

Sussex County Council Public/Media Packet

**MEETING:
March 1, 2022**

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COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
DOUGLAS B. HUDSON, VICE PRESIDENT
CYNTHIA C. GREEN
JOHN L. RIELEY
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

MARCH 1, 2022

10:00 A.M.

***AMENDED on February 23, 2022 at 11:16 a.m.¹**

Call to Order

Approval of Agenda

Approval of Minutes – February 22, 2022

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

Hans Medlarz, County Engineer

1. Discussion and Possible Introduction of a Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,788,761 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH"
2. EMS Public Safety Building, Project C19-04

A. Change Order No. 6 & 7



10:15 a.m. Public Hearings

1. “AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022 TO INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND STATE PASSTHROUGH GRANT REVENUE AND THE ALLOWABLE EXPENDITURES RELATED TO THE ADDITIONAL REVENUE”
2. “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$959,888 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EMERGENCY PINTAIL POINTE PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”
3. “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,376,356 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE OAK ACRES AND TANGLEWOOD SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”

10:30 a.m. Public Hearing

1. “AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS”

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Conditional Use No. 2317 filed on behalf of William E. Martin, II

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS” (property lying on the northwest side of Wolfe Neck Road [S.C.R. 270], west of the intersection of Wolfe Neck Road [S.C.R. 270] and Munchy Branch Road [S.C.R. 270A]). (911 Address: 35583 Wolfe Neck Road, Rehoboth Beach). (Tax Parcel: 334-6.00-340.00).

Change of Zone No. 1943 filed on behalf of Shirley and Gordon Price, Jr.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS” (property lying on the north side of Atlantic Avenue [Route 26], approximately 0.13 mile northwest of Roxana Road [Route 17]). (911 Address: 34861 Atlantic Avenue, Ocean View). (Tax Parcel: 134-11.00-175.00).

Adjourn

¹Per 29 Del. C. §10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended to address a matter which arose after the initial posting of the agenda but before the start of the Council meeting.

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on February 22, 2022 at 4:40 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 may be considered out of sequence.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 22, 2022

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 22, 2022, at 10:00 a.m., in Council Chambers, with the following present:

| | |
|------------------------------|-----------------------------|
| Michael H. Vincent | President |
| Cynthia C. Green | Councilwoman |
| Douglas B. Hudson | Councilman |
| John L. Rieley | Councilman |
| Mark G. Schaeffer | Councilman |
| Todd F. Lawson | County Administrator |
| J. Everett Moore, Jr. | County Attorney |

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 069 22
Approve
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda, as presented.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Minutes

The minutes of the February 8, 2022 meeting were approved by consensus.

**Corres-
pondence**

Mr. Moore read correspondence received from Clothing Our Kids and Sussex Technical High School for appreciation of Council's support.

Mr. Schaeffer shared that today, 2/22/22, Mr. Norman Jay Jones, Clerk of the Peace is conducting 22 weddings.

**Public
Comment**

Mr. William Kinnick spoke about sewer and water issues in Sussex County. He also offered his assistance with tiny housing and manufacturing housing.

Mr. Leonard Sears spoke about manufacturing housing problems in Sussex County.

Ms. Eul Lee spoke about budget considerations for the upcoming fiscal year and the possibility of ARPA funds being allocated to the homelessness population. She also shared that an event is being held on March 4th at 2:00 p.m. for the 60th anniversary of the 1962 storm.

Ms. Cathy Hughes spoke about the homelessness situation.

Disposition of County Owned Property

Mr. Lawson discussed the disposition of County owned property in the area of John J. Williams Highway and Burton Pond. The disposition is required for the Delaware Department of Transportation's (DelDOT) road improvement project involving the Burton Pond dam. DelDOT is seeking one portion of the property to be acquired in fee simple title (0.1018 acres) and another portion for a temporary construction easement (0.1888 acres). The respective Tax Parcel ID is: 234-11.00-56.11. DelDOT has asked the Council's consideration that the costs of acquisitions be donated.

**M 070 22
Approve the Disposition of Land/
Enter Into Purchase Agreement**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved the Sussex County Council approves the disposition of a certain piece of land located on John J. Williams Highway, Route 24 identified as Tax Parcel 234-11.00-56.11 and be it furthered moved that Sussex County enter into a purchase agreement with the State of Delaware Department of Transportation for the acquisition of a portion of the same property totaling 0.1018 acres for the purpose of constructing the Route 24 road improvements.

Mr. Schaeffer asked if there was any discussion on the possibility of receiving an entrance permit to the Burton Pond property. Mr. Lawson replied that it was inquired from DelDOT if they would be able to assist with a construction access. Mr. Lawson added that their entrance will be a temporary construction access that will be taken back up. They are aware that there is interest in doing something with this property that will need an entrance permit in the future.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Administrator'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 January 2022 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 190 troopers assigned to Sussex County for the month of January.

2. Bonnie Walstead

It is with sadness that we note the passing of County Employee Bonnie Walstead on Friday, February 4th. Ms. Walstead started her career with Sussex County in 2012 as a part-time Library

Assistant at the Milton Library. Her last position held was a Library Assistant I. We would like to extend our condolences to the Walstead family.

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

Grant Requests

Mrs. Roth presented grant requests for Council's consideration.

**M 071 22
ReTemp
Development
Center**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$750.00 to ReTemp Development Center from Councilman Vincent's Councilmanic Grant Account for their Food/Outreach Program.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 072 22
Woodbridge
High School
Marine
Corps
5K/Walk &
Fun Walk**

A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$2,250.00 (\$1,000 from Councilman Vincent's Councilmanic Grant Account, \$1,000 from Councilwoman Green's Councilmanic Grant Account and \$250 from Councilman Schaeffer's Councilmanic Grant Account) to Woodbridge High School Marine Corps JROTC Booster Club for a 5K/Walk & Fun Walk

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 073 22
Lewes Fire
Department,
Inc.**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to give \$1,500.00 (\$1,000 Schaeffer's Councilmanic Grant Account and \$500 from Rieley's Councilmanic Grant Account) to Lewes Fire Department, Inc. for a Golf Tournament Fundraiser.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Delivery of
Seed and
Chemical,
Project No.
M19-31**

Mr. Hans Medlarz, County Engineer presented a request for a contract extension for the Bulk Delivery of Seed and Chemical Project, Project No. M19-31 for Council's consideration. Mr. Medlarz shared that currently the contract runs on a fiscal year, however, it is more logical for the contract to run on a calendar year due to the farming operations. Therefore, a six-

month extension is being requested with a re-bid next year on an annual basis.

**M 074 22
Delivery of
Seed and
Chemical
Contract
Extension
Approval**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that based upon the recommendation of the Sussex County Engineering Department, that Contract M19-31, Delivery of Seed and Chemical, be extended through December 31, 2022, to allow the new contract bid to be advertised during the off season and establish calendar year contracts in the future.

Motion Adopted: 4 Yeas, 1 Nay

**Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Property
Site Main-
tenance
Contract –
Change
Order No. 1**

Mr. Hans Medlarz, County Engineer explained that the two recent winter storms caused significant damage at all properties except for one. Prior to the contractor coming out to do the well sampling, the trails need to be cleared. Therefore, a quote was received to clear out the debris, chip it up and put it in the woods.

**M 075 22
Property
Site Main-
tenance
Contract –
Change
Order No. 1
Approval**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson that based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 to the Western Sussex Property Site Maintenance Contract, and Change Order No. 1 to the Landfill Maintenance Contract, for additional hourly services, be approved in not-to-exceed values of \$5,000.00 and \$15,000.00, respectively.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Eastern
Sussex
Motion
Clarification**

Mr. Hans Medlarz, County Engineer explained it was requested for this motion to have further clarification to include the Eastern Sussex Maintenance contract.

**M 076 22
Eastern
Sussex
Motion
Clarification
Approval**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley that based upon the recommendation of the Sussex County Engineering Department and Finance Department that the Eastern Sussex Property Maintenance Contract be increased to \$57,660.00 for inclusion of the Downs property, and modified to a performance-based, year over year, continual contract with consumer price index adjustments starting in 2022.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;**

Mr. Vincent, Yea

**Western
Sussex
Contract 5,
Project
S19-29 –
Award
Segments
A, B & D**

Mr. Hans Medlarz, County Engineer presented for Council’s consideration the awarding of Segments A, B & D for Western Sussex Contract 5, Project No. S19-29. Mr. Medlarz explained that Contract No. 5 was broken down into four segments. He further explained the four segments: the removal of the sludges and chemicals, the demolition of the concrete, repairs to be completed at Heritage Shores and some inflow repairs along the Bridgeville Branch that has been authorized by DNREC. It is being recommend to award three of the four segments and recommendation is to reject the third segment (segment C) due to the low bid having an irregularity. Mr. Medlarz explained that half of the award amount is covered with existing SRF funding. However, additional funds will be needed for the completion of the project.

**M 077 22
Project
S19-29 –
Award
Segments
A, B & D**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that based upon the recommendation of the Sussex County Engineering Department, that Segment A for Contract S19-29, Western Sussex Unified Sewer District, Contract 5, be awarded to A-Del Construction Co., in the amount of \$427,700.00, Segment B be awarded to Richard E. Pierson Construction Co., Inc. in the amount of \$920,800.00 and Segment D be awarded to Standard Pipe Services, LLC in the amount of \$525,100.00, all contingent upon DNREC concurrence.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 078 22
Reject
Segment C –
Project
S19-29**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson that based upon the recommendation of the Sussex County Engineering Department, that all bids for Segment C of Contract S19-29, Western Sussex Unified Sewer District, Contract 5, be rejected and that the contract be re-advertised immediately.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 079 22
Funding
Request –
Project
S19-29**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer that based upon the recommendation of the Sussex County Engineering and Finance Departments, that the Sussex County Council authorize the submission of a second supplemental funding request to DNREC in the amount of \$1,336,315.00, for the Western Sussex District area expansion project under the same affordability standard as the original funding package.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**CU 2164
Request for
Extension**

Mr. Jamie Whitehouse, Director of Planning and Zoning presented a request for an extension for CU 2164 filed on behalf of Leanna and Hung Nguyen for Council's consideration. The applicant indicated that construction was delayed due to reasons outside of their reasonable control. The applicant is seeking an extension on these grounds and has provided materials to demonstrate that the project will meet the "sustainably underway" threshold required if County Council were to grant an extension. The Conditional Use approval is valid for a period of three years and will expire on April 26, 2022, unless "construction or use" is "substantially underway". The property is located on the northeast corner of Old Landing Road (SCR 274) and Marina Drive.

**M 080 22
CU 2164
Extension
Approval**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that based upon the recommendation of the Planning and Zoning Department that Leanna & Hung Nguyen (CU 2164) shall be granted a six (6) month time extension until October 16, 2022, which is six months from April 16, 2022, the original expiration date for the Conditional Use.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing/
Proposed
Millville by
the Sea
Villages A-D
into
SCUSSD/
Millville
Area**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District, Millville by the Sea Villages A-D, Millville Area.

Mr. John Ashman, Director of Utility Planning & Design reported that the proposed expansion of the Sussex County Unified Sanitary Sewer District includes Parcel Nos. 134-15.00-91.01, 134-15.00-16.00, 134-15.00-19.00 & 134.15.00-18.00. The Engineering Department has received several requests from GMB, LLC on behalf of their client ASF MBTS, LLC, the owners/developers of a project known as Millville by the Sea. The four parcels will make up Villages A thru D and are proposed at 601 EDUs. Mr. Ashman explained that the project will be responsible for System Connection Charges of \$6,600.00 per EDU based on current rates. The Engineering Department advertised the proposed annexation, posted on the county website and posted notices on February 3rd. To date, there has been no correspondence either in support or opposition to the proposed annexation.

There were no public comments.

The Public Hearing and Public Comment were closed.

**M 081 22
Approve
Resolution
Millville by
the Sea
Villages A-D
into
SCUSSD/
Millville
Area**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to approve the Resolution to extend the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD) Millville Area, to include the Millville by the Sea, Villages A-D, project located in the Baltimore Hundred, Sussex County, Delaware and recorded in the Office of the Recorder of Deeds, in and for Sussex County, Delaware.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Continuous
Public
Hearing/
Ordinance
to Amend
Chapter 99
and 115
(Wetland,
Water
Resources
and Buffers)**

A Continuous Public Hearing was held for “AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115-25, 115-193, 115-220 AND 115-221 REGARDING CERTAIN DRAINAGE FEATURES, WETLAND AND WATER RESOURCES AND THE BUFFERS THERETO”. Mr. Moore reminded the Council and Public that those that spoke at the last public hearing will not be permitted to speak again today due to this being continuous of a previous public hearing.

Mr. Jamie Whitehouse, Planning and Zoning Director reported that following the January 11, 2022, public hearing, the record was left open to receive additional comments. Since the start of this morning’s meeting, 209 written responses have been received; majority appear to be in support. Mr. Whitehouse noted that there may be a few duplicates included in that number.

Ms. Jody Hartzell, who resides in West Bay stated that she has experienced great flooding. She added that she lives near an approved project, Terrapin Island of which currently serves as a buffer of trees that protect West Bay. In late October, a high tide event occurred that flooded the Terrapin Island land to the point that Camp Arrowhead Road was closed to not allow citizens to West Bay. Ms. Hartzell noted that this development was grandfathered in to allow a cluster development, therefore, it is assumed that the land will be clear cut. Mr. Hartzell then spoke of other developments near where she resides that used to have woods; however, hundreds of acres have been clear cut. Mr. Hartzell encouraged the Council to strengthen this buffer zone to keep mature forests, keep bay cleans and areas from flooding.

Mr. Tom Goglia spoke about a public opinion survey that was conducted by SARG, the Sussex Alliance for Responsible Growth with the support of the Center for Inland Bays and the Sussex County League of Women Voters. Mr. Goglia shared that 606 responses were received as of Sunday at noon

Continuous Public Hearing/ Ordinance to Amend Chapter 99 and 115 (Wetland, Water Resources and Buffers) (continued)

and since then, the total has risen to over 700 responses. Mr. Goglia noted that the SARG survey was not exclusively a SARG survey to its immediate constituents. The goal of the survey was to reach as many residents across the County as possible.

Mr. Goglia then discussed the goals of the survey further. The goals included:

- **To gauge public sentiment on this ordinance since the beginning of this public hearing last January.**
- **To further engage the public and provide a convenient vehicle for expressions of opinion for those who might be reluctant to attend a public hearing – especially in this time of COVID.**
- **To provide a convenient source of materials for the public to review to help formulate their opinions.**
- **To provide public with a summary of all other respondents’ opinions.**
- **To provide County officials with how their constituents feel about this important topic.**

Mr. Goglia shared the questions and results of the survey that was conducted. The survey consisted of five questions.

The first question asked was how concerned people were regarding the impact of development on Wetlands and Waterways. The survey showed that 99% were very or somewhat concerned.

The next question asked “The protection and retention of existing forested buffers and the re-planting of trees in non-forested buffers is the best buffer and provides maximum protection to our waterways, wetlands, and habitats.” Mr. Goglia shared that an overwhelming majority (98%) of the people that took the survey strongly agree or agree with that statement.

Next, the survey discussed Section G of the Proposed Ordinance. The question was as follows “Section G of this Proposed Ordinance should be deleted as it would allow Developers to reduce the buffers within the proposed subdivision, in some cases below today’s standards, or reduce buffers in exchange for creating buffer alternatives outside the entire subdivision.” The results showed that 97% of the people strongly agree or agree that this provision should be eliminated.

The fourth question asked, “At a minimum, the County should approve the expanded buffer widths as recommended by buffer work group and not allow for any net buffer reductions.” The results were that 99% of the people strongly agree or agree that recommendations of the work group should be approved or recommended.

The last question asked, “The County should add strong enforcement provisions and penalties for noncompliance to the ordinance to ensure that

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(continued)**

its provisions are taken seriously and lead to meaningful improvement in the quality of waterways, wetlands, and habitats.” Of the people that completed the survey, 99% were in favor of strong enforcement provisions.

Mr. Goglia shared a map showing the response of those that took the survey by zip code. The responses came not just from Lewes but from the entire Eastern portion of the County; the area’s most significantly concerned about the health of the tidal wetlands and buffer zones.

Mr. Goglia discussed what is being asked of the Proposed Ordinance from those that responded. The first ask is to eliminate Section G. Next, approve expanded buffers recommended by the work group. Also, establish an enforcement vehicle that provides for appropriate penalties for violations and elevates the confidence that your constituents will have that this ordinance will accomplish its intended purpose. Lastly, take time and review the comments submitted by constituents. These comments are serious, well-reasoned and passionate. Also, pass this ordinance with the aforementioned modifications.

Ms. Rosemary Haridman, Mayor of the Town of Bethany Beach came forward to speak on behalf of the Association of Coastal Towns (ACT). Ms. Haridman stated that the proposed amendments contain a number of positive elements. However, there are three areas of concern identified by the Center for Inland Bays (CIB) that should be addressed to ensure conformity with the County’s Comprehensive Plan. First, is the possibility that a forested area can be clear cut prior to the submission of an application for development. Unfortunately, this doesn’t provide any incentive for developers to preserve forested land. To correct this deficiency, ACT is recommending adding a requirement that any forested area within the buffer zones that is cut down would have to be replanted to a forest before construction is complete.

The second area of concern is that buffers can be reduced from 50 to 25 feet under certain circumstances. ACT believes this proposal should be rejected. It provides loopholes and opportunities to negate the protective purposes of the proposed ordinance. If any change is to be made to buffer widths, ACT believes that they should be increased, not decreased.

The third concern is enforcement. Provisions for strict enforcement by the County with meaningful penalties for violations must be included and clearly spelled out in the ordinance. Otherwise, any provisions for wider buffers and reforestation will be ineffective.

Ms. Haridman stated that ACT believes that the suggested revisions are more consistent with the vision, goals, objectives, and strategies that were adopted by the Sussex County Council in its 2018 Comprehensive Plan. It is clear that the County’s Comprehensive Plan recognizes the vital importance of the coastal area and inland bays in absorbing floodwaters, providing habitat for native flora and fauna, as well as impact on the environment and

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(continued)**

in maintaining a healthy economy. And further, that forested areas and wide buffers are essential to protecting and preserving our wetlands and waterways.

Therefore, ACT is recommending that the draft ordinance be revised to:

- **Require maintenance or replacement of forested areas in buffer zones;**
- **Eliminate the possibility of reducing buffer zones to 25 feet and require establishment of buffer zones of at least 50 feet; and**
- **Provide for strict enforcement by the County and meaningful penalties of buffer zone requirements.**

Ms. Leslie Calman asked for consideration to amend the Buffer Ordinance that is not yet strong enough. She urged the Council to continue to listen to the science that has been presented by the Center of Inland Bays. Ms. Calman also spoke about the stewardship of the environment.

Ms. Fran Lozerow, President of Mallard Lakes Community Association and Chairperson of the Southern Sussex County Community Action Group (SSCCAG) then came forward to speak.

Ms. Lozerow shared that her group's strong belief is that buffers are essential to the health and well-being of the residents, wildlife, and environment of the County. She added that regulations of buffers are extremely important.

Ms. Lozerow commented that buffers slow flood waters from coming inland, slow run-off waters and allow pollutants to dissipate before reaching waterways, provide protection from soil erosion and provide habitat for wildlife.

The form of regulation before the Council without amendments isn't perfect but has the support of their organization. The size of the buffers proposed, for example, is smaller than any surrounding jurisdictions, including other counties in Delaware. Nevertheless, the regulation without amendments is better than nothing.

Ms. Lozerow discussed the loopholes in the proposed amendments make a mockery of the regulation and shared an example of why it should not be passed.

The thousand of homeowners that Ms. Lozerow represents today want the buffer regulation passed without amendments. However, they strongly support the addition of strict enforcement mechanisms that will let violators know that the County is serious about the environment, the preservation of our wetlands and protection of our wildlife.

Ms. Sharon Ash spoke about the importance of the environment. She then

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(continued)**

shared an article that was written in 2018 by the Inland Bay Journal that discusses the high stakes in the future of our marshes and what they mean.

Mr. Chip Smith representing the Bethany Beach Landowners Association then came forward to speak. Mr. Smith spoke about why buffers must be preserved and protected. He added that buffers are location specific; destroying/degrading a buffer at one location or placing or expanding a buffer at another location is not supported by science.

Mr. Smith spoke about the importance of dead trees which are critical for ecosystem health. Limbs, trunks and branches devoid of life are just as important to the forest ecosystem as healthy/living trees. They play a vital role in the lifecycles of hundreds of species of wildlife, providing a place to hide, nest, rest, eat and grow. Many species of fungi grow only on dead wood, breaking it down and returning important nutrients to the soil.

Mr. Smith shared pictures showing that buffers help protect our waters and water quality.

Mr. Smith discussed reasons why Section G should be removed from the Proposed Ordinance. The serious cumulative losses of buffer functions in the county, seriously degrading our environmental health, causing adverse impacts that will be hard or impossible to reverse.

Mr. Smith shared that there are forest management plans and resources that can be provided. Furthermore, he would like the ordinance to include a statement that cutting mature trees is not allowed.

Ms. Jill Hicks shared that during the storm of 1962, her property in Lewes did not flood. This was due to the large marshes to the east and south of the property that absorbs the surge of the storms and slows down the water moving towards the property. The large marshes are doing their job and protecting the property. Ms. Hicks believes that no averaging should be used in Zone A or B when it comes to tidal wetlands. In the near future, it should be considered to make those buffers as wide as 300 feet or more.

Ms. Hicks then spoke about the non-tidal wetlands and the importance of mature trees are not being disturbed.

Ms. Hicks believes that Section G should be removed entirely.

Ms. Kathy Hughes spoke about the cycle of life. She added that 300 feet is not asking too much. She encouraged the Council to make a change in the right direction and stop the clear cutting that is occurring.

Mr. Johannes Sayre came forward to speak. Mr. Sayre stated that sea level rise is real and measurable. The less that is done to address the effects of sea level rise, locally, via both storm surge mitigation, and prudent development choices, the more people will come clamoring at the gates of local

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government, in crisis, because their homes and their life savings are being claimed by flowing. This is urgent.

In regard to sea level rise, Mr. Sayre believes that we can learn from Holland. After a half century of building barriers to stop tidal flooding, the Dutch have realized that sea level rise will bypass those barriers. So, they have started implementing a strategy called Room for the River, which recognizes that you can't make floodwater go away, you can only make it go to a place you decided you don't care about, instead of to one you do. A key component of this strategy is supporting natural mature forested buffers as a first line of defense against tidal flooding; their value as such a defense has been confirmed by Dutch research.

Mr. Sayre stated that property rights are not absolute; properties exist in shared space and use shared resources. Development in Sussex County is limited by the carrying capacity of its resources. That includes natural resources such as water supply, and sewage and runoff capacity, and community resources, such as space for housing and public infrastructure and environmental services, including agricultural, undeveloped, and recreational space.

Mr. Sayre commented that growth cannot be infinite because resources are finite. Progress means developing our community based not an understanding of that.

Ms. Cheryl Rehrig commented that many people buy plants for privacy and to restore the wildlife. Furthermore, the cost falls on the homeowners and the homeowner's association to maintain. She would like to see some of the developer's plant trees and shrubs to help bring back wildlife.

Ms. Nan Zamorski spoke about dirty water and the impacts to include no fishing or no swimming. She believes that we need strong regulations and good ordinances to stop destruction of our land and help our quality of life. She would like to see Section G deleted and the codes, ordinances and enforcement up to neighboring counties and states.

Ms. Jeanette Heckter stated that she is in favor of passage of the Ordinance but with omission of the amendments and with addition of provision for enforcement, appropriate penalties and increase of buffer widths. Ms. Heckter requested the Council to pass the ordinance but without amendments but with additions of enforcement and penalties provisions and with buffer widths that will be functional now and in the future. She also requested that Council to reexamine and redesign the process of technical Ordinances such as this one.

Mr. Steve Callanen commented that he concurs with the statements that have been made today. He shared an article that he wrote entitled "Environmental Problems and Land Use Around Delaware's Inland Bays", which was published in the Underwater Naturalist Bulletin of the American Littoral

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Society in 2002.

Mr. Greg Stevens commented that Section G needs to be removed and there needs to be meaningful enforcement and penalties if the rules are not followed.

Ms. Judy Rose spoke about interest in the surrounding environment and wildlife and the importance of preserving the heritage. She added that maintenance of existing forest is critical; you cannot replace an existing mature tree. Ms. Rose believes that a provision should be included that you are not able to put in an application if you have clear cut in a certain number of years. She added that Section G needs to be removed.

Mr. Chuck Chundra stated that he believes that this needs to be done right and it is too important to lose this.

Ms. Frances Hart shared that the members of the Inland Bay Foundation support the importance of the scientific conclusions to provide enhanced buffer ordinances for the County. Also, the group supports the new buffer widths, maintaining forests and replanting trees in deforested buffer areas. Also, enforcement and penalties for non-compliance is supported.

Ms. Carol Stevens recommended the working group be reassembled to look at Section G. Ms. Stevens added that she believes that it is unreasonable to push buffer enforcement to the HOA boards; they are already overworked and don't understand the complexity of the buffer. Ms. Stevens believes that it should be done at the County or the State level if the County is unable to do it. Ms. Stevens believes that Section G needs to be removed. Ms. Stevens discussed clear cutting of lots and how close houses are being built from the tidal wetlands. She asked how that can be prevented and asked if assurance can be given that it would not continue.

Mr. RC Willin came forward to speak. Mr. Willin shared that he was one of the members asked to serve on the working group that consisted of committed individuals. He believes that the results were good; he suggested 100 feet when asked what the buffer should look like for a tidal water and tidal wetland. Mr. Willin resides on the river, therefore, that is one of the reasons that he believes that was the right distance.

Mr. Willin shared that it was arrived at that the tidal waters and wetlands was 100' by looking at the specific conditions as it relates to the areas to be protection and topography of Sussex County. There are two sections to the 100' buffer, Section A & B; he is not aware of an ordinance that has given this type of restrictive guidance.

Mr. Willin discussed the expectations and goals of the proposed ordinance. One of the items includes the health of the resource as it exists and how we can enhance the resource for better enjoyment and long-term viability of the wetlands and tidal water itself. Other items included water quality,

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habitat/wildlife, sea level rise, inundation, flooding and sustainability of buffer and function.

Mr. Willin explained that during the process, what the public was interested in seeing was considered. These items included access and viewscapes which is are main reasons why people move to this area.

Mr. Willin discussed long term viability and functionality of buffers.

Mr. Willin shared buffer considerations as follows: perennial non-tidal rivers and streams 50', non-tidal wetlands 30', intermittent 30' and ephemeral streams 0'. He noted that these buffer widths were tailored to meet the situation that we see in Sussex County.

It is important for the buffer to have accessibility so that it can be managed.

Mr. Willin shared a picture of a buffer on his property, and he commented that he is favor of buffers.

Mr. Willin shared pictures of a property on the Nanticoke River showing a tremendous number of dead trees that have fallen across the streams.

Mr. Willin explained the importance of wetlands; not only for water quality but also for nesting, drinking, and feeding for wildlife but it also has a purpose to drain the areas that we reside in.

Mr. Willin shared pictures of Horse Pen Creek showing trees that came down due to lack of oxygen to the roots. He added that ten years ago, this area had a clearly defined stream bed of what would be referenced as a perennial stream.

Mr. Willin believes that buffers need to be managed for the life of the buffer for the functionality and viability for the future.

Mr. Willin proposed that something other than just forested buffers are considered because they present challenges.

Mr. Willin shared aerial pictures of Horse Pen Creek from 1992-2018 that showed the decline of the trees over the years.

Mr. Willin believes that wooded and grass buffers area needed, and sea level rise can be mitigated.

Mr. Willin shared some pictures of Smith Island showing sea level rise issues that are being addressed to save that island. He shared that they are planting grasses that are adjacent to the resource which is the tidal part. He further explained that the grasses that are being planted being to hold sediment that is being placed there when wave action takes place. During this process, it helps build the elevation of the island. He suggested that this be investigated in Sussex County further.

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Mr. Willin hopes that some of the concerns that were brought forward today are addressed and believes that this is a tremendous step forward.

Mr. Willin discussed Section G of the Proposed Ordinance; in that section, he believes that there is some flexibility. He added that not every foot of tidal wetlands along the perimeter of a development requires the same degree of protection. This is due to the existing growth that is there, however, other areas require a lot more. Furthermore, this section looks at the possibility of preserving established, mature native tree growth within the subdivision.

Mr. Willin discussed the importance of having access to the resource to be able to manage it so that it is not lost. He added that homeowners' associations are very poor administrators of their resource. As requested, and required in this document, the homeowners' association would draft documents to manage and preserve that resource.

Mr. Willin encouraged the Council to pass the Proposed Ordinance as it currently is.

Ms. Judith Sterbling representing Friends of the Nanticoke River then spoke. She shared that her organization is extremely pleased to see the steps being taken to protect the waterways. Her organization rejects to the buffer trading option and the forest clearing option in Section G. She urged that strong enforcement be included in the ordinance. She also recommended that clear and specific language in the conditions of approval for the final site plan.

Mr. George Schultz commented that he supports a better and stronger proposed ordinance to increase buffer widths, preserve forests, wetlands and enforce penalties for non-compliance. Mr. Schultz discussed the amount of development that is occurring the County and how that impact the infrastructure.

Mr. Scott Shaughnessy spoke about the provisions dealing with compliance that he believes are not included in the proposed ordinance to include no penalties or consequences. He added that it would be difficult for HOA's to enforce rules. He encouraged the Council to make this proposed ordinance count and give it some "teeth" to include provisions of non-compliance.

Ms. Sherry Evans-Stanton stated that she agrees that buffers should be at least 100 feet wide. She added that forested buffers are the best type of buffers to prevent flooding and erosion. She discussed why mature trees are critical and important; they have deep roots that absorb a significant amount of water. The removal of provision that allows non-forested meadows from the resource buffer as well as the removal of Section G. The proposed ordinance does not have enforcement with meaningful penalties.

Ms. Susan Rosenblum-Petze discussed Section G and interpretation of the proposed ordinance. She asked for more weight on the side of the

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environment and amend the proposed ordinance to make stronger, easier to interrupt and to enforce.

Mr. Richard Craig stated that he believes that Section G undercuts the effort of the proposed ordinance. He added that enforcement needs to be strengthened and the Planning and Zoning Commission need to have clear guidance of how to implement the ordinance.

Ms. Valerie Wood spoke about saving mature the trees in a buffer and the benefits of mature trees. She added that a separate ordinance is need for that topic. She also spoke about tax ditches and how often accessed is needed.

The Public Hearing and the Public Record were then closed.

**M 082 22
Defer Action
Ordinance
to Amend
Chapter 99
and 115**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to defer action on “AN ORDINANCE TO AMEND CHAPTER 99, SECTIONS 99-5, 99-6, 99-7, 99-23, 99-24, 99-26, AND 99-30, AND CHAPTER 115 SECTIONS 115-4, 115-25, 115-193, 115-220 AND 115-221 REGARDING CERTAIN DRAINAGE FEATURES, WETLAND AND WATER RESOURCES AND THE BUFFERS THERETO”.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 083 22
Recess**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to recess to recess for 20 minutes.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 084 22
Reconvene**

A Motion was made by Mr. Hudson, seconded by Mrs. Green to reconvene at 2:13 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Rules

Mr. Moore read the rules of procedure for public hearings on zoning matters.

Public

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR

**Hearing/
CU 2297**

MEDIUM RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2046 (ORDINANCE NO. 2479) RELATED TO PERMITTED HOURS OF CONSTRUCTION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36.61 ACRES, MORE OR LESS” (Conditional Use No. 2297) filed on behalf of Schell Brothers, Inc. (Tax I.D. 334-12.00-127.02) (911 Address: N/A)

The Planning and Zoning Commission held a Public Hearing on this application on January 13, 2022, the Commission recommended approval of the application with the amendment of Condition K.

(See the minutes of the Planning and Zoning Commission dated January 13, 2022.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Jon Horner, Esq. was present. The Application is a request to change the working hours in the community known as Arbor Lynn to be consistent with the other Schell Brother communities. Currently, Arbor Lynn has an 8:00 a.m. start time; every other Schell Brother community has a 7:00 a.m. start time.

Mr. Schaeffer asked if this would include Saturday. Mr. Horner replied that it would include Saturday, however, no Sunday construction is permitted. The construction hours on Saturday being requested are 7 a.m. until 6 p.m.

There were no public comments.

The Public Hearing and Public Record were closed.

**M 085 22
Adopt
Ordinance
No. 2831/
CU 2297**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2831 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2046 (ORDINANCE NO. 2479) RELATED TO PERMITTED HOURS OF CONSTRUCTION TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 36.61 ACRES, MORE OR LESS” (Conditional Use 2297) filed on behalf of Schell Brothers, Inc., with the following amendment:

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 7:00 am and 6:00 pm, no Sunday hours are permitted. A 24-inch by 36-inch “NOTICE” sign, in English and in Spanish, confirming these hours shall be prominently displayed at the entrance to the site during construction. Route 24 shall be

**M 085 22
Adopt
Ordinance
No. 2831/
CU 2297
(continued)**

the only point of construction access to the site.”

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing
CZ 1939**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.16 ACRES, MORE OR LESS” (Change of Zone No. 1939) filed on behalf of Gerald R. and Valerie V. Campbell (Tax I.D. No. 530-17.00-2.01) (911 Addresses: 9155 & 9167 Campbell Lane, Bridgeville)

The Planning and Zoning Commission held a Public Hearing on this application on January 13, 2022, at this time action was deferred. On January 27, 2022, the Commission recommendation approval of the application for the nine reasons outlined.

(See the minutes of the Planning and Zoning Commission dated January 13 and 27, 2022.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Mr. John Sergovic, Esq. was present with Ms. Pam Washington Hermann, the Applicant’s daughter. Mr. Sergovic stated that a conditional use was granted in 1973 is for a cabinetry shop; the business is currently still in use and has been for almost 49 years. Mr. Sergovic stated that with Mr. Campbell’s increasing age he would like to ensure if something should happen to him, the property could be used for general business use in the future, rather than limited to a cabinetry shop.

There were no public comments.

The Public Hearing and Public Record were then closed.

**M 086 22
Adopt
Ordinance
No. 2832/
CZ 1939**

A Motion was made by Mrs. Green, seconded by Mr. Schaeffer to Adopt Ordinance No. 2832 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 3.16 ACRES, MORE OR LESS” (Change of Zone No. 1939) filed on behalf of Gerard R. and Valerie V. Campbell, Trustees for the following reasons:

**M 086 22
Adopt
Ordinance
No. 2832/
CZ 1939
(continued)**

1. **B-2 Business Community Zoning is designed to allow office, retail shopping, and personal service uses that serve a relatively small area, including low density and medium density neighborhoods.**
2. **The site has been used as a cabinet shop for decades. Although not discussed in detail during the public hearing, this use may have been in existence long enough for the property to be considered legally non-conforming. Rezoning the property to B-2 is appropriate so that the zoning classification matches the historical use of the property.**
3. **This property is near other properties that are zoned C-1, which allows more intensive uses than what is permitted within the B-2 zoning sought by the Applicants. The property is also relatively near the boundary of the Town of Greenwood and the business and commercial uses that exist there. B-2 Zoning is appropriate in this location under these circumstances.**
4. **This location is along Route 13, which is a major arterial roadway in Sussex County. B-2 zoning is appropriate along this section of Route 13 near Greenwood in the vicinity of other Commercial Zoning.**
5. **The rezoning will not adversely affect area roadways or traffic.**
6. **The rezoning will also not adversely affect nearby properties or property values.**
7. **The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.**
8. **No parties appeared in opposition to the application.**
9. **Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Public
Hearing
CZ 1960**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1858 (ORDINANCE NO. 2621) RELATING TO THE WORKFORCE HOUSING REQUIREMENTS, INTERNAL ROAD STANDARDS AND AMENITIES DEADLINES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS” (Change of Zone No. 1960) filed on behalf of OA Oaks, LLC (Tax I.D. 533-11.00-82.00) (911 Address: N/A)

The Planning and Zoning Commission held a Public Hearing on this

**Public
Hearing
CZ 1960
(continued)**

application on January 13, 2022, at this time action was deferred. On February 10, 2022, the Commission recommendation approval of the application for the seven reasons outlined and subject to the recommended revised condition wording as outlined.

(See the minutes of the Planning and Zoning Commission dated January 13 and February 10, 2022.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that Mr. Jim Fuqua, Esq. and Mr. Preston Schell were present on behalf of the application. Mr. Fuqua shared some history of the property; the original Application requested a change of zone to HR-1 RPC High Density Residential, Residential Planned Community for a 14.8-acre parcel located on the northeast side of Zion Church Rd.; that the proposed used was for 178 unit rental apartment development; that 36 of the apartment sites having income qualifications in order to create a workforce housing opportunity; that the workforce housing opportunity is geared for the moderate to lower income residences within Sussex County; that the need for workforce housing within Sussex County was documented in and designated as a goal within Sussex County's Comprehensive Plan; that in 2008 the County enacted an Ordinance called Sussex County Rental Program to encourage development of affordable rental housing; that unfortunately as of 2018, when the original Application was filed there had been no rental projects proposed under the terms of the Ordinance; that this was due to the requirements of the Ordinance; that it did not seem to working in attracting anyone to make a proposal; that in 2018 the Applicant proposed the Ashton Oaks development; that it is a market rate development but would have the workforce housing component to it; that the Applicant proposed Conditions for the workforce qualifications which were based on the County's requirements, but were different; that they were modified from the County's requirements to allow it to be more economically feasible for the project to work; that the original Application was approved by County Council in December 2018; that it was approved subject to Conditions A through Condition S; that the Applicant is currently requesting to modify Condition B, G and I; that Condition B addressed the operation and tenant qualifications, for the 36 workforce housing units; that the current request is not a land use request; that the request is more of an economic and housing formula; that Condition G addressed the development, streets and parking area; that Condition I addresses the time for completion of the recreational amenities. It is the intent of these proposed modifications to clarify and improve the language of the conditions.

Mr. Schell discussed the challenges presented with the household income requirements. Mr. Schell reported that Mr. Robertson recommended a clause at the end of Section 2 to read "Eligible Income—Eligible income is 50% to 80% of the area median income for Sussex County adjusted for household size and as updated annually by HUD, provided that the average household income for all of the Restricted Units within the RPC is at or below 70% AMI

on an annual basis.” Mr. Schell stated that is problematic from the management perspective. He added that at the time of rental, people meet the income requirements, however, as people earn more money, they would no longer meet the qualifications. Therefore, the way this is written, it would push his company above the average that they agreed to for the 36 units. Mr. Schell discussed the issues that this could cause to include discrimination. Mr. Schell is recommending making the eligible income for the initial lease (not an existing tenant) be between 50% and 70% AMI and make the eligible income for renewal leases be between 50% and 80% AMI. Mr. Schell explained that those tenants that no longer qualify due to their income will be moved to the front of the line for the market rate units.

Mrs. Green asked if there was estimated amount of what the monthly rent would be. Mr. Schell replied that the rent is set at 70% AMI; a one-bedroom unit would be approximately \$975.00; two-bedroom unit would be approximately \$1,175.00 and a three-bedroom unit would be approximately \$1,375.00 monthly. He added that the market rate would be approximately \$1,195.00 for a one-bedroom unit, \$1,495.00 for a two-bedroom unit and \$1,795.00 for a three-bedroom unit.

Mr. Rieley discussed the possibility of wage inflation that cause people to hit the 80% AMI. Mr. Rieley asked the risk of people moving out of the program but choosing not to move meaning the percentage set aside will not be there that was anticipated. Mr. Schell replied that it is in his best interest to have all of the 36 units rented to qualifying tenants and not to market rate tenants.

Mr. Vincent asked for clarification of Condition G.

Mr. Russell Huxtable from Milford Housing Development Corporation spoke in support of the Application. He stated that the income levels set between 50% AMI and 70% AMI do achieve the goals that are set for this program. He added that his company is in favor of this project to allow affording housing.

Ms. Sheri Kastner spoke in opposition of the Application. She questioned how many amendments a developer can submit until they are told no and made to start over.

Ms. Diana Huber spoke in opposition of the Application. She questioned if the zoning was being changed. She also questioned if the units were three or four stories.

Mr. Rieley asked Mr. Schell to show the buffering and the distance from the neighboring properties.

The Public Hearing and the Public Record were closed.

M 087 22
Amend

A motion was made by Mr. Rieley, seconded by Mr. Hudson, to amend Section 8 B 2 to read: Eligible income for initial or first-time leases shall be

**Conditions
CZ 1960**

50% to 70% AMI for Sussex County as established by the US Department of Housing Urban Development (HUD) and updated annually and as adjusted for the household and unit size, eligible income for renewal leases shall be between 50% and 80% of AMI.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 088 22
Adopt
Ordinance
No. 2833/
CZ 1960**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 2833 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO A HR-1/RPC HIGH DENSITY RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY TO AMEND CONDITIONS OF APPROVAL OF CHANGE OF ZONE NO. 1858 (ORDINANCE NO. 2621) RELATING TO THE WORKFORCE HOUSING REQUIREMENTS, INTERNAL ROAD STANDARDS AND AMENITIES DEADLINES FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS” for the reasons given by Planning and Zoning #1-7 with conditions of approval 8 B, G, I as amended.

- 1. The Applicant seeks to amend Condition B regarding the income eligibility and rent standards for the affordably-priced units within Ashton Oaks; Condition G regarding entrance road and sidewalk requirements; and Condition I regarding the timeframe for completing the recreational amenities.**
- 2. According to the Applicant, these amendments are minor in nature, and primarily seek to clarify the requirements imposed upon the project. In the case of the amendment to the income eligibility standards for the affordably-priced units, the Applicant seeks to broaden the income range so that this project can serve a greater number of lower-income families in Sussex County.**
- 3. These amendments will not affect the Findings contained in Ordinance No. 2621 stating that this project will create modern, safe affordable and fair housing options for residents of Sussex County, including specifically housing for the Sussex County workforce. These amendments will allow the Applicant to continue to help address the rental housing needs of Sussex County’s low- and moderate-income workforce in a location that is in close proximity to employment and town centers.**
- 4. The amendment to Condition B regarding income eligibility is reasonable in that it adds clarity to the requirements, while providing some flexibility so that the restricted units are rented to as many qualified tenants as possible. However, the average household income for all of the restricted units within the RPC must still remain at or**

**M 088 22
Adopt
Ordinance
No. 2833/
CZ 1960
(continued)**

below 70% AMI on an annual basis. Such an average will ensure that this project is available to a more diverse applicant pool, which is an important aspect of fair housing and was a fundamental part of the Applicant's stated intention to include workforce housing within the RPC based upon income eligibility.

5. The Amendment to Condition G regarding entrance road and sidewalk requirements is reasonable. Because this will be a rental project with parking lots, it is appropriate to seek relief from certain design requirements that are primarily applicable to single family subdivisions.
6. The amendment to Condition I regarding the timeframe for completion of recreational amenities is also appropriate. The original approval stated that the recreational amenities must be completed by the issuance of the building permit for the 4th apartment building. These timing requirements are generally used to ensure that recreational amenities are open and available to third-party purchasers of homes. In this case, the Applicant will be the developer and owner of all of the rental units within the project, so there are no third-party property owners to protect. However, it is appropriate to ensure the completion of these amenities within a reasonable time.
7. These changes do not affect the substance, density or appearance of the RPC. As a result, they have no impact on the community, neighboring properties or area roadways.
8. For all of these reasons, it is appropriate to modify Conditions B, G and I of Ordinance No. 2621 so that they now state as follows:

CONDITION B:

B. As offered by the Applicant, 36 of the units shall be designated as "Restricted Units" for the purpose of providing "workforce housing" for a period of 30 years following the date the first building receives its Certificate of Occupancy, subject to the following terms and conditions:

1. **Rent--**The rent for the Restricted Units shall be established based upon 30% of gross household income for 70% of the Area Median Income ("AMI") for Sussex County as established by the U.S. Department of Housing and Urban Development ("HUD") and updated annually and as adjusted for household and unit size.
2. **Eligible Income--** Eligible income for initial or first-time leases shall be 50% to 70% AMI for Sussex County as established by the US Department of Housing Urban Development (HUD) and updated annually and as adjusted for the household and unit size, eligible income for renewal leases shall be between 50% and 80% of AMI.
3. **Vacant Units--**During lease-up and for a period of 2 years, the Applicant must actively seek to lease available units to Qualifying Tenants at a rate equal to or greater than the ratio of Restricted Units to market rate units. Post lease-up, any vacant units for which the Applicant is actively seeking tenants must first be offered

**M 088 22
Adopt
Ordinance
No. 2833/
CZ 1960
(continued)**

to Qualifying Tenants if the total number of leased Restricted Units is less than the targeted amount (36). If no Qualifying Tenants are available at the time a unit becomes vacant that unit may be leased at market rates to any tenant. At all times in which the number of Restricted Units is less than 36, the next available unit(s) must be offered or lease to any known and available Qualified Tenant(s), until such time as the 36-unit target for Restricted Units is achieved.

- 4. Qualifying Tenants—Eligible tenants for the Restricted Units must:
 - a. Provide proof of citizenship.**
 - b. Be of eligible income as defined in “2”, above.**
 - c. Be employed and live in Sussex County for at least one year preceding the date of application.**
 - d. Occupy of Restricted Unit as the tenant’s principal residence during the lease period. Each eligible tenant must certify before taking occupancy that the tenant will occupy the unit as the tenant’s principal residence. Any tenant who violates occupancy requirements will be subject to eviction procedures.**
 - e. Comply with other requirements that apply to tenants of Non-Restricted Units.****
- 5. Unit Integration—Restricted Units must be fully integrated into the community and shall not be substantially different in external or internal appearance and fit out from market-rate units. Restricted Units shall be equipped with the same basic appliances as the market rate units, such as an oven, refrigerator, dishwasher, and washer and dryer. At all times, the number of type of Restricted Units shall remain in proportion to the number of the same type of Market Rate Unit with the exception that the Applicant may have up to 10% more 3-Bedroom Restricted Units, and therefore fewer 1-and 2-Bedroom Units in proportion to the total number of apartment units. For example, if 25% of the units are 3-Bedroom Units, then between 25% and 35% of the Restricted Units must be 3-Bedroom Units.**

Conditions B.5. through B.7 are unchanged from Ordinance No. 2621 and are renumbered as B.6 through B.8.

CONDITION G:

- G. The entrance road up to and including the first intersection must meet or exceed the street design requirements contained in Section 99-18 of the Sussex County Code. There shall be a fully-connected, ADA compliant internal sidewalk and multi-modal path pedestrian system serving all buildings. This internal sidewalk and pathway system shall extend to the public right-of-way. The location and type of construction of the sidewalk and pathway system shall be shown on the Final Site Plan.**

CONDITION I:

**M 088 22
Adopt
Ordinance
No. 2833/
CZ 1960
(continued)**

- I. Recreational amenities, including the clubhouse, outdoor swimming pool and deck, playground, walking trail and enclosed dog park shall be completed prior to the issuance of the Building Permit for the sixth multi-family building.**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

Mr. Schaeffer 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 C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.041 ACRES, MORE OR LESS”

Mr. Schaeffer 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 C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PORTION OF A PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.23 ACRES, MORE OR LESS”

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Member
Comments’**

There were none.

At 3:15 p.m., a Motion was made by Mrs. Green, seconded by Mr. Rieley to recess the Regular Session, and go into Executive Session for the purpose of discussing matters relating to pending/potential litigation, and land acquisition.

**M 089 22
Go Into
Executive
Session**

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Executive
Session**

At 3:20, an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matter relating to pending/potential litigation, and land acquisition. The Executive Session concluded at 3:28 p.m.

**M 090 22
Reconvene**

At 3:30 p.m., a Motion was made by Mr. Hudson seconded by Mr. Rieley to reconvene.

Motion Adopted: 5 Yeas

Vote by Roll Call: Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 091 22
E/S Action**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to authorize the County Administrator to negotiate, enter into a contract and proceed to closing for a parcel identified as 2022-A.

Motion Adopted: 5 Yeas

Vote by Roll Call: Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**M 092 22
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at 3:32 p.m.

Motion Adopted: 5 Yeas

Vote by Roll Call: Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

**Tracy N. Torbert
Clerk of the Council**

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

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F

hans.medlarz@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Douglas B. Hudson, Vice President
The Honorable Cynthia C. Green
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

FROM: Hans Medlarz, P.E., County Engineer
Gina A. Jennings, MPA, MBA, Finance Director
John J. Ashman, Sr. Manager of Utility Planning & Design Review

DATE: March 1, 2022

RE: *Long Neck Communities Area Expansion of the Unified Sanitary Sewer District Approval of SRF Funding Offer*

The original Branch & Autumn Roads area was annexed into the Uniform Sanitary Sewer District in 2015 as part of a developer driven project. However, the extent of the offsite improvements made the project unaffordable and the Branch and Autumn Road portions beyond the intersections were removed from the development project requirements. Subsequently the Tucks Road area requested district annexation and was added to the Notice of Intent for funding after Council approval of the annexation. Prior to receiving the official offer to apply for the funding the Sherwood Forest and Steele Land Development area requested annexation into the Unified Sanitary Sewer District.

The proximity of the (3) areas allowed to group them under one project creating an economy of scale. At this point the project name was too long and since all of the areas were in the Long Neck area, the name was changed to “Long Neck Communities” submitted for final funding. The project will serve approximately 264 parcels with central sewer service.

In April of 2020 the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submittal of the funding application to Delaware State Revolving Fund (SRF). On April 9, 2020, these Documents were combined with the overall funding application prepared by the Finance Department and filed for an overall project cost of \$7,788,761.00. On August 24, 2020, the County received the Binding Commitment Letter from DNREC Environmental Finance. August 25, 2020, the County accepted the Binding Commitment Offer and the obligating documents associated in the loan amount of \$7,788,761.00 with the expectation of up to \$3,860,000.00 of principal forgiveness, reducing the principal amount of the bonds outstanding to \$3,928,761.00 upon project completion.



The Finance and Engineering Departments now recommend introduction and ultimately approval of the associated debt ordinance authorizing the issuance of up to \$7,788,761.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the Long Neck Communities Area of the Sussex County Unified Sanitary Sewer District.



ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$7,788,761 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE LONG NECK COMMUNITIES SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the “County”) has “all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute” (the “Home Rule Power”);

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Long Neck Communities Septic Elimination Project, which will finance the installation of a gravity sewer collection system for the Long Neck Communities along Branch, Autumn and Tucks Road and in the Sherwood Forest North community (the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$7,788,761 (the “Bonds”) to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$3,860,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$3,928,761 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred

with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

ADOPTED this [] day of _____, 2022.

SUSSEX COUNTY, DELAWARE

Attest:

Clerk
Sussex County Council

President
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

County Attorney

SYNOPSIS: This Ordinance provides for the issuance of up to \$7,788,761 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Long Neck Communities Septic Elimination Project, which will finance a gravity sewer collection system for the Long Neck Communities along Branch, Autumn and Tucks Road and in the Sherwood Forest North community (collectively, the “Project”), with the expectation that up to \$3,860,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$3,928,761 upon Project completion.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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Sussex County

DELAWARE
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Douglas B. Hudson, Vice President
The Honorable Cynthia C. Green
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

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

RE: *EMS Public Safety Building – Project C19-04*
A. *Change Orders No. 6 & 7*

DATE: March 1, 2022

The single Public Safety Building concept was first introduced in the FY 2019 Budget Ordinance consolidating all EMS training, administration, and logistics functions in one facility. The scope and cost were updated in accordance with a space allocation programming effort in the FY 2020 Budget Ordinance and further refined based on design stages in the FY 2021 & FY 2022 Budget Ordinances reflecting a total project expense of \$12.00 million. The anticipated overall project expenses are still well within budget.

Following a publicly advertised process, Council awarded the EMS Department's - Architectural Consulting Services base contract to the George, Miles and Buhr, Inc. The subsequent Public Safety Building Project C19-04 base agreement covered professional services for an initial not to exceed amount of \$300,000.00.

The State's fire prevention regulations required a single-entry point necessitating a full sprinkler distribution system design and due to the critical nature of the facility a secondary air conditioning backup in the form of a cooling tower was desired. Council authorized a \$31,720.00 stand-alone purchase order to RMF Engineering for these specialty designs.

In October of 2020 the Departments presented the 60% design review to County Council followed by a 75% design presentation in March of 2021. Based on the County's request GMB was asked to create fiber optic cabling, audio/visual, security/alarm and fit out specialty scopes for procurement under Cooperative Purchasing Agreements increasing the project design complexity. Hence, Council approved on March 23, 2021 GMB's Amendment No.1 increasing the not to exceed threshold by \$61,500.00.



Following the March Council presentation, the scope still evolved considerably due to design revisions and added design features. Consequently, GMB and its subconsultants exceeded the previously approved allocations bringing the project to bid. GMB offered a discounted fee of \$75,000.00 to cover these services. In addition, they proposed a construction services fee of \$244,500.00. Overall, the professional services were well below 10% of construction comparing favorably with industry standards and on August 10, 2021 County Council authorized issuance of GMB's Amendments No. 2 & 3 increasing the overall not to exceed amount to \$681,000.00.

On June 4, 2021, the Public Safety Building, Project C19-04 was publicly advertised. On July 14, 2021, eight (8) bids were received and on August 10, 2021, Council awarded the project to Bancroft Construction Company in the amount of \$8,282,169.00.

The documents as bid included provisions to recover pandemic related price increases between *bid and award* for structural and light weight steel material costs. Therefore, on August 31, 2021, Council approved Change Order No. 1 in the not to exceed amount of \$40,000 for structural and Change Order No. 2 in the amount of \$8,800 for light weight steel material price increases.

The structural steel material change order no.1 was based on August 12, 2021 pricing. When Bancroft transmitted the "letter of intent to award", their subcontractor Iron Works, Inc. on August 30th in turn issued material purchase orders. However, the material suppliers responded that material quotations are only binding for one week due to supply chain impacts and volatile steel markets. In consultation with County Leadership, the Engineering Department authorized Bancroft to lock in at the August 30th material costs triggering a \$22,829.00 revision to change order no. 1 approved by Council on September 14, 2021.

When the project bid the Fire Marshall site permit was had been issued but the associated building permit was still under review. When it was finalized two issues had to be addressed (i) fire protection details in the plenum and (ii) a secondary emergency egress from the mezzanine.

The plenum needed to be either sprinkled or all materials had to be fire rated. The only material not meeting the rating was the water piping. The County requested the PVC piping for ease of maintenance. The mechanical subcontractor suggested to add fire rated insulation but switch the valving to PVC under a partial credit for a net change order no. 3 cost of \$13,554.94. In addition, the County EMS team had initiated a proposed change order no. 4 for air filtration system safety upgrades paid for through American Rescue Plan Act funds in the amount of \$4,740.28. On November 20, 2021, County Council approved both change orders.

The Department and the contractor concluded the change order scope associated with the emergency mezzanine exit required a permit. The work was complex requiring scope modifications for eight (8) trades. The electrical trade also included some minor changes to the outlet configurations to accommodate the selected A/V equipment for a total \$58,245.80. County Council approved Change Order No. 5 in that amount on January 11, 2022.

The existing EOC had been believed to have dual primary electric power feeds. This opinion was based on original design drawings, staff recollection as well as DP&L records. Upon examination of the actual EOC transformer by DP&L it was determined that the facility had only one feed. Prior to that the electrical sub-contractor had initiated some limited conduit installations based on the erroneous assumption detailed under change order no. 6. Therefore, the Department recommends acceptance by Council of Change Order No. 6 in the amount of \$1,905.85 to reimburse Bancroft for these now obsolete work efforts.

However, for the project to proceed DP&L and County's General Labor & Equipment contractor had to extend primary power to the existing transformer from the opposite side of Rudder Lane. In addition, the transformer and generator location for the building was revised. These changes are being priced out and will appear in a future change order.

In December 2021, following a detailed Miss Utility locate the Team recognized that there were conflicts between the proposed gravity storm drainage pipe and the existing high voltage lines off site. The stormwater management design had the stormwater pipe system crossing the intersection of Airport Road and Aviation Avenue. Close examination revealed that this crossing was not plausible as the stormwater pipe intersected approximately eight other utilities primarily electric and sewer force mains at different elevations.

While investigating stormwater options, two existing roof drainage pipe conflicts came to light. The combination of both these impacts required a re-work of the entire grading plan, along with the redirection of the storm drainage piping along Airport Road. The Department and the contractor have concluded the change order scope and pricing review associated with the additional site work. Therefore, the Department recommends acceptance by County Council of Change Order No. 7 in the amount of \$62,924.75. The change order **does not** include undercutting of unsuitable soils encountered under "Lake Thomas". This work is proceeding under a proposed time & material change order with tracking of quantities by staff.

The heating and hot water systems were designed based on availability of natural gas. Chesapeake Utilities' service extension project from the Coastal Business Park to Rudder Lane is delayed and may not be ready at the time of building commissioning. They directed us to seek an interim solution using their subsidiary Sharp Energy. Sharp already supplies the Joint Maintenance Facility under this arrangement and the Department is working on a possible combined interim service to be covered under a future change order.

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Initial conduit installation work based on the assumption the facility had dual power feeds.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Bancroft Construction Company, Contractor

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date



Bancroft Construction Company
1300 N Grant Ave Ste 101
Wilmington, Delaware 19806
Phone: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
21911 Rudder Lane
Georgetown, Delaware 19947

DRAFT

Prime Contract Potential Change Order #006: CE #004 & 020

Table with 4 columns: Field Name, Value 1, Field Name, Value 2. Includes fields like TO, FROM, PCO NUMBER/REVISION, CONTRACT, REQUEST RECEIVED FROM, CREATED BY, STATUS, CREATED DATE, REFERENCE, PRIME CONTRACT CHANGE ORDER, FIELD CHANGE, LOCATION, ACCOUNTING METHOD, SCHEDULE IMPACT, PAID IN FULL, and TOTAL AMOUNT.

POTENTIAL CHANGE ORDER TITLE: CE #004 & 020

CHANGE REASON: No Change Reason

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

CE #004 - Re-Route of Primary Service

The primary service is currently located inside the footprint of the new addition footings. The service will need to be relocated to the East entrance and run roughly 200' to the transformer. The county would like to remove one parking spot to accommodate the relocation. Install 2 - 4" conduits

CE #020 - Masonry Control Joints

ATTACHMENTS:

2021_12_22_11_57_01.pdf CO #1 Added Control Joints.pdf

Table with 5 columns: #, Cost Code, Description, Type, Amount. Includes line items for Electrical, Fee, and Architectural Concrete, plus a summary section for BCC GCs, Bond, Profit, and Grand Total.

Morgan Helfrich (George, Miles & Buhr, LLC)

400 High Street
Seaford Delaware 19973

Sussex County Delaware

2 The Circle P.O. Box 589
Georgetown Delaware 19947

Bancroft Construction Company

1300 N. Grant Avenue Suite 101
Wilmington Delaware 19806

Michael Kalafut 12/23/21

SIGNATURE DATE

SIGNATURE DATE

SIGNATURE DATE



Bancroft Construction Company
 1300 N Grant Ave Ste 101
 Wilmington, Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown, Delaware 19947

CHANGE EVENT #004 - Re-Route of Primary Service

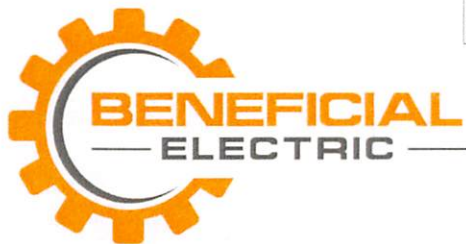
Origin:

Date Created: 10/21/2021 **Created By:** Josh Callahan
Status: Open **Scope:** Out of Scope
Type: Owner Contingency **Change Reason:** Unforeseen/Differing Condition
Description: The primary service is currently located inside the footprint of the new addition footings. The service will need to be relocated to the East entrance and run roughly 200' to the transformer. The county would like to remove one parking spot to accommodate the relocation.
 Install 2 - 4" conduits
Attachments: [2021_12_22_11_57_01.pdf](#)

CHANGE EVENT LINE ITEMS

| Budget Code | Vendor / Contract | Revenue | | | Cost | | | | Over/ Under | Budget Mod. |
|---|----------------------------------|------------|------------|--------------|------------|-----|---------|-------------|----------------|----------------|
| | | ROM | Prime PCO | Latest Price | ROM | RFQ | Commit. | Latest Cost | | |
| 16-001.06 Electrical.Subcontract | Beneficial Electric | \$1,210.00 | \$1,210.00 | \$1,210.00 | \$1,210.00 | | | \$1,210.00 | \$0.00 | |
| Description: Rerouting primary service | | | | | | | | | | |
| 90-999.10 Fee.Fee & Field Cost | Bancroft Construction Company | \$0.00 | \$0.00 | \$0.00 | \$0.00 | | | \$0.00 | \$0.00 | |
| Description: MU | | | | | | | | | | |
| 90-999.10 | | \$0.00 | \$137.37 | \$137.37 | | | | \$0.00 | \$137.37 | |

| | | Revenue | | | Cost | | | | | |
|----------------------|-------------------|-------------------|-------------------|-------------------|-------------------|---------------|---------------|-------------------|-----------------|----------------|
| Budget Code | Vendor / Contract | ROM | Prime PCO | Latest Price | ROM | RFQ | Commit. | Latest Cost | Over/ Under | Budget Mod. |
| Fee.Fee & Field Cost | | | | | | | | | | |
| Grand Totals | | \$1,210.00 | \$1,347.37 | \$1,347.37 | \$1,210.00 | \$0.00 | \$0.00 | \$1,210.00 | \$137.37 | \$0.00 |



Beneficial Electric

P.O. BOX 740
 MIDDLETOWN, DE 19709
 Phone: (443) 333-3637
 Fax:

Invoice

| | |
|-----------------------|------------|
| Invoice Number | 511 |
| Invoice Date | 12/22/2021 |

Bill To: BANCROFT CONSTRUCTION
 1300 N. GRANT AVE
 SUITE 101
 WILMINGTON, DE 19806

Re: SUSSEX COUNTY PUBLIC SAFETY
 21911 RUDDER LANE
 GEORGETOWN, DE

| Job No | Customer Job No | Customer PO | Payment Terms | Due Date |
|----------|-----------------------------|-------------|---------------|-----------|
| 1474-21 | | | Net 30 Days | 1/21/2022 |
| Quantity | Description | U/M | Rate/Unit | Price |
| 8.00 | LABOR FOR TEMP POWER | | 55.00 | 440.00 |
| 8.00 | LABOR FOR TEMP POWER | | 55.00 | 440.00 |
| 1.00 | MATERIAL FOR TEMP POWER | | 600.00 | 600.00 |
| 1.00 | EQUIPMENT FOR TEMP POWER | | 550.00 | 550.00 |
| 4.00 | LABOR FOR TEMP POWER | | 55.00 | 220.00 |
| 4.00 | LABOR FOR TEMP POWER | | 55.00 | 220.00 |
| 1.00 | EQUIPMENT FOR TEMP POWER | | 330.00 | 330.00 |
| 12.00 | LABOR FOR ADDED CONDUIT | | 55.00 | 660.00 |
| 1.00 | EQUIPMENT FOR ADDED CONDUIT | | 550.00 | 550.00 |

In Scope.

Out of Scope. CE #004

| | | |
|---------------------------|-----------|-----------------|
| Subtotal | \$ | 4,010.00 |
| Sales Tax (if applicable) | \$ | 0.00 |
| Total Due | \$ | 4,010.00 |

Thank you for your business!



Bancroft Construction Company
 1300 N Grant Ave Ste 101
 Wilmington , Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown , Delaware 19947

CHANGE EVENT #020 - Masonry Control Joints

Origin: RFI #32: Warehouse Masonry Control Joints

Date Created: 12/13/2021 **Created By:** Tyler Lewis

Status: Pending **Scope:** Out of Scope

Type: Owner Contingency **Change Reason:** Design Add Service

Description:

Attachments: [CO #1 Added Control Joints.pdf](#)

CHANGE EVENT LINE ITEMS

| Budget Code | Vendor / Contract | Revenue | | | Cost | | | | Over/ Under | Budget Mod. |
|--|------------------------------------|-----------------|-----------------|-----------------|-----------------|---------------|---------------|-----------------|----------------|----------------|
| | | ROM | Prime PCO | Latest Price | ROM | RFQ | Commit. | Latest Cost | | |
| 03-330.06 Architectural Concrete.Subcontract | D.W. Masonry, Inc. CSED0001-015 | \$501.55 | \$501.55 | \$501.55 | \$501.55 | | | \$501.55 | \$0.00 | |
| 90-999.10 Fee.Fee & Field Cost | | \$56.94 | \$56.94 | \$56.94 | | | | \$0.00 | \$56.94 | |
| Grand Totals | | \$558.49 | \$558.49 | \$558.49 | \$501.55 | \$0.00 | \$0.00 | \$501.55 | \$56.94 | \$0.00 |

D.W. MASONRY, INC.

THE MASONRY EXPERTS

Sussex Public Safety

CE 20 Added Control Joints

| Qty | Item | Cost / Hour | Total |
|-----|-----------------------|--------------|----------|
| 1 | hours Foreman | \$70.75 | \$70.75 |
| | hours Mason | \$67.32 | \$0.00 |
| 2 | hours Labor | \$48.65 | \$97.30 |
| 5 | Control Joint Product | \$18.00 | \$90.00 |
| 1 | Delivery | \$200.00 | \$200.00 |
| | | O/H & Profit | \$43.50 |
| | | Total | \$501.55 |

- 6. Factors Affecting Time of Completion
- 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

Modification of the grading plan along with redirection of the storm drainage piping along Airport Road.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes No

E. APPROVALS

- 1. Bancroft Construction Company, Contractor

Signature Date

Representative's Name in Block Letters

- 2. Sussex County Engineer

Signature Date

- 3. Sussex County Council President

Signature Date



Bancroft Construction Company
1300 N Grant Ave Ste 101
Wilmington, Delaware 19806
Phone: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
21911 Rudder Lane
Georgetown, Delaware 19947

DRAFT

Prime Contract Potential Change Order #007: REVISED CE #022 - Site Storm System

Table with 4 columns: Field Name, Value, Field Name, Value. Includes fields like TO, FROM, PCO NUMBER/REVISION, CONTRACT, REQUEST RECEIVED FROM, CREATED BY, STATUS, CREATED DATE, REFERENCE, PRIME CONTRACT CHANGE ORDER, FIELD CHANGE, LOCATION, ACCOUNTING METHOD, SCHEDULE IMPACT, PAID IN FULL, and TOTAL AMOUNT.

POTENTIAL CHANGE ORDER TITLE: REVISED CE #022 - Site Storm System

CHANGE REASON: Owner Directive

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)
CE #022 - Site Storm System Redesign

ATTACHMENTS:
CE #22 REVISED Thompson Site Storm Proposal.pdf

Table with 5 columns: #, Cost Code, Description, Type, Amount. Includes line items for Site Construction and summary rows for Subtotal, BCC GCs, Bond, Profit, and Grand Total.

Morgan Helfrich (George, Miles & Buhr, LLC)
400 High Street
Seaford Delaware 19973

Sussex County Delaware
2 The Circle P.O. Box 589
Georgetown Delaware 19947

Bancroft Construction Company
1300 N. Grant Avenue Suite 101
Wilmington Delaware 19806

SIGNATURE DATE SIGNATURE DATE SIGNATURE DATE



Bancroft Construction Company
 1300 N Grant Ave Ste 101
 Wilmington , Delaware 19806
 P: 302 655 3434

Project: CSED0001 - Public Safety Bldg. Addition
 21911 Rudder Lane
 Georgetown , Delaware 19947

CHANGE EVENT #022 - Site Storm System Redesign

Origin:

| | | | |
|----------------------|--------------|-----------------------|-----------------|
| Date Created: | 12/27/2021 | Created By: | Tyler Lewis |
| Status: | Closed | Scope: | Out of Scope |
| Type: | Owner Change | Change Reason: | Owner Directive |

Description: Per Thompson quote dated 2/11/22 revised 2/22/22

| | |
|--|---------------|
| COR #1 fill parking lost & install curb | \$47,003.30 |
| COR #2 Revised Drawing C10.0 storm pipe | \$32,467.05 |
| COR #3 credit based on bid drawing C10.0 | (\$15,910.85) |
| Credit for road crossing | (\$ 2,500.00) |
| Credit for parking lot bumpers | (\$ 1,400.00) |
| Credit for tree removal | (\$ 3,150.00) |

Attachments: [📎 CE #22 REVISED Thompson Site Storm Proposal.pdf](#)

CHANGE EVENT LINE ITEMS

| Budget Code | Vendor / Contract | Revenue | | | Cost | | | Over/ Under | Budget Mod. |
|-------------|--|-------------|-------------|--------------|-------------|-----|---------|----------------|----------------|
| | | ROM | Prime PCO | Latest Price | ROM | RFQ | Commit. | | |
| 02-001.06 | Thompson & Sons ContractingInc CSED0001001 | \$56,509.50 | \$56,509.50 | \$56,509.50 | \$56,509.50 | | | \$56,509.50 | \$0.00 |

| Budget Code | Vendor / Contract | Revenue | | | Cost | | | | Over/ Under | Budget Mod. |
|---|-------------------|--------------------|--------------------|--------------------|--------------------|---------------|---------------|--------------------|-------------------|----------------|
| | | ROM | Prime PCO | Latest Price | ROM | RFQ | Commit. | Latest Cost | | |
| Site Construction.Subcontra ct | | | | | | | | | | |
| Description: cost as described in Thompson quote revised 2/22/22 | | | | | | | | | | |
| 90-999.10 | | \$6,415.24 | \$6,415.24 | \$6,415.24 | | | | \$0.00 | \$6,415.24 | |
| Fee.Fee & Field Cost | | | | | | | | | | |
| Grand Totals | | \$62,924.74 | \$62,924.74 | \$62,924.74 | \$56,509.50 | \$0.00 | \$0.00 | \$56,509.50 | \$6,415.24 | \$0.00 |

Thompson & Sons Contracting Inc.

300 Torbert RD Milford DE 19963
Fed ID# 352383221 DE Lic. #2011122869
P: (302) 335-3404 F: (302) 335-3422 C: (302) 382-8200
Email address: thompsonsonsync@comcast.net

February 11, 2022

Public Safety Building CSED0001-Sitework
Sussex County Public Safety Building

Reference: Explanation of Credit & Additional Piping due to drawing Changes

CREDIT: Change Order #3 Reflects Thompson & Sons Contracting Inc. credit back per drawing C10.1 using your pipe schedule SD-5 12" 58 Lf. of HDPE, SD 7 15" 156 Lf of 15" HDPE SD-8 15 " 253 Lf. of HDPE, SD-9 15" 207 Lf of HDPE, SD-10 15" 359 Lf. of HDPE. NOTE: THERE IS A TOTAL OF 975 LF OF 15" HDPE

NEW REVISED DRAWINGS: New Drawings show SD-102 113 Lf of 15" HDPE, SD-103 150 Lf of 15" HDPE, SD-104 100 Lf of 15" HDPE, SD-105 160 LF of 15" HDPE Total = 540 Lf of 15" HDPE
The New Drawing C10.0 show new 4" SD 58 Lf and 12" SD 85 Lf.

CREDIT: Thompson & Sons Contracting Inc will credit back 435 Lf of 15" HDPE. There is 600 Lf of 15" on site, We will not need to buy more 15" HDPE (per revised drawing).

Per contract prior to changes Thompson & Sons Contracting owned 180 Lf of 12" HDPE, With Changes we will only need 120 Lf. Thompson & Sons Contracting Inc. will credit back 60 Lf of 12" HDPE.

***Change Order pricing is based on parking lot fill and curb pricing.
Storm Pipe change order pricing is based on revised drawing C10.0.
Storm Pipe Credit is based on bid drawing C10.0 Price***

| | |
|--|----------------------------|
| COR#1 Revised Drawing fill parking lot & install curb | \$47,003.30 |
| COR#2 Revised Drawing C10.0 storm pipe | \$32467.05 |
| COR#3 Credit based on bid drawing C10.0 | <u>-\$15,910.85</u> |
| ADD Total Change Order | \$63,559.500 |
| CREDIT FOR ROAD CROSSING | (2,500.00) |
| CREDIT FOR PARKING BUMPERS | (1,400.00) |
| CREDIT FOR TREE REMOVALS | <u>(3,150.00)</u> |
| NET CHANGE ORDER ADD | \$56,509.50 |

Thompson & Sons Contracting Inc.

300 Torbert RD Milford DE 19963
Fed ID# 352383221 DE Lic. #2011122869
P: (302) 335-3404 F: (302) 335-3422 C: (302) 382-8200
Email address: thompsonsonsync@comcast.net

February 16, 2022

Public Safety Building CSED0001-Sitework
Sussex County Public Safety Building

Reference: Response to February 15,2022 email

1. Bioswale on Aviation Ave Credit Include, Clearing is missing

Response:

On Bid Drawing C3.1 drawing shows a Bioswale. Revised drawing C3.1 shows Bioswale.

It's shown at The area on Airport RD at the New Storm location. By the Addition your grades changed from 48 to 50. Thompson & Sons Contracting was taking the Bioswale price to ADD to the Fill & Grading in that area. Which would make it a wash as far as pricing.

If this is not how owner wants to handle the add and deduct items, Thompson & Sons Contracting Inc. can give a credit for Bioswale and send in a Change Order for the Add of Fill. Please Advise

2. Hot Mix Restoration Credit for Intersection crossing is missing

Response:

Credit for Patching Back Pavement for Old Storm Line is \$2,500.00

Will submit Credit Change Order to Reflect Patch Back Pavement for Old Storm line.

3. Credit for parking bumpers is missing

Response:

On C3.0 Bid Drawings it shows 35 parking bumpers. Revised C3.0 still shows the parking bumpers by the new Curb. Please advise if you want them to be deleted from the Revised C3.0 drawing.

Thompson & Sons will issue you a Change Order Request giving a credit for the bumpers 35 parking bumpers. \$40.00 each x 35 = \$1,400.00

Thompson & Sons Contracting Inc.

300 Torbert RD Milford DE 19963
Fed ID# 352383221 DE Lic. #2011122869
P: (302) 335-3404 F: (302) 335-3422 C: (302) 382-8200
Email address: thompsonsonsincc@comcast.net

February 22, 2022

Public Safety Building CSED0001-Sitework
Sussex County Public Safety Building

Reference: Credit for Tree Removal

Bid Plan shows removal of 13 Trees on C1.0. Revise Plan Show 4 Trees to be removed.

Credit for 9Trees at 350.00 per Tree \$3,150.00

Appreciate a follow up change order for credit to the contract due to changes.

Respectfully

Thompson & Sons Contracting Inc.
300 Torbert RD
Millford, DE 19963

CHANGE ORDER DETAIL FORM
 (Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: 2/1/2022
 CONTRACT: Public Safety Building CSED0001-Sitework
 CONTRACTOR: Thompson & Sons Contracting Inc.
 PROJECT NAME: Sussex County Public Safety Building
 CHANGE ORDER REQUEST: #1 Revised Drawings: Dirt Work-Fill Parking Lot & Install Curb

| LABOR SECTION | | | |
|------------------------------------|-------------|---------------------|-------------|
| TRADESMAN(s): | LABOR HOURS | RATE (per schedule) | SUBTOTAL |
| Operator | 96 hrs | \$35.00 | \$3,360.00 |
| Labor | 22 hrs | \$35.00 | \$770.00 |
| SITECH Chesapeake GPS | | \$812.50 | \$812.50 |
| Eskridge-Install 271 Lf of Curb at | 271 Lf | \$33.00 per Lf | \$8,943.00 |
| | | | |
| Subtotal | | | \$13,885.50 |

| MATERIAL SECTION | | | |
|-------------------------|-------------------|-----------------|-------------|
| MATERIAL: | QUANTITY | UNIT COST | SUBTOTAL |
| GABC | 30 tons | \$24.00 | \$720.00 |
| Fill Dirt | 90 Loads-1,000 Cy | 180.00 per Load | \$16,200.00 |
| Fuel | | | \$1,500.00 |
| | | | |
| | | | |
| Subtotal | | | \$18,420.00 |

| EQUIPMENT SECTION | | | |
|--------------------------|----------|-----------|------------|
| EQUIPMENT: | QUANTITY | UNIT COST | SUBTOTAL |
| Dozer | 40hrs | \$70.00 | \$2,800.00 |
| Roller | 40hrs | \$60.00 | \$2,400.00 |
| Excavator | 16hrs | \$70.00 | \$1,120.00 |
| Bobcat | 32hrs | \$60.00 | \$1,920.00 |
| Tamp | | | \$150.00 |
| | | | |
| Subtotal | | | \$8,390.00 |

| | | |
|---|---------------------------|--------------------|
| Per Revised Drawing C3.1 Grades were changed ADD | SUBTOTAL | \$40,695.50 |
| Fill Dirt to Parking Lot & Next to Existing Building. | SUBCONTRACTOR/ SUB TIER* | |
| No Curb Shown on Bid Drawing C3.1 | OH & PROFIT (15% GC only) | |
| Revised Drawing It shows 271 Lf of Curb. | 10 % OH & PROFIT | \$4,069.55 |
| 30 Tons of GABC is needed for prep for added curb as per revisions. | OH & PROFIT (5.00 sub) | \$2,238.25 |
| | GRAND TOTAL | \$47,003.30 |

SITECH Chesapeake LLC

12011 Guilford Road, Suite 109
Annapolis Junction, Md. 20701

Invoice

| Date | Invoice # |
|-----------|-----------|
| 1/25/2022 | 15597 |

| Bill To |
|---|
| Thompson & Sons Contracting Inc. Mr. Timmy Thompson 300 Torbert Rd Milford, DE 19963 |

| Ship To |
|---------|
| |

| Rep | S.O. No. | P.O. No. | Terms |
|-----|----------|----------|--------|
| MC | 14273 | | Net 30 |

| Item | Description | U/M | Rate | Invoiced |
|-----------|---|-----|--------|----------|
| Data Prep | SUSSEX PUBLIC SAFETY BUILDING 3D Model Creation for construction SCOPE: Revise 3D model: • Storm System and Grading | | 812.50 | 1 |

| | | |
|---|-------------------------|----------|
| <p>Would you like to go paperless? Please submit a request to accounting@sitech-ches.com</p> <p>Thank you for your business. For any billing questions, please email accounting@sitech-ches.com</p> | Subtotal | \$812.50 |
| | Sales Tax (0.0%) | \$0.00 |
| | Total | \$812.50 |
| | Payments/Credits | \$0.00 |
| | Balance Due | \$812.50 |

WWW.SITECH-CHES.COM

Thompson & Sons Contracting Inc.
300 Torbert RD
Millford, DE 19963

CHANGE ORDER DETAIL FORM
 (Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: 2/11/2022
 CONTRACT: Public Safety Building CSED0001-Sitework
 CONTRACTOR: Thompson & Sons Contracting Inc.
 PROJECT NAME: Sussex County Public Safety Building
 CHANGE ORDER REQUEST: #2 Revised Drawings-New Storm Pipe & 4 Inlet

| LABOR SECTION | | | |
|------------------|-------------|---------------------|-------------|
| TRADESMAN(S): | LABOR HOURS | RATE (per schedule) | SUBTOTAL |
| Labor | 192hrs | \$35.00 | \$6,720.00 |
| Operator | 88hrs | \$35.00 | \$3,080.00 |
| Eskridge 4 Inlet | 4 | \$2,500.00 Each | \$10,000.00 |
| | | | |
| | | | |
| Subtotal | | | \$19,800.00 |

| MATERIAL SECTION | | | |
|------------------|----------|-----------|------------|
| MATERIAL: | QUANTITY | UNIT COST | SUBTOTAL |
| Inlet Grates | 4 | \$250.00 | \$1,000.00 |
| Fuel | | | \$450.00 |
| | | | |
| | | | |
| | | | |
| Subtotal | | | \$1,450.00 |

| EQUIPMENT SECTION | | | |
|-------------------|----------|-----------|------------|
| EQUIPMENT: | QUANTITY | UNIT COST | SUBTOTAL |
| Excavator | 48hrs | \$70.00 | \$3,360.00 |
| Bobcat | 40hrs | \$60.00 | \$2,400.00 |
| Tamp | | | \$1,100.00 |
| | | | |
| | | | |
| Subtotal | | | \$6,860.00 |

540 Lf-15" HDPE
 58 Lf 4" SD
 85 Lf 12" SD
 Labor is to Install

| | |
|---------------------------|--------------------|
| SUBTOTAL | \$28,110.00 |
| SUBCONTRACTOR/SUB TIER* | |
| OH & PROFIT (10% GC only) | \$2,811.00 |
| 5 % OH & PROFIT | \$1,546.05 |
| OH & PROFIT (7.5%) | |
| GRAND TOTAL | \$32,467.05 |

Thompson & Sons Contracting Inc.
300 Torbert RD
Millford, DE 19963

CHANGE ORDER DETAIL FORM
 (Provided by contractor, subcontractor or sub tier contractor)

DATE SUBMITTED: 2/1/2022
 CONTRACT: Public Safety Building CSED0001-Sitework
 CONTRACTOR: Thompson & Sons Contracting Inc.
 PROJECT NAME: Sussex County Public Safety Building
 CHANGE ORDER REQUEST: #3 Credit Due to Revised Drawings

| LABOR SECTION | | | |
|----------------------|-------------|---------------------|------------|
| TRADESMAN(s): | LABOR HOURS | RATE (per schedule) | SUBTOTAL |
| Labor | 128hrs | \$35.00 | \$4,480.00 |
| Operator | 52hrs | \$35.00 | \$1,820.00 |
| | | | |
| | | | |
| Subtotal | | | \$6,300.00 |

| MATERIAL SECTION | | | |
|-------------------------|----------|-----------|------------|
| MATERIAL: | QUANTITY | UNIT COST | SUBTOTAL |
| HDPE 15" | 435 | \$12.51 | \$5,441.85 |
| HDPE 12" | 60 | \$8.15 | \$485.00 |
| | | | |
| | | | |
| Subtotal | | | \$5,930.85 |

| EQUIPMENT SECTION | | | |
|--------------------------|----------|-----------|------------|
| EQUIPMENT: | QUANTITY | UNIT COST | SUBTOTAL |
| Excavator | 32hrs | \$70.00 | \$2,240.00 |
| Bobcat | 24hrs | \$60.00 | \$1,440.00 |
| | | | |
| | | | |
| Subtotal | | | \$3,680.00 |

| | | |
|---|---------------------------|---------------------|
| 3-Basins have been ordered and made. | SUBTOTAL | \$15,910.85 |
| 3 Basins are non refundable. Supplier can't take back | SUBCONTRACTOR/ SUB TIER* | |
| T&S will hand over 3 Basins to County. | OH & PROFIT (15% GC only) | |
| <u>PLEASE SEE ATTACHED LETTER HEAD WITH DETAILS</u> | 10 % OH & PROFIT | |
| | OH & PROFIT (7.5% sub) | |
| CREDIT ON CONTRACT | GRAND TOTAL | -\$15,910.85 |

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

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



Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM:

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Douglas B. Hudson, Vice President
The Honorable Cynthia C. Green
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Budget Amendment**

DATE: February 25, 2022

At the March 1st Council meeting, there will be a public hearing on the attached ordinance. The ordinance amends the Fiscal Year 2022 Budget by increasing realty transfer tax (RTT) revenue and RTT eligible expenditures by \$12 million. The funds will be used as a one-time RTT grant to municipalities in an amount of \$6.4 million and \$5.6 million for County land acquisition for open space.

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

Attachment

pc: Todd F. Lawson

Budget Adjustment Summary

1. \$12 million increase in RTT revenue

- \$6,444,000 to the county's towns and cities
 - Grant amounts: \$100,000 minimum - \$500,000 maximum
 - Funding eligible for:
 - Public safety services
 - Economic Development Programs
 - Public Works
 - Infrastructure and capital projects
 - Match Requirement
 - No match up to the first \$100,000
- \$5,556,000 for County land acquisition for open space

2. Unanticipated pass-through grants we received from the State



ORDINANCE NO. ____

AN ORDINANCE AMENDING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022 TO INCORPORATE ADDITIONAL REALTY TRANSFER TAX REVENUE AND STATE PASSTHROUGH GRANT REVENUE AND THE ALLOWABLE EXPENDITURES RELATED TO THE ADDITIONAL REVENUE

WHEREAS, on June 22, 2021, the Sussex County Council adopted the Annual Operating Budget for Fiscal Year 2021; and

WHEREAS, the Sussex County Realty Transfer Tax Revenue has exceeded the approved budget amount; and

WHEREAS, to reflect revenues and expenditures and to be fiscally responsive to the needs of the citizens, the Sussex County Council desires to amend the Anticipated General Fund Revenues, the Anticipated General Fund Appropriations and the Anticipated Capital Project Fund Revenues and Expenditures in the Annual Operating Budget Ordinance for the Fiscal Year Ending June 30, 2022 as more fully set forth herein.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The “Anticipated General Fund Revenues” for the Fiscal Year Ending June 30, 2022 set forth in the Annual Operating Budget Ordinance for the Fiscal Year 2022 is hereby amended by deleting the language in brackets and by adding the language in bold and underlined as follows:

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2022 is as follows:

| | Amount Year Ending June 30, 2022 |
|-------------------------------|--|
| Revenues: | |
| <u>Taxes</u> | |
| Real Property - County | \$ 15,342,000 |
| Real Property - Library | 1,799,000 |
| Realty Transfer | <u>[24,900,000]</u> |
| Fire Service | 1,700,000 |
| Lodging Tax | 1,000,000 |
| Penalties and Interest | 100,000 |
| <u>Intergovernmental</u> | |
| Federal Grants | |
| Emergency Operations | 256,250 |
| Housing and Urban Development | 2,603,000 |
| Library | 90,000 |
| Payments in Lieu of Taxes | 6,000 |

| | | Amount Year Ending June 30, 2022 |
|--|-----------------------|--|
| State Grants | | |
| Economic Development | | 150,000 |
| Local Emergency Planning Commission | | 72,000 |
| Library | | 330,000 |
| Other | [84,250] | <u>300,250</u> |
| Paramedic | | 5,100,000 |
| <u>Charges for Services</u> | | |
| Constitutional Office Fees | | |
| Marriage Bureau | | 160,000 |
| Recorder of Deeds | | 4,065,000 |
| Recorder of Deeds - Maintenance | | 42,000 |
| Recorder of Deeds - Town Realty Transfer Tax | | 78,000 |
| Register of Wills | | 1,200,000 |
| Sheriff | | 1,000,000 |
| General Government Fees | | |
| Building Permits & Zoning Fees | | 2,500,000 |
| 9-1-1 System Fee | | 559,630 |
| Manufactured Home Placement Fee | | 130,000 |
| Building Inspection Fees | | 1,960,000 |
| Airport Operations/Economic Development | | 676,000 |
| Miscellaneous Fees | | 56,000 |
| Private Road Review & Inspection Fees | | 1,500,000 |
| <u>Miscellaneous Revenue</u> | | |
| Fines and Forfeits | | 60,000 |
| Investment Income | | 1,000,000 |
| Miscellaneous Revenues | | 195,200 |
| <u>Other Financing Sources</u> | | |
| Interfund Transfers In | | 48,700 |
| Appropriated Reserve | | 8,956,291 |
| Total Revenues | [\$77,719,321] | <u>\$89,935,321</u> |

Section 2. The “Anticipated General Fund Appropriations” for the Fiscal Year Ending June 30, 2022 set forth in the Annual Operating Budget Ordinance for the Fiscal Year 2022 is hereby amended by deleting the language in brackets and by adding the language in bold and underlined as follows:

| Expenditures | Amount Year Ending June 30, 2022 |
|--------------------------------------|--|
| General Government | |
| County Council | 707,710 |
| Administration | 537,263 |
| Legal | 550,000 |
| Finance | 2,220,001 |
| Assessment | 4,510,466 |
| Building Code | 1,486,533 |
| GIS | 928,252 |
| Human Resources & General Employment | 894,431 |
| Records Management | 257,170 |
| Facilities Management | 2,389,963 |
| Information Technology | 2,366,338 |
| Constable | 1,410,346 |
| Planning and Zoning | 1,760,249 |
| Paramedics | 17,357,091 |
| Emergency Preparedness | 4,933,790 |
| Engineering | 1,949,560 |
| Library | |
| Administration | 767,803 |
| Operations | 2,863,446 |
| Economic Development | |
| Economic Development | 681,427 |
| Safety and Security | 478,260 |
| Airport and Business Park | 1,014,087 |
| Community Development | 2,948,683 |
| Grant-in-aid | [21,411,362] |
| | <u>28,071,362</u> |
| Constitutional Offices | |
| Marriage Bureau | 230,891 |
| Recorder of Deeds | 1,034,519 |
| Register of Wills | 657,124 |
| Sheriff | 657,056 |
| Other Financing Uses | |
| Transfers Out | [115,500] |
| Reserve for Contingencies | 600,000 |
| | <u>5,671,500</u> |
| Total Expenditures | [77,719,321] |
| | <u>\$89,935,321</u> |

Section 3. The “Anticipated Capital Project Fund Revenues and Expenditures” for the Fiscal Year Ending June 30, 2022 set forth in the Annual Operating Budget Ordinance for the Fiscal Year 2022 is hereby amended by deleting the language in brackets and by adding the language in bold and underlined as follows:

| | | Amount Year Ending June 30, 2022 |
|--|---------------------|--|
| Revenues and Other Financing Sources | | |
| Appropriated Reserves | | \$ 23,222,500 |
| Federal Grant | | 2,475,000 |
| Investment Income | | 37,500 |
| State Grant | | 15,000 |
| Transfer In | | <u>5,556,000</u> |
| | | |
| Total Revenues and Other Financing Sources | [25,750,000] | <u>\$ 31,306,000</u> |
| | | |
| Expenditures | | |
| Administrative | [6,850,000] | <u>12,406,000</u> |
| Information Technology | | 3,000,000 |
| Airport and Business Park | | 8,750,000 |
| Engineering | | 450,000 |
| Public Safety | | 6,700,000 |
| | | |
| Total Capital Improvement Expenditures | [25,750,000] | <u>\$ 31,306,000</u> |

Section 4. This Ordinance shall become effective immediately upon its adoption.

SYNOPSIS

This Ordinance amends Annual Operating Budget Ordinance for the Fiscal Year 2022 to incorporate additional Sussex County Realty Transfer Tax revenue and passthrough State grants along with the allowable expenditures associated with the additional revenue by amending the Anticipated General Fund Revenues, the Anticipated General Fund Appropriations and the Anticipated Capital Project Fund Revenues and Expenditures in the Annual Operating Budget Ordinance for the Fiscal Year Ending June 30, 2022.

All new language is in bold and underlined. All deleted language is in brackets.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ____TH DAY OF _____ 2022.

TRACY TORBERT
CLERK OF THE COUNCIL

ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$959,888 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE EMERGENCY PINTAIL POINTE PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the “County”) has “all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute” (the “Home Rule Power”);

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Emergency Pintail Pointe Project, which will finance construction of a County pump station that serves all of the Pintail Pointe homes and connect the station to an existing Artesian force Main. Artisean will treat and dispose of the wastewater through an interchange agreement with Sussex County (collectively, the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$959,888 (the “Bonds”) to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$579,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$380,888 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project;

and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding twenty (20) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

ADOPTED this [____] day of [January], 2022.

SUSSEX COUNTY, DELAWARE

Tracy N. Torbert
Clerk of the Council

SYNOPSIS: This Ordinance provides for the issuance of up to \$959,888 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Emergency Pintail Pointe Project, which will finance construction of a County pump station that serves all of the Pintail Pointe homes and connect the station to an existing Artesian force Main. Artisean will treat and dispose of the wastewater through an interchange agreement with Sussex County (collectively, the “Project”), with the expectation that up to \$579,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$380,888 upon Project completion.

ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,376,356 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE OAK ACRES AND TANGLEWOOD SEPTIC ELIMINATION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH

WHEREAS, pursuant to Title 9, ~~Delaware Code~~, Section 7001(a) Sussex County (the "County") has "all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute" (the "Home Rule Power");

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, ~~Delaware Code~~, Chapters 65 and 67, the County has authorized the design, construction and equipping of the Oak Acres And Tanglewood Septic Elimination Project, which will finance the connection of the Tanglewood and Oak Acres communities to the nearby existing County sanitary sewer by installing gravity main and lot laterals (collectively, the "Project");

WHEREAS, pursuant to Title 9, ~~Delaware Code~~, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. ~~Amount and Purpose of the Bonds.~~ Acting pursuant to Title 9, ~~Delaware Code~~, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$2,376,356 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project, with the expectation that up to \$1,532,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$844,356 upon Project completion.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project;

and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. While the Bonds are backed by the County's full faith and credit, it is expected that the debt service will be paid from revenues of the Subdivision.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding thirty (30) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

ADOPTED this [____] day of [January], 2022.

SUSSEX COUNTY, DELAWARE

Tracy N. Torbert
Clerk of the Council

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,376,356 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the Oak Acres And Tanglewood Septic Elimination Project, which will finance the connection of the Tanglewood and Oak Acres communities to the nearby existing County sanitary sewer by installing gravity main and lot laterals (collectively, the “Project”), with the expectation that up to \$1,532,000 of principal forgiveness will be applied in order to reduce the principal amount of the Bonds outstanding to \$844,356 upon Project completion.

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL ORDINANCE NO. 2227, AS AMENDED BY ORDINANCE NO. 2243, AND CHAPTER 11, §§ 11-1 THROUGH 11-5 OF THE SUSSEX COUNTY CODE, RELATING TO COUNCILMANIC ELECTION DISTRICTS AND ADOPTING NEW COUNCILMANIC ELECTION DISTRICTS

WHEREAS, Sussex County Code, Chapter 11, §§ 11-1 through 11-5 establishes Sussex County's five Councilmanic Districts; and

WHEREAS, following the 2020 US Census, the Sussex County Council has revised Sussex County's five Councilmanic Districts; and

WHEREAS, the Sussex County Council desires to repeal Ordinance No. 2227, as amended by Ordinance No. 2243, and as codified in Sussex County Code, Chapter 11, §§ 11-1 through 11-5, in its entirety and establish new Councilmanic Districts.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Ordinance No. 2227, adopted on November 15, 2011, as amended by Ordinance No. 2243 adopted on February 28, 2012, and as codified in Chapter 11, §§ 11-1 through 11-5, is hereby repealed in its entirety as follows:

[§ 11-1. First Councilmanic District.

The First Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Seashore Highway (Delaware Route 404) and the Sussex County line, and proceeding easterly along Seashore Highway to West Newton Road (also known as County Road 582), and proceeding easterly along West Newton Road to Adams Road (also known as County Road 583), and proceeding southerly along Adams Road to East Newton Road (also known as County Road 584), and proceeding easterly along East Newton Road to Fawn Road (also known as County Road 600), and proceeding easterly along Fawn Road to Long Branch Road (also known as County Road 598), and proceeding southerly along Long Branch Road to Sharps Mill Road (also known as County Road 611), and proceeding southerly along Sharps Mill Road to Sunnyside Road (also known as County Road 565), and proceeding easterly along Sunnyside Road to Apple Tree Road (also known as County Road 591), and proceeding easterly along Apple Tree Road to Oak Road (also known as County Road 594), and proceeding westerly along Apple Tree Road to Delaware Route 404 (known at that point in its course as Seashore Highway), and proceeding westerly along Delaware Route 404 to the center line of the Nanticoke River, and proceeding southerly along the center line of the Nanticoke River to Old Furnace Road (also known as County Road 46), and proceeding easterly along Old Furnace Road to Dove Road (also known as County Road 526A), and proceeding easterly along Dove Road to King Road (also known as County Road 525), and proceeding southerly along King Road to Concord Pond Road (also known as

County Road 516), and proceeding southerly along Concord Pond Road to the center line of Concord Pond, and proceeding northeasterly along the center line of Concord Pond to Deep Creek, and proceeding northeasterly along the center line of Deep Creek to the center line of Tyndall Branch, and proceeding southeasterly along the center line of Tyndall Branch to Fleetwood Pond Road (also known as County Road 484), and proceeding northerly along Fleetwood Pond Road to the center line of Fleetwood Pond, and proceeding southeasterly along the center line of Fleetwood Pond to the center line of Tyndall Branch, and proceeding southerly along the center line of Tyndall Branch to the center line of an unnamed ditch, and proceeding northeasterly along the center line of the said unnamed ditch to Conaway Road (also known as County Road 444A), and proceeding northerly along Conaway Road to Old Furnace Road (County Road 46), and proceeding easterly along Old Furnace Road to Whaley's Corner Road (also known as County Road 329), and proceeding easterly along Whaley's Corner Road and a continuation of County Road 329 known as Piney Grove Road to Shortly Road (also known as County Road 431), and proceeding southerly along Shortly Road to the center line of Shoals Branch, and proceeding easterly along the center line of Shoals Branch to Cross Keys Road (also known as County Road 432), and proceeding south-southwesterly along Cross Keys Road to Carey's Camp Road (also known as County Road 421), and proceeding south-southwesterly along Carey's Camp Road to Whaley's Road (also known as County Road 62), and proceeding northerly along Whaley's Road to the center line of Thompson Branch, and proceeding northerly along the center line of Thompson Branch to the center line of Terrapin Pond, and proceeding westerly along the center line of Terrapin Pond to the center line of Thompson Branch, and proceeding westerly along the center line of Thompson Branch to the center line of Trap Pond, and proceeding westerly along the center line of Trap Pond to the center line of Hitch Pond Branch, and proceeding westerly along the center line of Hitch Pond Branch to the center line of Hitch Pond, and proceeding westerly along the center line of Hitch Pond to the center line of Hitch Pond Branch, and proceeding westerly along the center line of Hitch Pond Branch to the center line of James Branch, and proceeding westerly along the center line of James Branch to the center line of Records Pond, and proceeding westerly along the center line of Records Pond to the Laurel Town line, and proceeding along the Laurel Town line around the southern part of the town to its intersection with the center line of Broad Creek, and proceeding westerly along the center line of Broad Creek to the center line of the Nanticoke River, and proceeding southwesterly along the center line of the Nanticoke River to the Sussex County line, also being at that point in its course Delaware's western boundary with the State of Maryland, and proceeding northerly along the Sussex County line to the point of beginning.

§ 11-2. Second Councilmanic District.

The Second Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the Kent/Sussex County line and Delaware's western boundary with the State of Maryland, and proceeding easterly along the Kent/Sussex County line to Delaware

Route One (known at that point in its course as Coastal Highway), and proceeding southerly along Delaware Route One to Cedar Creek Road, which becomes Delaware Route 30, and proceeding southerly along Delaware Route 30 to Fleatown Road (also known as County Road 224), and proceeding westerly along Fleatown Road to Old State Road (also known as County Road 213), and proceeding southerly along Old State Road to Robbins Road (also known as County Road 579), and proceeding easterly along Robbins Road to Saw Mill Road (also known as County Road 238), and proceeding southerly along Saw Mill Road to Pine Road (also known as County Road 239), and proceeding southerly along Pine Road to Redden Road (also known as County Road 565), and proceeding easterly along Redden Road to Downs Road (also known as County Road 243), and proceeding southerly along Downs Road to Savannah Road (also known as County Road 246), and proceeding southerly along Savannah Road to Rudd Road (also known as County Road 245), and proceeding easterly along Rudd Road to Sand Hill Road (also known as County Road 319), and proceeding southerly along Sand Hill Road to U.S. Route 9 (known at that point in its course as Lewes- Georgetown Highway), and proceeding easterly along U.S. Route 9 to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding southerly along Delaware Route 30 to Springfield Road (also known as County Road 47), and proceeding westerly along Springfield Road to Peterkins Road (also known as County Road 317), and proceeding southerly and southwesterly along Peterkins Road to Patriot Way (also known as County Road 318), and proceeding southerly along Patriot Way to Avenue of Honor Road (County Road 86), and proceeding westerly along Avenue of Honor Road to U.S. 113 (known at that point in its course as DuPont Highway), and proceeding southerly along U.S. 113 to Sheep Pen Road (also known as County Road 328), and proceeding westerly along Sheep Pen Road to Godwin's School Road (also known as County Road 410), and proceeding westerly along Godwin's School Road to Country Living Drive (also known as County Road 433), and proceeding southerly along Country Living Drive to Cross Keys Road (also known as County Road 432), and proceeding southerly along Cross Keys Road to the center line of Shoals Branch, and proceeding westerly along the center line of Shoals Branch to Shortly Road (also known as County Road 431), and proceeding northerly along Shortly Road to Whaley's Corner Road (also known as County Road 329), and proceeding westerly along Whaley's Corner Road to Old Furnace Road (also known as County Road 46), and proceeding westerly along Old Furnace Road to Conaway Road (also known as County Road 444A), and proceeding southerly along Conaway Road to the center line of an unnamed ditch, and proceeding westerly along the center line of the said unnamed ditch to the center line of Tyndall Branch, and proceeding northerly along the center line of Tyndall Branch to the center line of Fleetwood Pond, and proceeding westerly along the center line of Fleetwood Pond to the center line of Tyndall Branch, and proceeding westerly along the center line of Tyndall Branch to Fleetwood Pond Road (also known as County Road 484), and proceeding southerly along Fleetwood Pond Road to the center line of Tyndall Branch, and proceeding westerly along the center line of Tyndall Branch to the center line of

Deep Creek, and proceeding southerly along the center line of Deep Creek to the center line of Concord Pond, and proceeding westerly along the center line of Concord Pond to the center line of Deep Creek, and proceeding northerly along the center line of Deep Creek to Concord Pond Road (also known as County Road 516), and proceeding northerly along Concord Pond Road to King Road (also known as County Road 525), and proceeding northerly along King Road to Dove Road (also known as County Road 526A), and proceeding northerly along Dove Road to Old Furnace Road (also known as County Road 46), and proceeding westerly along Old Furnace Road to the center line of the Nanticoke River, and proceeding easterly along the center line of the Nanticoke River to Delaware Route 404 (known at that point in its course as Seashore Highway), and proceeding easterly along Delaware Route 404 to Oak Road (also known as County Road 594), and proceeding northerly along Oak Road to Apple Tree Road (also known as County Road 591), and proceeding northerly along Apple Tree Road to Sunnyside Road (also known as County Road 565), and proceeding westerly along Sunnyside Road to Sharps Mill Road (also known as County Road 611), and proceeding northerly along Sharps Mill Road to Long Branch Road (also known as County Road 598), and proceeding northerly along Long Branch Road to Fawn Road (also known as County Road 600), and proceeding westerly along Fawn Road to East Newton Road (also known as County Road 584), and proceeding westerly along East Newton Road to Adams Road (also known as County Road 583), and proceeding northerly along Adams Road to West Newton Road (also known as County Road 582), and proceeding westerly along West Newton Road to Delaware Route 404 (also known at that point in its course as Seashore Highway), and proceeding westerly along Delaware Route 404 to Delaware's western boundary with the State of Maryland, and proceeding northerly along the said western boundary to the point of beginning.

§ 11-3. Third Councilmanic District.

The Third Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Old State Road (also known as County Road 213) and Robbins Road (also known as County Road 579), and proceeding northerly along Old State Road to Fleatown Road (also known as County Road 224), and proceeding easterly along Fleatown Road to Delaware Route 30 (known at that point in its course as Cedar Creek Road), and proceeding northerly along Delaware Route 30 to a continuation of Cedar Creek Road, and proceeding along the said continuation of Cedar Creek Road to Delaware Route One (also known as Coastal Highway at that point in its course), and proceeding northwesterly along Delaware Route One to the Kent/Sussex County line, which at that point in its course follows the center line of the Mispillion River, and proceeding easterly along the said Kent/Sussex County line to the shoreline of the Delaware Bay at Mispillion Inlet, and proceeding due east from the center line of the Mispillion Inlet to Delaware's eastern boundary with the State of New Jersey, and proceeding generally southeasterly and then southerly along Delaware's eastern boundary to a point due east of the point of intersection between the southern boundary of Cape Henlopen State

Park and the Atlantic Ocean, and proceeding westerly from Delaware's eastern boundary to the said southern boundary line of Cape Henlopen State Park, and proceeding westerly along the said state park boundary line to Ocean Drive (also known as County Road 300), and proceeding northerly along Ocean Drive to an unnamed vehicular trail, and proceeding westerly along the said unnamed vehicular trail to the center line of an unnamed tributary of the Lewes-Rehoboth Canal, and proceeding westerly along the center line of the said unnamed tributary to a nonvisible boundary line, and proceeding westerly along the said nonvisible boundary line to the Rehoboth Beach City line, and proceeding southerly along the Rehoboth Beach City line to the center line of Holland Glade, and proceeding westerly along the center line of Holland Glade to the Delaware Coast Line Railroad right-of-way (now known at that point in its course as the Junction-Breakwater Trail), and proceeding northerly along the Delaware Coast Line RR right-of-way to Wolfe Neck Road (also known as County Road 270), and proceeding westerly along Wolfe Neck Road to Delaware Route One (known at that point in its course as Coastal Highway), and proceeding northerly along Delaware Route One to Delaware Route 24 (known at that point in its course as John J. Williams Highway), and proceeding southerly along Delaware Route 24 to Delaware Route 5 (known at that point in its course as Indian Mission Road), and proceeding northwesterly along Delaware Route 5 to Cannon Road (also known as County Road 307), and proceeding southerly along Cannon Road to Inland Bay Road (also known as County Road 306), and proceeding westerly along Inland Bay Road to Townsend Road (also known as County Road 303), and proceeding southerly along Townsend Road to Mount Joy Road (also known as County Road 297), and proceeding westerly along Mount Joy Road to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding northerly along Delaware Route 30 to Zoar Road (also known as County Road 48), and proceeding westerly along Zoar Road to Peterkins Road (also known as County Road 317), and proceeding northerly along Peterkins Road to Springfield Road (also known as County Road 47), and proceeding easterly along Springfield Road to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding northerly along Delaware Route 30 to U.S. Route 9 (also known at that point in its course as Lewes-Georgetown Highway), and proceeding westerly along Delaware Route 9 to Sand Hill Road (also known as County Road 319), and proceeding northerly along Sand Hill Road to Rudd Road (also known as County Road 245), and proceeding westerly along Rudd Road to Savannah Road (also known as County Road 246), and proceeding northerly along Savannah Road to Downs Road (also known as County Road 243), and proceeding northerly along Downs Road to Redden Road (also known as County Road 565), and proceeding westerly along Redden Road to Pine Road (also known as County Road 239), and proceeding northerly along Pine Road to Saw Mill Road (also known as County Road 238), and proceeding westerly along Saw Mill Road to Robbins Road (also known as County Road 579), and proceeding westerly along Robbins Road to the point of beginning.

§ 11-4. Fourth Councilmanic District.

The Fourth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the center line of the Indian River and the center line of Swan Creek, and proceeding northerly along the center line of Swan Creek to Mount Joy Road (County Road 297), and proceeding easterly along Mount Joy Road to Townsend Road (also known as County Road 303), and proceeding northerly along Townsend Road to Inland Bay Road (also known as County Road 306), and proceeding easterly along Inland Bay Road to Cannon Road (also known as County Road 307), and proceeding northerly along Cannon Road to Delaware Route 5 (also known as Indian Mission Road at that point in its course), and proceeding southerly along Delaware Route 5 to Delaware Route 24 (also known as John J. Williams Highway at that point in its course), and proceeding easterly along Delaware Route 24 to Delaware Route One (also known as Coastal Highway at that point in its course), and proceeding southerly along Delaware Route One to Wolfe Neck Road (also known as County Road 270), and proceeding northeasterly along Wolfe Neck Road to the right-of-way of the old Delaware Coast Line RR (now known at that point in its course as the Junction-Breakwater Trail), and proceeding southerly along the old Delaware Coast Line RR right-of-way to the center line of Holland Glade, and proceeding easterly along the center line of Holland Glade to the Rehoboth Beach City line, and proceeding northerly along the Rehoboth Beach City line to a nonvisible boundary line, and proceeding easterly along the said nonvisible boundary line to the center line of an unnamed tributary of the Lewes- Rehoboth Canal, and proceeding easterly along the center line of the said unnamed tributary to an unnamed vehicular trail within Cape Henlopen State Park, and proceeding easterly along the said unnamed vehicular trail to Ocean Drive (also known as County Road 300), and proceeding southerly along Ocean Drive to the southern boundary line of Cape Henlopen State Park, and proceeding easterly along the said boundary line to its intersection with the Atlantic Ocean, and proceeding due east across the waters of the Atlantic Ocean to Delaware's eastern boundary line, and proceeding in a generally southerly direction along Delaware's eastern boundary line to a point due east of the point where the northern boundary line of the Town of South Bethany meets the Atlantic Ocean, and proceeding westerly across the waters of the Atlantic Ocean from the said point to the point where the northern boundary line of the Town of South Bethany meets the Atlantic Ocean, and thence proceeding westerly along the said northern South Bethany boundary line to Kent Avenue (also known as County Road 361), and proceeding westerly along Kent Avenue, which becomes Muddy Neck Road, and proceeding westerly along Muddy Neck Road to Beaver Dam Road (also known as County Road 368), and proceeding westerly along Beaver Dam Road to Parker House Road (also known as County Road 362), and proceeding southerly along Parker House Road to Beaver Dam Road (County Road 368), and proceeding westerly along Beaver Dam Road to Ocean Air Drive, and proceeding southerly

along Ocean Air Drive to Ocean Air Lane, and proceeding westerly along Ocean Air Lane to Ocean Air Drive, and proceeding westerly along Ocean Air Drive to Beaver Dam Road and proceeding westerly along Beaver Dam Road to Central Avenue (also known as County Road 84), and proceeding northerly along Central Avenue to Windmill Road (also known as County Road 352), and proceeding northwesterly along Windmill Road to Burbage Road (also known as County Road 353), and proceeding westerly along Burbage Road to Omar Road (also known as County Road 54), and proceeding southerly along Omar Road to Delaware Route 20 (known at that point in its course as Armory Road), and proceeding northwesterly along Delaware Route 20 to the Dagsboro Town line, and proceeding northwesterly along the Dagsboro Town line in its various courses to the center line of Pepper Creek, and proceeding easterly along the center line of Pepper Creek to a nonvisible boundary between Holland Point and Kildee Point, and proceeding northerly along the said nonvisible boundary to an unnamed local road situated approximately .765 miles west of the intersection of Piney Neck Road (also known as County Road 336) and Adams Road (also known as County Road 335A), and proceeding northerly along the said unnamed local road to Piney Neck Road, and proceeding easterly along Piney Neck Road to Adams Road, and proceeding northerly along Adams Road to Bunting Road (also known as County Road 335), and proceeding westerly along Bunting Road to Power Plant Road (also known as County Road 332), and proceeding northerly along Power Plant Road to the center line of the western extension of Island Creek, which runs to the Indian River just east of the Sandy Beach subdivision, and proceeding northeasterly along the center line of the said western extension of Island Creek to its intersection with the center line of the Indian River, and proceeding westerly along the center line of the Indian River to its intersection with the center line of Swans Creek, the point of beginning.

§ 11-5. Fifth Councilmanic District.

The Fifth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the center line of the Nanticoke River and Delaware's western boundary line with the State of Maryland, and proceeding easterly along the center line of the Nanticoke River to its point of intersection with the center line of Broad Creek, and proceeding easterly along the center line of Broad Creek to the Laurel Town line, and proceeding generally southerly and southeasterly along the Laurel Town line to the center line of Records Pond, and proceeding easterly along the center line of Records Pond to the center line of James Branch, and proceeding easterly along the center line of James Branch to the center line of Hitch Pond Branch, and proceeding southerly along the center line of Hitch Pond Branch to the center line of Hitch Pond, and proceeding easterly along the center line of Hitch Pond to the center line of Hitch Pond Branch, and proceeding southeasterly along the center line of Hitch Pond Branch to the center line of Trap Pond, and

proceeding southerly along the center line of Trap Pond to the center line of Thompson Branch, and proceeding southeasterly along the center line of Thompson Branch to the center line of Terrapin Pond, and proceeding easterly along the center line of Terrapin Pond to the center line of Thompson Branch, and proceeding southerly along the center line of Thompson Branch to Whaley's Road (also known as County Road 62), and proceeding southerly along Whaley's Road to Carey's Camp Road (also known as County Road 421), and proceeding easterly along Carey's Camp Road to Cross Keys Road (also known as County Road 432), and proceeding northerly along Cross Keys Road to Country Living Road (also known as County Road 433), and proceeding northerly along Country Living Road to Godwin School Road (also known as County Road 410), and proceeding easterly along Godwin School Road to Sheep Pen Road (also known as County Road 328), and proceeding northerly along Sheep Pen Road to U.S. 113 (known at that point in its course as DuPont Highway), and proceeding northerly along U.S. 113 to Avenue of Honor (also known as County Road 86), and proceeding easterly along Avenue of Honor to Patriot's Way (also known as County Road 318), and proceeding north-northwesterly along Patriot's Way to Peterkins Road (also known as County Road 317), and proceeding northeasterly along Peterkins Road to Zoar Road (also known as County Road 48), and proceeding easterly along Zoar Road to Delaware Route 30 (known at that point in its course as Gravel Hill Road), and proceeding southerly along Delaware Route 30 to Mount Joy Road (also known as County Road 297), and proceeding easterly along Mount Joy Road to the center line of Swan Creek, and proceeding southerly along the center line of Swan Creek to its intersection with the center line of the Indian River, and proceeding southwestward along the center line of the Indian River to the center line of the western extension of Island Creek, entering the river just northeast of the Sandy Beach subdivision, and proceeding along the center line of the said western extension of Island Creek to Power Plant Road (also known as County Road 332), and proceeding southerly along Power Plant Road to Bunting Road (also known as County Road 335), and proceeding easterly along Bunting Road to Adams Road (also known as County Road 335A), and proceeding southerly along Adams Road to Piney Neck Road (also known as County Road 336), and proceeding westerly along Piney Neck Road to its intersection with an unnamed local road approximately .765 miles west of the intersection of Piney Neck Road and Adams Road, and proceeding southerly along the said unnamed local road to a nonvisible boundary situated on the north side of Pepper Creek between Holland Point and Kildee Point, and proceeding southerly along the said nonvisible boundary to the center line of Pepper Creek, and proceeding westerly along the center line of Pepper Creek to the Dagsboro Town line, and proceeding generally southerly along the Dagsboro Town line in its various courses to Delaware Route 20 (also known as Armory Road at that point in its course), and proceeding easterly along Delaware Route 20 to Omar Road (also known as County Road 54), and proceeding easterly along Omar Road to Burbage Road (also known as County Road 353), and proceeding easterly along Burbage Road to

Windmill Road (also known as County Road 352), and proceeding easterly along Windmill Road to Central Avenue (also known as County Road 84), and proceeding southerly along Central Avenue to Beaver Dam Road (also known as County Road 368), and proceeding easterly along Beaver Dam Road to Ocean Air Drive, and proceeding northerly along Ocean Air Drive to Ocean Air Lane, and proceeding easterly along Ocean Air Lane to Ocean Air Drive, and proceeding easterly along Ocean Air Drive to Beaver Dam Road (County Road 368), and proceeding easterly along Beaver Dam Road to Parker House Road (also known as County Road 362), and proceeding northerly along Parker House Road to Beaver Dam Road, and proceeding easterly along Beaver Dam Road to Muddy Neck Road (also known as County Road 361), and proceeding easterly along Muddy Neck Road, which becomes Kent Avenue, to its intersection with the northern boundary line of the Town of South Bethany, and proceeding easterly along the said northern South Bethany boundary line to the point where it meets the waters of the Atlantic Ocean, and proceeding due east from said point across the waters of the Atlantic Ocean to Delaware's eastern boundary, and proceeding in a generally southerly direction with the said eastern boundary to Delaware's southern boundary with the State of Maryland, and proceeding westerly along the said southern boundary to the middle point of the Delmarva Peninsula, marking Delaware's southwestern point, and turning northerly at the said middle point and proceeding northerly along Delaware's western boundary with the State of Maryland to the point of beginning.]

Section 2. A new Chapter 11, §§ 11-1 through 11-5 of the Sussex County Code establishes five (5) new Councilmanic Districts for Sussex County as set forth in the underlined language as follows:

§ 11-1. First Councilmanic District.

The First Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of nonvisible boundary and the Sussex county line, and proceeding easterly along nonvisible boundary to stream/river, and proceeding easterly along stream/river to nonvisible boundary, and proceeding easterly along nonvisible boundary to Bucks Br, and proceeding easterly along Bucks Br to shoreline, and proceeding easterly along shoreline to stream/river, and proceeding southerly along stream/river to Hearn's Pond Rd, and proceeding easterly along Hearn's Pond Rd to Sussex Hwy, and proceeding northerly along Sussex Hwy to Rd 46, and proceeding easterly along Rd 46 to the Seaford/Georgetown census county division line, and proceeding easterly along the Seaford/Georgetown census county division line to nonvisible boundary, and proceeding southerly along nonvisible boundary to the Georgetown/Seaford census county division line, and proceeding easterly along the Georgetown/Seaford census county division line to the Georgetown/Millsboro census county division line, and proceeding easterly along the Georgetown/Millsboro census county division line to E Trap Pond Rd, and proceeding southerly along E Trap Pond Rd to Big Mill Rd, and proceeding southerly along Big Mill Rd to Parsons Rd, and proceeding easterly along Parsons Rd to Rd 435, and proceeding southerly along Rd 435 to the Laurel-Delmar/Millsboro census county division line, and proceeding westerly along the Laurel-Delmar/Millsboro census county division line to Rd

74, and proceeding westerly along Rd 74 to nonvisible boundary, and proceeding southerly along nonvisible boundary to Rd 436, and proceeding southerly along Rd 436 to Phillips Hill Ln, and proceeding easterly along Phillips Hill Ln to nonvisible boundary, and proceeding southerly along nonvisible boundary to stream/river, and proceeding southerly along stream/river to Pocomoke Riv, and proceeding easterly along Pocomoke Riv to Pear Tree Rd, and proceeding southerly along Pear Tree Rd to powerline, and proceeding easterly along powerline to the Millsboro/Laurel-Delmar census proceeding easterly along Blueberry Ln to nonvisible boundary, and proceeding county division line, and proceeding southerly along the Millsboro/Laurel-Delmar census county division line to the Millsboro/Selbyville-Frankford census county division line, and proceeding easterly along the Millsboro/Selbyville-Frankford census county division line to Blueberry Ln, and southerly along nonvisible boundary to Cypress Rd, and proceeding westerly along Cypress Rd to the Selbyville-Frankford/Laurel-Delmar census county division line, and proceeding southerly along the Selbyville-Frankford/Laurel-Delmar census county division line to the Sussex county line, and proceeding westerly along the Sussex county line to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050401, blocks 1007 through 1010, 1017 through 1021, 1024 through 1063, and 2000 through 2058.
- b. In census tract 050403, blocks 1000 through 1021, and 2000 through 2070.
- c. In census tract 050405, blocks 1003 through 1051, and 2000 through 2117.
- d. In census tract 050406, blocks 1015 through 1020, 1028, 1029, 1033, 1034, 1036 through 1049, 1051, 2000 through 2048, 3000 through 3035, and 4000 through 4042.
- e. In census tract 050407, blocks 1021 through 1031, 1033 through 1048, and 3000 through 3037.
- f. In census tract 050408, blocks 1000 through 1026, 2000 through 2034, and 3000 through 3022.
- g. In census tract 050501, block 3067.
- h. In census tract 050601, blocks 1047 through 1067.
- i. In census tract 051502, blocks 3033 and 3034.
- j. In census tract 051701, blocks 1004 through 1008, 1011, 1012, 1014 through 1016, 1019 through 1028, 1032 through 1044, 2000 through 2058, and 3000 through 3045.
- k. In census tract 051702, blocks 1002 through 1004, 1006 through 1116, 2000 through 2057, and 3000 through 3077.
- l. In census tract 051801, blocks 1000 through 1036, 2000 through 2032, 3000 through 3024, and 4000 through 4041.
- m. In census tract 051802, blocks 1000 through 1072, 2000 through 2028, and 3000 through 3035.

n. In census tract 051900, blocks 1000 through 1060, 2000 through 2049, and 3000 through 3061.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE FIRST COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



§ 11-2. Second Councilmanic District.

The Second Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the Sussex county line and nonvisible boundary, and proceeding easterly along the Sussex county line to Atlantic, and proceeding southerly along Atlantic to nonvisible boundary, and proceeding westerly along nonvisible boundary to shoreline, and proceeding southerly along shoreline to Cedar Crk, and proceeding southerly along Cedar Crk to nonvisible boundary, and proceeding easterly along nonvisible boundary to Dockside Dr, and proceeding southerly along Dockside Dr to Bay Ave, and proceeding westerly along Bay Ave to Cedar Beach Rd, and proceeding westerly along Cedar Beach Rd to Shockley Rd, and proceeding easterly along Shockley Rd to Cedar Neck Rd, and proceeding southerly along Cedar Neck Rd to Sharps Rd, and proceeding easterly along Sharps Rd to Coastal Hwy, and proceeding easterly along Coastal Hwy to Brick Granary Rd, and proceeding easterly along Brick Granary Rd to Coastal Hwy, and proceeding southerly along Coastal Hwy to Rd 224, and proceeding westerly along Rd 224 to Coastal Hwy, and proceeding easterly along Coastal Hwy to the Milford South/Milton census county division line, and proceeding southerly along the Milford South/Milton census county division line to the Lewes/Milton census county division line, and proceeding southerly along the Lewes/Milton census county division line to Coastal Hwy, and proceeding easterly along Coastal Hwy to Broadkill Rd, and proceeding westerly along Broadkill Rd to Country Rd, and proceeding southerly along Country Rd to Rte 22A, and proceeding southerly along Rte 22A to nonvisible boundary, and proceeding southerly along nonvisible boundary to Broadkill Riv, and proceeding easterly along Broadkill Riv to stream/river, and proceeding southerly along stream/river to Cave Neck Rd, and proceeding easterly along Cave Neck Rd to Diamond Farm Rd, and proceeding southerly along Diamond Farm Rd to Carpenter Rd, and proceeding westerly along Carpenter Rd to Harbeson Rd, and proceeding southerly along Harbeson Rd to nonvisible boundary, and proceeding westerly along nonvisible boundary to Prettyman Rd, and proceeding westerly along Prettyman Rd to Gravel Hill Rd, and proceeding northerly along Gravel Hill Rd to the Milford South/Milton census county division line, and proceeding northerly along the Milford South/Milton census county division line to Sand Hill Rd, and proceeding westerly along Sand Hill Rd to Burton Rd, and proceeding westerly along Burton Rd to the Georgetown/Milford South census county division line, and proceeding westerly along the Georgetown/Milford South census county division line to Rd 565, and proceeding westerly along Rd 565 to Hunting Club Rd, and proceeding southerly along Hunting Club Rd to stream/river, and proceeding westerly along stream/river to Deep Crk, and proceeding westerly along Deep Crk to Seashore Hwy, and proceeding easterly along Seashore Hwy to Rd 484, and proceeding southerly along Rd 484 to the Seaford/Georgetown census county division line, and proceeding westerly along the Seaford/Georgetown census county division line to nonvisible boundary, and proceeding westerly along nonvisible boundary to the Georgetown/Seaford census county division line, and proceeding southerly along the Georgetown/Seaford census county division line to Rd 46, and proceeding westerly along Rd 46 to Sussex Hwy, and proceeding southerly along Sussex Hwy to Hearn's Pond Rd, and proceeding westerly along Hearn's Pond Rd to stream/river, and proceeding northerly along stream/river to shoreline, and proceeding westerly along shoreline to Bucks Br, and proceeding westerly along Bucks Br to nonvisible boundary, and proceeding westerly

along nonvisible boundary to stream/river, and proceeding westerly along stream/river to nonvisible boundary, and proceeding westerly along nonvisible boundary to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050101, blocks 1000 through 1043, 2000 through 2015, and 3000 through 3040.
- b. In census tract 050103, blocks 1025 and 1026, 1034 and 1035, 1040 and 1041, 2000 through 2044, 3000 through 3037, 4001 through 4009, 4013 through 4015, 4021, 4024, 4025, 4028 through 4056, 4060, 4063, and 4066
- c. In census tract 050104, blocks 1000 through 1049, 2000 through 2052, and 3000 through 3029.
- d. In census tract 050105, blocks 1000 through 1030, 2000 through 2038, 3000 through 3018, and 4000 through 4027.
- e. In census tract 050200, blocks 1000 through 1054, 2000 through 2017, and 3000 through 3088.
- f. In census tract 050302, blocks 1000 through 1047, 2000 through 2045, and 3000 through 3052.
- g. In census tract 050303, blocks 1000 through 1044, and 2000 through 2083.
- h. In census tract, 050304, blocks 1000 through 1078, 2000 through 2039, and 3000 through 3081.
- i. In census tract 050401, blocks 1000 through 1006, 1011 through 1016, 1022, 1023
- j. In census tract 050405, blocks 1000 through 1002.
- k. In census tract 050406, blocks 1000 through 1014, 1021 through 1027, 1030 through 1032, 1035, and 1050.
- l. In census tract 050407, blocks 1000 through 1020, 1032, and 2000 through 2025.
- m. In census tract 050501, tracts 2000 through 2021, 3000 through 3002, 3008 through 3010, 3052 through 3054, 3065, 3066, and 3075 through 3077.
- n. In census tract 050801, blocks 1000 through 1034, 2000 through 2033, and 3000 through 3037.
- o. In census tract 050805, blocks 2000 through 2052, 2055, 2057, and 2063 through 2075.
- p. In census tract 050805, blocks 1003 through 1007.
- q. In census tract 050805, blocks 2017 through 2021.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE SECOND COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

§ 11-3. Third Councilmanic District.

The Third Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Sharps Rd and Coastal Hwy, and proceeding northerly along Sharps Rd to Cedar Neck Rd, and proceeding northerly along Cedar Neck Rd to Shockley Rd, and proceeding westerly along Shockley Rd to Cedar Beach Rd, and proceeding easterly along Cedar Beach Rd to Bay Ave, and proceeding easterly along Bay Ave to Docksider Dr, and proceeding northerly along Docksider Dr to nonvisible boundary, and proceeding westerly along nonvisible boundary to Cedar Crk, and proceeding northerly along Cedar Crk to shoreline, and proceeding northerly along shoreline to nonvisible boundary, and proceeding easterly along nonvisible boundary to Atlantic, and proceeding easterly along Atlantic to the Sussex county line, and proceeding easterly along the Sussex county line to the Selbyville-Frankford/Lewes census county division line, and proceeding westerly along

the Selbyville-Frankford/Lewes census county division line to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to nonvisible boundary, and proceeding northerly along nonvisible boundary to stream/river, and proceeding northerly along stream/river to Long Neck Rd, and proceeding westerly along Long Neck Rd to Rd 23, and proceeding westerly along Rd 23 to the Lewes/Millsboro census county division line, and proceeding northerly along the Lewes/Millsboro census county division line to John J Williams Hwy, and proceeding northerly along John J Williams Hwy to Sarah Run, and proceeding northerly along Sarah Run to Rd 277, and proceeding northerly along Rd 277 to Kendale Rd, and proceeding westerly along Kendale Rd to the Milton/Lewes census county division line, and proceeding northerly along the Milton/Lewes census county division line to Rd 261, and proceeding westerly along Rd 261 to Sweet Briar Rd, and proceeding northerly along Sweet Briar Rd to Cave Neck Rd, and proceeding westerly along Cave Neck Rd to stream/river, and proceeding northerly along stream/river to Broadkill Riv, and proceeding westerly along Broadkill Riv to nonvisible boundary, and proceeding northerly along nonvisible boundary to Rte 22A, and proceeding northerly along Rte 22A to Country Rd, and proceeding northerly along Country Rd to Broadkill Rd, and proceeding easterly along Broadkill Rd to Coastal Hwy, and proceeding westerly along Coastal Hwy to the Milton/Lewes census county division line, and proceeding westerly along the Milton/Lewes census county division line to the Milton/Milford South census county division line, and proceeding northerly along the Milton/Milford South census county division line to Coastal Hwy, and proceeding northerly along Coastal Hwy to Rd 224, and proceeding easterly along Rd 224 to Coastal Hwy, and proceeding northerly along Coastal Hwy to Brick Granary Rd, and proceeding westerly along Brick Granary Rd to Coastal Hwy, and proceeding westerly along Coastal Hwy to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050103, blocks 1000 through 1024, 1027 through 1033, 1036 to 1039, 1042, 4000, 4010 through 4012, 4016 through 4020, 4022, 4023, 4026, 4027, 4057 through 4059, 4061, 4062, 4064, and 4065
- b. In census tract 050706, blocks 1000 through 1039, 1053, and 1054
- c. In census tract 050709, blocks 1000 through 1035, and 2000 through 2023.
- d. In census tract 050710, blocks 1000 through 1053, and 2000 through 2021.
- e. In census tract 050711, blocks 1000 through 1030, and 2000 through 2021.
- f. In census tract 050801, blocks 3000 through 3002, and 3038.
- g. In census tract 050804, blocks 2000 through 2007.
- h. In census tract 050806, blocks 2000 through 2015, and 3000 through 3007.
- i. In census tract 050807, blocks 1000 through 1013, and 2000 through 2037.
- j. In census tract 050808, blocks 1000 through 1023, 2000 through 2038, and 3000 through 3015.
- k. In census tract 050903, blocks 1000 through 1029, and 2000 through 2036.
- l. In census tract 050904, blocks 1000 through 1044, and 2000 through 2046.

- m. In census tract 050905, blocks 1000 through 1051, 2000 through 2024, 3000 through 3032, and 4000 through 4022.
- n. In census tract 051008, blocks 1000 through 1020, 2000 through 2018, and 3000 through 3040.
- o. In census tract 051009, blocks 1000 through 1011, 2000 through 2025, and 3000 through 3022.
- p. In census tract 051010, blocks 1000 through 1013, 2000 through 2013, and 3000 through 3009.
- q. In census tract 051011, blocks 1000 through 1032, 2000 through 2014, and 3000 through 3012.
- r. In census tract 051012, blocks 1000 through 1004, 1006 through 1023, and 2000 through 2012.
- s. In census tract 051014, blocks 1000 through 1018, and 2000 through 2019.
- t. In census tract 051015, blocks 1000 through 1022, and 2000 through 2004.
- u. In census tract 051016, blocks 1000 through 1019, and 2000 through 2033.
- v. In census tract 051017, blocks 1000 through 1029, 2000 through 2047, and 3000 through 3014.
- w. In census tract 051101, blocks 1000 through 1018, 2000 through 2022, and 3000 through 3035.
- x. In census tract 051102, blocks 1000 through 1027, 2000 through 2037, and 3000 through 3031.
- y. In census tract 051103, blocks 1000 through 1013, 2000 through 2058, and 3000 through 3003.
- z. In census tract 980000, blocks 1000 through 1016.
- aa. In census tract 990000, blocks 0001 through 0009.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE THIRD COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex: DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, MFTI/NASA, USGS, FPA, NPS, USDA

§ 11-4. Fourth Councilmanic District.

The Fourth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of the Laurel-Delmar/Selbyville-Frankford census county division line and the Sussex county line, and proceeding northerly along the Laurel-Delmar/Selbyville-Frankford census county division line to Cypress Rd, and proceeding easterly along Cypress Rd to nonvisible boundary, and proceeding northerly along nonvisible boundary to Blueberry Ln, and proceeding easterly along Blueberry Ln to Delaware Ave, and proceeding northerly along Delaware Ave to the Millsboro/Selbyville-Frankford census county division line, and proceeding northerly along the Millsboro/Selbyville-Frankford census county division line

to Delaware Ave, and proceeding northerly along Delaware Ave to Gum Tree Rd, and proceeding easterly along Gum Tree Rd to the Millsboro/Selbyville-Frankford census county division line, and proceeding easterly along the Millsboro/Selbyville-Frankford census county division line to powerline, and proceeding easterly along powerline to the Millsboro/Selbyville-Frankford census county division line, and proceeding northerly along the Millsboro/Selbyville-Frankford census county division line to nonvisible boundary, and proceeding westerly along nonvisible boundary to shoreline, and proceeding northerly along shoreline to Swan Crk, and proceeding northerly along Swan Crk to John J Williams Hwy, and proceeding easterly along John J Williams Hwy to Long Neck Rd, and proceeding easterly along Long Neck Rd to stream/river, and proceeding southerly along stream/river to nonvisible boundary, and proceeding southerly along nonvisible boundary to the Millsboro/Selbyville-Frankford census county division line, and proceeding easterly along the Millsboro/Selbyville-Frankford census county division line to the Lewes/Selbyville-Frankford census county division line, and proceeding easterly along the Lewes/Selbyville-Frankford census county division line to the Sussex county line, and proceeding southerly along the Sussex county line to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050703, blocks 1000 through 1005, blocks 1016 through 1032, and 2000 through 2019.
- b. In census tract 050706, blocks 1040 through 1052, 2000 through 2054, and 3000 through 3025.
- c. In census tract 050708, blocks 1000 through 1030, and 2000 through 2031.
- d. In census tract 050708, and blocks 1000 through 1039.
- e. In census tract 051201, blocks 1000 through 1039, and 2000 through 2024.
- f. In census tract 051202, blocks 1000 through 1028, and 2000 through 2037.
- g. In census tract 051203, blocks 1000 through 1016, 2000 through 2007, 3000 through 3002, and 4000 through 4020.
- h. In census tract 051204, blocks 1000 through 1027, 2000 through 2028, 3000 through 3008, and 4000 through 4027.
- i. In census tract 051205, blocks 1000 through 1042, and 2000 through 2026.
- j. In census tract 051302, blocks 1000 through 1058, 2000 through 2043, and 3000 through 3079.
- k. In census tract 051307, blocks 1000 through 1077.
- l. In census tract 051308, blocks 1000 through 1046, 2000 through 2021, and 3000 through 3031.
- m. In census tract 051309, blocks 1000 through 1016, and 2000 through 2019.
- n. In census tract 051310, blocks 1000 through 1033.
- o. In census tract 051311, blocks 1000 through 1041, and 2000 through 2008.
- p. In census tract 051312, blocks 1000 through 1025, and 2000 through 2042.
- q. In census tract 051313, blocks 1000 through 1028, 2000 through 2044, and 3000 through 3040.
- r. In census tract 051314, blocks 1000 through 1035, and 2000 through 2045.

- s. In census tract 051400, blocks 1000 through 1039, 2000 through 2037, and 3000 through 3049.
- t. In census tract 051501, blocks 1000 through 1053, and 2000 through 2030.
- u. In census tract 051502, blocks 1000 through 1042, 2000 through 2048, and 3000 through 3024, 3029 through 3032, and 3035 through 3052.
- v. In census tract 990000, block 0010.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE FOURTH COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex, DE, Delaware FirstMap, VITA, Esri, HERE, Garmin, SafeGraph, METI/NASA, USGS, EPA, NPS, USDA

§ 11-5. Fifth Councilmanic District.

The Fifth Councilmanic District of Sussex County shall comprise all that portion of Sussex County bounded and described as follows: All of that portion of Sussex County bounded and described as follows: Beginning at the point of intersection of Rd 484 and the Seaford/Georgetown census county division line, and proceeding northerly along Rd 484 to Seashore Hwy, and proceeding westerly along Seashore Hwy to Deep Crk, and proceeding northerly along Deep Crk to stream/river, and proceeding easterly along stream/river to Hunting Club Rd, and proceeding northerly along Hunting Club Rd to Rd

565, and proceeding easterly along Rd 565 to the Milford South/Georgetown census county division line, and proceeding easterly along the Milford South/Georgetown census county division line to Burton Rd, and proceeding northerly along Burton Rd to Sand Hill Rd, and proceeding easterly along Sand Hill Rd to the Milton/Milford South census county division line, and proceeding southerly along the Milton/Milford South census county division line to Gravel Hill Rd, and proceeding southerly along Gravel Hill Rd to Prettyman Rd, and proceeding easterly along Prettyman Rd to nonvisible boundary, and proceeding easterly along nonvisible boundary to Harbeson Rd, and proceeding northerly along Harbeson Rd to Carpenter Rd, and proceeding easterly along Carpenter Rd to Diamond Farm Rd, and proceeding northerly along Diamond Farm Rd to Cave Neck Rd, and proceeding easterly along Cave Neck Rd to Sweet Briar Rd, and proceeding easterly along Sweet Briar Rd to Rd 261, and proceeding southerly along Rd 261 to the Lewes/Milton census county division line, and proceeding westerly along the Lewes/Milton census county division line to Kendale Rd, and proceeding easterly along Kendale Rd to Rd 277, and proceeding southerly along Rd 277 to Sarah Run, and proceeding southerly along Sarah Run to John J Williams Hwy, and proceeding southerly along John J Williams Hwy to the Millsboro/Lewes census county division line, and proceeding southerly along the Millsboro/Lewes census county division line to Rd 23, and proceeding easterly along Rd 23 to John J Williams Hwy, and proceeding southerly along John J Williams Hwy to Swan Crk, and proceeding southerly along Swan Crk to shoreline, and proceeding southerly along shoreline to nonvisible boundary, and proceeding southerly along nonvisible boundary to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to powerline, and proceeding westerly along powerline to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to Gum Tree Rd, and proceeding westerly along Gum Tree Rd to Delaware Ave, and proceeding southerly along Delaware Ave to the Selbyville-Frankford/Millsboro census county division line, and proceeding southerly along the Selbyville-Frankford/Millsboro census county division line to Delaware Ave, and proceeding southerly along Delaware Ave to Blueberry Ln, and proceeding westerly along Blueberry Ln to the Selbyville-Frankford/Millsboro census county division line, and proceeding westerly along the Selbyville-Frankford/Millsboro census county division line to the Laurel-Delmar/Millsboro census county division line, and proceeding northerly along the Laurel-Delmar/Millsboro census county division line to powerline, and proceeding westerly along powerline to Pear Tree Rd, and proceeding northerly along Pear Tree Rd to Pocomoke Riv, and proceeding westerly along Pocomoke Riv to stream/river, and proceeding northerly along stream/river to nonvisible boundary, and proceeding northerly along nonvisible boundary to Phillips Hill Ln, and proceeding westerly along Phillips Hill Ln to Rd 436, and proceeding northerly along Rd 436 to nonvisible boundary, and proceeding northerly along nonvisible boundary to Rd 74, and proceeding easterly along Rd 74 to the Millsboro/Laurel-Delmar census county division line, and proceeding easterly along the Millsboro/Laurel-Delmar census county division line to Rd 435, and proceeding northerly along Rd 435 to Parsons Rd, and

proceeding westerly along Parsons Rd to Big Mill Rd, and proceeding northerly along Big Mill Rd to E Trap Pond Rd, and proceeding northerly along E Trap Pond Rd to the Millsboro/Georgetown census county division line, and proceeding westerly along the Millsboro/Georgetown census county division line to the Seaford/Georgetown census county division line, and proceeding westerly along the Seaford/Georgetown census county division line to the point of beginning.

ALSO AS FURTHER AND MORE FULLY DESCRIBED AS THAT PORTION OF SUSSEX COUNTY CONTAINED IN THE FOLLOWING CENSUS BLOCKS:

- a. In census tract 050200, blocks 2018 through 2021.
- b. In census tract 050501, blocks 1000 through 1044, 3003 through 3007, 3011 through 3051, 3055 through 3064, 3068 through 3074, and 3078 through 3081.
- c. In census tract 050503, blocks 1000 through 1061, 2000 through 2034, and 3000 through 3041.
- d. In census tract 050505, and blocks 1000 through 1058.
- e. In census tract 050506, blocks 1000 through 1052, and 2000 through 2039.
- f. In census tract 050601, blocks 1000 through 1046, 1068 through 1098, 2000 through 2031, and 3000 through 3039.
- g. In census tract 050603, blocks 1000 through 1039, and 2000 through 2047.
- h. In census tract 050604, blocks 1000 through 1054, 2000 through 2024, and 3000 through 3065.
- i. In census tract 050701, blocks 1000 through 1024, 2000 through 2040, and 3000 through 3039.
- j. In census tract 050703, blocks 1006 through 1015.
- k. In census tract 050804, blocks 050804, blocks 1000 through 1040, and 2008 through 2046.
- l. In census tract 050805, blocks 1000 through 1025, 2053, 2054, 2056, and 2058 through 2062.
- m. In census tract 050806, blocks 1000 through 1002, 1008 through 1032, and 4000 through 4041.
- n. In census tract 051012, block 1005.
- o. In census tract 051013, blocks 1000 through 1030, and 2000 through 2018.
- p. In census tract 051502, blocks 3025 through 3028.
- q. In census tract 051701, blocks 1000 through 1003, 1009, 1010, 1013, 1017, 1018, and 1029 through 1031.
- r. In census tract 051702, blocks 1000, 1001, and 1005.

ALSO AS FURTHER DESCRIBED AND AS WILL MORE FULLY AND LARGELY APPEAR ON THE FIFTH COUNCILMANIC DISTRICT MAP ATTACHED HERETO AND MADE A PART HEREOF.



County of Sussex, DE, Delaware Fin. Map, VITA, Carl I. ERL, Garmin, SeisGraph, MET/NASA, USGS, EPA, NPS, USDA

Section 3. This Ordinance shall become effective upon its adoption.

SYNOPSIS

This ordinance repeals Ordinance No. 2227 adopted on November 15, 2011, as amended by Ordinance No. 2243 adopted on February 28, 2012, and as codified in Chapter 11, §§ 11-1 through 11-5 of the Sussex County Code, which established Councilmanic Districts for Sussex County. The repealed language is shown in brackets. This ordinance further establishes and adopts new Councilmanic Districts for Sussex County and codifies each newly established Councilmanic District in Chapter 11, §§ 11-1 through 11-5 of the Sussex County Code as set forth in the underlined language herein.

To Be Introduced 3/1/22

Council District 4: Mr. Hudson
Tax I.D. Nos. 234-24.00-39.02 & 39.06
911 Address 25491 Dogwood Lane, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CONDITION "N" OF THE CONDITIONS OF APPROVAL IN ORDINANCE NO. 2766 FOR CONDITIONAL USE NO. 2201 RELATING TO THE SALE OF CAMPSITES WITHIN A CAMPGROUND/RV PARK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.0 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of November 2021, a conditional use application, denominated Conditional Use No. 2326 was filed on behalf of Sun Leisure Point Resort, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 2326 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2326 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 on south side of Dogwood Lane, approximately 305 feet south of Radie Kay Lane, approximately 0.29 mile northeast of Long Neck Road (Rt. 23) and being more particularly described in the attached legal description prepared by Morris , Nichols, Arsht & Tunnell LLP, said parcel containing 8.0 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.

To Be Introduced 3/1/22

Council District 5: Mr. Rieley
Tax I.D. No. 134-15.00-20.04
911 Address: 34018 Roxana Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.00 ACRES, MORE OR LESS

WHEREAS, on the 26th day of July 2021, a conditional use application, denominated Conditional Use No. 2301 was filed on behalf of Jason Tedesco; and

WHEREAS, on the ____ day of _____ 2022, 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. 2301 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2301 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 Baltimore Hundred, Sussex County, Delaware, and lying on the west side of Roxana Road (S.C.R. 52), approximately 0.23 mile south of the intersection of Powell Farm Road (S.C.R. 365) and Peppers Corner Road (S.C.R. 365), and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A., said parcel containing 2.00 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.

To Be Introduced: 3/1/22

Council District 3: Mr. Schaeffer
Tax I.D. No. 334-12.00-7.00
911 Address 33508 Ritter Lake Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXPANSION OF A NON-CONFORMING BORROW PIT TO INCLUDE OUTDOOR PROCESSING AND RECYCLING (GRINDING, CRUSHING, STORAGE AND SALE) OF TREE/YARD WASTE AND CONCRETE AS WELL AS SALES AND STORAGE OF STONE, MULCH, SOIL AND RELATED OUTDOOR PRODUCTS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 50.90 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of November 2021, a conditional use application, denominated Conditional Use No. 2327 was filed on behalf of Howard L. Ritter & Sons, Inc.; and

WHEREAS, on the ____ day of _____ 2022, 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. 2327 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2327 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 & Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest side of Plantations Road (Rt. 1D), approximately 0.18 mile southeast of Robinsonville Road (S.C.R. 277) and being more particularly described in the attached legal description prepared by Maull & Maull, P.A., said parcel containing 50.90 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.

To Be Introduced 3/1/22

Council District 4: Mr. Hudson
Tax I.D. No. 233-11.00-172.00
911 Address: 30028 and 30032 Vines Creek Rd, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 9.54 ACRES, MORE OR LESS

WHEREAS, on the 13th day of November 2021, a zoning application, denominated Change of Zone No. 1963 was filed on behalf of ES Motors, Inc.; and

WHEREAS, on the ____ day of _____ 2022, 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. 1963 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 C-2 Medium Commercial 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the south side of Vines Creek Road (Rt. 26) approximately 0.5 miles east of Armory Road (Rt. 382) and being more particularly described in the attached legal description prepared by Griffin & Hackett. P.A. , said parcel containing 9.54 ac., 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.

To be Introduced: 3/1/22

Council District 3: Mr. Schaeffer
Tax I.D. Nos. 334-6.00-511.02, 334-6.00-511.06, 334-6.00-513.00
911 Address Shady Road Lewes, DE 19958

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR MEDICAL OFFICE BUILDINGS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 2.29 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of September 2021, a conditional use application, denominated Conditional Use No. 2316 was filed on behalf of Southern Delaware Medical Center, LLC; and

WHEREAS, on the ____ day of _____ 2022, 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. 2316 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2316 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 southeast side of Shady Road (S.C.R. 276) and being more particularly described in the attached legal description prepared by Baird Mandalas Brockstedt, LLC, said parcel(s) containing 2.29 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
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jamie.whitehouse@sussexcountyde.gov



Sussex County

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Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: February 24, 2022

RE: County Council Report for C/U 2317 filed on behalf of William E. Martin, II.

The Planning and Zoning Department received an application (C/U 2317 filed on behalf of William E. Martin, II) for a Conditional Use for parcel 334-6.00-340.00 for a vehicle graphics business. The property is located within the General Residential (GR) Zoning District and is located at 35583 Wolfe Neck Road, Rehoboth Beach. The parcel size is 0.34 acres +/-.

The Planning & Zoning Commission held a Public Hearing on the application on January 27, 2022. At the meeting of February 10, 2022, the Planning & Zoning Commission recommended approval of the application subject to 7 reasons stated and subject to 11 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of January 27, 2022 and February 10, 2022.

Draft Minutes of the January 27, 2022 Planning & Zoning Commission Meeting

C/U 2317 William E. Martin, II

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS. The property is lying on the northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road (S.C.R. 270) and Munchy Branch Road (S.C.R. 270A). 911 Address: 35583 Wolfe Neck Road, Rehoboth Beach. Tax Parcel: 334-6.00-340.00.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Mr. Whitehouse advised the Commission submitted into the record is a copy of DelDOT Service Level Evaluation Response, a copy of the Applicant's site plan, a copy of a letter from the Applicant, a copy of the staff analysis, two letters of support, and one mail return.

The Commission found that Mr. William Martin spoke on behalf of his Application; that also present was Mrs. Melissa Martin; that they are the Applicants; that they do agree with what was read into the record by Mr. Whitehouse; that he grew up in the area; that they live close to the proposed property and he desires to bring his business as close to his home as possible while staying within the area he currently serves.

Ms. Wingate questioned how many employees are proposed, hours of operations, if a sign is desired; that she questioned the location the work will be performed, where the materials and chemicals will be kept, and where the disposal of material and chemical waste will take place.

Mr. Martin stated he currently has two employees; that his mother occasionally assists with bookkeeping; that he does employ, one to five, Sussex Central interns; that proposed hours of operation would be 9:00 am until 5:00 pm Monday through Thursday and 9:00 am until 4:00 pm on Fridays; that there would be no weekend work; that he does request a sign; that he is most interested in having a sign on the building; that the fabrication and production are performed inside the building; that materials are kept in a small shed located on the property; that all chemicals and paints are stored inside the building and he does have proper disposal of all material and chemical waste.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to Application C/U 2317 William E. Martin, II. Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 4-0.

Draft Minutes of the February 10, 2022 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 27, 2022.

Ms. Stevenson moved that the Commission recommend approval of C/U 2317 William W. Martin, II for a Sign and Vehicle Graphics Business on land zoned GR General Residential based upon the record made during the public hearing and for the following reasons:

1. The site is zoned GR-General Residential. There have been other business uses in the vicinity, including Blue Hen Towing that previously operated next door. There are also several small businesses and commercial uses in this area of Munchy Branch Road and Wolfe Neck Road. This is an appropriate location for a small business like this.
2. The property is located within the Coastal Area according to the Sussex County Comprehensive Plan. Small business uses like this one are appropriate within this Area according to the Plan.

3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.
4. The Applicant has stated that all material storage, fabrication, and sign production will occur inside of the buildings on the site.
5. The Applicant has stated that most of the work occurs off-site at the time of installation at a customer's property.
6. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County.
7. No parties appeared in opposition to the application.
8. This recommendation is subject to the following conditions:
 - A. The property shall be used for a sign construction and vehicle graphic business.
 - B. There shall be no retail sales from the property.
 - C. All sign fabrication and production shall occur indoors.
 - D. There shall not be any outdoor storage of materials associated with the use, including signs waiting for installation and old or damaged signage. This prohibition also includes all paints, inks and chemicals, which shall be stored and disposed in accordance with state and federal requirements.
 - E. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - F. The Applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
 - G. One 32 square foot lighted sign shall be permitted. As requested by the Applicant, it shall be located on the building.
 - H. All security lighting shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.
 - I. The Final Site Plan shall provide for interconnectivity with adjacent properties if and when those properties may be used for business or commercial purposes.
 - J. Failure to abide by any of these conditions of approval may result in the termination of this conditional use.
 - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval for C/U 2317 William W. Martin, II, for the reasons and conditions stated in the motion. Motion carried 5-0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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JAMIE WHITEHOUSE, MRTPI, AICP
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 27th, 2022

Application: CU 2317 William E. Martin, II

Applicant: William E. Martin
P.O. Box 1431
Rehoboth Beach, DE 19971

Owner: William E. Martin
18673 Munch Branch Road
Rehoboth Beach, DE 19971

Site Location: Lying on the northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road and Munchy Branch Road (S.C.R. 270A)

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Sign and Vehicle Graphics Business

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire Department

Sewer: Sussex County

Water: Private

Site Area: 0.34 acres +/-

Tax Map ID.: 334-6.00-340.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
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jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney and Applicant
Date: January 20, 2022
RE: Staff Analysis for CU 2317 William E. Martin, II

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2317 William E. Martin, II to be reviewed during the January 27, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for Tax Parcel: 334-6.00-340.00 for a sign and vehicle graphics business. The parcel is lying on the northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road (S.C.R. 270) and Munchy Branch Road (S.C.R. 270A). The parcel consists of 0.34 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the parcel has a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject property also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

The subject property is zoned General Residential (GR). The adjacent properties to the north, south, east, and west of the subject sites are also zoned General Residential (GR).

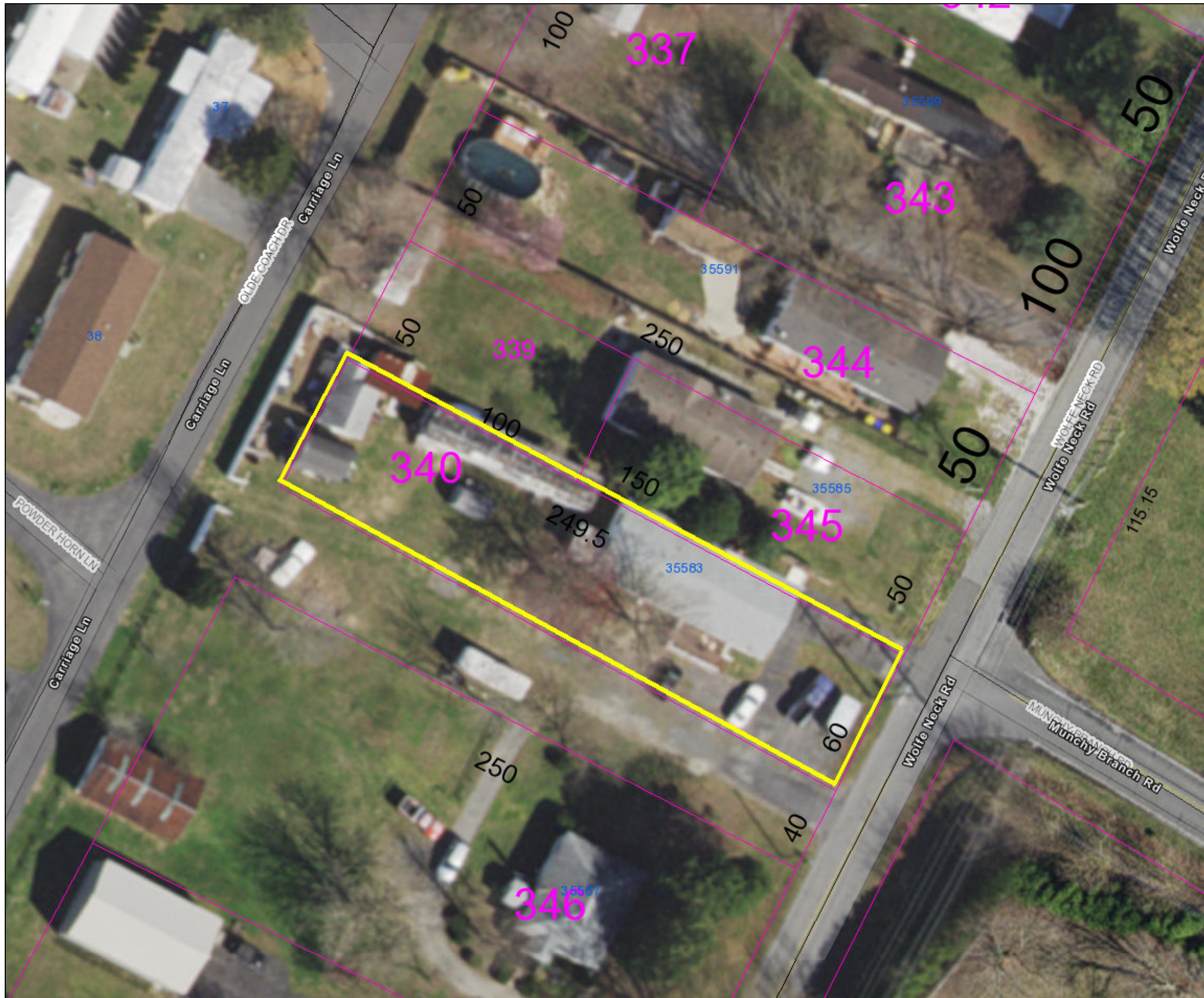
Since 1971, there have been 57 Conditional Use applications within a one-mile radius of the application site. Of the 57 Conditional Use applications within a one-mile radius, 44 have been approved, 6 have been denied, 5 have been withdrawn and 2 are still pending a decision.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use for a sign and vehicle graphics business, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.





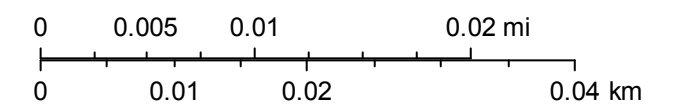
Sussex County



| | |
|------------------------|-----------------------|
| PIN: | 334-6.00-340.00 |
| Owner Name | MARTIN WILLIAM E |
| Book | 5477 |
| Mailing Address | 18673 MUNCHY BRANCH R |
| City | REHOBOTH BEACH |
| State | DE |
| Description | NW/RD 270 |
| Description 2 | CT |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID

1:564





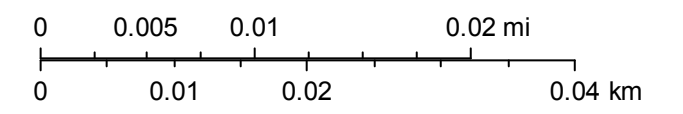
Sussex County



| | |
|------------------------|------------------------|
| PIN: | 334-6.00-340.00 |
| Owner Name | MARTIN WILLIAM E |
| Book | 5477 |
| Mailing Address | 18673 MUNCHY BRANCH RD |
| City | REHOBOTH BEACH |
| State | DE |
| Description | NW/RD 270 |
| Description 2 | CT |
| Description 3 | N/A |
| Land Code | |

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- Tax Ditch Segments**
- Tax Ditch Channel
- Pond Feature
- Special Access ROW
- Extent of Right-of-Way
- Municipal Boundaries
- TID

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Sussex County



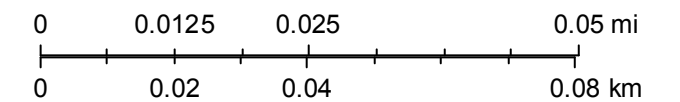
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| Land Code | |

- polygonLayer

 - Override 1
- polygonLayer

 - Override 1
- Tax Parcels
- 911 Address
- Streets

1:1,128



Introduced 12/14/21

**Council District 3 - Schaeffer
Tax I.D. No. 334-6.00-340.00
911 Address: 35583 Wolfe Neck Road, Rehoboth Beach**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A SIGN AND VEHICLE GRAPHICS BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.34 ACRES, MORE OR LESS

WHEREAS, on the 4th day of October 2021, a conditional use application, denominated Conditional Use No. 2317 was filed on behalf of William E. Martin, II; and

WHEREAS, on the ____ day of _____ 2022, 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. 2317 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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. 2317 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 northwest side of Wolfe Neck Road (S.C.R. 270), west of the intersection of Wolfe Neck Road (S.C.R. 270) and Munchy Branch Road (S.C.R. 270A) and being more particularly described in the attached legal description prepared by Giordano, Delcollo, Werb & Gagne, LLC, said parcel containing 0.34 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: March 1, 2022

RE: County Council Report for C/Z 1943 filed on behalf of Shirley and Gordon Price, Jr.

The Planning and Zoning Department received an application (C/Z 1939 filed on behalf of Shirley and Gordon Price, Jr.) to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a C-2 Medium Commercial District. The property is located at 34861 Atlantic Avenue, Ocean View). The change of zone is for 0.91 acres, more or less.

The Planning and Zoning Commission held a public hearing on January 27, 2022. At the meeting of February 10, 2022, the Commission recommended approval of the application for the 8 reasons as outlined within the motion (included below).

Below are the draft minutes from the Planning & Zoning Commission meeting of January 27, 2022 and the draft minutes of the Planning & Zoning Commission meeting of February 10, 2022.

Minutes of the January 27, 2022 Planning & Zoning Commission Meeting

C/Z 1943 Shirley and Gordon Price, Jr.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS. The property is lying on the north side of Atlantic Avenue (Route 26), approximately 0.13 mile northwest of Roxana Road (Route 17). 911 Address: 34861 Atlantic Avenue, Ocean View. Tax Parcel: 134-11.00-175.00.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

Mr. Whitehouse advised the Commission submitted into the record is a copy of the Applicant's boundary survey, a copy of the PLUS Response, a copy of the staff analysis, a copy of a letter from the Applicant, a copy of the DelDOT Service Level Evaluation Response, zero comments in support, zero comments in opposition and zero mail returns.

The Commission found that Mrs. Shirley Price spoke on behalf of her Application; that her husband Mr. Gordon Price was not able to be present as he recently had a kidney transplant; that they purchased their property on Rt. 26 in 1981; that the corridor then was much different than it is today; that at the time, it was a perfect location, a home they could afford, allowing them to raise their family, work and be involved in the community; that they never gave much thought to what the future may hold; that when they purchased the property the only commercial area was Holts Dispensary; that everything else was fields and houses; that the first major change was when an application was submitted for a liquor store across the street from the property; that they negotiated with them, allow them to be the best neighbors they could be while minimizing the impact to Rt. 26; that many other businesses followed after that; that her neighbor to the west runs a heating & air company; that to the east there is now a new and more modern Holts Dispensary, known as Holts Liquor Store, with a very well lit parking lot; that across the street is Parsell's Funeral Home; that there are other small businesses in the area; that at one time, she returned home from being away, to a double decker billboard on her property line; that she never received notice of the billboard placement; that because of this, she contacted Mr. Lawrence Lank; that he informed her the State regulated signs; that after some thought, Mr. Lank decided there needed to be a sign committee for Sussex County; that she was happy to provide input to the sign committee; that as time went on she and her husband knew they could not stop the inevitable; that in the world of land use planning, her property is a logical location for commercial zoning; that her property is no longer a residential area; that it can never be residential again; that her property's highest and best use is commercial; that she requests the necessary zoning to give her property its highest and best use, to fit it where it should; that she is surrounded by commercial zoning; that this is permitted within the land use plan and she requested the Commission make her property whole with the surrounding commercial zoning.

That Mr. Mears stated when a residential property is stuck between two commercial properties, it would be difficult to sell, and the Comprehensive Plans permits it.

Ms. Wingate and Mr. Hopkins stated the Application request made perfect sense.

Chairman Wheatley stated enhancing property value is not a goal in land use; that consistent application of zoning is and when looking at the map, there is an obvious issue to fix.

The Commission found there was no one present in the room or by teleconference who wished to speak in support or opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to Application C/Z 1943 Shirley and Gordon Price, Jr. Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 4-0.

Minutes of the February 10, 2022 Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since January 27, 2022.

Mr. Mears moved that the Commission recommend approval of C/Z 1943 for Shirley and Gordon Price, Jr. for a change in zone from AR-1 Agricultural-Residential zoning to C-2 “Medium Commercial” zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant’s property is currently zoned AR-1 along Route 26. It is surrounded on either side by C-1 and CR-1 Zoning, plus a number of business and commercial uses. The continued designation and use of this property for residential purposes is no longer appropriate. This is an appropriate location for C-2 zoning.
3. C-2 Zoning at this location along Route 26 will benefit nearby residents of Sussex County by providing a convenient location for retail uses or consumer services.
4. There is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
5. The site is mostly in the “Coastal Area” according to the Sussex County Land Use Plan and Future Land Use Map. This is an appropriate location for C-2 Zoning according to the Plan.
6. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and welfare of the County.
7. No parties appeared in opposition to the rezoning application.
8. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval for C/Z 1943 Shirley and Gordon Price, Jr., for the reasons and conditions stated in the motion. Motion carried 5-0

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
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302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR OF PLANNING & ZONING

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date: January 27th, 2022

Application: CZ 1943 Shirley & Gordon Price, Jr.

Applicant: Shirley & Gordon Price, Jr.
34861 Atlantic Avenue
Ocean View, DE 19970

Owner: Shirley & Gordon Price, Jr.
34861 Atlantic Avenue
Ocean View, DE 19970

Site Location: 34861 Atlantic Avenue, Ocean View, DE 19970. The property is lying on the north side of Atlantic Avenue (Route 26), approximately 0.13 mile northwest of Roxanna Road (Route 17).

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Zoning: Medium Commercial (C-2) Zoning District

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire Department

Sewer: Private (On-Site Septic)

Water: Sewer (Sussex County Unified Sanitary Sewer District)

Site Area: 0.91 acres +/-

Tax Map ID.: 134-11.00-175.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: January 20, 2022
RE: Staff Analysis for CZ 1943 Shirley and Gordon Price, Jr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1943 Shirley and Gordon Price, Jr. to be reviewed during the January 27, 2022, Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for Tax Parcel 134-11.00-175.00 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District. The property is lying on the north side of Atlantic Avenue (Route 26), approximately 0.13 mile northwest of Roxana Road (Route 17). The parcel to be rezoned consists of 0.91 acres +/-.

Staff note that a PLUS waiver letter was obtained from the Office of State Planning to waive PLUS review requirements which applied due to the fact that the proposal is an upzoning within the Coastal Area. The letter was received electronically by the Department of Planning and Zoning on Wednesday, January 19, 2022, and notes that the following conditions have been met: “1.) The rezoning is of a unique circumstance and would not set precedence for other lands in the vicinity of the rezoning, 2.) The relative size of the rezoning or the variation from the land use recommended by the Comprehensive Plan is so minor that it would have no impact on the goals and objectives of the Comprehensive Plan, 3.) The proposed zoning is adjacent to or in the immediate vicinity of other similarly zoned lands and would not alter the pattern of development in the area.”

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map in the plan indicates that the subject property has a land use designation of “Coastal Area.” The properties to the north, south (on the opposite side of Atlantic Avenue), east and west of the subject property also contain the Future Land Use Designation of “Coastal Area.”

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light



commercial, office and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home. Major new industrial uses are not proposed in these areas.

The property is zoned Agricultural Residential (AR-1) Zoning District. Adjacent parcels to the north are also zoned Agricultural Residential (AR-1) Zoning District. The properties to the south on the opposite side of Atlantic Avenue (Route 26) and the adjacent property to the west are zoned General Commercial (C-1) District. The property to the east is zoned Commercial Residential (CR-1) Zoning District.

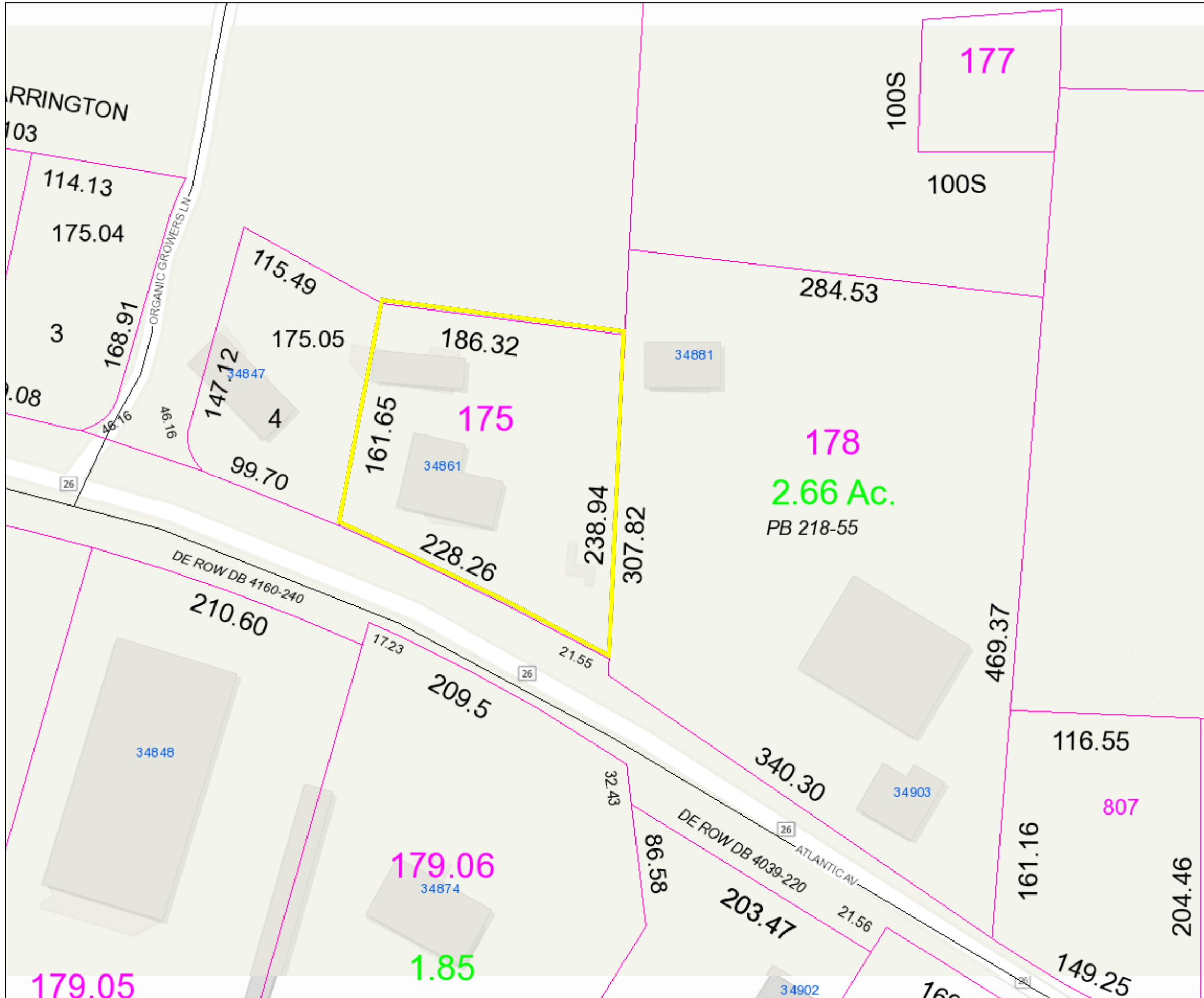
The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the Medium Commercial (C-2) Zoning District is listed as an applicable zoning district in the Coastal Area.

Since 2011, there have been four (4) Change of Zone applications within a 0.5 mile radius of the application site. The first application is Change of Zone 1738 Atlantic Community Thrift Shop, Inc. for a change of zone from a Medium Density Residential Zoning District (MR) to a Neighborhood Business District (B-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, November 14, 2013. The application was also approved by the Sussex County Council at their meeting of Tuesday, December 3, 2013 and adopted through Ordinance No. 2331. The second application is Change of Zone 1789 Good Earth Market, LLC for a change of zone from an Agricultural Residential District (AR-1) to a Commercial Residential Zoning District (CR-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, December 10, 2015. The application was also approved by the Sussex County Council on Tuesday, April 5, 2016 and adopted through Ordinance No. 2439. The third application is Change of Zone 1840 Preston and Brenda Brasure for a change of zone from an Agricultural Residential District (AR-1) to a Commercial Residential District (CR-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, January 11, 2018. The application was also approved by the Sussex County Council on Tuesday, January 30, 2018 and adopted through Ordinance No. 2544. The fourth application is Change of Zone 1863 Triumf I, LLC for a change of zone from an Agricultural Residential District (AR-1) to a Commercial Residential District (CR-1) which was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, November 29, 2018. The application was also approved by the Sussex County Council on Tuesday, January 8, 2019 and adopted through Ordinance No. 2624.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from a Agricultural Residential Zoning District (AR-1) to a Medium Commercial Zoning District (C-2) could be considered as being consistent with the land use, based on the size, scale, zoning and surrounding uses.



Sussex County

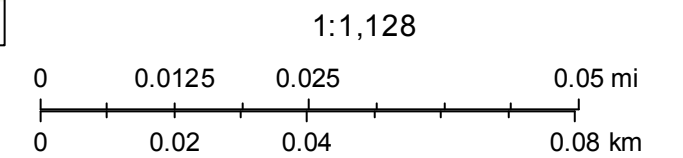


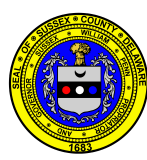
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| PIN: | 134-11.00-175.00 | |
| Owner Name | PRICE | GORDON BENT JR TRUSTEE |
| Book | 4292 | |
| Mailing Address | 34861 ATLANTIC AVE | |
| City | OCEAN VIEW | |
| State | DE | |
| Description | NE/RT 26 | |
| Description 2 | 500' NW/RT 17 | |
| Description 3 | N/A | |
| Land Code | | |

- polygonLayer**

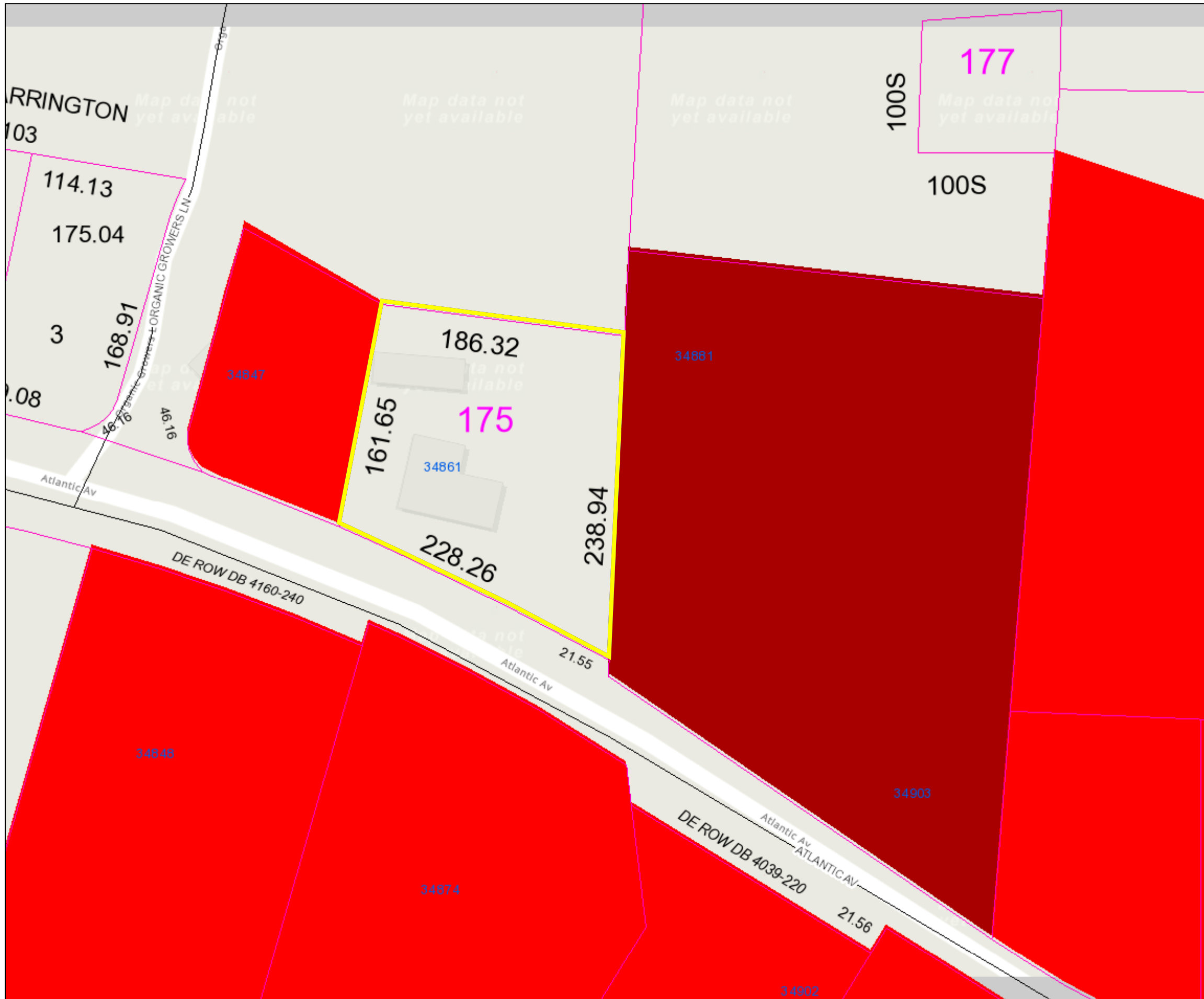
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- polygonLayer**

 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries





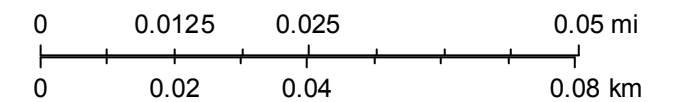
Sussex County



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| Owner Name | PRICE | GORDON BENT JR TRUSTEE |
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- polygonLayer
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- polygonLayer
 Override 1
- Tax Parcels
- 911 Address
- Streets

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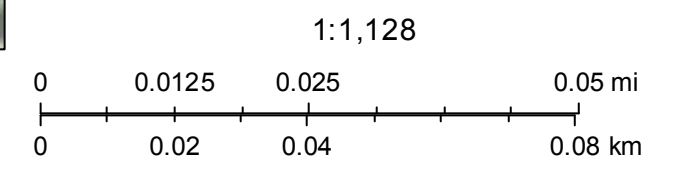


Sussex County



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|------------------------|--------------------|------------------------|
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| Owner Name | PRICE | GORDON BENT JR TRUSTEE |
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| State | DE | |
| Description | NE/RT 26 | |
| Description 2 | 500' NW/RT 17 | |
| Description 3 | N/A | |
| Land Code | | |

- polygonLayer**
 - Override 1
- polygonLayer**
 - Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries



Introduced 10/12/21

**Council District 4 - Hudson
Tax I.D. No. 134-11.00-175.00
911 Address: 34861 Atlantic Avenue, Ocean View**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.91 ACRES, MORE OR LESS

WHEREAS, on the 24th day of March 2021, a zoning application, denominated Change of Zone No. 1943 was filed on behalf of Shirley and Gordon Price, Jr.; and

WHEREAS, on the ____ day of _____ 2022, 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. 1943 be _____; and

WHEREAS, on the ____ day of _____ 2022, 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 C-2 Medium Commercial 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 Baltimore Hundred, Sussex County, Delaware, and lying on the north side of Atlantic Avenue (Rt. 26) approximately 0.13 mile northwest of Roxana Road (Rt. 17) and being more particularly described in the attached legal description prepared by Raymond E. Tomasetti, Jr., said parcel containing 0.91 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.