



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

**MEETING:  
September 9, 2014**

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

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



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# Sussex County Council

## AGENDA

SEPTEMBER 9, 2014

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Consent Agenda

1. Wastewater Agreement No. 856-6  
Sussex County Project No. 81-04  
Millville By The Sea – Summerwind Village, Phase 2  
Millville Expansion of the Bethany Beach Sanitary Sewer District
2. Wastewater Agreement No. 856-7  
Sussex County Project No. 81-04  
Millville By The Sea – Summerwind Village, Phase 3  
Millville Expansion of the Bethany Beach Sanitary Sewer District
3. Wastewater Agreement No. 378-5  
Sussex County Project No. 81-04  
Warrington Creek – Phase 5 (A/K/A Sawgrass)  
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

### Todd Lawson, County Administrator

1. Administrator's Report



**Grant Requests**

1. Mount Joy Civic Association for a community back-to-school fundraising event.
2. Primeros Pasos for pre-school program operating costs/capital campaign.
3. GFWC Zwaanendael Women's Club for building repairs.

**Introduction of Proposed Zoning Ordinances**

**Any Additional Business Brought Before Council**

**Executive Session – Job Applicants' Qualifications, Personnel, and Land Acquisition pursuant to 29 Del. C. §10004(b)**

**Possible Action on Executive Session Items**

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

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on September 2, 2014 at 3:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 12, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 12, 2014, at 10:15 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

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

**M 385 14  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to approve the Agenda, as posted.**

**Motion Adopted: 5 Yeas.**

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

**Minutes**

**The minutes of July 29, 2014 were approved by consent.**

**Discussion/  
County  
Code  
Relating  
to Vendors,  
Produce  
Stands,  
and Signs**

**Mr. Lawson discussed issues regarding vendors, produce stands, roadside stands, and signs to seek the Council's thoughts on how to best address these issues.**

**Currently, the County Code allows produce stands and roadside stands, specifically in Section 115-20, which states (in part), as a permitted use, "Temporary removable stands for not over six months' use per year, for seasonal sales of products raised on the premises and products raised on other lands in Sussex County owned or leased by the owner of the premises on which the stand is located..." Mr. Lawson stated that the overwhelming majority of roadside stands and produce stands in the County are legal; that the County appreciates and understands the impact agriculture has on the County and the State; and that the County does not intend to hamper this economic driver in any way. Mr. Lawson noted, however, that the County is seeing more and more stands operating that are not legal because of the location of the stands. In**

**Discussion/  
County  
Code  
Relating  
to Vendors,  
Produce  
Stands,  
and Signs  
(continued)**

**addition, the County is seeing a large number of signs used to promote these types of operations; usually the signs are in the right of way and, in some cases, the number of signs far exceed the Code's permitted number. Due to the temporary nature of produce stands, enforcement of the Code is sometimes deficient. Mr. Lawson also commented on vendors or temporary mobile businesses that typically operate in parking lots or commercial sites, or in the right of way next to public roads; these operations have additional requirements which would include a site plan review, a variance for setbacks, and sometimes, a conditional use. To receive the appropriate permitting from the County requires time and additional expense.**

**The Council, Mr. Lawson and Vince Robertson, Assistant County Attorney, discussed the issues regarding vendors, produce stands and signs for the purpose of obtaining the Council's input as it relates to these issues. Mr. Robertson stated that staff and Legal Counsel want to streamline the process and make it easy so people can comply. Issues discussed were the importance of agriculture, the fact that some people go through the process and comply and others do not; stands on unsafe roadways, minimum setbacks and restrictions, approvals over the counter, a complaint driven policy, enforcement, and a burdensome process and fees.**

**The Council directed the Planning and Zoning staff, Administration, and Legal Counsel to come back to Council with recommendations to address these issues.**

**Adminis-  
trator's  
Report**

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

**1. Sussex County Emergency Operations Center Call Statistics – July 2014**

**Attached please find the call statistics for the Fire and Ambulance Callboard for July 2014. There were 18,645 total calls handled for the month of July. Of those 9-1-1 calls in July, 84 percent were made from wireless phones.**

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

**Wastewater  
Agreement**

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

**M 386 14  
Execute  
Wastewater  
Agreement/  
Del-Mar  
Subdivision**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 997, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Rocks Bethany, LLC, c/o Allen and Rocks, Inc., for wastewater**

**M 386 14** facilities to be constructed in Del-Mar Subdivision, A/K/A Rocks  
**(continued)** Bethany, located in Bethany Beach Sanitary Sewer District.

**Motion Adopted:** 5 Yeas.

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

**Delta  
Airport  
Consultants/  
Task  
Order  
No. 2**

Joe Wright, Assistant County Engineer, presented Task Order No. 2 with Delta Airport Consultants, Inc. for the design of an aircraft parking apron expansion at a cost not to exceed \$270,000.00. This Task Order will provide for the design of an 18,500 square yard expansion to the existing main aircraft parking apron. The apron will be expanded to accommodate large aircraft up to and including at least one Boeing 737. The design will also address drainage, stormwater management, and taxiway lighting in the apron area. Multiple pavement sections will be evaluated to provide the most cost effective design. Davis, Bowen & Friedel and Pennoni Associates will provide geotechnical survey and stormwater management with associated permitting as sub-consultants for approximately one-third or \$88,822.00 of the total \$270,000.00 contract with DeDOT. In accordance with FAA requirements, an Independent Fee Estimate (IFE) was performed by McFarland Johnson and considered by the FAA to be within the acceptable range for Delta's proposed contract.

Jim Hickin, Airport and Industrial Park, presented information on the FAA grant offer that will pay 90 percent of the allowable cost of Task Order No. 2, or \$255,600.00. Mr. Hickin noted that the grant offer is good until August 22, 2014. Mr. Hickin noted that the funding comes with some obligations and he reviewed those obligations; the obligations are found in the County's Master Agreement with the FAA, and others are included in the grant document. Mr. Hickin highlighted one of the conditions – by accepting this grant, the County agrees to accept a future grant, within the next two years, after the design is complete, to construct the project.

**M 387 14**  
**Approve**  
**Task**  
**Order**  
**No. 2/**  
**Delta**  
**Airport**  
**Consultants**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Council accepts the recommendation of the Sussex County Engineering Department that the Sussex County Council approves Task Order No. 2 with Delta Airport Consultants, Inc. for design and bidding services for Sussex County Project 14-11, Apron Expansion, in an amount not to exceed \$270,000.00; in addition, the Federal Aviation Administration's grant offer of \$255,600.00, as the 90% share of the allowable cost for this work, is also accepted.

**Motion Adopted:** 5 Yeas.

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

**Request  
to Post  
Notices/  
Goslee  
Creek  
Annexations**

**John Ashman, Director of Utility Planning, requested permission to prepare and post notices for the Proposed Expansions of the West Rehoboth Sanitary Sewer. This request is divided into three annexations areas. Mr. Ashman noted that the Engineering Department recently completed the planning study for the Goslee Creek Planning Area and requests and interests have been received from several parcels and projects in the area. Annexation Area 1 includes the Coastal Club project, and Cape Henlopen Lodge #2540. Annexation Area 2 includes the proposed project of Saddle Ridge, proposed Delaware State Police Troop 7, proposed school, proposed campground, and adjoining land of Townsend. Annexation Area 3 includes the proposed subdivision of Red Clover Walk. Mr. Ashman stated that there are multiple projects in the area in various stages of design and construction that have submitted requests for annexation; however, all are not contiguous to each other.**

**M 388 14  
Authorize  
Posting of  
Notices/  
Goslee  
Creek  
Annexations**

**A Motion was made by Mrs. Deaver, seconded by Mr. Cole, that the Sussex County Engineering Department is authorized to prepare and post notices for the expansion of the West Rehoboth Sanitary Sewer District to include the areas designated as Annexation Area #1, #2, and #3, as presented on August 12, 2014.**

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
C/U  
No. 1991**

**Under Old Business, the Council considered the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FACILITY FOR OUTDOOR ENTERTAINMENT EVENTS WITH TEMPORARY CAMPING FACILITIES DURING EVENTS ONLY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING APPROXIMATELY 500 ACRES, MORE OR LESS, OF TWO PARCELS CONTAINING 1,057.6 ACRES” (Tax Map I.D. 234-15.00-22.00 and 234-9.00-34.00) (Conditional Use No. 1991) filed on behalf of Cool Spring, LLC / Highway One.**

**The Planning and Zoning Commission held a Public Hearing on this application on July 10, 2014 at which time action was deferred. On July 24, 2014, the Commission deferred action again. On August 7, 2014, the Commission recommended that the application be denied.**

**(See the minutes of the meetings of the Planning and Zoning Commission dated July 10, July 24, and August 7, 2014.)**

**The County Council held a Public Hearing on this application on July 22, 2014 at which time action was deferred.**

**Old  
Business/  
C/U  
No. 1991  
(continued)**

**On July 29, 2014, a representative of DelDOT attended the Sussex County Council meeting to discuss how DelDOT would manage traffic for the proposed event.**

**The Council discussed the preliminary site plan that was submitted at the Council's Public Hearing.**

**Vince Robertson, Assistant County Attorney, addressed a question regarding waiving individual requirements of preliminary site plans. He stated that the Commission (and inherently, the Council) has the ability to waive individual requirements of the preliminary site plan. Mr. Robertson stated that the preliminary site plan for Conditional Use No. 1991 submitted at the Planning and Zoning Commission's Public Hearing was deemed insufficient by the Commission. He noted that it is his understanding that more detail was presented to the Council.**

**Mr. Moore stated that the Council does see applications that have less than a completely engineered site plan; that the initial site plan that was submitted was a google earth type map; and that the Applicant did submit a plan at the Council's Public Hearing that was engineered, although it did not have all the technical requirements met that is in the site plan provision.**

**In response to questions, Shane Abbott, Assistant Director of Planning and Zoning, stated that, at the Commission's Public Hearing, the Applicant presented proposed voluntary conditions.**

**Mr. Phillips reported that he asked staff and Legal Counsel to help him write proposed conditions and the proposed conditions were read into the record.**

**M 389 14  
Approve  
Proposed  
Conditions  
for  
C/U 1991**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to approve the following proposed conditions:**

- 1. This conditional use shall be valid for a period of three years after the issuance of Final Site Plan approval by the Sussex County Planning and Zoning Commission. In addition, two years after Final Site Plan approval the Conditional Use shall be reviewed through public hearings before the Planning and Zoning Commission and County Council. Such a review shall include, but not be limited to:  
a) A review of the existing conditions of the Ordinance to determine whether modifications are necessary. b) A review of the use to determine whether it is appropriate to terminate the conditional use after 3 years. c) A review of the use to determine if it is appropriate to extend the conditional use beyond 3 years, with the possibility of additional reviews by the Commission and Council.**
- 2. All camping areas shall comply with the requirements of Section 115-172H of the Sussex County Zoning Code regarding campground conditional uses.**
- 3. No more than 5000 RVs or campers shall be permitted on the site**



**M 389 14  
Approve  
Proposed  
Conditions  
for  
C/U 1991  
(continued)**

- during any event or festival.
4. No more than 4 festivals or events shall be permitted in any given calendar year. Of these, 2 may be festivals or events open for a period not to exceed 4 days and 4 nights. The remaining events shall be no more than 1 day and 1 night in duration.
  5. No vehicle road races, dirt bike races, monster truck events or similar events or activities shall be permitted.
  6. All performances shall terminate at midnight. All stage lighting (not including security lighting) shall shut off by 12:30 a.m. each night. No lights shall shine onto adjacent properties or roadways.
  7. The applicant shall comply with all County and State agency requirements, including, but not limited to DelDOT, DNREC, Fire Marshal, EMS, State Police, and the Delaware Alcoholic Beverage Control Commission.
  8. The use shall be subject to the Sussex County Special Event Administration Procedures in staging the festivals or events. The applicant shall also be required to pay all costs, fees and expenses involved with Sussex County's administration of the event, as well as any other fees and costs incurred by agencies or organizations performing services associated with the conditional use.
  9. Prior to any festivals or events being held at the site, the area of the site to be used for the event shall be fenced by temporary fencing, to be promptly removed after the event occurs.
  10. All structures associated with any festival or event at the site shall be temporary in nature, and shall not remain on the site in a permanent fashion after a festival or event has concluded.
  11. All stages shall be located at least 1,000 feet from any adjacent property or roadway. All stages and sound equipment shall be oriented away from the nearest property boundary line or roadway.
  12. As stated by the applicant, the applicant shall employ a professional security company which must submit a security plan to the Delaware State Police at least 30 days prior to each event or festival. The plan shall include crisis management, radio support, evacuation procedures, State Police communication, and shall include an anti-drug detail.
  13. All refuse and trash will be removed from the site daily during any events or festivals. A final trash cleanup and removal shall occur within 2 days after the end of any event.
  14. Admissions to each event or festival shall be limited to 20,000 people during the first year of operation, 25,000 during the second year of operation, and 30,000 people during the third year of operation.
  15. This approval is expressly contingent upon the Applicant submitting a revised preliminary site plan in accordance with Section 115-220 of the Sussex County Code either depicting or noting these conditions as approved on it.
  16. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission. All events or festivals must comply with the approved Final Site Plan.

**M 389 14**  
**(continued)**            **The Council discussed the proposed conditions.**

**Mr. Phillips raised a question regarding allowing the applicant to submit a new site plan. Mr. Moore stated that the record would have to be reopened to allow this.**

**M 390 14**            **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to withdraw**  
**Withdraw**            **his Motion No. M 389 14 to approve Proposed Conditions 1- 16.**

**Motion**  
**M 389 14**

**Motion Adopted:        5 Yeas.**

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

**M 391 14**            **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to defer**  
**Defer**                **action on Conditional Use No. 1991 filed on behalf of Cool Spring, LLC /**  
**Action on**            **Highway One for one week.**  
**C/U 1991**

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

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

**Grant**  
**Requests**

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

**M 392 14**            **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give**  
**Countywide**        **\$2,000.00 from Countywide Youth Grants to Fellowship of Christian**  
**Youth**                **Athletes for a youth football program.**  
**Grant**

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

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

**M 393 14**            **A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$800.00**  
**Council-**            **from Mrs. Deaver's Councilmanic Grant Account to the Lewes Fire**  
**manic**                **Department for uniforms for the Ladies Auxiliary.**  
**Grant**

**Motion Adopted:        5 Yeas.**

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

**M 394 14 Councilmanic Grant**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$400.00 (\$200.00 each from Mr. Cole's and Mrs. Deaver's Councilmanic Grant Accounts) to the Cats Around Town Society for their spay-neuter program.**

**Motion Adopted:      5 Yeas.**

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

**M 395 14 Go Into Executive Session**      **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and land acquisition.**

**Motion Adopted:      5 Yeas.**

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

**Executive Session**      **At 12:13 p.m., an Executive Session of the Sussex County Council was held in the Council's Caucus Room for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 12:15 p.m.**

**M 396 14 Reconvene Regular Session**      **At 12:17 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to come out of Executive Session and to reconvene the Regular Session.**

**Motion Adopted:      5 Yeas.**

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

**Action**      **Mr. Moore discussed possible action on Executive Session matters.**

**M 397 14 Execute Contract for Land Purchase**      **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to execute a Contract to purchase a tract of land in Sussex County (Parcel A) and to proceed to closing.**

**Motion Adopted:      5 Yeas.**

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

**M 398 14**      **A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to execute a**  
**Execute**      **Contract to purchase a tract of land in Sussex County (Parcel B); to execute**  
**Contract**      **a lease-back; and to proceed to closing.**  
**for Land**  
**Purchase**      **Motion Adopted:      5 Yeas.**

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

**Additional**      **Under Additional Business, Dan Kramer commented on produce stands,**  
**Business**      **roadside stands, and illegal signs for roadside stands.**

**M 399 14**      **At 12:21 p.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to**  
**Recess**      **recess the meeting for the purpose of attending a luncheon with the Sussex**  
**County Association of Realtors (SCAOR).**

**Motion Adopted:      5 Yeas.**

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

**M 400 14**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to reconvene at**  
**Reconvene**      **12:30 p.m.**

**Motion Adopted:      5 Yeas.**

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

**Luncheon**      **At 12:30 p.m., members of the Sussex County Council and staff attended a**  
**with**      **luncheon with the Sussex County Association of Realtors (SCAOR) at their**  
**SCAOR**      **headquarters on Route 9 in Georgetown.**

**M 401 14**      **A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at**  
**Adjourn**      **1:20 p.m.**

**Motion Adopted:      5 Yeas.**

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

**Respectfully submitted,**

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

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 19, 2014**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, August 19, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

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

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

**Call to  
Order**

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

**M 402 14  
Amend  
and  
Approve  
Agenda**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by striking “pending/potential litigation” under Executive Session and to combine the two Executive Sessions into one Executive Session; and to approve the Agenda, as posted.**

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

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

**(The minutes of August 5, 2014 were approved later in the meeting.)**

**M 403 14  
Approve  
Consent  
Agenda**

**A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to approve the following items contained in the Consent Agenda:**

**Wastewater Agreement No. 856-4  
Sussex County Project No. 81-04  
Millville By The Sea – Summerwind Village, Phase 1  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Wastewater Agreement No. 990  
Sussex County Project No. 81-04  
Ocean View Beach Club  
Bethany Beach Sanitary Sewer District**

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

**M 403 14  
(continued)**

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

**Library  
Advisory  
Board**

**Mr. Lawson informed Council of a vacancy on the Library Advisory Board (District 2).**

**M 404 14  
Approve  
Library  
Advisory  
Board  
Appoint-  
ment**

**A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, that the Sussex County Council approves the appointment of Harriet Elliott to the Sussex County Library Advisory Board, effective immediately, until such time as her term expires on June 30, 2017.**

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

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

**Adminis-  
trator's  
Report**

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

**1. County Council Meeting Schedule**

**The Sussex County Council will not meet on August 26<sup>th</sup> and September 2<sup>nd</sup> for the summer holiday and in honor of the Labor Day holiday, respectively.**

**County offices will be closed on Monday, September 1, for the Labor Day holiday.**

**Wetlands  
Advisory  
Committee  
Update**

**Hal Godwin, Deputy County Administrator, presented an update on the Wetlands Advisory Committee. He reported that the Committee met on August 13th and reviewed three presentations:**

- The Committee decided not to include the recommendations from the Center for the Inland Bays, mostly because it proposed a new Executive Order that was deemed inappropriate under the Committee's mission. Senate Bill No. 78, the Committee's Charter, provides the Committee with direction to advise the Secretary of the Department of Natural Resources and Environmental Control (DNREC) in his report to the General Assembly only, NOT the Governor directly as this Executive Order would suggest.**
- The Committee decided not to include the new recommendations from DNREC (these recommendations were previously discussed by the Committee and turned down).**
- The Committee unanimously supported the recommendation from the Farm Bureau regarding the changes to State Code, Title 30, Chapter 5426 that would help ensure funding for the Ag Land Preservation Fund (previously explained to the Council by Marty Ross on August 5th).**

**Wetlands  
Advisory  
Committee  
Update  
(continued)**

**Mr. Godwin commented that some questions have been raised as to how the final report will be assembled. Senator Robert Venables has sent a letter out expressing his concern that the draft report will be a compilation of the recommendations that were developed by the Committee and not by the Governor or DNREC. Mr. Godwin noted that the reason for his concern is due to Senate Bill 78, the legislation that formed the Committee; Line 69 of Senate Bill 78 states “DNREC shall compile the results of the Committee’s recommendations, develop a draft report, and reconvene the Committee to review the draft report and solicit feedback before finalizing the report of recommendations”. Mr. Godwin also noted that Committee members are concerned that the report will be drafted as a compilation of recommendations.**

**Mr. Godwin reported that a draft of the Secretary’s report to the Delaware legislature should be available by September 15th and that he will share it with the Council for direction. He noted that the Committee will review and edit the final report by the end of September and that the Committee hopes that the report contains only the Committee’s recommendations.**

**Pump  
Station 207  
& Force  
Main  
Project/  
Contract  
Amend-  
ment**

**Juel Gibbons, Project Engineer, presented Contract 12-23, Construction Administration and Project Inspection Services, for Pump Station 207 and Force Main. She reported that it is proposed that the Contract be administered by George, Miles & Buhr (GMB) over the project’s 270 day duration from September 2014 to May 2015. The scope of services that GMB will provide include general construction administration, conduct monthly progress meetings, specialized inspection services, review of shop drawings, etc. These services will be provided at a cost not to exceed \$311,598.00.**

**M 405 14  
Execute  
Contract  
Amend-  
ment/  
Pump  
Station  
207 &  
Force  
Main  
Project**

**A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council authorizes its President to execute Contract Amendment No. 2 with George, Miles and Buhr, LLC of Salisbury, Maryland, to provide Construction Administration and Project Inspection Services for Project 12-23, Pump Station 207 and Force Main Design Services, at a cost not to exceed \$311,598.00, contingent upon the approval of the Assistant County Attorney.**

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

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

**Pump  
Station 22  
Modifi-  
cations  
Bid**

**Juel Gibbons, Project Engineer, presented the bid results for Pump Station 22 Modifications Project. Three bids were received and Kuhn Construction of Hockessin, Delaware was the low bidder with a Base Bid amount of \$427,340.00. The Engineer’s estimate for the project was \$563,456.00. Ms. Gibbons reported that it is the recommendation of the Engineering**

(continued) Department to award the bid to Kuhn Construction.

**M 406 14**  
**Award**  
**Bid/**  
**Pump**  
**Station 22**  
**Modifi-**  
**cations**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that Contract 14-07, Pump Station 22 Modifications, be awarded to Kuhn Construction of Hockessin, Delaware, at a bid amount of \$427,340.00.

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

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

**Mr. Cole joined the meeting.**

**Discussion/**  
**Pump**  
**Station 207**  
**& Force**  
**Main**  
**Project/**  
**Contract**  
**Amend-**  
**ment**

In regard to the first presentation by Juel Gibbons on the Pump Station 207 and Force Main Contract, Mr. Phillips raised a question regarding Value Engineering; noting that the contract is a \$4 million project.

Mr. Izzo commented that the Engineering Department has been working with Mrs. Jennings to institute a new policy in regard to Value Engineering that will pertain to all new projects over a certain dollar amount. Mr. Izzo noted that the time for Value Engineering is during the design process and not during the construction process; that the project is for a standard pump station design and force main alignment; that this project is through a congested area (Route One) and they have a tight window for getting into the area; that to stop now to perform Value Engineering would possibly delay the project until Summer 2015; that they have awarded the bid based on the Council's action; that the contract bonds are being compiled; and that they anticipate a start date of September 15, 2014.

**M 407 14**  
**Value**  
**Engineering/**  
**Cursory**  
**Review**  
**Request for**  
**Pump**  
**Station 207**  
**& Force**  
**Main**  
**Project**  
**(DENIED)**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to direct the Engineering Department to contract with an Engineering Consulting Firm, preapproved by the Council, to do a cursory review for the purpose of Value Engineering the project (for Pump Station 207 and Force Main), without stopping the project.

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

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

**Mr. Lawson noted that a value engineering policy is a work in progress and not in place yet.**

**Old**  
**Business**

Under Old Business, the Council discussed Change of Zone No. 1751 filed on behalf of Peninsula at Long Neck, LLC.



**Old  
Business/  
C/Z  
No. 1751  
(continued)**

The Planning and Zoning Commission held a Public Hearing on this application on June 12, 2014 at which time action was deferred. The Commission deferred action again on June 26th and July 17th, 2014. On July 24, 2014, the Commission recommended a conditional approval, as follows: Condition 10 (C) of C/Z #1697 in Ordinance No. 2180 is modified to extend the time period for constructing the clubhouse until December 1, 2016. However, this extension is contingent upon the following events occurring: 1) Within 60 days of the approval of this Ordinance Amendment, the developer shall submit to the Sussex County Planning and Zoning Commission a sketch or concept plan of the proposed clubhouse with the estimated square footage of the structure. The developer shall consult with the homeowners regarding the design in the sketch plan and the proposed square footage of the clubhouse; 2) At the same time the concept or sketch plan and square footage are submitted, the developer shall submit an estimated cost per square foot to construct the proposed clubhouse; 3) Within 30 days of the approval of the concept or sketch plan and square footage by the Sussex County Planning and Zoning Commission, the developer shall submit a Bond or Letter of Credit acceptable in form by the Sussex County Attorney in the amount of 125% of the estimated cost to construct the proposed clubhouse; 4) If the developer does not submit a new Bond or Letter of Credit as required, Sussex County shall prohibit the issuance of any further residential building permits within The Peninsula until the new Bond or Letter of Credit is submitted to Sussex County; and 5) No further extensions will be granted.

The County Council held a Public Hearing on this application on August 5, 2014 at which time action was deferred for two weeks.

**M 408 14  
Modify  
Condition  
10(C) to  
C/Z  
No. 1697/  
Ordinance  
No. 2180  
  
(Application  
C/Z 1751)**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to modify Condition 10 (C) of Change of Zone No. 1697 in Ordinance No. 2180, to extend the time period for constructing the clubhouse until December 1, 2016; however, this extension is contingent upon the following events occurring:

1. Within 60 days of the approval of this Ordinance Amendment, the developer shall submit to the Sussex County Planning and Zoning Commission a sketch or concept plan of the proposed clubhouse with the estimated square footage of the structure. The developer shall consult with and obtain the approval of the homeowners association regarding the design in the sketch plan and the proposed square footage of the clubhouse. In no event shall the clubhouse be less than 25,000 finished square feet (32,000 total square feet) with a value of \$11,470,800.00 without first obtaining approval from the homeowners association.
2. At the same time the concept or sketch plan and square footage are submitted, the developer shall submit an estimated cost per square foot to construct the proposed clubhouse.
3. Within 30 days of the approval of the concept or sketch plan and square footage by the Sussex County Planning and Zoning

**M 408 14  
Modify  
Condition  
10(C) to  
C/Z  
No. 1697/  
Ordinance  
No. 2180**

- Commission, the developer shall submit a Bond or Letter of Credit acceptable in form by the Sussex County Attorney in the amount of 125% of the estimated cost to construct the proposed clubhouse.**
- 4. If the developer does not submit a new Bond or Letter of Credit as required, Sussex County shall prohibit the issuance of any further residential building permits within The Peninsula until the new Bond or Letter of Credit is submitted to Sussex County.**
  - 5. No further extensions will be granted.**

**(Application  
C/Z 1751)**

**Motion Adopted: 5 Yeas.**

**(continued)**

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

**M 409 14  
Adopt  
Ordinance  
No. 2362/  
C/Z  
No. 1751**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Ordinance No. 2362 entitled “AN ORDINANCE TO MODIFY CONDITION NO. 10(C) IMPOSED ON ORDINANCE NO. 2180 FOR CHANGE OF ZONE NO. 1697, THE APPLICATION OF PENINSULA AT LONG NECK, LLC FOR “THE PENINSULA”, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO EXTEND THE TIME TO CONSTRUCT AND OPEN FOR USE THE GOLF CLUBHOUSE FACILITY” (Change of Zone No. 1751) filed on behalf of Peninsula at Long Neck, LLC, with the following condition, as amended:**

- 1. To Modify Condition 10(C) imposed on Ordinance No. 2180 for Change of Zone No. 1697 to extend the time period for constructing the clubhouse until December 1, 2016; however, this extension is contingent upon the following events occurring:**
  - a. Within 60 days of the approval of this Ordinance Amendment, the developer shall submit to the Sussex County Planning and Zoning Commission a sketch or concept plan of the proposed clubhouse with the estimated square footage of the structure. The developer shall consult with and obtain the approval of the homeowners association regarding the design in the sketch plan and the proposed square footage of the clubhouse. In no event shall the clubhouse be less than 25,000 finished square feet (32,000 total square feet) with a value of \$11,470,800.00 without first obtaining approval from the homeowners association.**
  - b. At the same time the concept or sketch plan and square footage are submitted, the developer shall submit an estimated cost per square foot to construct the proposed clubhouse.**
  - c. Within 30 days of the approval of the concept or sketch plan and square footage by the Sussex County Planning and Zoning Commission, the developer shall submit a Bond or Letter of Credit acceptable in form by the Sussex County Attorney in the amount of 125% of the estimated cost to construct the**

**M 409 14  
Adopt  
Ordinance  
No. 2362/  
C/Z  
No. 1751  
(continued)**

- proposed clubhouse.
- d. If the developer does not submit a new Bond or Letter of Credit as required, Sussex County shall prohibit the issuance of any further residential building permits within The Peninsula until the new Bond or Letter of Credit is submitted to Sussex County.
  - e. No further extensions will be granted.

**Motion Adopted: 5 Yeas.**

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

**Old  
Business/  
C/U  
No. 1991**

**Under Old Business, the Council discussed Conditional Use No. 1991 filed on behalf of Coolspring, LLC/Highway One.**

**The Planning and Zoning Commission held a Public Hearing on this application on July 10, 2014 at which time action was deferred. On July 24, 2014, the Commission deferred action again. On August 7, 2014, the Commission recommended that the application be denied.**

**The County Council held a Public Hearing on this application on July 22, 2014 at which time action was deferred. On August 12, 2014, the Council deferred action again.**

**Lawrence Lank, Director of Planning and Zoning, reported that on August 17, 2014, the County received a letter from Stephen Spence, Attorney representing Coolspring, LLC/Highway One, requesting that the Council allow the application to be withdrawn. Mr. Moore read the letter into the record.**

**Mr. Lank stated that the Council has two options in regard to the application: act on the application, to approve or deny, or consider the request to withdraw the application.**

**Mr. Lank and Mr. Moore reviewed the County's policy on the withdrawal of zoning applications.**

**M 410 14  
Accept  
Request to  
Withdraw  
C/U  
No. 1991**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to accept the request to withdraw Conditional Use No. 1991 filed on behalf of Coolspring, LLC/Highway One.**

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

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

**M 411 14**      **At 10:45 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session.**  
**Go Into**  
**Executive**  
**Session**      **Motion Adopted:      5 Yeas.**

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

**Executive**      **At 10:51 a.m., an Executive Session of the Sussex County Council was held**  
**Session**      **in the Basement Caucus Room for the purpose of holding job applicants’**  
**interviews and discussing issues relating to land acquisition. The Executive**  
**Session concluded at 1:35 p.m.**

**M 412 14**      **A Motion was made by Mr. Wilson, seconded by Mr. Cole, to reconvene the**  
**Reconvene**      **Regular Session at 1:39 p.m.**  
**Regular**  
**Session**      **Motion Adopted:      5 Yeas.**

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

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

**Minutes**      **The minutes of August 5, 2014 were approved by consent.**

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

**M 413 14**      **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$6,000**  
**Council-**      **(\$5,000 from Mr. Wilson’s Councilmanic Grant Account, \$500.00 from Mr.**  
**manic**      **Phillips’ Councilmanic Grant Account, and \$500.00 from Mr. Vincent’s**  
**Grant**      **Councilmanic Grant Account) to Delmarva Teen Challenge for a**  
**fundraising event.**

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

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

**M 414 14**      **A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give**  
**Council-**      **\$750.00 (\$500.00 from Mr. Vincent’s Councilmanic Grant Account and**  
**manic**      **\$250.00 from Mr. Wilson’s Councilmanic Grant Account) to the Town of**  
**Grant**      **Bridgeville for the Police Department’s “National Night Out” community**  
**event.**

**Motion Adopted:      5 Yeas.**

**M 414 14  
(continued)**

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

**Additional  
Business**

**Under Additional Business, Dan Kramer commented on the zoning application for a country music festival.**

**Under Additional Business, Finley Jones, former Sussex County Councilman, extended greetings to Council and staff.**

**Council  
Meeting  
Schedule**

**Mr. Lawson commented on the next regularly scheduled Council meeting on September 9th and Council discussed whether or not to hold a meeting on that date. It was decided to make a decision on or before September 2nd.**

**Public  
Hearing/  
C/Z  
No. 1754**

**A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS” (Change of Zone No. 1754) filed on behalf of Bayshore Plaza Associates, LLC (Tax I.D. No. 533-12.00-77.00 & 76.03) (911 Address: 36437 Lighthouse Road, Selbyville, DE 19975)**

**The Planning and Zoning Commission held a Public Hearing on this application on June 26, 2014 at which time the recommended that the application be approved.**

**(See the minutes of the Planning and Zoning Commission dated June 26, 2014)**

**Lawrence Lank, Director of Planning and Zoning, read a summary of the Commission’s Public Hearing.**

**The Council found that Preston Dyer was present on behalf of Bayshore Plaza Associates, LLC and he submitted drawings into the record. Mr. Dyer stated that he and Mr. McCrea own the adjoining property (2.5 acres) and that they have a contract to purchase the .52 acre parcel; that they are proposing to change the zone from B-1 Neighborhood Business to CR-1 Commercial Residential as an extension to the C-1 General Commercial zoning that surrounds the site; that they want to have a consistent zoning classification; that combining the properties creates a more effective use of the land; that with CR-1 zoning, the permitted uses would be the same as in C-1 with the exception of multi-family; that the DeIDOT agreement is that access will be from the existing entrance from Route 54 that serves the adjoining C-1 zoned property; that DeIDOT constructed that entrance and they paid DeIDOT for the work; that the rezoning is consistent with the Comprehensive Plan as it lies within an Environmentally Sensitive Development District and in a Level**

**Public  
Hearing/  
C/Z  
No. 1754  
(continued)**

**2 Area; that the rezoning is basically an in-fill; that there will be no detrimental impact to the adjoining properties; that there is a scattering of commercial uses in the area; and that the project is complimented in the rear with a 100 unit townhouse project that they are in the process of developing.**

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

**M 415 14  
Adopt  
Ordinance  
No. 2363/  
C/Z  
No. 1754**

**A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Ordinance No. 2363 entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A B-1 NEIGHBORHOOD BUSINESS DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRES, MORE OR LESS” (Change of Zone No. 1754) filed on behalf of Bayshore Plaza Associates, LLC.**

**Motion Adopted: 5 Yeas.**

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

**M 416 14  
Adjourn**

**A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to adjourn at 1:57 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

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

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, AUGUST 22, 2014**

**A special meeting of the Sussex County Council was held on Friday, August 22, 2014, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>Samuel R. Wilson, Jr.</b>	<b>Vice President</b>
<b>George B. Cole</b>	<b>Councilman</b>
<b>Joan R. Deaver</b>	<b>Councilwoman</b>
<b>Vance Phillips</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>

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

**Call to  
Order**

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

**M 417 14  
Approve  
Agenda**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to approve the Agenda, as posted.**

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

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

**M 418 14  
Go Into  
Executive  
Session**

**A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to recess the Regular Session and to go into Executive Session for the purpose of conducting job applicants' interviews.**

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

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

**Executive  
Session**

**At 10:05 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of conducting job applicants' interviews. The Executive Session concluded at 2:32 p.m.**

**M 419 14  
Reconvene  
Regular  
Session**

**At 2:35 p.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**

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





## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

August 14, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
MILLVILLE BY THE SEA - SUMMERWIND VILLAGE, PHASE 2  
AGREEMENT NO. 856 - 6

#### DEVELOPER:

Mr. Chuck Ellison  
Millville Town Center, L.L.C.  
32965 Roxana Road  
Millville, DE 19967

#### LOCATION:

Town of Millville  
Substation and Burbage Roads

#### SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

33 Single Family

#### SYSTEM CONNECTION CHARGES:

\$181,500.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
05/28/14

Department Of Natural Resources Plan Approval  
07/03/14

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 31  
Construction Admin And Construction Inspection Cost – \$16,522.22  
Proposed Construction Cost – \$110,148.15

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

August 14, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
MILLVILLE BY THE SEA - SUMMERWIND VILLAGE, PHASE 3  
AGREEMENT NO. 856 - 7

#### DEVELOPER:

Mr. Chuck Ellison  
Millville Town Center, L.L.C.  
32965 Roxana Road  
Millville, DE 19967

#### LOCATION:

Town of Millville  
Substation and Burbage Roads

#### SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

28 Single Family

#### SYSTEM CONNECTION CHARGES:

\$154,000.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
05/28/14

Department Of Natural Resources Plan Approval  
07/03/14

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 26  
Construction Admin And Construction Inspection Cost – \$13,594.11  
Proposed Construction Cost – \$90,627.40

## ENGINEERING DEPARTMENT

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



# Sussex County

DELAWARE  
sussexcountyde.gov

MICHAEL A. IZZO, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

August 21, 2014

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
WARRINGTON CREEK - PHASE 5 (A/K/A SAWGRASS)  
AGREEMENT NO. 378 - 5

#### DEVELOPER:

Mr. Michael Accardi  
Sawgrass South, L.L.C.  
1300 Piccard Drive  
Suite 103  
Rockville, MD 20850

#### LOCATION:

South East Side of Old Landing Road

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

3 buildings with 7 units in each building

#### SYSTEM CONNECTION CHARGES:

\$115,500

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
02/04/05

Department Of Natural Resources Plan Approval  
03/14/05

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90  
Construction Admin And Construction Inspection Cost – \$3,064.09  
Proposed Construction Cost – \$20,427.26

## MOUNT JOY CIVIC ASSOCIATION

July 18, 2014

Councilwoman Joan Deaver  
19208 Plantation Road  
Rehoboth Beach, DE19971

RE: Back to School Bash

Dear Councilwoman Deaver:

Mount Joy Civic Association's mission is to serve, promote, and protect the community as a whole, and provide safe and healthy environment for the children and families in the community. Our organization goals are to improve the quality of life in our community.

Mount Joy Civic Association in partnership with First State Community Action Agency will be hosting a "Back to School Bash" that will be held on August 23, 2014. We would appreciate your support in donating in the amount of \$500.00 to purchase the following:

School supplies (Book Bags, Paper, rulers, erasers, pencils, pens, markers, crayons, etc. . .)

The Mount Joy Civic Association is a non-profit organization (Tax ID# 26-3690303) we would appreciate your support .If you have any questions, please feel free to contact Martina Duffy, Community Development Specialist at 302-856-7761 ext. 110 or Apostle Thomas Sturgis at 302-381-9791. We thank you and appreciate any assistance you can give us in making this happen.

Respectfully,

*Apostle Thomas Sturgis*

Apostle Thomas Sturgis  
President

Mount Joy Civic  
Association  
25965 Oak Street  
Millsboro, DE 19966

Phone: 302-381-9791

### Board of Directors

#### President

*Apostle Thomas  
Sturgis*

#### Vice President

*Rev. Fred Hopkins*

#### Treasurer

*Wanda Hopkins*

#### Secretary

*Helena Harmon*

#### Assistant Secretary

*Angela Sample*

#### Sergeant at Arms

*Rodney Nocks*

#### Sergeant at Arms

*John Bradley*

#### Chaplin

*Sarah Mifflin*

#### Committee leader

*Lovey Hopkins*

#### Assistant Committee Leader

*Barbra Bailey*

**Primeros Pasos, Inc.**  
**(First Steps)**  
**Early Education Center**



P.O. Box 1003  
Georgetown, DE 19947  
(302) 856-7406  
[www.primerospasosde.org](http://www.primerospasosde.org)

■  
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*Primeros Pasos is a  
501(c)(3) non-profit organization*

Primeros Pasos, Inc. (First Steps)  
P.O. Box 1003  
Georgetown, DE 19947

August 13, 2014

The Honorable Samuel Wilson  
County Councilman  
Sussex County Council  
P.O. Box 589  
Georgetown, DE 19947

*Sam*  
Dear Councilman Wilson:

The Board of Directors for Primeros Pasos Early Learning Center in Georgetown wishes to thank you and the County Council for its support of our program. We have been successful with our program in meeting our primary goal to prepare our young students for kindergarten and the rest of their education. Some of our students are unable to speak English well when they begin at Primeros Pasos. When they complete their time at Primeros Pasos they are well versed in English, and math basics, and ready for public school.

Our school has been recognized by the State of Delaware as a 4 Stars quality program. To attain this 4 Stars rating we must meet various academic standards that the State prescribes.

Our pre-school currently operates at St. Paul's Episcopal Church. Due to limited available space at the Church, we are only able to serve a maximum of 20 students. As you are aware, we are in the midst of a capital campaign to raise funds to build a facility on Savannah Road in Georgetown which will enable us to increase our capacity to approximately 63-70 students. We will be renovating 3 Nanticoke Home built buildings donated by Poly Tech High School at our new location.

Following up on our conversation, the purpose of this letter is to request your consideration to provide grant funds for our Pre-School in Georgetown. Approximately 95% of our students are from low income working families. Your funds can be designated for operation costs or for our capital campaign. Primeros Pasos is a 501-C-3 non-profit organization. (Fed ID 51-0375288)

Thanks again for your support. Please feel free to contact us if you have any questions or if we can be of any assistance.

A handwritten signature in black ink, appearing to read 'David B Baker'.

David B Baker  
Board Member; 302-245-9811

*GFWC Zwaanendael Women's Club  
PO Box 100  
Lewes, Delaware 19958*

*August 19, 2014*

*Ms. Nancy Cordrey  
Administrative Secretary  
Finance Administration  
c/o Sussex County Council  
Sussex County Delaware  
2 The Circle  
Georgetown, Delaware 19947*

*Dear Ms. Cordrey:*

*The GFWC Zwaanendael Women's Club would like to be considered for a grant from the Sussex County Council in the amount of \$1,500. During a major rainstorm our sump pump stopped working in the basement and caused a flood. We had to have our boiler repaired and our sump pump replaced.*

*The building, located at the corner of Third Street and Savannah Road is on the National Register of Historic Buildings, originally built in 1898.*

*The club contributes to the community by raising funds for local charities including a scholarship to Beebe School of Nursing.*

*We contributed to Home of the Brave for Men and Women, Harbor Healthcare for Men and Women residents, and People's Place in Milford. We contribute to shelters and domestic violence. The repairs that we had to make to the building has caused a major depletion in our treasury and has caused us a hardship in contributing to our charities.*

*The GFWC Zwaanendael Women's club are members of the Lewes Historical Society. We also use the building for our meetings and participate in the Christmas tour by having an open house. We are a 501c3 organization. Attached is a copy of our status. The GFWC Zwaanendael Women's Club would appreciate your financial assistance so we may keep our building in good repair.*

*Thank you for considering this request.*

*Sincerely,  
Maggie Bauducco, President  
Patricia Zisa, Corresponding Secretary*

**Council District – Deaver - District No. 3  
Tax I.D. No. 334-1.00-15.02/15.04  
911 Address: 16542 Old Mill Road, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SELF-STORAGE FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.74 ACRES, MORE OR LESS”**

**WHEREAS, on the 30th day of July 2014, a conditional use application, denominated Conditional Use No. 1998 was filed on behalf of Todd Fisher; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 1998 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1998 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 northwest of Old Mill Road (Road 265-A) 300 feet northeast of Route One and being more particularly described as Lot “A” and Lot “B” in Plot Book 105, Page 271, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.74 acres, more or less.**

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

**Council District – Deaver - District No. 3  
Tax I.D. No. 334-10.00-51.00  
911 Address: 18186 Dairy Farm Road, Lewes**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BBQ VENDOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 73 ACRES, MORE OR LESS”**

**WHEREAS, on the 31st day of July 2014, a conditional use application, denominated Conditional Use No. 1999 was filed on behalf of Hopkins Farm Creamery, Inc.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 1999 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1999 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 at the southwest corner of U.S. Route 9 (Seashore Highway) and Road 261 (Dairy Farm Road) and being more particularly described in Deed Book 2872, Page 1, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 73 acres, more or less.**

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



**Council District – Cole - District No. 4  
Tax I.D. No. 334-12.00-121.01  
911 Address: 35060 Warrington Road, Rehoboth Beach**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A FACILITY FOR WEDDING CEREMONIES AND RECEPTIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.683 ACRES, MORE OR LESS”**

**WHEREAS, on the 31st day of July 2014, a conditional use application, denominated Conditional Use No. 2000 was filed on behalf of Jovid Venture, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2000 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2000 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 at the southwest corner of Warrington Road (Road 275) and Old Landing Road (Road 274) and being more particularly described in Deed Book 4177, Page 182, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 1.683 acres, more or less.**

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

To Be Introduced 09/09/14

Council District – Deaver - District No. 3  
Tax I.D. No. 334-1.00-23.00  
911 Address: 16403 Old Mill Road, Lewes

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A VETERINARY PRACTICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 32,671 SQUARE FEET, MORE OR LESS**

WHEREAS, on the 19th day of August 2014, a conditional use application, denominated Conditional Use No. 2001 was filed on behalf of Christina Abramowicz; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2001 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2001 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 southeast of Old Mill Road (Road 265-A), 1,900 feet northeast of Route One (Coastal Highway) and being more particularly described in Deed Book 4274, Page 333, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 32,671 square feet.**

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

To Be Introduced 09/09/14

Council District – Deaver - District No. 3  
Tax I.D. No. 334-5.00-74.01  
911 Address: 32191 Nassau Road, Lewes

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A C-1 GENERAL COMMERCIAL DISTRICT FOR A DISTILLERY WITH TOURS/TASTING/RETAIL TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 24,523 SQUARE FEET, MORE OR LESS**

WHEREAS, on the 26th day of August 2014, a conditional use application, denominated Conditional Use No. 2002 was filed on behalf of Beach Bum Distilling, c/o I3A; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, 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. 2002 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

**Section 1.** That Chapter 115, Article XI, Subsection 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2002 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 at the southeast corner of Nassau Road (Route 14) and New Road (Road 266) and being more particularly described in Deed Book 4073, Page 262, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 24,523 square feet, more or less.

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

**To Be Introduced 09/09/14**

**Council District: Phillips – District 5  
Tax I.D. No. 134-18.00-85.00  
911 Address: 35540 Janus Court, Frankford, DE 19945**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 21,923 SQUARE FEET, MORE OR LESS**

**WHEREAS, on the 22nd day of August 2014, a zoning application denominated Change of Zone No. 1761 was filed on behalf of Elizabeth A. Brinton; and**

**WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1761 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County;**

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

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

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

**ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Janus Court, 150 feet west of Road 384 (Bayard Road) being 550 feet north of Road 370 (Daisey Road) at Bayard and being more particularly described as Lot 2 of the subdivided lands of Sun Marine Maintenance Co. as recorded in Plot Book 29 Page 220 in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 21,923 square feet, more or less.**

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

To Be Introduced 09/09/14

Council District: Phillips – District 5  
Tax I.D. No. 532-13.00-78.00  
911 Address: None Available

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 23.37 ACRES, MORE OR LESS**

WHEREAS, on the 31st day of July 2014, a zoning application denominated Change of Zone No. 1762 was filed on behalf of Hale Trailer Brake & Wheel; and

WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1762 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_ day of \_\_\_\_\_ 2014, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County;

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

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Little Creek Hundred, Sussex County, Delaware, and lying at the northeast corner of U.S. Route 13 (Sussex Highway) and Road 452 (East Snake Road) and being more particularly described in Deed Book 4286, Page 244, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 23.37 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.