**Comments**

**Council Members' Comments**

**Mrs. Deaver commented on B-1 zonings, source water, and environmental protection areas.**

**M 742 16  
Go Into  
Executive  
Session**      **Mr. Arlett referenced an email he received from Lori Johnson regarding the current Mallard Lakes HOA situation.**

**At 11:28 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Wilson, to recess the Regular Session and to go into Executive Session for the purpose of discussing matters relating to Collective Bargaining, Personnel, Land Acquisition, and Pending and Potential Litigation.**

**Motion Adopted:      5 Yeas.**

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

**Executive  
Session**      **At 11:33 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to Collective Bargaining, Personnel, Land Acquisition, and Pending and Potential Litigation. The Executive Session concluded at 12:29 p.m.**

**M 743 16  
Reconvene  
Regular  
Session**      **At 12:35 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted:      5 Yeas.**

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

**Executive  
Session  
Matters**      **Mr. Moore announced that, in regard to Executive Session matters, the potential litigation matter was no longer needed to be discussed; however, a pending litigation matter was discussed.**

**M 744 16  
Land  
Acquisition  
Contract**      **A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to authorize, negotiate, and enter into a contract and proceed to closing, in an amount not to exceed the appraised value, on a parcel of property identified as 2016-10.**

**Motion Adopted:      5 Yeas.**

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

**Collective  
Bargaining  
Agreement  
(continued)**      **The Council reverted back to the Agenda item entitled “Discussion and possible action related to the Collective Bargaining Agreement with AFSCME AFL-CIO and its Affiliated Local Union 1926”. Mr. Lawson reported that in Executive Session on this date, the Council heard legal advice from Legal Counsel regarding the pending Collective Bargaining Agreement. The Council was made aware of the terms of the Agreement.**

**(continued) Mr. Lawson stated that it would be appropriate for Council to take action and authorize the County Administrator to sign the ratified Agreement.**

**M 745 16**  
**Authorize**  
**Signing of**  
**Ratified**  
**Collective**  
**Bargaining**  
**Agreement**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that the Sussex County Council hereby authorizes the County Administrator to sign a ratified Agreement with the Delaware Public Employees Council 81, American Federation of State, County, and Municipal Employees (AFSCME) AFL-CIO and its Affiliated Local Union 1926.**

**Motion Adopted: 5 Yeas.**

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

**M 746 16**  
**Adjourn**

**A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to adjourn at 12:40 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

*{An audio recording of this meeting is available on the County's website.}*

# SUSSEX COUNTY COUNCIL



## PROCLAMATION

### A PROCLAMATION TO HONOR THE WOODBRIDGE HIGH SCHOOL FOOTBALL TEAM UPON WINNING THE 2016 DIAA DIVISION II CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Woodbridge High School football team for winning the Delaware Interscholastic Athletic Association Division II title as State Champions for the 2016 season; and

WHEREAS, the Woodbridge High School Blue Raiders football team capped an undefeated season in beating Wilmington Friends School by a score of 14 to 9 during the state championship game on Saturday, December 3, 2016, ending with a perfect 13-0 record; and

WHEREAS, the Woodbridge High School football team's accomplishment is the first state title for the school's football program in school history, a fete that makes the victory all that more significant; and

WHEREAS, the Woodbridge High School team of 2016 is the 15<sup>th</sup> Division II football team from Sussex County to win a state title since DIAA divisional tournament play began in 1975; and

WHEREAS, the Woodbridge High School football team played as a formidable opponent in facing squads from across Sussex County and throughout the State of Delaware during the 2016 season, displaying cooperation, consistency, and character above all else; and

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

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Woodbridge High School football team upon winning the 2016 Delaware Interscholastic Athletic Association Division II championship title, and proclaims Tuesday, January 3, 2017, as a day for all Sussex County residents to honor the team's remarkable achievement.



\_\_\_\_\_  
Michael H. Vincent, President



## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE

[sussexcountyde.gov](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

December 02, 2016

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
OCEAN VIEW BEACH CLUB - AMENITIES SEWER  
AGREEMENT NO. 990 - 2

#### DEVELOPER:

Mr. Colby Cox  
Windansea, LLC  
172 Center St., Suite 204  
P.O.Box 1686  
Jackson Hole, WY 83001

#### LOCATION:

North side of Muddy Neck Road East of Beaver  
Dam Road

#### SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

Amenity Area

#### SYSTEM CONNECTION CHARGES:

\$46,200.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
7/19/13

Department of Natural Resources Plan Approval  
07/23/13

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 30  
Construction Admin and Construction Inspection Cost – \$6,472.28  
Proposed Construction Cost – \$43,148.50



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

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

**January 3, 2017**

## **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. 990-2 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "WINDANSEA, LLC", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "OCEAN VIEW BEACH CLUB – AMENITIES SEWER", LOCATED IN BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38  
AGREEMENT NO. 990-2

TODD LAWSON  
COUNTY ADMINISTRATOR





## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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# Sussex County

DELAWARE

[sussexcountyde.gov](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## 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 I.G. Burton, III  
The Honorable Robert B. Arlett

**FROM:** Hans Medlarz, P.E., County Engineer

**RE:** *Millville Sanitary Sewer District:  
Northwest Expansion II – Irons Lane and PS #311  
Bid Award Recommendation*

**DATE:** December 13, 2016

Bids for Project #15-10, “Millville Sanitary Sewer District Northwest Expansion II – Irons Lane and PS #311”, were opened on December 14, 2016. There were a total of 5 bids received and a copy of the bid results are attached.

The scope of work for this project consists of the construction of a sewage pump station, 3,500 feet of 8” and 12” gravity sewer with manholes, sewer laterals and cleanouts, 1,250 linear feet of 1.5” and 2” force main with appurtenances, and all restoration including mill and overlay impacted roadways. This expansion will serve 91 new accounts.

The lowest responsive bidder is George & Lynch, Inc. of Dover, Delaware, with a total bid of \$1,167,258.00. USDA-RD funding is currently in place, and the bid is within budget. The Sussex County Engineering Department recommends awarding the project to George & Lynch, Inc.





December 22, 2016

Mr. Joe Wright  
Sussex County Engineering Department  
#2 The Circle  
P.O. Box 589  
Georgetown, DE 19947

Re: Millville Sanitary Sewer District Northwest Expansion II – Irons Lane and PS#311 (Sussex County Contract 15-10)

Dear Mr. Wright:

We have reviewed the bid documents received by the Sussex County Council on December 14, 2016 for the above referenced project. George and Lynch Inc. of Dover, DE is the apparent low bidder at \$1,167,258.00 for the project's base bid. Enclosed is a tabulation of bids, as well as a summary of the bid review performed.

Based on our review of the bid submission, in our professional opinion, the George and Lynch Inc. bid represents the lowest responsive responsible bid under the terms of the invitation to bid.

Please do not hesitate to contact us if you should have questions.

Very truly yours,

Whitman, Requardt & Associates, LLP

Francis Bonkowski

Enclosures

cc: Hans Medlarz  
Brad Hawkes  
Kaycee Widen  
Dennis Hasson  
Will Hinz  
File 13859-005

12/22/2016

**Millville Sanitary Sewer District: Northwest Expansion II - Irons Lane and PS#311  
Contract No. 15-10  
Bid Results**

<b>BID SCHEDULE</b>	<b>Engineer's Estimate</b>	<b>Pact One, LLC Ringoos, NJ</b>	<b>George &amp; Lynch Dover, DE</b>	<b>Teal Construction Dover, DE</b>	<b>JJID, Inc. Bear, DE</b>
<b>PART A SUBTOTAL</b>	<b>\$988,815.00</b>	<b>\$1,521,900.00</b>	<b>\$968,379.00</b>	<b>\$973,719.00</b>	<b>\$1,653,250.00</b>
<b>PART B SUBTOTAL</b>	<b>\$175,950.00</b>	<b>\$349,500.00</b>	<b>\$198,879.00</b>	<b>\$220,475.00</b>	<b>\$310,000.00</b>
<b>Project Base Bid Total</b>	<b>\$1,164,765.00</b>	<b>\$1,871,400.00</b>	<b>\$1,167,258.00</b>	<b>\$1,194,194.00</b>	<b>\$1,963,250.00</b>

Note: A.P. Croll & Sons submitted a bid, but it was considered non-responsive

Millville Sanitary Sewer District: Northwest Expansion II - Irons Lane and PS#311

Contract 15-10  
Bid Tabulation Results

Description	Size	Unit	Quantity	Engineer's Estimate		Pact One, LLC Rivings, NJ		George & Lynch Dover, DE		Teal Construction, Inc. Dover, DE		JJJD, Inc. Bear, DE		
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	
<b>Part A Millville Sanitary Sewer District (MVSSD): Northwest Expansion II - Irons Lane and PS#311, Contract 15-10</b>														
A-1	Mobilization		LS	1	\$55,465	\$55,465	\$32,000.00	\$32,000.00	\$47,000.00	\$47,000.00	\$56,133.00	\$56,133.00	\$90,000.00	\$90,000.00
A-2	Furnish and Install Precast Manholes Complete and In Place	4'	VF	95	\$350	\$33,250	\$600.00	\$47,500.00	\$418.00	\$39,710.00	\$322.00	\$30,590.00	\$675.00	\$64,125.00
A-3	Furnish and Install Terminal Cleanouts	8"	EA	4	\$800	\$3,200	\$2,500.00	\$10,000.00	\$1,158.00	\$4,632.00	\$820.00	\$3,280.00	\$4,000.00	\$16,000.00
A-4	Furnish and Install Manhole Frames and Covers	NA	EA	11	\$500	\$5,500	\$400.00	\$4,400.00	\$787.00	\$8,657.00	\$763.00	\$8,393.00	\$1,000.00	\$11,000.00
A-5	Furnish and Install PVC Lateral	6"	LF	770	\$35	\$26,950	\$80.00	\$61,600.00	\$69.00	\$53,130.00	\$36.00	\$27,720.00	\$85.00	\$65,450.00
A-6	Furnish and Install PVC Wye Branches	8"x6"	EA	22	\$200	\$4,400	\$75.00	\$1,650.00	\$264.00	\$5,808.00	\$174.00	\$3,828.00	\$800.00	\$17,600.00
A-7	Furnish and Install PVC Wye Branches	12"x6"	EA	7	\$300	\$2,100	\$200.00	\$1,400.00	\$1,829.00	\$12,803.00	\$1,105.00	\$7,735.00	\$825.00	\$5,775.00
A-8	Furnish and Install House Lateral Cleanouts	6"	EA	29	\$450	\$13,050	\$400.00	\$11,600.00	\$736.00	\$21,344.00	\$670.00	\$19,430.00	\$1,200.00	\$34,800.00
A-9	Furnish and Install PVC Gravity Sewer	8"	LF	1,950	\$100	\$195,000	\$150.00	\$292,500.00	\$70.00	\$136,500.00	\$75.00	\$146,250.00	\$140.00	\$273,000.00
A-10	Furnish and Install PVC Gravity Sewer	12"	LF	1,400	\$155	\$217,000	\$160.00	\$224,000.00	\$109.22	\$152,908.00	\$135.00	\$189,000.00	\$250.00	\$350,000.00
A-11	Furnish and Install Type C Hot Mix Overlay	1-1/2"	SY	3,500	\$12	\$42,000	\$10.00	\$35,000.00	\$8.14	\$28,490.00	\$14.00	\$49,000.00	\$12.00	\$42,000.00
A-12	Furnish and Install Type C Hot Mix Overlay	2"	SY	350	\$14	\$4,900	\$15.00	\$5,250.00	\$14.50	\$5,075.00	\$23.00	\$8,050.00	\$20.00	\$7,000.00
A-13	Pump Station #311	NA	LS	1	\$325,000	\$325,000	\$630,000.00	\$630,000.00	\$360,000.00	\$360,000.00	\$332,200.00	\$332,200.00	\$545,000.00	\$545,000.00
A-14	Furnish and Install Forcemain	1-1/2"	LF	500	\$20	\$10,000	\$115.00	\$57,500.00	\$38.74	\$19,370.00	\$36.00	\$18,000.00	\$60.00	\$30,000.00
A-15	Furnish and Install Forcemain	2"	LF	750	\$20	\$15,000	\$120.00	\$90,000.00	\$40.64	\$30,480.00	\$28.00	\$21,000.00	\$70.00	\$52,500.00
A-16	Furnish and Install Grinder Pump		EA	2	\$10,000	\$20,000	\$5,000.00	\$10,000.00	\$11,285.00	\$22,570.00	\$15,200.00	\$30,400.00	\$10,000.00	\$20,000.00
A-17	Furnish and Install Grinder Pump Shell		EA	2	\$6,000	\$12,000	\$2,000.00	\$4,000.00	\$7,696.00	\$15,392.00	\$9,005.00	\$18,010.00	\$12,000.00	\$24,000.00
A-18	Project Record Drawings		LS	1	\$4,000	\$4,000	\$3,500.00	\$3,500.00	\$4,510.00	\$4,510.00	\$4,700.00	\$4,700.00	\$5,000.00	\$5,000.00
<b>PART A SUBTOTAL</b>					<b>\$988,815.00</b>		<b>\$1,521,900.00</b>		<b>\$968,379.00</b>		<b>\$973,719.00</b>		<b>\$1,653,250.00</b>	
<b>Part B Contingent Bid Items</b>														
B-1	Contingent Unclassified Excavation		CY	1,000	\$11.00	\$11,000	\$30.00	\$30,000.00	\$7.44	\$7,440.00	\$4.00	\$4,000.00	\$25.00	\$25,000.00
B-2	Contingent Borrow Material, Borrow Type "C" (Backfill)		CY	2,000	\$16.00	\$32,000	\$30.00	\$60,000.00	\$18.37	\$36,740.00	\$22.00	\$44,000.00	\$35.00	\$70,000.00
B-3	Contingent Aggregate Material, Graded Aggregate Type "B" (Crusher Run)		Ton	100	\$27.00	\$2,700	\$20.00	\$2,000.00	\$32.82	\$3,282.00	\$23.00	\$2,300.00	\$50.00	\$5,000.00
B-4	Contingent Porous Fill Material, Coarse Aggregate No. 57 Stone		Ton	200	\$30.00	\$6,000	\$40.00	\$8,000.00	\$40.10	\$8,020.00	\$32.00	\$6,400.00	\$55.00	\$11,000.00
B-5	Contractor Down Time (Main Line Crew)		per hour	25	\$300.00	\$7,500	\$1,500.00	\$37,500.00	\$447.00	\$11,175.00	\$605.00	\$15,125.00	\$550.00	\$13,750.00
B-6	Contractor Down Time (Lateral Crew)		per hour	25	\$300.00	\$7,500	\$1,000.00	\$25,000.00	\$288.00	\$7,200.00	\$515.00	\$12,875.00	\$500.00	\$12,500.00
B-7	Furnish and Place 4,000 psi Concrete		CY	25	\$150.00	\$3,750	\$600.00	\$15,000.00	\$275.00	\$6,875.00	\$175.00	\$4,375.00	\$250.00	\$6,250.00
B-8	Replacement of Existing Storm Drain Pipes 18-inches in diameter and less		LF	200	\$30.00	\$6,000	\$120.00	\$24,000.00	\$43.95	\$8,790.00	\$40.25	\$8,050.00	\$75.00	\$15,000.00
B-9	Contingent Hot Mix		Ton	100	\$75.00	\$7,500	\$120.00	\$12,000.00	\$165.15	\$16,515.00	\$172.00	\$17,200.00	\$100.00	\$10,000.00
B-10	Contingent On-Site Soil Testing		Hours	500	\$70.00	\$35,000	\$100.00	\$50,000.00	\$57.50	\$28,750.00	\$69.00	\$34,500.00	\$125.00	\$62,500.00
B-11	Contingent Laboratory Tests		EA	10	\$200.00	\$2,000	\$500.00	\$5,000.00	\$345.00	\$3,450.00	\$310.00	\$3,100.00	\$200.00	\$2,000.00
B-12	Contingent Well Pointing (First 200')		LS	1	\$20,000.00	\$20,000.00	\$25,000.00	\$25,000.00	\$9,094.00	\$9,094.00	\$19,550.00	\$19,550.00	\$35,000.00	\$35,000.00
B-13	Contingent Well Pointing		LF	1,400	\$25.00	\$35,000	\$40.00	\$56,000.00	\$36.82	\$51,548.00	\$35.00	\$49,000.00	\$30.00	\$42,000.00
<b>PART B SUBTOTAL</b>					<b>\$175,950.00</b>		<b>\$349,500.00</b>		<b>\$198,879.00</b>		<b>\$220,475.00</b>		<b>\$310,000.00</b>	
<b>TOTAL Base Bid</b>					<b>\$1,164,765.00</b>		<b>\$1,871,400.00</b>		<b>\$1,167,258.00</b>		<b>\$1,194,194.00</b>		<b>\$1,963,250.00</b>	
<b>% of bid for mobilization</b>							<b>1.7%</b>		<b>4.0%</b>		<b>4.7%</b>		<b>4.6%</b>	

**Millville Sanitary Sewer District Northwest Expansion II -Irons Lane and PS#311  
Contract No. 15-10 Bid Review**

Contractor	Addenda Acknowledged	Delaware License Listed	Bid Form Math Errors	List of Sub-Contractors	DBE's Utilized	Certification of Bidder	Certification for Equal Opportunity Employment	List of Major Products or Equipment	Certification of Non-segregated Facilities	Affadavit of Drug Testing, Including Subcontractors	RD Certifications (1.)
Teal Construction	Yes	Yes	No	Yes	N/A	Yes	Yes	Yes	No	Yes	Yes
George & Lynch	Yes	Yes	No	Yes	N/A	Yes	Yes	Yes	Yes	Yes	Yes

## Notes:

- (1.) RD forms include Forms 400-6, Certification Regarding debarment, 1940-Q  
(2.) Teal Submitted AIA Bid Bond Document in lieu of Bid Bond Document in Specifications

To Be Introduced on 1/3/17

Council District: District 3 / Burton  
Tax I.D. No. 334-6.00-497.08 (portion of)  
911 Address: 34130 Citizens Drive, Lewes

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.18 ACRES, MORE OR LESS

WHEREAS, on the 7th day of November 2016, a zoning application, denominated Change of Zone No. 1818 was filed on behalf of Ocean Highway, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1818 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

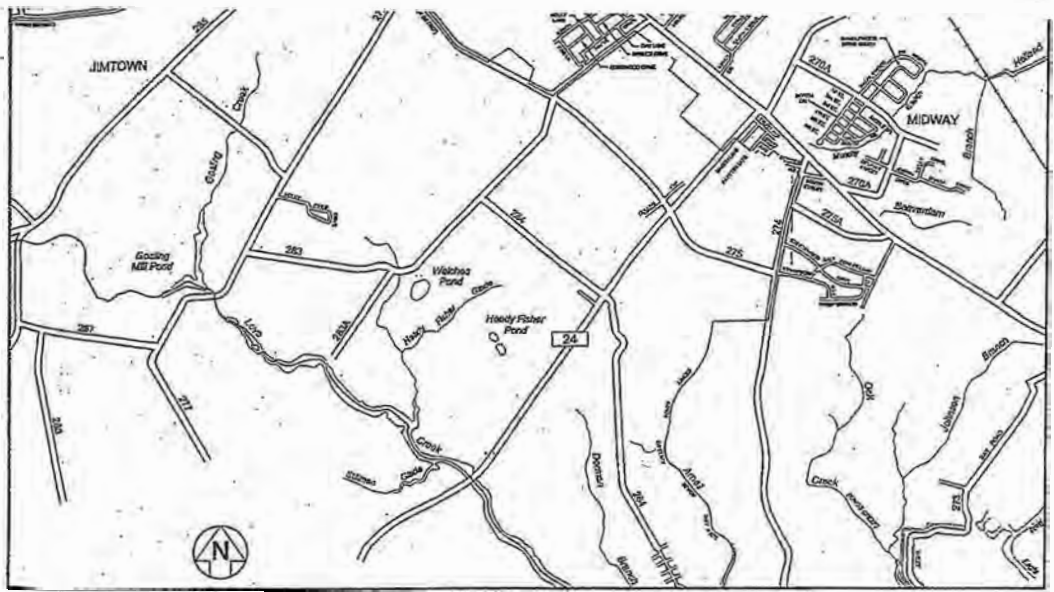
Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation CR-1 Commercial Residential District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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of Coastal Highway (Route 1) and the north side of Dartmouth Drive and being more particularly described per the attached legal description.

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





## VICINITY MAP

SCALE: 1" = 1 MILE

ALL that certain lot, piece or parcel of land with improvements thereon situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, Delaware, and being more particularly described as follow, to wit:

BEGINNING at a concrete monument found on the southwesterly right of way line of Route 1 between Five Points and Midway and being a corner for this parcel and lands of Sussex County; thence from said point of Beginning continuing along said right of way line of Route 1 South 41 degrees 12 minutes 26 seconds East 295.74 feet to an iron pipe set; thence along the corner cut of Dartmouth Drive, South 03 degrees 47 minutes 38 seconds West 70.71 feet to an iron pipe set; thence continuing along said right of way line of Dartmouth Drive at a width of 90 feet, South 48 degrees 47 minutes 38 seconds West 250 feet to an iron pipe; thence continuing South 40 degrees 15 minutes 47 seconds West 101.12 feet to an iron pipe; thence continuing along said right of way line of Dartmouth Drive at a width of 60 feet South 48 degrees 47 minutes 38 seconds West 216.37 feet to an iron pipe; thence leaving said right of way and with lands now or formerly of Texas Highway One Association North 41 degrees 12 minutes 22 seconds West 613.39 feet to a point, being a corner of this land and lands now or formerly of Savannah West Associates, L.P.; thence with lands now or formerly of Savannah West Associates, L.P.; North 49 degrees 27 minutes 56 seconds East 139.42 feet to a point found a branch or stream; thence along the center line of said branch and along said Savannah West Associates, L.P. Land, the following four (4) courses and distances: (1) North 10 degrees 43 minutes 54 seconds East 7.65 feet; (2) North 28 degrees 20 minutes 55 seconds East 19.00 feet; (3) North 58 degrees 14 minutes 56 seconds East 17.22 feet to a point; (4) North 53 degrees 22 minutes 30 seconds East 264.33 feet to an iron pipe in concrete, a corner for this land and land now or formerly of John Tzovaras and along the line of said Savannah West Associates, L.P.; thence along land of said Tzovaras South 40 degrees 26 minutes 23 seconds East 160.00 feet to an iron pipe in concrete; thence turning and running North 51 degrees 33 minutes 37 seconds East 90.00 feet to a concrete monument, a corner for this land and land of Sussex County and along the land of said Tzovaras; thence along said land of Sussex County South 41 degrees 12 minutes 26 seconds East 70 feet to a concrete monument; thence along said land of Sussex County North 51 degrees 33 minutes 37 seconds East 85.00 feet to a concrete monument along the said Southwesterly right of way line of Route 1, the point and place of beginning, containing 7.800 acres, ( acreage shown does not reflect the conveyance of Parcel 497.01, current acreage of this tract is 7.66 acres, more or less,) as more particularly described on a survey prepared by Simpler Surveying & Associate dated April 13, 2001, which may be found of record in the Office of the Recorder of Deeds, Georgetown, Delaware, in Plot Book 70, page 328.

ALL that certain piece or parcel of land situate, lying and being in Lewes and Rehoboth Hundred, Sussex County, State of Delaware, as shown on a survey prepared by Simpler Surveying and Associate dated June 12, 2002, and being more particularly described as follows, to wit:

BEGINNING at a  $\frac{1}{2}$  inch pipe found in the northwesterly right of way of Dartmouth Drive (60' wide) located 617 feet more or less from the right of way line of U.S. Route One, thence with said right of way of Dartmouth Drive (60' wide) South 48 degrees 46 minutes 31 seconds West 83.61 feet to a found  $\frac{1}{2}$  inch pipe at the corner of these lands and the Rolling Meadows Subdivision; thence along the common boundary of these lands and said Subdivision North 41 degrees 12 minutes 22 seconds West 614.37 feet to a  $\frac{3}{8}$  inch bar set at the corner of these lands and said Subdivision; thence with the common boundary of these lands and lands now or formerly of Savannah West Associates, L.P. North 49 degrees 08 minutes 35 seconds East 83.54 feet to a  $\frac{5}{8}$  inch rebar found at the corner of these lands and other lands of Gantee; thence with the common boundary of other lands of Gantee South 41 degrees 12 minutes 43 seconds East 613.83 feet to the point and place of beginning, said to contain 1.1782 acres, more or less.

PARCEL 499.01  
S N/F OF  
ASSOCIATES, L.P.  
< 2551, PG. 72  
USE: CO

Council District 3 / Burton  
Tax I.D. No. 334-6.00-496.00-497.00  
911 Address: 18200 Coastal Highway,

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMPOSTING, INCLUDING POULTRY BY-PRODUCTS; GREENHOUSES; MIXING, BLENDING AND BAGGING COMPOST AND POTTING SOIL PRODUCTS; TRUCKING PRODUCTS; ALL WHOLESALE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 31.9478 ACRES, MORE OR LESS

WHEREAS, on the 11th day of August 2016, a conditional use application, denominated Conditional Use No. 2071 was filed on behalf of Blessing Greenhouses and Compost; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2071 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2071 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying on the northwest corner of Draper Road and Thirteen Curves Road, also on the west of Draper Road, and being more particularly described per the attached legal description.

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



## **DESCRIPTION OF LEASED LANDS OF FRANK DRAPER TRUSTEE TAX PARCEL 230-15.00-34.00**

Commencing at a capped iron pipe found on the westerly right of way of Draper Road, SCR 21, at 50 feet wide, said point being the point of curvature of a curve concave to the east having a radius of 3369.02 feet, thence with the westerly right of way of Draper Road by the curve to the left having a radius of 3369.02 feet, a central angle of 2 degrees, 42 minutes and 50 seconds, a distance of 159.57 feet to the point of beginning; thence by and with the westerly right of way of Draper Road by the curve concave to the east, having a radius of 3369.02 feet a central angle of 01 degrees 19 minutes 14 seconds, and a chord of 77.65 feet bearing South 09 degrees 54 minutes 56 seconds East, South along said curve, a distance of 77.65 feet; thence continuing with the westerly right of way of Draper Road the following two courses and distances: South 12 degrees 36 minutes 24 seconds East, a distance of 407.67 feet; thence South 61 degrees 04 minutes 59 seconds West, a distance of 96.09 feet to a point on the right of way line in the center of Slaughter's Branch; thence continuing with the center of Slaughter's Branch the following 5 courses and distances: South 27 degrees 27 minutes 48 seconds West, a distance of 33.54 feet; thence South 51 degrees 30 minutes 41 seconds West, a distance of 273.26 feet; thence South 04 degrees 06 minutes 04 seconds West, a distance of 82.33 feet; thence South 54 degrees 01 minutes 42 seconds West, a distance of 187.00 feet; thence North 74 degrees 37 minutes 53 seconds West, a distance of 438.34 feet; thence leaving the center of Slaughters Branch and running along the center of a swale with the lands of Red Fox Farms, North 20 degrees 44 minutes 55 seconds East, a distance of 748.98 feet; thence continuing with the lands of Red Fox Farms the following two courses and distances: North 04 degrees 03 minutes 17 seconds West, a distance of 265.55 feet; thence North 81 degrees 40 minutes 40 seconds East, a distance of 504.60 feet to the point and place of beginning; said described tract containing 14.8121 Acres, more or less.

## **DESCRIPTION OF LEASED LANDS OF RED FOX FARMS P/O TAX PARCEL 230-15.00-35.00**

Beginning at a capped iron pipe found on the westerly right of way of Draper Road, SCR 21, at 50 feet wide, said point being the point of curvature of a curve concave to the east having a radius of 3369.02 feet, thence with the westerly right of way of Draper Road by the curve to the left having a radius of 3369.02 feet, a central angle of 2 degrees, 42 minutes and 50 seconds, a distance of 159.57 feet to a point on the westerly right of way also in the lands of Draper, thence leaving the right of way of Draper Road and running with the lands of Draper the following three courses and distances: South 81 degrees 40 minutes 40 seconds West, a distance of 504.60 feet; thence South 04 degrees 03 minutes 17 seconds East, a distance of 265.55 feet; thence South 20 degrees 44 minutes 55 seconds West, a distance of 748.98 feet to a point in the center of Slaughter Branch; thence leaving the line of Draper and running through other lands of Red Fox Farms the following three courses and distances: North 07 degrees 29 minutes 24 seconds West, a distance of 1555.10 feet; thence North 85 degrees 01 minutes 27 seconds East, a distance of 881.57 feet; thence South 06 degrees 32 minutes 29 seconds East, a distance of 424.69 feet to the point of curvature of a tangent curve, concave to the east, having a radius of 3369.02 feet and a central angle of 02 degrees 42 minutes 50 seconds; thence South along said curve, a distance of 159.58 feet, curving to the left; to the POINT OF BEGINNING; said described tract containing 17.1357 Acres, more or less.

Council District 4 / Cole

Tax I.D. No. 334-13.00-27.00

911 Address: 18834 Munchy Branch Road, Rehoboth Beach

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES (20 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 5.1 ACRES, MORE OR LESS

WHEREAS, on the 31st day of October 2016, a conditional use application, denominated Conditional Use No. 2072 was filed on behalf of KHM Ventures DE, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2072 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2072 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Munchy Branch Road, approximately 1,064 feet southwest of Field Lane, and being more particularly described in Plot Book 2105, Page 294, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5 acres, more or less.

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

Council District 3 / Burton  
Tax I.D. No. 334-6.00-496.00-497.00  
911 Address: 18200 Coastal Highway, Lewes

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A PUBLIC UTILITY FOR AN EXPANSION TO AN EXISTING ELECTRICAL SUBSTATION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.493 ACRES, MORE OR LESS

WHEREAS, on the 16th day of November 2016, a conditional use application, denominated Conditional Use No. 2073 was filed on behalf of Delmarva Power & Light Company; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2073 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2073 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of Coastal Highway approximately 700 feet south of Dartmouth Drive and being more particularly described in Deed Book 4472, Page 4, and Deed Book 517, Page 310, as recorded in the Sussex County Recorder of Deeds Office, said parcel containing 2.493 acres, more or less.

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



Council District 3 / Burton  
Tax I.D. No. 335-12.06-1.00  
911 Address: 1523 Savannah Road, Lewes

ORDINANCE NO. \_\_\_\_

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL USE AS A THERAPY AND FITNESS CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 6.113 ACRES, MORE OR LESS

WHEREAS, on the 28th day of October 2016, a conditional use application, denominated Conditional Use No. 2074 was filed on behalf of Quail Valley 1525, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2074 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2074 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Savannah Road, approximately 2,150 feet west of Dove Drive and being more particularly described in Plot Book 3733, Page 208, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 6.113 acres, more or less.

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

Council District 4 / Cole  
Tax I.D. No. 234-17.00-29.00 (portion of)  
911 Address: None Available

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A MULTI-FAMILY (100 TOWNHOUSE UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 30.95 ACRES, MORE OR LESS**

WHEREAS, on the 12th day of October 2016, a conditional use application, denominated Conditional Use No. 2075 was filed on behalf of Burton's Pond, LLC (Burton's Pond Section II); and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2075 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

**Section 1.** That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2075 as it applies to the property hereinafter described.

**Section 2.** The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying at the southwest corner of John J. Williams Highway (Route 24) and Sloan Road (Route 49) and being more particularly described per the attached legal description, said parcel containing 30.95 acres, more or less.

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

Michael R. Wigley, AIA, LEED AP  
Randy B. Duplechain, P.E.  
Charles R. Woodward, Jr., LS  
W. Zachary Crouch, P.E.  
Michael E. Wheelleton, AIA  
Jason P. Loar, P.E.  
Ring W. Lardner, P.E.  
Gerald G. Friedel, P.E.

LEGAL DESCRIPTION

Lands of  
Burton's Pond Section II  
Part of 2-34-17.00-29.00

October 27, 2016

**ALL** that piece or parcel of land being located on the easterly side of John J. Williams Highway (Route 24), being located in Indian River Hundred, Sussex County, Delaware, as shown on a plot entitled "Burton's Pond Section II," completed by Davis Bowen & Friedel, Inc., being part of "Parcel 2-34-17.00-29.00", dated October 2016; said piece or parcel being more particularly described as follows:

**BEGINNING** at point formed by the intersection of the easterly right-of-way line of John J. Williams Highway (Route 24), with the southerly right-of-way line of Sloan Road, thence,

1) leaving said right-of-way line of Route 24 and running by and with said right-of-way line of Sloan Road, the following 6 courses and distances, North 61 degrees 45 minutes 35 seconds East 60.50 feet to a point,

2) South 81 degrees 00 minutes 30 seconds East 57.77 feet to a point, thence running,

3) along a curve to the left, having a radius of 1530.00 feet, an arc length of 294.33 feet and a chord bearing and distance of South 86 degrees 31 minutes 09 seconds East 293.87 feet to a point, thence,

4) North 87 degrees 58 minutes 11 seconds East 165.88 feet to a point, thence,

5) along a curve to the right, having a radius of 770.00 feet, an arc length of 829.00 feet and a chord bearing and distance of South 61 degrees 11 minutes 14 seconds East 789.54 feet to a point,

6) South 30 degrees 20 minutes 39 seconds East 9.39 feet to a point on the westerly line of lands of, now or formerly, Pinewater Woods, as recorded in the Office of the Recorder of Deeds in Plat Book 121, Page 290, thence,

7) leaving said right-of-way line of Sloan Road and running by and with said Pinewater Woods, Lots 3-9, South 28 degrees 35 minutes 05 seconds West 1352.70 feet to a point on the westerly line of Herring Creek Estates, as recorded in said Office of the Recorder of Deeds in Plat Book 33, Page 121, thence,

8) leaving said Pinewater Woods and running by and with said Herring Creek Estates, Lot 8, South 30 degrees 14 minutes 08 seconds West 94.74 feet to a point, thence,

9) running by and with said Herring Creek Estates, Lots 3-8, North 60 degrees 10 minutes 22 seconds West 528.15 feet to a point on the southeasterly line of Brandywood Subdivision, as recorded in said Office of the Recorder of Deeds in Plat Book 32, Page 16, thence,

10) leaving said Herring Creek Estates and running by and with said Brandywood Subdivision, Lots 3-10, the following 2 courses and distances, North 28 degrees 34 minutes 48 seconds East 636.93 feet to a point, thence,

11) North 59 degrees 19 minutes 47 seconds West 681.86 feet to a point on the aforementioned right-of-way line of John J. Williams Highway (Route 24), thence,

16) along a curve to the right, having a radius of 2824.79 feet, an arc length of 510.31 feet and a chord bearing and distance of North 19 degrees 21 minutes 08 seconds East 509.62 feet to the point and place of beginning; **CONTAINING** 30.950 acres of land, more or less.

TO BE INTRODUCED