

Sussex County Council Public/Media Packet

**MEETING:
June 8, 2021**

****DISCLAIMER****

This product is provided by Sussex County government as a courtesy to the general public. Items contained within are for background purposes only, and are presented 'as is'. Materials included are subject to additions, deletion or other changes prior to the County Council meeting for which the package is prepared.

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

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

JUNE 8, 2021

10:00 A.M.

**AMENDED on June 2, 2021 at 2:40 p.m.¹

PLEASE REVIEW MEETING INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – May 25, 2021

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Appointment to Planning and Zoning Commission
2. Appointment to Board of Adjustment
3. Information Related to the County's Collection Process
4. Administrator's Report

Chris Keeler, Director of Assessment

1. Reassessment RFP Discussion and Possible Contract Award



Hans Medlarz, County Engineer

1. Comfort-Burton Tract Forest Maintenance RFP

A. Recommendation to Award

2. Bulk Delivery of Magnesium Hydroxide, Project M21-12

A. Recommendation to Award

3. Bulk Delivery of Seed & Chemical, Project M19-31

A. FY 2022 Funding Approval

4. Delaware Coastal Business Park

A. Becker Morgan Group, Inc., - Amendment 3 for Design Phase II

~~ 5. FEMA Mitigation Grant~~**

~~A. Sponsorship Consideration of 25867 Berry Street~~

Council Members' Comments

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

Possible action on Executive Session items

1:30 p.m. Public Hearings

Conditional Use No. 2235 filed on behalf of Brian P. Lessard, Lessard Builders, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE 2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS” (property lying at the southeast corner of Argos Corner Road and Coastal Highway [Route 1]) (Tax I.D. No. 230-7.00-95.00) (911 Address: 22754 Argos Corner Road, Lincoln)

Conditional Use No. 2244 filed on behalf of Ramon A. Mendez and Alma Mendez

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS” (property lying on the south side of Hickman Road [Route 16] approximately 1,600 feet east of Scotts Store Road [Route 36]) (Tax I.D. No. 530-9.00-53.01) (911 Address: 8354 Hickman Road, Greenwood).

Conditional Use No. 2246 filed on behalf of Bee Wise, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS” (property lying on the northwest side of John J. Williams Highway [Route 24] approximately 0.37 miles southwest of Mulberry Knoll Road [S.C.R. 284]) (Tax I.D. No. 334-12.00-24.00) (911 Address: 20028 John J. Williams Highway, Lewes)

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 1, 2021 at 4:25 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.

Further meeting access instructions are listed below.

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

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Chambers seating capacity is limited and seating assignments will be enforced.

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

The County is required to provide 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>.

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, June 7, 2021.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, MAY 25, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, May 25, 2021, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
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 178 21
Approve
Agenda**

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

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 May 4 and May 11, 2021 were approved by consent.

**Public
Comments**

Public comments were heard and the following spoke:

Lorraine Cipriano and Joan Tracy commented on the County's tax collection policy and procedures.

**M 179 21
Approve
Consent
Agenda
Item**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to approve the following item listed under the Consent Agenda:

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-S-20-50
Nicola's Family Pizza Restaurant Project, West Rehoboth Area**

Motion Adopted: 5 Yeas.

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

Proclamation	The Council presented a Proclamation entitled “PROCLAIMING THE MONTH OF MAY AS <i>COMMUNITY ACTION MONTH</i> ” to Bernice Edwards, Executive Director of First State Community Action Agency.
Collection of Accommodations Tax	Mr. Lawson reported that, on March 13, 2020, the County suspended the Accommodations Tax collection due to the effects of the COVID-19 pandemic and the corresponding Declaration of a State of Emergency by Governor Carney. At that time, the Council voted to suspend the Accommodations Tax until the Governor’s Declaration is lifted. Mr. Lawson stated that the restrictions are currently being modified and lifted, and the Council could consider reinstating the tax collection since it is unclear when the Governor will end his State of Emergency Declaration.
M 180 21 Defer Action on Collection of Accommodations Tax	<p>A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to defer action on the Agenda item entitled “... Collection of Accommodations Tax”.</p> <p>Motion Adopted: 4 Yeas, 1 Nay.</p> <p>Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Nay</p>
Administrator’s Report	<p>Mr. Lawson read the following information in his Administrator’s Report:</p> <ol style="list-style-type: none"><u>1. Projects Receiving Substantial Completion</u> Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Stream’s Edge Estates (formerly known as The Land of TBD, LLC) - Phase 2, effective May 5th; Walden (formerly known as – Burton’s Pond) – Phase 3 (Construction Record), effective May 6th; Wellesley – Pump Station and Force Main, effective May 10th and Parkside – Phase 1, effective May 14th.<u>2. Delaware State Police Activity Report</u> The Delaware State Police year-to-date activity report for April 2021 is attached listing the number of violent 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 193 troopers assigned to Sussex County for the month of April.<u>3. Referendum – Pintail Pointe Area</u> The Sussex County Engineering Department will be conducting a Referendum in Sussex County Council Chambers on Friday, June 4, 2021 from 3:00 p.m. until 5:00 p.m. The purpose of the referendum is to establish the Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District.

**Administrator's
Report
(continued)**

4. Holiday and Council Meeting Schedule

A reminder that County Offices will be closed on Monday, May 31st, to observe the Memorial Day holiday. In addition, Council will not meet on Tuesday, June 1st. The next regularly scheduled Council meeting will be held on Tuesday, June 8th at 10:00 a.m.

(Attachments to the Administrator's Report are not attachments to the minutes.)

**Public
Hearing/
Roxana
Apartments
Expansion
of the
SCUSSD**

A Public Hearing was held to consider extending the boundary of the Sussex County Unified Sanitary Sewer District (SCUSSD), Millville Area, to include the Roxana Apartments project.

John Ashman, Director of Utility Planning and Design, reported that the proposed expansion includes Parcel 134-12.00-330.00 located along Roxana Road (Route 17). The Engineering Department received a request from Morris & Ritchie Associates, Inc. on behalf of their client, Peak Management, LLC, the owners/developers of the Roxana Apartments, a proposed 126-unit apartment complex with a pool and pool house.

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

**M 181 21
Adopt
R 010 21**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Resolution No. R 010 21 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), MILLVILLE AREA, TO INCLUDE THE ROXANA APARTMENTS 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

**FY 2022
Budget
Presentation**

Mr. Lawson and Mrs. Jennings presented the Proposed \$278 Million Budget for Fiscal Year 2022.

Mr. Lawson noted that the real estate market is flourishing in Sussex County and the County is anticipating record breaking numbers in building permits. It is projected that the County will have 21% more building permits than it did at the last peak in 2006; when comparing year after year, the County is projected to process 34% more permits than last year. The County's largest revenue source, Realty Transfer Tax (RTT), is budgeted to be \$2.4 million beyond FY 2021's original budget. Mr. Lawson stated that the FY 2022 Budget continues to be conservative with

**FY 2022
Budget
Presentation
(continued)**

economically driven revenues like RTT and other building-related revenues. Mr. Lawson commented on the record-breaking trends that the County experienced while experiencing a world-wide pandemic at the same time, giving credit to County staff for meeting the demands of residents, visitors, and the clientele that the County serves.

Mr. Lawson highlighted some of the County's successes: relocated the seasonal power unit to the Route 54 corridor to improve response times in Roxana and Selbyville areas; instituted a call-taking model at the 9-1-1 Center; partnered with Beebe with the Bookmobile to provide vaccines to underserved communities; assisted more than 270 households with housing repairs; learned to create, host, record and stream a wide variety of virtual programming for the community; implemented a lobby-side service to continue to provide books to library patrons (due to effects of COVID); granted Foreign Trade Zone status (at the County's Business Park); closed Excite Sussex Loans in the amount of \$3,620,000, retaining 66 jobs in FY 2021 to date); committed funding to the Western Sussex Business Park; successfully created a new ticketing process as a new method of enforcement for property management; updated the Memorandum of Understanding with DelDOT; established the first Transportation Improvement District; implemented the County's FAST Program with DelDOT; created a new online building permit application process for Fast Track projects; deployed 33 GIS applications increasing several department efficiencies; upgraded public facing online map to the latest versions to allow for faster base maps for improved performance; completed a GIS-based workorder system for Miss Utility locates and lateral inspections; added \$104 million to the Assessment Roll in FY 2020; implemented energy efficient upgrades throughout the County; earned the GFOA's Certificate of Achievement for Excellence in Financial Reporting; earned a Triple-A bond rating by both S&P and Moody's Investment Services; saved sewer customers \$12 million with refinancing older bonds; launched a new prescription program with Express Scripts reducing costs for employees and the County; and gathered 709 satellite-based GPS data collection points locating assets within 4 inches. Mr. Lawson noted that the complete list of successes are included in the budget presentation and can be viewed on the County's website.

Summary:

Fund	2022 Budget	2021 Budget	Difference
General Fund	\$77,719,321	\$79,581,626	(\$1,862,305)
Capital Projects – GF	\$25,750,000	\$15,000,000	\$10,750,000
Water Fund	\$ 1,750,817	\$ 1,438,163	\$ 312,654
Sewer Fund	\$45,777,826	\$41,738,047	\$ 4,039,779
Capital Projects – WS	\$72,250,000	\$30,950,000	\$41,300,000
Pension	\$ 9,266,448	\$ 8,621,650	\$ 644,798

FY 2022 Budget Presentation (continued)	American Rescue Plan Grant	\$45,495,460	--	\$45,495,460
	Total	\$278,009,872	\$177,329,486	\$100,680,386

Mrs. Jennings noted that the total budget is going up \$100.7 million due to the American Rescue Plan Grant that is being received from the Federal government and due to a large increase in the capital projects for water and sewer. Mrs. Jennings explained that the decrease of \$1.9 million in the General Fund is due to a budget amendment in the middle of year to give one-time grant funding to public safety. The Capital Projects/General Fund increase of \$10 million includes \$6 million for a public safety building.

Mrs. Jennings explained that the Fiscal Year 2022 Budget was prepared with new software creating a digital budget book showing more detail which will provide a greater understanding of the County's finances and heightened transparency of the budget process.

Revenue Highlights:

- No increase in taxes; \$32.2 million in reserves are being used in the General Fund and Capital Budgets; \$28.1 million is RTT reserves
- Assessments are up \$462,000, or 3.1%
- Building related revenues are up \$1.7 million, or 17%
- Realty Transfer Tax Revenue is up \$2.4 million , or 11% compared to original budget
- Changes in Marriage Bureau fees
- Changes in Road and Sewer Inspection Fees
- \$15 increase in water rates
- New \$300 fee for water fire suppression availability
- \$4 increase in sewer rates
- Connection fees increase \$240 to \$6,600 (new connections)
- Decreases in assessment rates in 11 sewer areas due to bond refinancing

Mrs. Jennings reported that the Marriage Bureau is proposing new fees which has to do with after-hours ceremonies. An increased fee is proposed for in-office ceremonies that take place after business hours and on weekends. Additionally, an increased fee is proposed for outside the office ceremonies for non-Delaware residents. The proposed fee increases will increase revenues to help offset the Department's budget deficit. These fee increases will require a public hearing and approval by ordinance.

Mrs. Jennings noted the larger general fund expenditures by function: public safety (28.7%), grant-in-aid (27.5%), and general government (22.5%). She also noted the larger General Fund expenditures by category: employment costs (49.1%) and grant-in-aid (27.5%).

**FY 2022
Budget
Presentation
(continued)**

Mrs. Jennings reported on the following budgeted expenditures: Grant-in-Aid - \$21.4 million; public safety - \$9 million; Economic Development - \$5 million, libraries - \$2.7 million; community assistance - \$1.7 million; open space - \$1.4 million; and agriculture and drainage - \$459,000.

Mrs. Jennings reviewed how sewer services are funded noting that most of it is charges for services (57.2%), connection fees and assessment fees (41%), and other financing (1.8%). Mrs. Jennings also reviewed the expenses for sewer services: other financing (26.5%) which includes the interest payment the County makes on infrastructure; personnel (21.8%); capital outlay (21.8%); and other contractual services (17.5%).

Mrs. Jennings reviewed how water services are funded: charges for services (73.2%) and other financing sources (21%). Mrs. Jennings also reviewed the larger expenses for water services: other contractual services (60.2%), i.e. the City of Rehoboth rates for the Dewey Beach Water District and personnel (18.6%).

Mr. Lawson reviewed capital revenue sources: reserves (\$23,222.50), inter-governmental grants (\$2,512,500) and interest (\$15,000). He noted that the proposal for the 5-year capital program totals \$81,550,000. Mr. Lawson reviewed a chart of expenses by year, by project, for the 5-year period. He also noted that approximately \$26 million is predicted for projects in FY 2022, including projects at the airport and in the business park, as well as the new Emergency Operations Complex.

Mr. Lawson reviewed sewer and water capital expenditures. He noted that the 5-year capital program totals approximately \$186 million. He noted that \$73 million is predicted for projects in FY 2022.

The budget book and presentation can be found on the County's website at www.sussexcountysde.gov. Budget comments can be sent to budget@sussexcountysde.gov.

**Introduction
of Proposed
Ordinances**

Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2022".

Mr. Hudson introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INSTITUTE FEES CHARGED BY THE CLERK OF THE PEACE TO PERFORM MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AFTER NORMAL BUSINESS HOURS AND ON WEEKENDS AND TO INCREASE THE FEES FOR NON-DELAWARE RESIDENTS FOR OUT-OFFICE CEREMONIES".

Introduction of Proposed Ordinances (continued) **Mr. Rieley introduced the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS”.**

The Proposed Ordinances will be advertised for Public Hearing, which will be held on June 22, 2021.

Excite Sussex Fund Agreement **Bill Pfaff, Director of Economic Development, presented an Amended and Restated Agreement between Sussex County and Grow America Fund, Inc. (GAF). Mr. Pfaff reported that, in 2018, the program was established with an investment of \$4 million, \$750,000 by the County and \$250,000 by Discover Bank, with a 3-to-1 match by Discover Bank. Currently, all the money in the fund has been lent out. The proposed Amendment adds \$12 million to the Fund - \$3 million from Sussex County with a 3-to-1 match by Discover Bank.**

M 182 21 Approve Amended Agreement/ Grow America Fund/ Excite Sussex Fund **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Council approves the Amended Agreement between Sussex County and the Grow America Fund, Inc. for the purpose of small business lending under the Excite Sussex Fund.**

Motion Adopted: 5 Yeas.

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

SCRWF & RBWTP Project Change Order **Hans Medlarz, County Engineer, presented a request to approve Change Order No. 10 in the amount of \$34,160.64 for the South Coastal Regional Wastewater Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, Project C19-11.**

M 183 21 Approve Change Order/ SCRWF & RBWTP Project 19-11 **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 10 for Contract C19-11, South Coastal Regional Wastewater Treatment Process Upgrade No. 3 and Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program, Phase 2, General Construction, be approved increasing the Contract amount by \$34,160.64 for a new Contract total of \$40,761,560.28.**

Motion Adopted: 5 Yeas.

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

**IBRWF
Project
Change
Order**

Hans Medlarz, County Engineer, presented a request to approve the Final Balancing Change Order No. 10 in the aggregate amount of \$46,343.23 and a request to grant Substantial Completion for the Inland Bays Regional Wastewater Facility, Biosolids & Septage Facilities, Project 18-19.

**M 184 21
Approve
Change
Order/
IBRWF
Project
18-19**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 10 for Contract 18-19, Inland Bays Regional Wastewater Facility, Biosolids & Septage Facilities, be approved, increasing the Contract amount by \$46,343.23 and that Substantial Completion be granted effective April 15th, with any held retainage released in accordance with the Contract documents.

Motion Adopted: 5 Yeas.

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

**Herring
Creek SSD
Project
C/O**

Hans Medlarz, County Engineer, presented a request to approve Change Order No. 4 in the amount of \$9,766.95 for the Herring Creek Sanitary Sewer District: North Gravity Sewer and Force Main, Project S20-07.

**M 185 21
Approve
Change
Order/
Herring
Creek SSD
Project
S20-07**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 4 for Contract S20-07, Herring Creek Sanitary Sewer District North Gravity Sewer and Force Main, be approved increasing the contract amount by \$9,766.95.

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
Trans-
mission
Facilities**

Hans Medlarz, County Engineer, presented a request to approve Change Order No. 5 in the credit amount of \$92,704.30 and a request to grant Substantial Completion for the Western Sussex Transmission Facilities Project, Contract 4, Project S19-28.

**M 186 21
Approve
C/O
Western
Sussex
Trans-
mission
Facilities**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 5 for Contract S19-28, Western Sussex Transmission Facilities, Contract 4, Pumping Stations, be approved, decreasing the Contract by \$92,704.30 and that Substantial Completion be granted effective May 17, 2021 and any held retainage released in accordance with Contract documents.

**M 186 21
(continued)**

Motion Adopted: 5 Yeas.

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

**General
Labor &
Equipment
Contract/
Bid
Results &
Contract
Extension**

Hans Medlarz, County Engineer, presented the bid results for the FY 2022 General Labor & Equipment Contract. Based on an evaluation of the bids, the Engineering Department recommends the rejection of all bids and readvertisement using the modified best value approach. The current General Labor & Equipment Contract expires on June 30, 2021 and in order to allow the revised bidding to proceed, the Engineering Department recommends to extend the FY 2019 General Labor & Equipment Contract by 30 days for emergency work, as well as retaining the current contractor for completion of all task orders previously approved.

**M 187 21
Approve
Extension
of General
Labor &
Equipment
Contract
22-01
and
Reject
Bids and
Rebid**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that all bids for Contract 22-01, FY 2022 General Labor & Equipment Contract, be rejected and the Contract be rebid based on a pre-qualification procedure associated with a modified best value approach as well as approving an extension of the existing Contract for close-out of issued task orders and emergency work only until a new Contract is awarded.

Motion Adopted: 5 Yeas.

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

**Zinzer
Property
Expansion/
Request
to Post
Notices**

John Ashman, Director of Utility Planning and Design, presented a request to prepare and post notices for the Zinzer Property of the Miller Creek Area of the Sussex County Unified Sanitary Sewer District. The Engineering Department received a request from George, Miles & Buhr, LLC on behalf of their client, Estuary Development, LLC, the owners/developers of a project known as The Estuary for Parcel 134-19.00-105.05. The project is proposed for 34 single family homes and is designated as Phase 5 of the project. The project will be responsible for system connection charges of \$6,360.00 per EDU based on current rates.

**M 188 21
Authorize
Posting of
Notices/
Zinzer
Property**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Zinzer Property Expansion of the Sussex County Unified Sanitary Sewer District, Miller Creek Area, to include Parcel 134-19.00-105.05, Phase 5, of The Estuary Project, as presented.

Motion Adopted: 5 Yeas.

**M 188 21
(continued)**

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

**Cardinal
Grove
Expansion/
Request
to Post
Notices**

John Ashman, Director of Utility Planning and Design, presented a request to prepare and post notices for the Cardinal Grove Expansion (West Rehoboth Area) of the Sussex County Unified Sanitary Sewer District. The Engineering Department received a request from Solutions IPED on behalf of their client, 18898 Beaver Dam Road, LLC, the owners/developers of a project known as Cardinal Grove on Parcel 234-2.00-1.10. The project is proposed for 98 units. The expansion would also include Parcel 234-2.00-25.01 as requested by the parcel owner, Linda D. Beebe. The project will be responsible for system connection charges of \$6,360.00 per EDU based on current rates.

**M 189 21
Authorize
Posting of
Notices/
Cardinal
Grove
Expansion**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that the Sussex County Engineering Department is authorized to prepare and post notices for the Cardinal Grove Expansion of the Sussex County Unified Sanitary Sewer District, West Rehoboth Area, to include Parcel Nos. 234-2.00-1.10 and 234-2.00-25.01, located along Beaver Dam Road, 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

**Higgins
Re/Max
Expansion/
Request
to Post
Notices**

John Ashman, Director of Utility Planning and Design, presented a request to prepare and post notices for the Higgins Re/Max Expansion of the Sussex County Unified Sanitary Sewer District (Blades Area Expansion). The Engineering Department received a request from the property owners of Parcel 132-1.00-15.00. This is an existing business that would like to be included in the County's project currently being completed for the commercial properties along Route 13. The project will be responsible for system connection charges of \$6,360.00 per EDU based on current rates.

**M 190 21
Authorize
Posting of
Notices/
Higgins
Re/Max
Expansion**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that the Sussex County Engineering Department is authorized to prepare and post notices for the Higgins Re-Max Expansion of the Sussex County Unified Sanitary Sewer District to include Parcel 132-1.00-15.00, located along Route 13, 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

**Grant
Requests**

Mrs. Jennings presented grant requests for the Council's consideration.

**M 191 21
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to the City of Seaford for the Police Department's Citizen's Police Academy.

Motion Adopted: 5 Yeas.

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

**M 192 21
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mrs. Green, to give \$3,000.00 (\$1,000.00 each from Mr. Rieley's, Mrs. Green's, and Mr. Hudson's Councilmanic Grant Accounts) to the Millsboro Historical Society for the Godwin School maintenance.

Motion Adopted: 5 Yeas.

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

**M 193 21
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to give \$1,500.00 from Mr. Vincent's Councilmanic Grant Account to the Town of Laurel for the Independence Day Committee's July 4th fireworks display.

Motion Adopted: 5 Yeas.

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

**M 194 21
Council-
manic
Grant**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to give \$3,500.00 from Mr. Vincent's Councilmanic Grant Account to the Seaford Historical Society for programs and expenses.

Motion Adopted: 5 Yeas.

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

**M 195 21
Council-
manic
Grant**

A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, to give \$1,200.00 (\$1,000.00 from Mr. Rieley's Councilmanic Grant Account and \$200.00 from Mr. Hudson's Councilmanic Grant Account) to the Delaware Seaside Railroad Club for building remodel expenses.

**M 195 21
(continued)**

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
Zoning
Ordinances**

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (11 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.035 ACRES, MORE OR LESS” (Conditional Use No. 2279) filed on behalf of Ron Sutton (Tax I.D. No. 134-17.11-6.00) (911 Address: 33309 Kent Avenue, Bethany Beach).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A GR GENERAL RESIDENTIAL DISTRICT TO ALLOW FOR A GENERAL AUTO REPAIR AND TRACTOR RESTORATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.44 ACRES, MORE OR LESS” (Conditional Use No. 2283) filed on behalf of Michael A. Hazzard (Tax I.D. No. 234-11.00-44.00) (911 Address: 31261 & 31255 Conleys Chapel Road, Lewes).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mr. Schaeffer asked that the following be placed on the next agenda: how to properly address the Covey Creek matter (public comments were made on this matter at this meeting).

**M 196 21
Go Into
Executive
Session**

At 11:41 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley, to recess the Regular Session and go into Executive Session to discuss matters relating to potential litigation, land acquisition and personnel.

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 11:46 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to potential litigation, land acquisition and personnel. The Executive Session concluded at 12:05 p.m.

**M 197 21
Reconvene
Regular
Session**

At 12:07 p.m., a Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

E/S Action

There was no action on Executive Session matters.

**M 198 21
Adjourn**

At 12:08 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, to adjourn.

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,

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

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

CHRIS KEELER
DIRECTOR OF ASSESSMENT
(302) 855-7824 T
(302) 855-7828 F
ckeeler@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

MEMORANDUM

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

FROM: Christopher S. Keeler, Director of Assessment

DATE: May 26, 2021

RE: Real Property Reassessment Project Award Recommendation

During the June 8, 2021 Council meeting, I am requesting the approval to enter into a contract with Tyler Technologies to conduct a Real Property Reassessment Project for Sussex County.

Below is a timeline of the reassessment project to date:

January 19, 2021 – Issued a Request for Proposals (RFP)

February 5, 2021 – Received letter of interest from interested vendors

February 19, 2021 – Held pre-proposal meeting with interested vendors

March 5, 2021 – County issued pre-proposal meeting summary

March 19, 2021 – Receipt of sealed proposals

March 19 – April 9, 2021 – Reviewed RFP's and conducted interview of top scorer

April 13, 2021 – Selected top vendor to begin contract negotiations

April 15 – May 25, 2021 – Contract negotiations with legal

Two proposals were received and reviewed: (1) Pearson's Appraisal Service with a project completion date of January 2025 and a base amount of \$13,973,000 and (2) Tyler Technologies with a project completion date of February 2024 and a base amount of \$9,070,818.



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

Review and Recommendation

A committee made up of Assessment, Finance, Legal, Information Technology and Professional Consulting Services of the International Association of Assessing Officers (IAAO) have reviewed the proposals, participated in interviews, ranked the proposals and would like to recommend Tyler Technologies as the vendor of choice for the Real Property Reassessment Project for Sussex County. The cost of their contract, including Project Management, Public Relations, Data Collection, Valuation Analysis & Production, Value Review, Assessment Disclosure Notices and Informal Review Meetings will cost \$9,070,818 for 185,402 parcels with a \$44 per parcel overage rate.

After evaluation of the proposals, ranking of vendors, review of interview answers and checking of references, the committee recommends Tyler Technologies based on the following:

1. They scored the highest of the two vendors in Experience, Quality of Work, Capacity to Perform, Methodology for Execution and Price.
2. They were able to provide a bid on all needs requested by the County.
3. They are a stable company. They have more than 15,000 local government clients throughout all fifty states.
4. Tyler's Appraisal & Tax Division was established in 1938 in Dayton, Ohio and remains the country's only national mass appraisal company.
5. Tyler has completed more projects in more states than any other vendor in the industry.
6. We already purchased and use Tyler's IasWorld Assessment Software that will be utilized to perform the reassessment project.

Project Timetable

Proposed Start Date – July 1, 2021

July 2021 – September 2021 – Preparation and Planning

September 2021 – November 2021 – Data Collection Begins

Proposed Completion Date – February 15, 2024

Thank you for your time, consideration and review of the information provided. I look forward to gaining your support to award a contract to Tyler Technologies for the Real Property Reassessment Project on June 8, 2021 Council Meeting. Please do not hesitate to contact me with any questions regarding the information provided.

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountysde.gov



Sussex County

DELAWARE
sussexcountysde.gov

Memorandum

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

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

RE: ***Comfort-Burton Tract Forest Maintenance RFP
A. Recommendation to Award***

DATE: June 8, 2021

Sussex County financed the purchase of the Comfort Burton tract located in the headwaters of Guinea Creek, a tributary of Rehoboth Bay through the State's Land Conservation Loan Sponsorship Program (LCLP). This is an innovative financing approach to fund land conservation easements and fee simple land purchases under modified loan arrangements of the State's Clean Water State Revolving Fund (CWSRF) administered by the Department of Natural Resources and Environmental Control (DNREC).

In this case the City of Rehoboth Beach had received financing through the CWSRF for the Ocean Outfall Project as well as Phase 1 of the City's treatment plant upgrades. However, the City declined to participate in the LCLP. In response, DNREC issued a Special Project Notice-of-Intent (NOI) Solicitation which on November 3, 2017 received four (4) municipal submissions including Sussex County's.

After a special DNREC review committee scored the submissions, the Water Infrastructure Advisory Council evaluated them during the December 6, 2017 meeting, and voted to recommend that Sussex County be invited to submit an application for a Land Conservation and Water Quality Improvement Loan Application for an amount up to \$5,744,784 at 0% interest rate.

With the Secretary's approval, DNREC solicited a loan application from the County for this CWSRF Special Project funding. The County completed the application by the March 31, 2018 deadline and on September 17, 2018 DNREC issued a revised Commitment Letter.



On July 28, 2020 Sussex County Council approved the Conservation Agreement and a debt service ordinance providing the bond security associated with the project. Under the Agreement the Delaware Forest Service will to monitor and inspect the LCLP Project for the length of the loan term. For the implementation of the Guinea Creek flood plain enhancement the County must acquire a series of fee simple purchases which are funded through the County's portion of the real estate transfer tax.

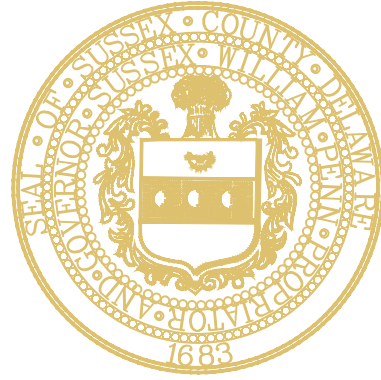
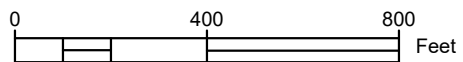
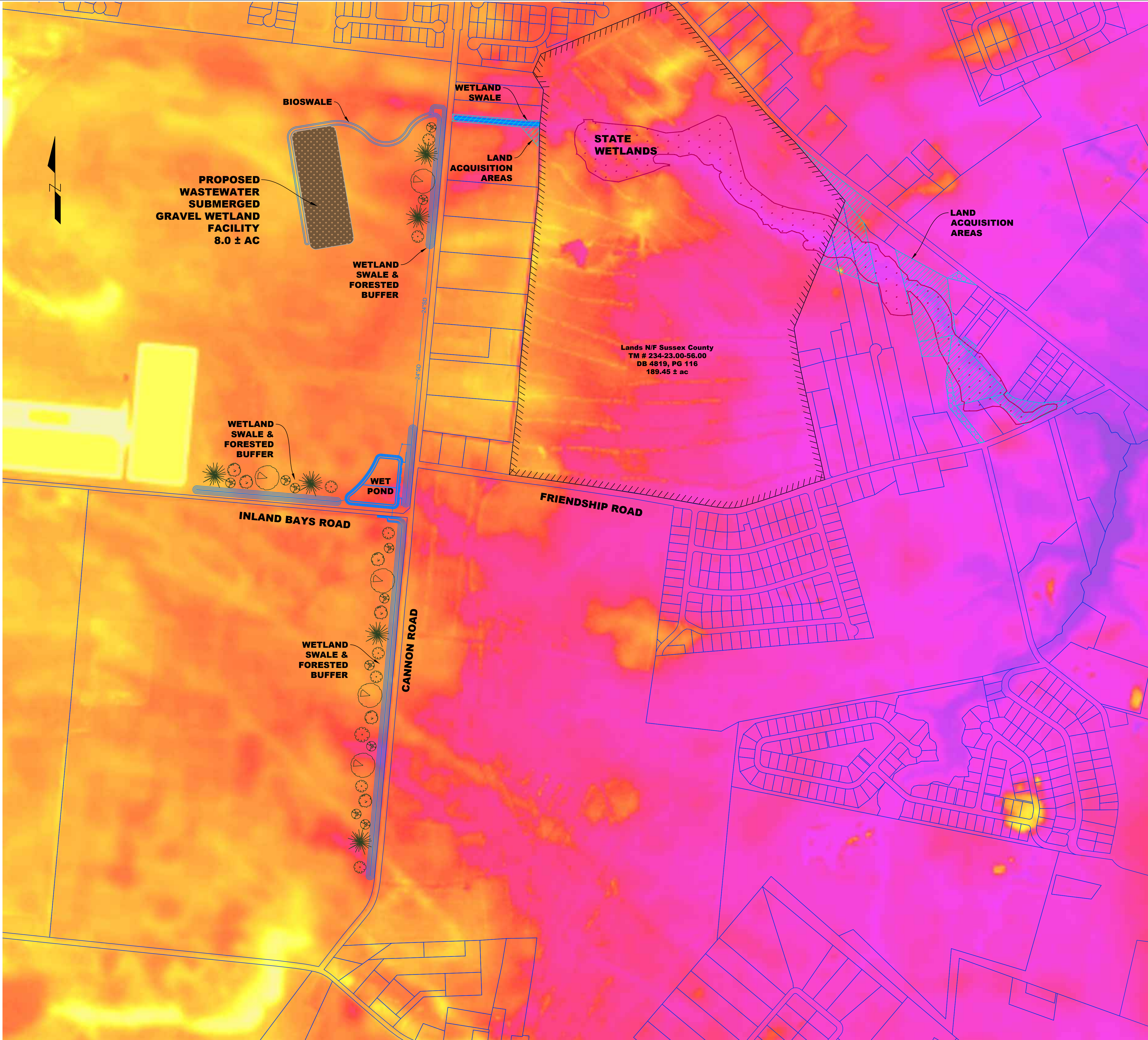
The project is supported by a Sussex County – State of Delaware partnership that brings together the County, two Departments of the State and the local residents. The Delaware Forest Service, part of the Department of Agriculture, was instrumental in drafting the Forest Stewardship Plan while the DNREC took the lead in the Land Conservation Agreement.

The Forest Service's Stewardship Plan calls for enhancement of the forest biodiversity of the land as well as wetland creation as part of the Inland Bays Wastewater Treatment Plant Upgrade Project Phase 3. The primary objectives of the Forest Maintenance Project are as follows:

- Restore and maintain wetland and stream processes in the Guinea Creek headwaters.
- Improve water and soil quality by increasing amount and duration of photosynthesis season through species composition focused on transitioning to a fully mixed overstory and understory.
- Restore forest type from industrial pine plantation to a natural mixed forest consisting of mixed, native species and free of invasive species.
- Enhance water quality via tree groundwater uptake and subsequent transpiration.
- Prevent erosion by increasing tree root structure and associated understory.
- Enhance wildlife habitat.

In addition, to the work directly in the watershed the County is incorporating stormwater runoff management in currently unmanaged segments of Cannon Road which drain into Guinea Creek providing a holistic approach in addressing water quality. Furthermore, the County has integrated a wetland creation effort in the same watershed as part of the Inland Bays Wastewater Treatment Plant Upgrade Project Phase 3.

The Engineering Department prepared documents for the Forest Maintenance Project and it was publicly advertised on April 27th & May 5th. In addition, the Engineering Department sent out notices to local contractors as well as reached out via phone. The pre-bid was held on May 10th but ultimately only one bid was received on May 19th. The four-year aggregate cost is within the Engineering Department's budget estimate. Therefore, we are requesting County Council's concurrence to award the four-year forest maintenance project to Egolf Forest Harvesting, Inc in the aggregate amount of \$388,370.00.



Sussex County
Engineering Department
2 The Circle, P.O. Box 589
Georgetown, DE 19947
Ph: 302-855-7718
Fax: 302-855-7799

Exhibit

Rev1
Rev2
Rev3
Rev4
Rev5

Guinea Creek
Water Quality Improvements
Indian River Hundred, Sussex County, DE

Professional Seal

Date: 05/06/2021

Scale: 1" = 400'

Drawn By: VT

Project No.:
Sheet No.:

GC-1

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

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

RE: **BULK DELIVERY OF MAGNESIUM HYDROXIDE**
PROJECT NO. M21-12
RECOMMENDATION TO AWARD

DATE: June 8, 2021

Sussex County plans to utilize magnesium hydroxide at South Coastal and Inland Bays Facilities in the wastewater treatment process. Previously we used caustic soda to provide alkalinity in wastewater treatment process. However, magnesium hydroxide has properties which make it a superior product in providing alkalinity and pH control.

Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and directly sent to businesses on our supplier list. On May 27, 2021, two (2) bids were received for the Bulk Delivery of Magnesium Hydroxide.

The Engineering Department recommends award of the base bid for bulk delivery of magnesium hydroxide to Premier Magnesia for their low bid of \$2.74 per gallon. If performance is satisfactory, the contract allows a one year extension at the discretion of the Engineering Department.





SUSSEX COUNTY

BID TABULATION SHEET

Project: Bulk Delivery of Magnesium Hydroxide

Project No.: M21-12

Award Date: TBD

Awarded Bidder: TBD

Total Awarded Bid: TBD

Bidder	Bid Item 1	Alternate Bid Item 1
Premier Magnesia	2.74/gallon	No Bid
Univar	3.26/gallon	5.418/gallon

ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountype.gov



Sussex County

DELAWARE
sussexcountype.gov

Memorandum

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

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

RE: ***Delivery of Seed & Chemicals, Project No. M19-31***
A. FY 2022 Funding Approval

DATE: June 8, 2021

The County continues to successfully perform agricultural activities at the Regional Wastewater Facilities irrigated lands with in-house staff. This approach has significantly reduced the loss of irrigation days due to scheduling conflicts with agricultural activities.

Costs for the purchase and delivery of seed and chemicals associated with farming rises to the procurement threshold for material purchases. Therefore, a two (2) year contract was first publicly advertised for bids in 2017. On September 19, 2017, Council awarded the contract to the low bidder, Growmark FS, LLC, in the first year FY18 amount of \$81,766.46.00.

On June 4, 2019, Council approved re-establishing a base contract for FY20 & 21 with Growmark FS, LLC for bid items 1,2 & 4-6 in the aggregate amount of \$77,150.50 per year.

The Engineering Department approached Growmark to determine if they would honor the original unit price bid for a quantity of bulk product necessary to accommodate farming activities at both facilities. With a positive verbal response in hand, the Engineering Department was able to determine the required change order amount and on February 2, 2021, Council approved Change Order No. 1 in the amount of \$111,828.80 for a new contract total of \$188,979.30 per year, for the remaining contract time through the end of FY21.

The Engineering Department is now requesting funding approval for the one-year extension through FY 2022 in the previously approved amount of \$188,979.30.



ENGINEERING DEPARTMENT

HANS M. MEDLARZ
COUNTY ENGINEER

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

hans.medlarz@sussexcountysde.gov



Sussex County

DELAWARE
sussexcountysde.gov

Memorandum

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

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

RE: ***Delaware Coastal Business Park
BMG, Inc. Scope Amendment No.3, Design of Phase II***

DATE: June 8, 2021

On November 29, 2016, Council authorized the purchase of the King Farm Industrial Park and the assumption of existing contractual arrangements held by Georgetown Airport Center, LLC. Under this arrangement, the County assumed Melvin L. Joseph Construction Co., Inc.'s contracts for the DelDOT entrance and +/-500 feet of the Baltimore Avenue.

On March 14, 2017, Council approved the assumption of Georgetown Airport Center, LLC's Professional Engineering Contract and retained the Engineer of Record, Becker Morgan Group, Inc., as the consultant for Delaware Coastal Business Park on a time and material basis, in accordance with their hourly rate schedule with a not to exceed limit of \$200,000.00.

On October 10, 2017, Council approved a Memorandum of Understanding with AIC Building, LLC to achieve a better roadway alignment by incorporating the drive aisle behind the AIC building in the northern park access road via a modification of lease lines.

On January 16, 2018 Council approved Becker Morgan Group, Inc.'s scope modification no.1 for the realignment of Baltimore Avenue and the stormwater over-management in an amount not to exceed \$48,000.00. The revised alignment created a four-way intersection with Baltimore Avenue and a roadway serving lease areas 2 &3.

On December 11, 2018, Council approved scope amendment no. 2 for Becker Morgan Group, Inc., in the not to exceed amount of \$350,000.00 for the Coastal Business Park design phase II, further extension of Baltimore Avenue and the associated stormwater management.



The design of the Baltimore Avenue extension in the existing park is complete and ready for bid. However, in the design process we encountered numerous conflict points. Resolution of the previously unknown subsurface condition triggered test pitting investigations and redesign efforts. Therefore, the Engineering Department recommends approval of scope amendment no. 3 for Becker Morgan Group, Inc., in the amount not to exceed \$45,000.00 for additional design services.



ARCHITECTURE
ENGINEERING

Amendment No. 3

Date:	May 28, 2021		
Project:	DE Coastal Business Park	Project Manager:	Jonathan D. Richard, P.E.
Project No:	2017019.03	Principal in Charge:	J. Michael Riemann, P.E.

Description of work to be performed:

This work is authorized pursuant to the agreement, dated 12/3/18, between Sussex County and Becker Morgan Group, Inc. for the following project: Delaware Coastal Business Park Phase II.

Additional Scope of Services

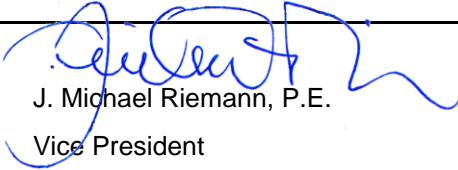
Sussex County has requested additional services beyond the original scope documented in the executed agreement, dated 12/3/18. Specifically, services requested include:

As a result of unforeseen conditions associated with unknown utilities within Baltimore Avenue, additional engineering effort was necessary to address these conditions.

These services will be rendered on an hourly basis, but will require an increase to the original Purchase Order in the amount estimated below.

Construction Budget (if applicable):	Estimated Fee Budget Increase: \$45,000.00
---	---

Phase of Work	Billing Instructions
<input checked="" type="checkbox"/> Design <input type="checkbox"/> Construction Docs <input type="checkbox"/> Bid/Construct Phase <input type="checkbox"/> Other:	<input type="checkbox"/> included in basic fee <input checked="" type="checkbox"/> additional services, increase budget <input type="checkbox"/> additional services, separate account <input type="checkbox"/> additional services, separate task

Client	Principal
Signature:	Signature: 
Name: Hans Medlarz, P.E.	Name: J. Michael Riemann, P.E.
Title: County Engineer	Title: Vice President
Organization: Sussex County	Organization: Becker Morgan Group, Inc.
Date:	Date: May 28, 2021

Routing

☐ PM ☐ PIC ☐ Accounting ☐ Owner ☐ Contractor ☐



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: June 3, 2021

RE: County Council Report for CU 2235 filed on behalf of Brian P. Lessard, Lessard Builders, Inc.

The Planning and Zoning Department received an application (CU 2235 filed on behalf of Brian P. Lessard Builders, Inc.) for a Conditional Use for and amendment of the conditions of approval for Conditional Use No. 2129 (Ordinance 2603) at 22754 Argos Corner Road, Lincoln. The property is within the General Residential (GR) Zoning District. The parcel size is 10.76 acres +/-.

The Planning and Zoning Commission held a public hearing on April 8, 2021. At the meeting of April 22, 2021, the Commission recommended approval of the application for the 6 reasons and subject to the 1 recommended condition outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of April 8, 2021 and April 22, 2021.

Approved Minutes of the April 8, 2021 Planning & Zoning Commission Meeting

C/U 2235 Brian P. Lessard, Lessard Builders, Inc.

An Ordinance to grant a Conditional Use of land in a GR General Residential District and an AR-1 Agricultural Residential District for an amendment of conditions of approval for Conditional Use No. 2129 (Ordinance 2603) to be located on a certain parcel of land lying and being in Cedar Creek Hundred, Sussex County, containing 10.76 acres, more or less. The property is lying at the southeast corner of Argos Corner Rd. and Coastal Hwy. (Route 1). Address: 22754 Argos Corner Rd., Lincoln. Tax Parcel: 230-7.00-95.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the previous



PLUS comments for the previous CU application, a copy of the staff analysis, a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of Ordinance 2603 and the minutes from the County Council meeting associated with that ordinance, a copy of the Applicant's proposed findings of fact and exhibits, and a copy of DelDOT's Service Level Evaluation response. Mr. Whitehouse noted that staff has received no comments in support or in opposition to the application and zero mail returns.

The Commission found that Mr. James Fuqua, Esq. was present on behalf of the Applicant, Brian Lessard, that also present is Mr. Lessard. Mr. Fuqua stated that this is a request to modify a condition of approval for Conditional Use 2129; that an exhibit packet was submitted for the record; that the original Conditional Use application was for a storage facility at Argos Corner Road, just south of Milford; that County Council approved the use with the conditions stipulated by the Commission; that the facility has been partially constructed and is open for business; that the issue of this Application involves Condition K which stated "One lighted sign, with a maximum area of 32 square feet per side shall be permitted."; that the limitation of only one sign creates problems for both the business and for the public; that the property is shaped like a triangle and the longer sides border two roads; that Argos Corner Road is on the northeast and Coastal Highway on the southwest; that the entrance to the storage facility is on Argos Corner Road and that is where the permitted sign was placed; that sign will identify the business and the entrance to the facility; that entrance sign is 500 ft. from Route 1 and is blocked from view by two of the storage buildings on the site; that Route 1 is a principal arterial roadway with a speed limit of 55 mph; that if you compare the traffic on both roads, Route 1 has 99% of the traffic volume; that with the condition for only one sign there is no way to advertise or identify the business to people traveling on Route 1; that the Applicant is proposing to locate a digital sign on his property along Route 1 which according to County Code is known as an Electronic Message Center; that there are specific provisions in the code regulating the operation of such signs; that the proposed sign will be an on premise sign identifying and advertising the storage facility; that while signs are generally prohibited in GR and AR-1 zoning districts, they are permitted as part of a Conditional Use and that is the request before the Commission; that there will be no adverse impact on adjacent properties; that the land to the south along Route 1 is wooded, to the west is Route 1, on the other side of Route 1 is wooded and the land to the north and northwest is the location of the Taylor Marine business; that the proposed sign will not be out of character with the area as the Taylor Marine business has an existing electronic message center sign located at the northern end of their property; that the permit for that existing sign authorized 177 square feet per side and the actual sign is approximately 140 square feet per side; that Mr. Lessard worked with Rogers Sign Company to determine the minimum size sign that would serve the needs of the business but still be reasonably visible for the safety of vehicles on Route 1; that he has submitted two designs for the Commission to review; that both signs would be a maximum of 20 ft. high and one would be 78.6 square feet per side and the other 82.75 square feet per side; that both of those sign designs are significantly smaller than the Taylor Marine sign; that the facts of this request are unique and can be distinguished from other situations; that most times a business has frontage on one road and in that case one sign would be sufficient; that if a business was on an intersection that the placement of one sign to be visible from both roads might be an option particularly because traffic might be traveling slower or even stopped because of the intersection; that this triangular shaped land is a large through lot parcel containing approximately 11 acres; that one sign cannot be visible from both roads; that

when this use was approved both the Commission and the Council recognized that this use was of a public character and was essential and desirable for the convenience and welfare of area residents; that a second sign on the property would serve the same purpose; that Mr. Lessard has made an effort to design a sign that will reasonably deal with the unique circumstances; that the additional sign will deal with the needs of the business; that it will provide information to area residents and the traveling public on Route 1; that it will have no negative or detrimental impact on neighboring properties; that it is not out of character with the area; and that the Applicant is requesting the approval of the amendment of Condition K to permit, in addition to the 32 square foot entrance sign, a second on premise sign with the maximum area of 87.75 square feet.

Ms. Stevenson asked where the location of the second sign would be on the property and why an electronic sign is necessary.

Mr. Lessard referred to the site plan and stated that the sign would be located at the edge of the parking lot located on the Route 1 side approximately halfway along that side of the property; that an electronic message center would be the best way to advertise the hours of the business, any upcoming sales and for visibility as it would be well-lit.

Mr. Hopkins asked what the setback is for the sign and would it affect visibility of traffic entering Route 1 from Argos Corner Road.

Mr. Fuqua stated that the sign would meet County setbacks and it will not hinder visibility as it will be much further south than the intersection with Argos Corner Road. Mr. Lessard referred to the site plan and showed the distance from Argos Corner Road.

Mr. Mears asked the Applicant to verify that the on-premises sign would be used exclusively for the Storage Center.

Mr. Fuqua stated that it is an on-premises sign and can only address the business on site.

Ms. Stevenson stated that her concern would be the brightness and flashing light for travelers on Route 1.

Mr. Fuqua stated that the sign could be dimmed or switched off during the night.

Ms. Wingate stated that DelDOT also has a standard for Electronic Message Centers.

Chairman Wheatley stated that he understands the need for a directional sign but that passersby can see that it is a self-storage center, and he has concerns about an electronic message center where people are frequently following too close and going too fast.

Mr. Fuqua stated that this is the type of sign that the business would prefer; that it is a modern sign; and that there is a similar sign in the area.

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

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

Prior to the recess, the Commission discussed Application C/U 2235 Brian P. Lessard, Lessard Builders, Inc. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Hopkins, and carried unanimously. Motion carried 5-0.

Approved Minutes of the April 22, 2021, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 8, 2021.

Ms. Stevenson moved that the Commission recommend a partial approval of **CU# 2235 for BRIAN P. LESSARD and LESSARD BUILDERS, INC.**, to amend conditions of approval of Conditional Use # 2129 and Ordinance #2603 based upon the record made during the public hearing and for the following reasons:

1. The site was previously approved as Conditional Use #1659 for a mini-storage facility
2. The prior approval only permitted one sign on the premises, and the Applicant is seeking an amendment to allow an additional sign, including an Electronic Message Display.
3. The property has frontage on two roads: Argo's Corner Road and Route One. The entrance is on Argo's Corner Road.
4. It is appropriate to permit an additional on-premises sign for the mini-storage facility. This will allow one sign near the entrance and an additional sign along Route One. This will help direct customers of the storage facility to the entrance from Route 1 to reduce the possibility that people will miss the entrance and turn around or make U-Turns on Route One to return to the site.
5. The Applicant has requested an Electronic Message Center, or EMC, capability for the additional sign. I am not satisfied that an EMC is necessary for this type of use. There are no retail sales occurring on the site and the applicant did not demonstrate frequent changes to the mini-storage operation or other conditions that might indicate a need for the type of changeable message and graphics that occur with an EMC." In addition, an EMC at this location would be a distraction to drivers travelling at a high rate of speed in this section of Route One.
6. The requested sign size of 82.75 square feet per side is appropriate for this location.
7. For these reasons, I recommend that Condition K of Conditional Use # 2129 and Ordinance #2603 be amended to state as follows:
"K. Two lighted on-premises signs shall be permitted. One of the signs shall have a maximum area of 32 square feet per side, and the other shall be permitted with a maximum area of 82.75 square feet per side. Neither sign shall include an Electronic Message Center."

Motion by Ms. Stevenson, seconded by Mr. Hopkins and carried unanimously to recommend approval of C/U 2235 for Brian P. Lessard and Lessard Builders, Inc. 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
sussexcountyde.gov
302-855-7878 T
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 April 8th, 2021.

Application: CU 2235 Brian P. Lessard

Applicant: Mr. Brian P. Lessard
Lessard Builders, Inc.
257 E. Camden-Wyoming Avenue
Camden, DE 19932

Owner: Mr. John P. Laursen and Ms. June J. Laursen
715 Halstead Road
Wilmington, DE 19803

Site Location: Lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and
Coastal Highway (Route 1).

Current Zoning: General Residential (GR) w/a portion of the parcel being zoned
Agricultural Residential (AR-1) Zoning District

Proposed Use: Storage Units – Amending Condition “K” of Conditional Use No. 2129

Comprehensive Land
Use Plan Reference: Existing Development Area & Developing Area

Councilmatic
District: Mr. Schaffer

School District: Milford School District

Fire District: Memorial Fire District

Sewer: Private – On site

Water: Private – On site

Site Area: 10.75 acres +/-

Tax Map ID: 230-7.00-95.00



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



Sussex County

DELAWARE
sussexcountye.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren Devore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: April 1st, 2021
RE: Staff Analysis for CU 2235 Brian P. Lessard

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2235 Brian P. Lessard to be reviewed during the April 8, 2021, 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 an Amendment to the Conditions of Approval for the existing Conditional Use (C/U 2129) for Brian P. Lessard, Lessard Builders, Inc. to allow for mini-storage buildings on Tax Parcel 230-7.00-95.00. Specifically, the applicant is requesting an amendment to Condition "K" which requires the provision of "One lighted sign with a maximum area of 32 square feet per side [to be] permitted" on the site. The applicant has suggested that this language be amended to read, "K. Two lighted on premises signs, one sign with a maximum area of 32 square feet per side and one sign with a maximum area of 82.75 square feet per side shall be permitted." The previous Conditional Use application was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, June 14, 2018. Additionally the previous Conditional Use application was approved by the Sussex County Council at their meeting of Tuesday, October 2, 2018 and the use was adopted through Ordinance No. 2603. Copies of the Meeting Minutes from both of these meetings have been attached to this memo for circulation to members of the Commission and Council.

The parcel is lying on the southeast corner of Argos Corner Road (S.C.R. 14E) and Coastal Highway (Route 1). The property consists of 10.76 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 subject property has a land use designations of "Developing Area" (which consists of a small segment of the northernmost portion of the parcel) and "Existing Development Area" (which comprises the larger remnant of the southern portion of property.) The properties to the north have the land use designation of "Low Density Area." The properties to the southeast have the land use designations of "Existing Development Area" and "Developing Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Developing Areas are newer, emerging growth areas that demonstrate the characteristics of developmental pressures. Most of the Developing Areas are adjacent to municipalities, within or adjacent to potential future annexation areas of a municipality, or adjacent to Town Centers. A range of housing types are



appropriate in Developing Areas including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed.

Futhermore, Existing Development Areas are consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this particular classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-residential development consists of uses found in the neighborhood business districts and commercial districts.

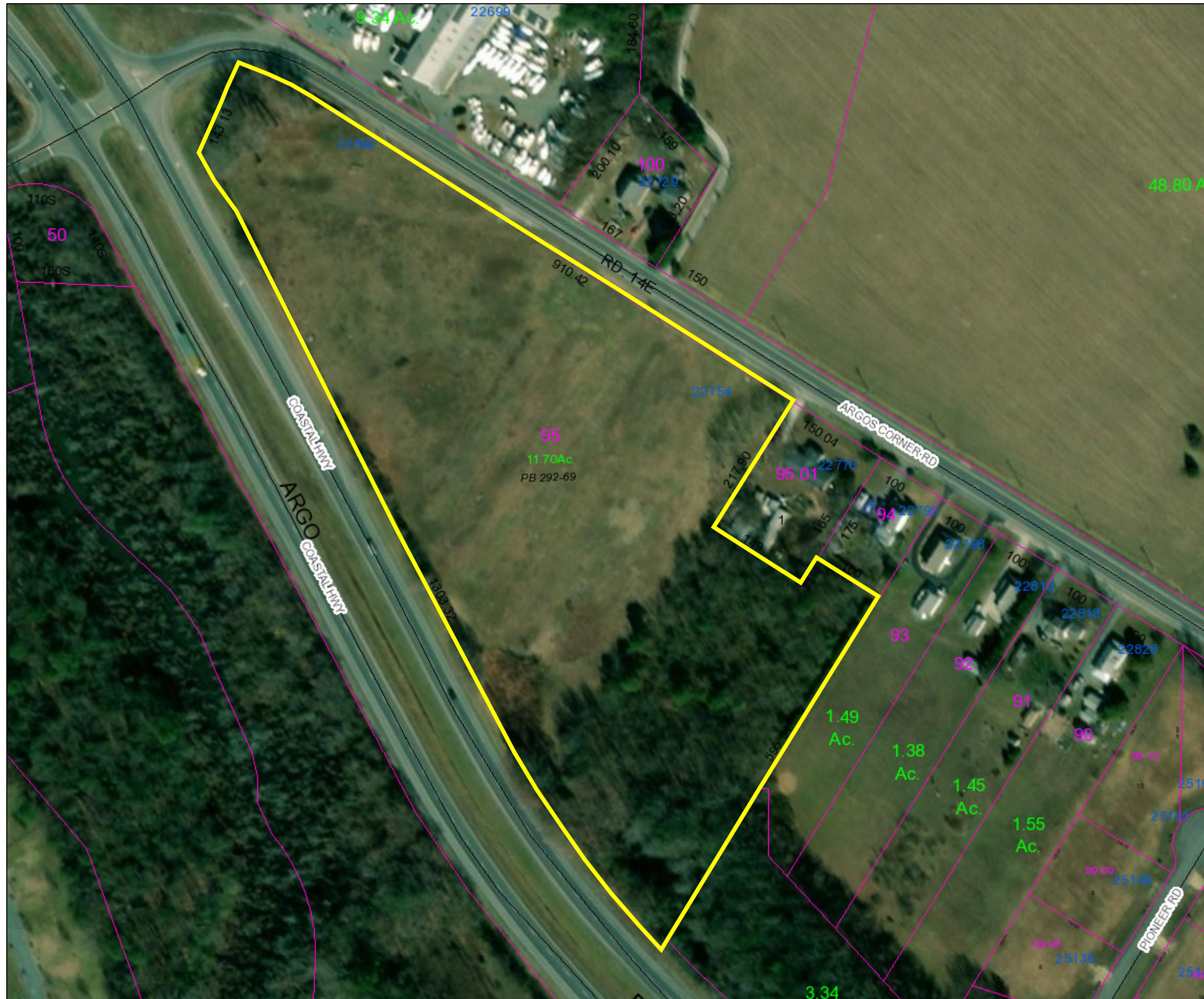
The property is split-zoned Agricultural Residential (AR-1) (which consists of a small segment of the northernmost portion of the parcel,) and General Residential (GR) (which comprises the larger remnant of the southern portion of the property.)

Since 2011, there has been one (1) Conditional Use application within a 2-mile radius of the application site. The application was for Conditional Use No. 2022 for to allow for a nonprofit boarding home for female veterans. The application was recommended approval by the Planning and Zoning Commission at their meeting of Thursday, December 19, 2019. The application was approved by the Sussex County Council at their meeting of Tuesday, February 4, 2020 and the use was adopted through Ordinance No. 2705.

Based on the analysis of the land use, surrounding zoning, and uses, an Amendment to Condition “K” of the previously approved Conditional Use (C/U 2129) could be considered as being consistent with the land use, area zoning, and surrounding uses.

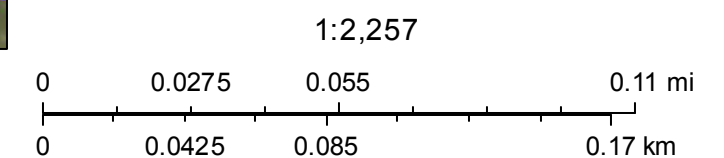


Sussex County



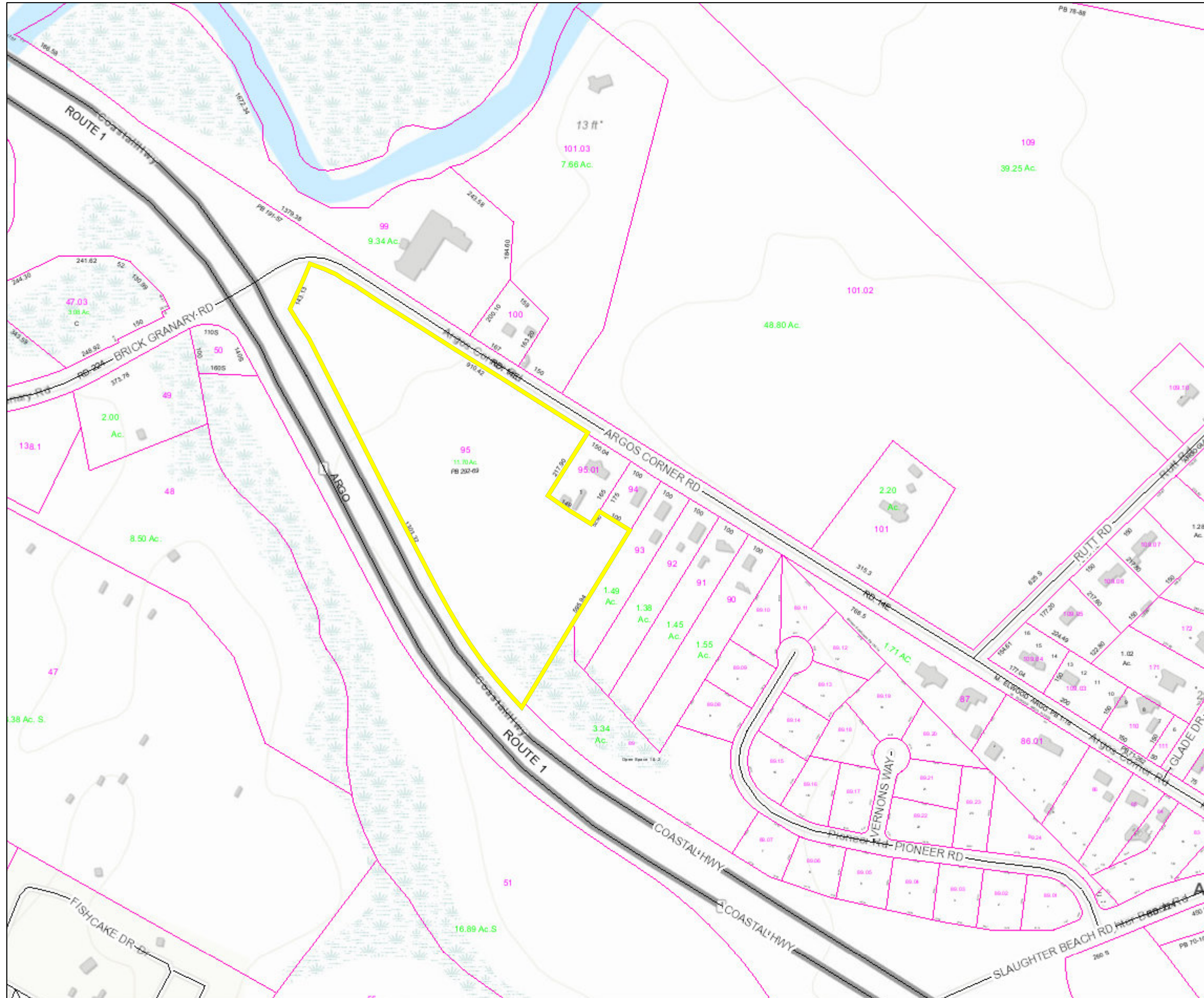
PIN:	230-7.00-95.00
Owner Name	ARGOS CORNER LLC
Book	5221
Mailing Address	261 E CAMDEN-WYOMING
City	CAMDEN
State	DE
Description	SW/ ARGOS CORNER RD
Description 2	NW/ RT 1
Description 3	N/A
Land Code	

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





Sussex County



PIN:	230-7.00-95.00
Owner Name	ARGOS CORNER LLC
Book	5221
Mailing Address	261 E CAMDEN-WYOMING
City	CAMDEN
State	DE
Description	SW/ ARGOS CORNER RD
Description 2	NW/ RT 1
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

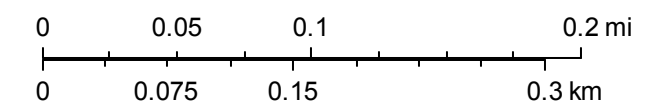
Override 1

Tax Parcels

Streets

County Boundaries

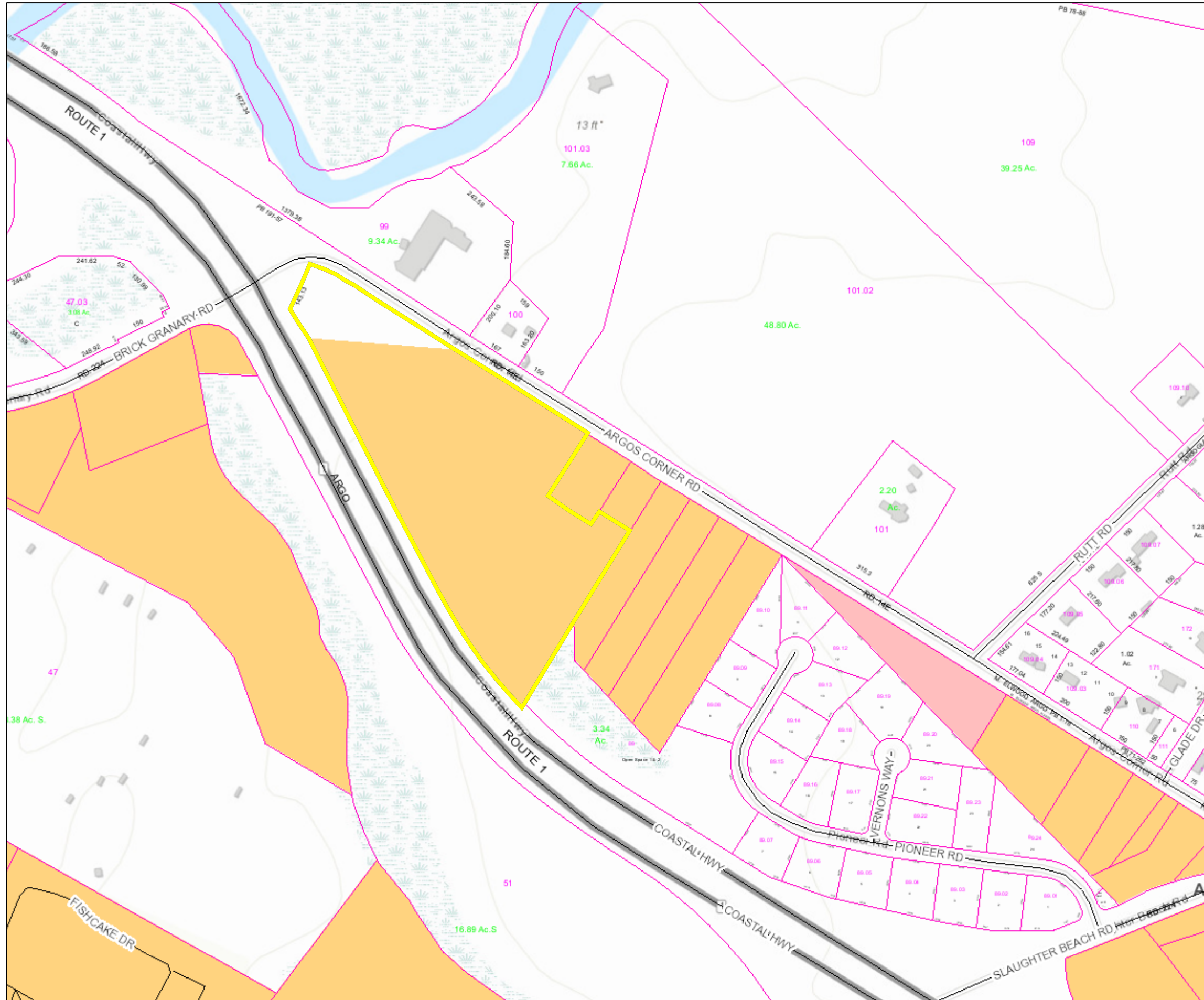
1:4,514



March 18, 2021



Sussex County



PIN:	230-7.00-95.00
Owner Name	ARGOS CORNER LLC
Book	5221
Mailing Address	261 E CAMDEN-WYOMING
City	CAMDEN
State	DE
Description	SW/ ARGOS CORNER RD
Description 2	NW/ RT 1
Description 3	N/A
Land Code	

polygonLayer

Override 1

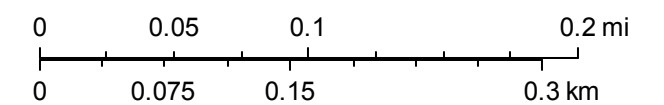
polygonLayer

Override 1

Tax Parcels

Streets

1:4,514



Introduced 08/25/20

Council District 3 - Burton

Tax I.D. No. 230-7.00-95.00

911 Address: 22754 Argos Corner Road, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT AND AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AMENDMENT OF CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 2129 (ORDINANCE 2603) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 10.76 ACRES, MORE OR LESS

WHEREAS, on the 9th day of July 2020, a conditional use application, denominated Conditional Use No. 2235 was filed on behalf of Brian P. Lessard, Lessard Builders, Inc. and

WHEREAS, on the ____ day of _____ 2020, 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. 2235 be _____; and

WHEREAS, on the ____ day of _____ 2020, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2235 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying at the southeast corner of Argos Corner Road and Coastal Highway (Route 1), and being more particularly described per the attached legal descriptions, said parcels containing 10.76 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.



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: June 3, 2021

RE: County Council Report for CU 2244 filed on behalf of Ramon A. Mendez and Alma Mendez

The Planning and Zoning Department received an application (CU 2244 filed on behalf of Ramon A. Mendez and Alma Mendez) for a Conditional Use for a grocery store at 8354 Hickman Road, Greenwood. The property is within the Agricultural Residential (AR-1) Zoning District. The parcel size is 1.39 acres +/-.

The Planning and Zoning Commission held a public hearing on April 8, 2021. At the meeting of April 22, 2021, the Commission recommended approval of the application for the 7 reasons and subject to the 8 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of April 8, 2021 and April 22, 2021.

Approved Minutes of the April 8, 2021 Planning & Zoning Commission Meeting

C/U 2244 Ramon A. Mendez & Alma Mendez

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a grocery store to be located on a certain parcel of land lying and being in Northwest Fork Hundred, Sussex County, containing 1.39 acres, more or less. The property is lying on the south side of Hickman Rd. (Rt. 16), approximately 1,600 ft. east of Scotts Store Rd. (Rt. 36). 911 Address: 8354 Hickman Rd., Greenwood. Tax Parcel: 530-9.00-53.01.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's conceptual site plan and a survey, a copy of the staff analysis, photographs received from the Applicant, a copy of comments from the Sussex County Engineering Department Utility Planning



Division, and a copy of DelDOT's Service Level Evaluation response. Mr. Whitehouse noted that staff has received no comments in relation to this Application.

The Commission found that Mr. Ramon Mendez was present on behalf of his Application, that he would like to have a business on his property that is zoned AR-1.

Mr. Hopkins asked if the Applicant planned to renovate the block building on the property to use as the proposed grocery store and if the Applicant owned the house on the property.

Mr. Mendez stated that he and his family live on the property and that the block building will be renovated for the store.

Mr. Hopkins asked how many employees would work on the property and how many customers would be expected at one time and if there is adequate parking.

Mr. Mendez stated that this would be his wife's business and that she would be the only employee; that there is room for 8 – 10 cars at the front of the building with additional parking in the rear.

Mr. Hopkins asked if a sign was being requested and explained that the Applicant could request a sign up to 32 square feet.

Mr. Mendez stated that a lighted sign is requested.

Ms. Stevenson asked if there are plans to extend the building.

Mr. Mendez stated that there are no plans at this time to extend the building but maybe in the future.

Ms. Stevenson asked if the business would cause any issues with traffic and what the hours of business would be.

Mr. Mendez stated that it is a heavily traveled road but that this business will not impact traffic and that the hours would be 8:00 am through 6:00 pm Monday through Saturday with no hours on Sunday.

Ms. Wingate asked if the entrance would be from Route 16.

Mr. Mendez stated that it would be on Route 16.

Mr. Mears asked if there will be large delivery trucks coming to the property.

Mr. Mendez stated that there would not be large delivery trucks.

Mr. Mears explained that if the Application is supported that a drawing would be needed to show where the parking would be on the property.

Mr. Robertson asked staff if this property is located near the municipal boundary of Greenwood.

Mr. Whitehouse confirmed this and showed the proximity of the town to the subject property on the zoning map.

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

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

Prior to the recess, the Commission discussed Application C/U 2246 Ramon A. Mendez & Alma Mendez. Motion by Mr. Hopkins to defer action for further consideration, seconded by Mr. Mears, and carried unanimously. Motion carried 5-0.

Approved Minutes of the April 22, 2021, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 8, 2021.

Mr. Hopkins moved that the Commission recommend approval of **CU# 2244 for Ramon A. Mendez & Alma Mendez**, for a grocery store based upon the record made during the public hearing and for the following reasons:

1. The Applicant stated that the store will be located in an existing concrete building that is currently not in use on the property. The Applicants will reside in the home located in the rear of the property.
2. The property is located just outside of the Town of Greenwood and has frontage on Route 16. It is next to another very successful food service business. This is an appropriate location for a small neighborhood business like this.
3. The property is in the Developing Area according to Sussex County's Comprehensive Plan. Uses like this small grocery are appropriate in the Developing Area.
4. Deliveries to and from the business will be relatively infrequent and small in nature.
5. There is no indication that the use will adversely affect roadways or area traffic.
6. Given the size and location of the business, the use will not have any negative impact on neighboring properties.
7. No parties appeared in opposition to this application.
8. This recommendation is subject to the following conditions:
 - a. The applicant shall comply with any DelDOT requirements associated with the use.
 - b. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
 - c. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - d. The areas for parking shall be shown on the Final Site Plan and clearly marked on the site itself.
 - e. No outside storage or sales of merchandise shall be permitted.
 - f. Any dumpsters shall be screened from the view of neighboring properties and roadways.
 - g. The failure to abide by these conditions shall result in the termination of this Conditional Use.
 - h. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Stevenson and carried unanimously to recommend approval of CU# 2244 for Ramon A. Mendez & Alma Mendez 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
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date April 8th, 2021.

Application: CU 2244 Ramon A. Mendez & Alma Mendez

Applicant: Ramon A. Mendez & Alma Mendez
8354 Hickman Rd
Greenwood, DE 19950

Owner: Ramon A. Mendez & Alma Mendez
8354 Hickman Rd
Greenwood, DE 19950

Site Location: 8354 Hickman Road. Lying on the south side of Hickman Rd. (Rt. 16), approximately 1,600 ft. east of Scotts Store Rd. (Rt. 36), Greenwood

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Grocery Store

Comprehensive Land
Use Plan Reference: Developing Area

Councilmatic
District: Ms. Green

School District: Woodbridge School District

Fire District: Greenwood Fire District

Sewer: Septic

Water: Well

Site Area: 1.39 acres +/-

Tax Map ID.: 530-9.00-53.01





Memorandum

To: Sussex County Planning Commission Members
From: Nick Torrance, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: March 31st, 2021
RE: Staff Analysis for CU 2244 Ramon A. Mendez & Alma Mendez

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2244 Ramon A. Mendez & Alma Mendez to be reviewed during the April 8th, 2021 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 530-9.00-53.01 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a grocery store. The parcel is located on the south side of Hickman Road. (Route 16) at 8354 Hickman Road in Greenwood, Delaware. The size of the property is approximately 1.39 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 property has the land use designation of Developing Area.

The surrounding parcels to the southwest, west, and northwest are all designated on the Future Land Use Map as "Developing Area". The uses that the Developing Area land use designation recognizes are A range of housing types are appropriate in Developing Areas, including single family homes, townhouses, and multi-family units. In selected areas and at appropriate intersections, commercial uses should be allowed. A variety of office uses would be appropriate in many areas. Portions of the Developing Areas with good road access and few nearby homes should allow for business and industrial parks. Appropriate mixed-use development should also be allowed. In doing so, careful mixtures of homes with light commercial and institutional uses can be appropriate to provide for convenient services and to allow people to work close to home.

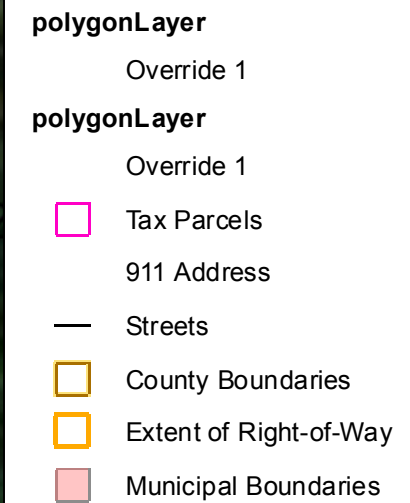
The property is zoned AR-1 (Agricultural Residential Zoning District). All adjoining and surrounding properties also zoned AR-1 (Agricultural Residential Zoning District).

Since 1970, there have been four Conditional Use approvals within a 1-mile radius of the application site. Conditional Use No. 217 was to allow an extension to the current plant and was approved by County Council on July 2nd, 1974. Conditional Use No. 232 was to add an addition to an existing butcher shop and was approved by the County Council on August 27th, 1974. Conditional Use No. 660 was to add another addition to the same butcher shop approved in Conditional Use No. 232 and was approved by the County Council on December 29th, 1981. Conditional Use No. 1427 was for a showroom countertop shop and was approved by the County



Council on November 27th, 2001 and was adopted through Ordinance No. 1510. There is one pending Conditional Use application within a 1-mile radius. Conditional Use No. 2251 for a solar farm was recommended for approval by the Planning and Zoning Commission at their meeting of March 25th, 2021.

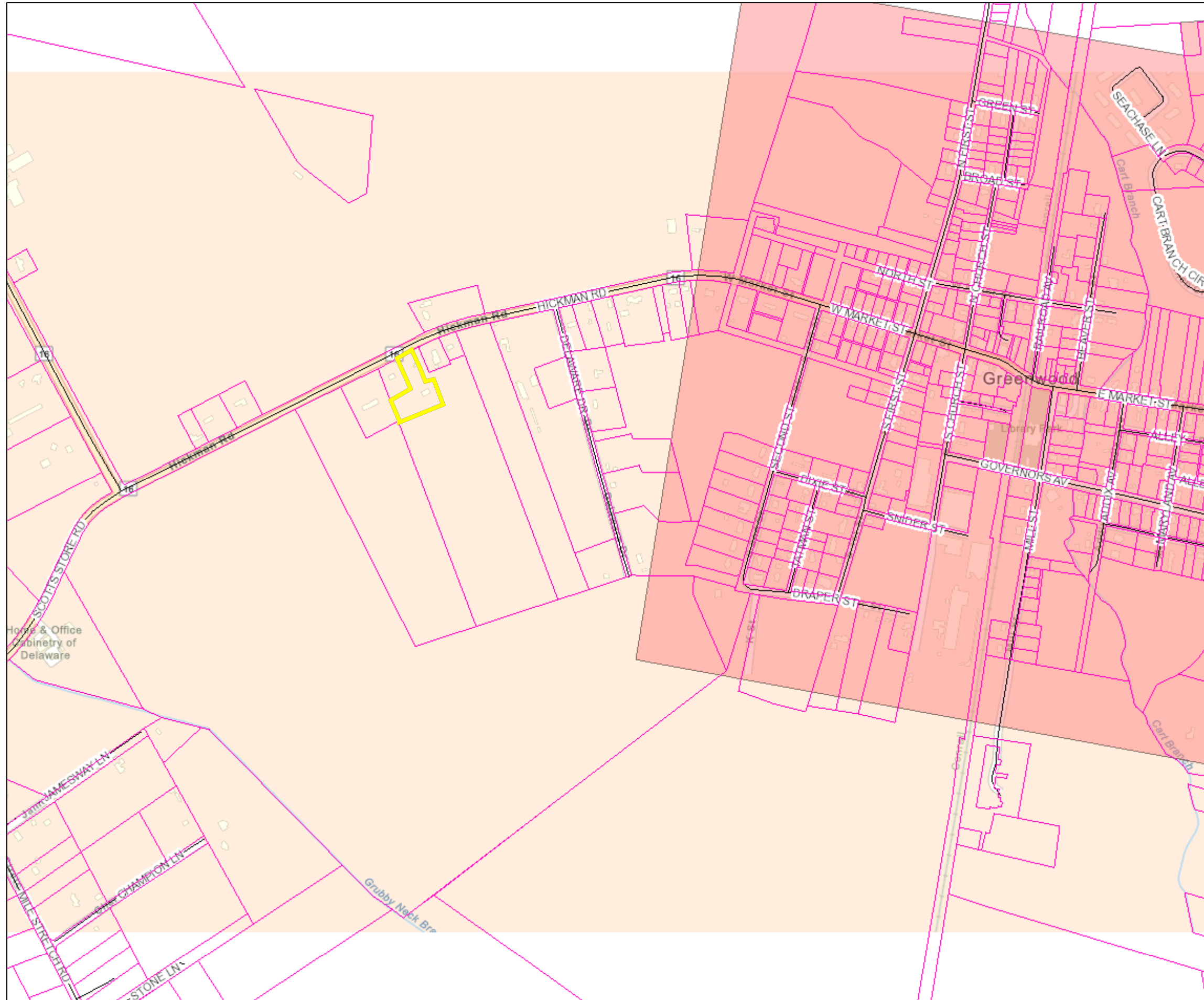
Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a grocery store, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.



A number line with two scales. The top scale is labeled in miles (mi) with major tick marks at 0, 0.0125, 0.025, and 0.05. The bottom scale is labeled in kilometers (km) with major tick marks at 0, 0.02, 0.04, and 0.08. There are also minor tick marks between the major ones: between 0 and 0.0125 mi (at 0.00625), between 0.0125 and 0.025 mi (at 0.01875), between 0.025 and 0.05 mi (at 0.0375), and between 0 and 0.02 km (at 0.01), between 0.02 and 0.04 km (at 0.03), and between 0.04 and 0.08 km (at 0.06).



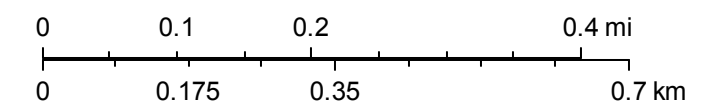
Sussex County

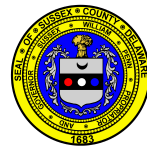


PIN:	530-9.00-53.01	
Owner Name	MENDEZ ALBERTO	RAMON
Book	4790	
Mailing Address	8354 HICKMAN RD	
City	GREENWOOD	
State	DE	
Description	163' S OF RT 16	
Description 2	1850' E OF RD 32	
Description 3	N/A	
Land Code		

- polygonLayer**
Override 1
- polygonLayer**
Override 1
- Tax Parcels
 - Streets
 - County Boundaries
 - Municipal Boundaries

1:9,028





Sussex County



PIN:	530-9.00-53.01	
Owner Name	MENDEZ ALBERTO	RAMON
Book	4790	
Mailing Address	8354 HICKMAN RD	
City	GREENWOOD	
State	DE	
Description	163' S OF RT 16	
Description 2	1850' E OF RD 32	
Description 3	N/A	
Land Code		

polygonLayer

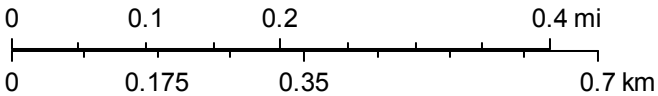
Override 1

polygonLayer

Override 1

- Tax Parcels
- Streets

1:9,028



Introduced 10/06/20

**Council District 2 - Wilson
Tax I.D. No. 530-9.00-53.01
911 Address: 8354 Hickman Road, Greenwood**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GROCERY STORE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 1.39 ACRES, MORE OR LESS

WHEREAS, on the 3rd day of September 2020, a conditional use application, denominated Conditional Use No. 2244 was filed on behalf of Ramon A. Mendez and Alma Mendez; and

WHEREAS, on the ____ day of _____ 2020, 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. 2244 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2244 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 Northwest Fork Hundred, Sussex County, Delaware, and lying on the south side of Hickman Road (Route 16), approximately 1,600 feet east of Scotts Store Road (Route 36), and being more particularly described in the attached legal description prepared by Haller & Hudson, said parcel containing 1.39 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.



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: June 3, 2021

RE: County Council Report for CU 2246 filed on behalf of Bee Wise, LLC

The Planning and Zoning Department received an application (CU 2246 filed on behalf of Bee Wise, LLC) for a Conditional Use for a real estate business to be located at 20028 John J. Williams Highway, Lewes. The property is within the Agricultural Residential (AR-1) Zoning District. The parcel size is 0.709 acre +/-.

The Planning and Zoning Commission held a public hearing on April 8, 2021. At the meeting of April 22, 2021, the Commission recommended approval of the application for the 7 reasons and subject to the 6 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meetings of April 8, 2021 and April 22, 2021.

Approved Minutes of the April 8, 2021 Planning & Zoning Commission Meeting

C/U 2246 Bee Wise, LLC

An Ordinance to grant a Conditional Use of land in an AR-1 Agricultural Residential District for a real estate business to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 0.709 acre, more or less. The property is lying on the northwest side of John J. Williams Hwy. (Rt. 24), approximately 0.37 mile southwest of Mulberry Knoll Rd. (S.C.R. 284). 911 Address: 20028 John J. Williams Hwy., Lewes. Tax Parcel: 334-12.00-24.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of the Applicant's survey, a copy of the staff analysis, a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of the deed for the property, and a copy of DelDOT's



Service Level Evaluation response. Mr. Whitehouse noted that staff has received five letters of support and none in opposition to this Application.

The Commission found that Ms. Alexis Gatti, Esq. was present on behalf of the Applicant, Bee Wise, LLC., which is owned and managed by Mr. Craig and Ms. Erin Beebe who are also present; that the property is approximately 0.71 acre to the west of Love Creek Elementary School on the west side of the highway; that the property is improved with a dwelling, a shed and a parking lot; that there are no plans to change the structures or the parking lot; that the property was previously approved to be a contractors office and prior to that it was a lamp shop; that the Applicants intend to use the property to operate a real estate business; that if the Conditional Use is approved no site conditions on the property will be altered; that the properties in close proximity include to the east farmland and next to that is the elementary school; that across the street is the middle school and in the same block is a hair salon; that to the west is a residence and Saddle Ridge Community and further down the road is a landscape business; that a Conditional Use here is appropriate given that the real estate business is consistent with the neighboring businesses along that highway; that traffic through this corridor is managed by a traffic light at the entrance to the schools which is just a short distance from this property; that the real estate office impact on traffic will be negligible; that the Conditional Use will have no detrimental effect on any of the neighboring properties; that all the lighting on the property is consistent with residential use; that there will be no large garbage dumpster on the property; that the office will operate during normal business hours; that the agents mostly work off-site and this site will be for sales and office uses only; that there are currently 12 agents working for this business; that the business is promoting the convenience, the prosperity and the welfare for the agents employed here but also provides a service to the inhabitants and future inhabitants of Sussex County; that there is no opposition to this Application; and that the property is buffered by landscaping and that landscaping will remain.

Ms. Stevenson asked if this would be a seven-day operation.

Mr. Beebe stated that the office would be available to agents seven days, but the majority of business is Monday through Friday.

Ms. Wingate asked the Applicant if he is requesting a sign for the business.

Mr. Beebe stated that there is a 4 X 8 sign on the property from the previous owner and it has been updated with the business logo.

Mr. Robertson advised the Commission that they should look at the conditions for the previous Conditional Uses on this property as it seems this will be a similar use.

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

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

Prior to the recess, the Commission discussed Application C/U 2246 Bee Wise, LLC. Motion by Ms. Stevenson to defer action for further consideration, seconded by Mr. Hopkins, and carried unanimously. Motion carried 5-0.

Approved Minutes of the April 22, 2021, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since April 8, 2021.

Ms. Stevenson moved that the Commission recommend approval of **CU# 2246 for Bee Wise, LLC**, for a real estate business based upon the record made during the public hearing and for the following reasons:

1. The site was previously approved as two different conditional uses for businesses at this location. The first was Conditional Use #1659 for a lamp store. The second was Conditional Use #2110 for a construction office. Both conditional uses occurred within the existing structure on the site, which was formerly a residential dwelling.
2. The applicant intends to use the same residential-style structure for a real estate office.
3. The applicant has stated that this site will only be for sales and office uses and that a majority of the real estate work will occur off-site.
4. The proposed use will not generate a significant amount of traffic, and it will not have any adverse effect on area roadways.
5. The proposed use is very limited in nature within the existing residential-style structure and it will not have any adverse impact on neighboring properties or the community.
6. No parties appeared in opposition to the application.
7. As permitted as part of CU # 1659 and 2110, parking is permitted within the front yard setback. However, as required by CU #2110, sufficient space shall be set aside for parking elsewhere on the property when Route 24 is widened.
8. This recommendation is subject to the following conditions:
 - a. The use shall be limited to use as an office within the existing structure.
 - b. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - c. The applicant shall comply with any DelDOT entrance and roadway improvement requirements.
 - d. Parking shall be permitted in the front yard setback. In addition, sufficient space shall be set aside for parking elsewhere on the property when Route 24 is widened.
 - e. Failure to comply with these conditions shall result in the revocation of the Conditional Use approval.
 - f. 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 of C/U 2246 for Bee Wise, LLC 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
sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date April 8th, 2021.

Application: CU 2246 Bee Wise, LLC

Applicant: Bee Wise, LLC
P.O. Box 249
Nassau, DE 19969

Owner: Craig Allan Beebe & Erin Francis Martin Beebe
20028 John J. Williams Highway
Lewes, DE 19958

Site Location: 20028 John J. Williams Hwy. Lying on northwest side of John J. Williams Hwy. (Rt. 24), approximately 0.37 mile southwest of Mulberry Knoll Rd. (S.C.R. 284), Lewes

Current Zoning: Agricultural Residential (AR-1)

Proposed Use: Real Estate Business

Comprehensive Land
Use Plan Reference: Commerical

Councilmatic
District: Mr. Schaeffer

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Well

Site Area: 0.709 acre +/-

Tax Map ID.: 334-12.00-24.00





Memorandum

To: Sussex County Planning Commission Members
From: Christin Scott, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: March 31st, 2021
RE: Staff Analysis for CU 2246 Bee Wise, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2246 Bee Wise, LLC to be reviewed during the April 8th, 2021 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 334-12.00-24.00 to allow for a Conditional Use of land in an Agricultural Residential (AR-1) Zoning District for a Real Estate Business. The parcel is located on the northwest side of John J. Williams Highway (Route 24) at 20028 John J. Williams Highway in Lewes, Delaware. The size of the property is approximately 0.71 acres +/-.

The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework for 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 property has the land use designation of "Commercial". The surrounding parcels to the south, north and east are all designated on the Future Land Use Map as "Commercial". The parcels to the west are all designated on the Future Land Use Map as "Coastal Area".

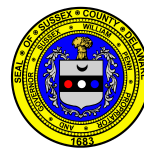
As outlined within the 2018 Sussex County Comprehensive Plan, "Commercial Areas" include concentrations of retail and service uses, commercial corridors, shopping centers, hotels, motels, car washes and auto dealers. This includes other medium and larger scale commercial uses as well as mixed-use buildings.

The property is zoned AR-1 (Agricultural Residential Zoning District). All adjoining and surrounding properties also zoned AR-1 (Agricultural Residential Zoning District). Properties further south of this site are zoned MR (Medium Density Residential).

Since 1970, there have been twenty-six (26) Conditional Use applications within a 1-mile radius of the application site. Twenty-two (22) of those applications have been approved, one (1) has been denied and four (4) have been withdrawn. Please see attached exhibits for more detail.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a Real Estate 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:	334-12.00-24.00
Owner Name	BEEBE CRAIG ALAN
Book	5332
Mailing Address	PO BOX 249
City	NASSAU
State	DE
Description	HWY LEWES TO
Description 2	MILLSBORO
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

AO

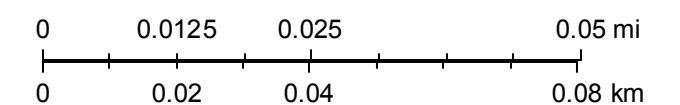
OPEN WATER

VE

Extent of Right-of-Way

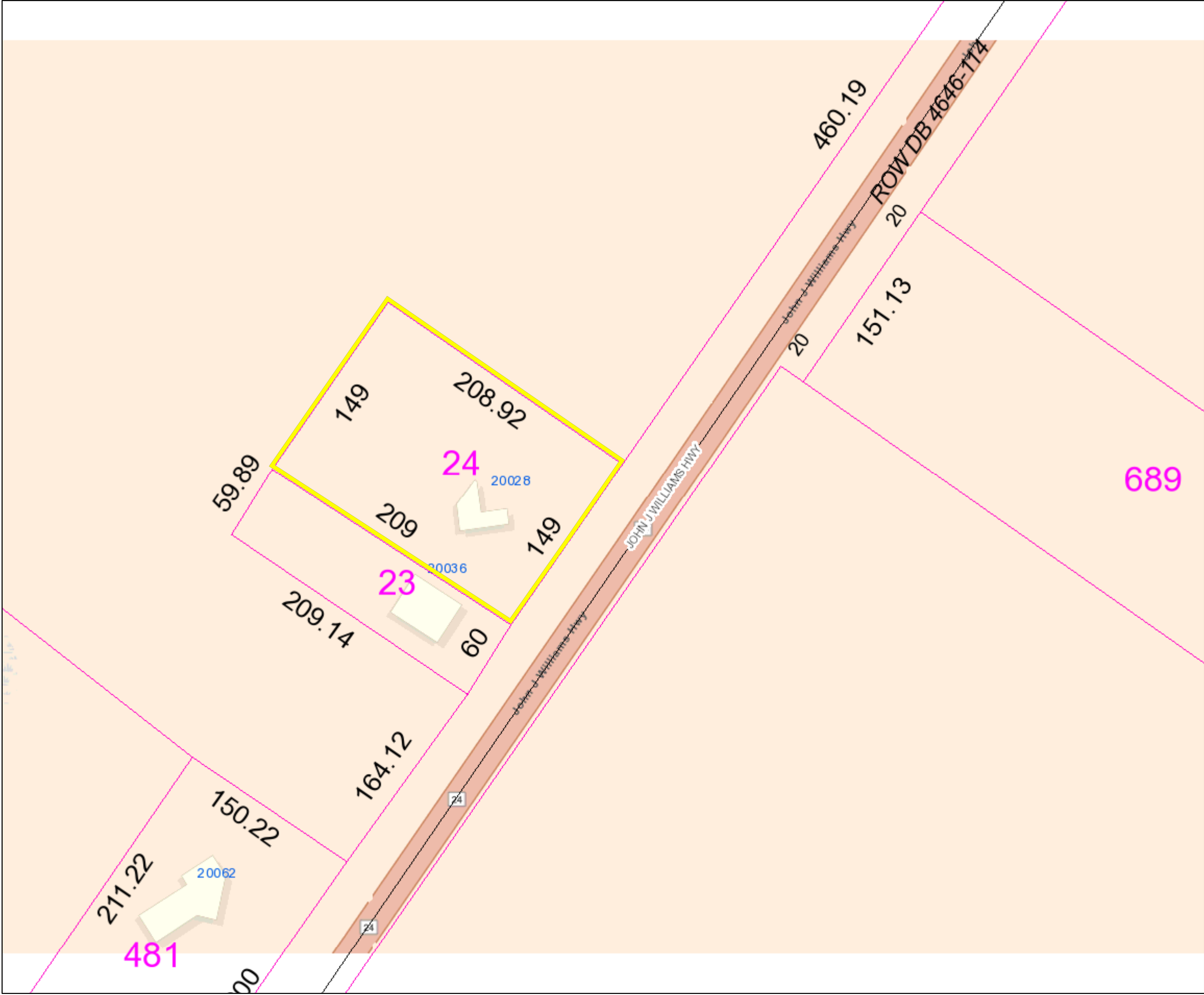
Municipal Boundaries

1:1,128





Sussex County



PIN:	334-12.00-24.00
Owner Name	BEEBE CRAIG ALAN
Book	5332
Mailing Address	PO BOX 249
City	NASSAU
State	DE
Description	HWY LEWES TO
Description 2	MILLSBORO
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

Override 1

Tax Parcels

911 Address

Streets

County Boundaries

Flood Zones 2018

0.2 PCT ANNUAL CHANCE FLOOD HAZARD

A

AE

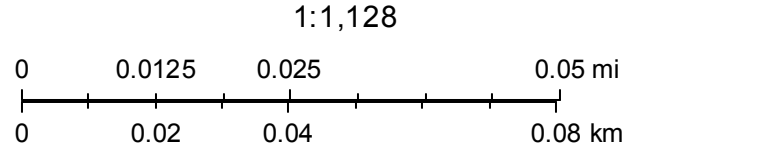
AO

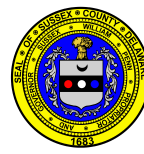
OPEN WATER

VE

Extent of Right-of-Way

Municipal Boundaries





Sussex County



PIN:	334-12.00-24.00
Owner Name	BEEBE CRAIG ALAN
Book	5332
Mailing Address	PO BOX 249
City	NASSAU
State	DE
Description	HWY LEWES TO
Description 2	MILLSBORO
Description 3	N/A
Land Code	

polygonLayer

Override 1

polygonLayer

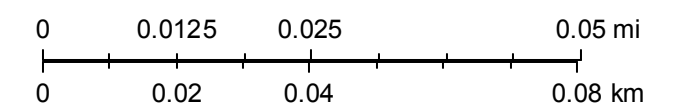
Override 1

Tax Parcels

911 Address

Streets

1:1,128



Introduced 11/17/20

Council District 3 - Burton

Tax I.D. No. 334-12.00-24.00

911 Address: 20028 John J. Williams Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS

WHEREAS, on the 7th day of October 2020, a conditional use application, denominated Conditional Use No. 2246 was filed on behalf of Bee Wise, LLC; and

WHEREAS, on the ____ day of _____ 2021, 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. 2246 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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 115, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2246 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 northwest side of John J. Williams Highway (Route 24), approximately 0.37 southwest of Mulberry Knoll Road (S.C.R. 284), and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 0.709 acre, 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.