



Sussex County Council Public/Media Packet

**MEETING:
October 31, 2017**

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**Sussex County Council
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MICHAEL H. VINCENT, PRESIDENT
GEORGE B. COLE, VICE PRESIDENT
ROBERT B. ARLETT
IRWIN G. BURTON III
SAMUEL R. WILSON JR.



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

OCTOBER 31, 2017

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Wastewater Agreement No. 984-8
Sussex County Project No. 81-04
Coastal Club – Jimtown Road Regional Pump Station
Goslee Creek Planning Area
2. Administrator's Report

10:30 a.m. Public Hearing

“AN ORDINANCE TO ADOPT CHAPTER 63, SECTION 63-1 OF THE CODE OF SUSSEX COUNTY WHICH SHALL PROHIBIT POSSESSION OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, OR EXPLOSIVES IN ALL COUNTY BUILDINGS, SUBJECT TO CERTAIN EXCEPTIONS, IN ACCORDANCE WITH TITLE 9, SECTION 330 OF THE DELAWARE CODE”

Hans Medlarz, County Engineer

1. Town of Bethany Beach
 - A. Sale of County Owned Parcels (134-13.00-1841 and 1842)



2. Pump Station 210 Force Main – Contract A, Project 15-08A

A. Change Order and Substantial Completion

John Ashman, Director of Utility Planning

- 1. Request permission to prepare and post notices for the Carillon Woods Expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area)**

Old Business

- 1. Conditional Use No. 2075 filed on behalf of Burton’s Pond LLC (Burton’s Pond Section II)**

Councilman Rob Arlett

- 1. Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE TO ADD A NEW CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED “LABOR UNIONS” TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE SECTOR EMPLOYMENT, INCLUDING PROHIBITION OF MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION DUES OR FEES AS CONDITION OF EMPLOYMENT; INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF COERCION RELATED TO UNION SUPPORT OR MEMBERSHIP”**

Introduction of Proposed Zoning Ordinances

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. 2100 filed on behalf of Catherine Schultz

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL FLOWER SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS” (located on the southwest side of Camp Barnes Road, approximately 425 feet west of Millers Neck Road) (Tax I.D. No. 134-19.00-117.01) (911 Address: 36570 Camp Barnes Road, Frankford)

Conditional Use No. 2101 filed on behalf of 1st State Paving

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF CONSTRUCTION EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS” (located on the east side of Iron Branch Road (Road 331) approximately 2,500 feet northeast of Main Street in Dagsboro (Tax I.D. No. 233-11.00-17.00 (portion of) (911 Address: 31005 Iron Branch Road, Dagsboro)

Conditional Use No. 2102 filed on behalf of Arturo Granados-Gonzalez

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE FORM BUSINESS AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS” (located on the north side of Vines Creek Road, approximately 190 feet west of Townsend Road (Tax I.D. No. 233-12.00-17.02) (911 Address: 30639 Vines Creek Road, Dagsboro)

Adjourn

Sussex County Council meetings can be monitored on the internet at www.sussexcountyde.gov.

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on October 24, 2017, at 5:00 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, OCTOBER 24, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, October 24, 2017, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	Councilman
Samuel R. Wilson Jr.	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 529 17
Approve
Agenda**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the agenda, as posted.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea

Minutes

The minutes of October 10, 2017 were approved by consent.

**Public
Comments**

Public Comments

The following people spoke regarding right-to-work legislation: Steven Bea, William Glass, Charlie Timmons, Kevin Fasic, and Kevin Burdette.

Rick Bell spoke in support of the proposed sports complex and the need for additional sports fields (pickleball, soccer, etc.) in Sussex County.

Mr. Vincent paused the Public Comments portion of the meeting so that Council could hold the scheduled 10:15 a.m. Public Hearing.

**Public
Hearing/
Pratt
Expansion/
SCUSSD**

A Public Hearing was held on the proposed expansion of the boundary of the Sussex County Unified Sanitary Sewer District (Bay View Estates Area) (Pratt Expansion). John Ashman, Director of Utility Planning, reported that the property owner of Parcel 533-19.00-56.00 has requested the annexation. The owner is demolishing the existing cottage and is building a

**Public Hearing/
Pratt Expansion/
SCUSSD
(continued)**

new residence. The parcel is adjacent to a County sewer district and the Engineering Department has planned capacity for the parcel. A lateral was installed for the parcel as part of a previous project in the area. The project will be responsible for system connection charges in place at the time of connection. Mr. Ashman reported that, to date, no responses to the posting have been received.

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

**M 530 17
Adopt
R 029 17**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Resolution No. R 029 17 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) BAY VIEW ESTATES AREA, TO INCLUDE A PARCEL OF LAND (533-19.00-56.00) ALONG THE EAST SIDE OF WILLIAMSVILLE ROAD 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: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, Yea;
Mr. Vincent, Yea**

**Public Comments
(resumed)**

Public Comments (resumed)

Carl Bodine, Betty McGrath, Jermaine Johnson, John Brown, Maurice McGrath, Bianca Rodriquez, John Rodriquez, John Reichert, Theodore Kittila, Senator Bryant Richardson, Eric Masten, David Stevenson, Sandra Ware, Phoebe Cottingham, Michael O'Halloren, and David Dunphy.

Jason Moshier and Kathy Casey spoke in support of the proposed sports complex and the need for additional sports fields (pickleball, soccer, etc.) in Sussex County.

Paul Reiger commented on the unexpired term of a member of the Planning and Zoning Commission.

Dan Kramer commented on information missing on the County's website.

**M 531 17
Approve
Consent
Agenda
Items**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to approve the following items listed under the Consent Agenda:

- 1. Wastewater Agreement No. 510-3
Sussex County Project No. 81-04
The Reserves – Phase 4B
Ocean View Expansion of the Bethany Beach Sanitary Sewer District**

**M 531 17
Approve
Consent
Agenda
Items
(continued)**

- 2. Wastewater Agreement No. 984-17
Sussex County Project No. 81-04
Coastal Club – Land Bay 3 – Phase B (Construction Record)
Goslee Creek Planning Area**
- 3. Wastewater Agreement No. 558-12
Sussex County Project No. 81-04
Peninsula Lakes – Phase 7A (Construction Record)
Long Neck Sanitary Sewer District**
- 4. Wastewater Agreement No. 558-13
Sussex County Project No. 81-04
Peninsula Lakes – Phase 7B (Pump Station #2 & Force Main)
Long Neck Sanitary Sewer District**
- 5. Wastewater Agreement No. 940-1
Sussex County Project No. 81-04
Marsh Island – Pump Station and Force Main
Angola Neck Sanitary Sewer District**
- 6. Wastewater Agreement No. 940-2
Sussex County Project No. 81-04
Marsh Island – Phase 1A (Construction Record)
Angola Neck Sanitary Sewer District**

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Peninsula Lakes – Phase 5 (Construction Record) received Substantial Completion effective October 17th.

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

**FY2018
Human
Service
Grants**

Mrs. Jennings provided a schedule of the FY2018 Human Service Grants and an overview of the program. This program provides grants to countywide non-profit agencies for the purpose of enhancing health and human services, which contribute to a safe, healthy and self-sufficient community. This program provides grants that assist organizations with resources in support of programs or capital purchases.

**FY2018
Human
Service
Grants
(continued)**

Mrs. Jennings explained the application process which is similar to last year's process. She discussed the online application and the formula-based approach to awarding Human Service Grants. Mrs. Jennings outlined the method and criteria for determining recommended grant amounts and presented the recommended Human Service Grants for Fiscal Year 2018 (87 recipients of funds totaling \$225,000.00).

**M 532 17
Approve
FY2018
Human
Service
Grants**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the Fiscal 2018 Human Service Grants allocation, as presented.

Motion Adopted: 5 Yeas.

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

There was a consensus to increase funding to the homeless and to veterans "as we go forward with these grants".

**Draft
Ordinance/
Right-to-
Work**

A discussion was held on the draft ordinance presented to Council on October 10th by Mr. Arlett entitled "AN ORDINANCE RELATING TO THE PROMOTION OF ECONOMIC DEVELOPMENT AND COMMERCE BY REGULATION OF CERTAIN INVOLUNTARY PAYMENTS REQUIRED OF EMPLOYEES IN SUSSEX COUNTY".

Mr. Vincent reported that, at the October 10th meeting, he asked Legal Counsel to review the document and to report back to Council. It was noted that Mr. Moore was asked to provide a legal opinion on this matter.

Mr. Moore reported on the history of the right-to-work issue and legal cases on the matter, the status of the County's law and in particular, the Delaware Home Rule statute; and the possible legal repercussions if the draft ordinance is introduced/adopted.

Mr. Moore commented on the draft ordinance that was presented by Mr. Arlett for introduction on October 10th and he noted that his office did not draft the ordinance. Mr. Moore stated that he has reviewed the draft ordinance and he advised that it is not in proper form to be introduced on this date. Mr. Moore advised that, under 9 Del.C. 7002(m), it sets forth certain requirements for introduction, which the draft ordinance does not meet (the short title needs to be formatted, the ordinance needs the new chapter number in the body of the ordinance, and the body of the ordinance needs certain underscoring and italics).

Mr. Moore stated that it is his recommendation and legal opinion that Sussex County does not have the right, under the Home Rule statute, to enact this and also, if the ordinance is attempted to be introduced on this date in its current format, that it would be improper and could be

Draft Ordinance/ Right-to Work (continued)

challenged.

A discussion was held regarding the draft ordinance and it was decided that Mr. Arlett will work with Mr. Moore to make corrections to the draft ordinance so that it will be in the correct format for introduction and further, that the matter be placed on the next agenda (October 31st) for consideration.

Grant Request

Mrs. Jennings presented a grant request for Council's consideration.

M 533 17 Councilmanic Grant

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to give \$1,100.00 (\$220.00 from each Councilmanic Grant Account) to the Mason Dixon Woodworkers for the holiday toy program.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea

Introduction of Proposed Ordinances

Mr. Arlett introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 71.379 ACRES, MORE OR LESS" (Change of Zone No. 1846) filed on behalf of CMF Bayside, LLC (Tax I.D. No. 533-19.00-297.00) (911 Address: Not Available).

Mr. Vincent introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.09 ACRES, MORE OR LESS" (Change of Zone No. 1847) filed on behalf of Winsferd Ray Hutchins, Sr. and Josephine C. Hutchins (Tax I.D. No. 132-12.00-102.01) (911 Address: 28506 Sussex Highway, Laurel).

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CERTAIN CONDITIONS OF APPROVAL OF CONDITIONAL USE NO. 2071 (ORDINANCE NO. 2514) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 31.9478 ACRES, MORE OR LESS" (Conditional Use No. 2117) filed on behalf of Blessing Greenhouse and Compost (Tax I.D. No. 230-15.00-34.00 and 35.00) (911

Introduction of Proposed Ordinances (continued)

Address: 9372 Draper Road, Milford).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE WITH CONTRACTOR STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.6425 ACRES, MORE OR LESS” (Conditional Use No. 2118) filed on behalf of John W. Davidson (Tax I.D. No. 234-10.00-70.16) (911 Address: Not Available).

The Proposed Ordinances will be advertised for Public Hearing.

**M 534 17
Go Into Executive Session**

At 11:40 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to land acquisition.

Motion Adopted: 5 Yeas.

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

Executive Session

At 11:43 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the for the purpose of discussing matters relating to land acquisition. The Executive Session concluded at 12:12 p.m.

**M 535 17
Reconvene Regular Session**

At 12:14 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Absent; Mr. Cole, Absent;
Mr. Vincent, Yea**

E/S Action

There was no action on Executive Session matters.

**M 536 17
Recess**

At 12:14 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to recess until 1:30 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Absent; Mr. Cole, Absent;
Mr. Vincent, Yea**

M 537 17 **At 1:38 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to**
Reconvene **reconvene.**

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
 Mr. Wilson, Yea; Mr. Cole, Yea;
 Mr. Vincent, Yea

Rules **Mr. Moore read the rules of procedure for zoning hearings.**

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
CU 2097 **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTO-**
 MOBILE AND TRUCK SALES, SERVICE, AND REPAIR TO BE
 LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN
 DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.01
 ACRES, MORE OR LESS” (Conditional Use No. 2097) filed on behalf of
 Christopher Lopez (Tax I.D. No. 133-2.00-21.00) (911 Address: 24487
 DuPont Boulevard, Georgetown).

Janelle Cornwell, Planning and Zoning Director, presented the Conditional
Use application.

The Planning and Zoning Commission held a Public Hearing on this
application on September 14, 2017 at which time action was deferred. On
September 28, 2017, the Commission recommended that the application be
approved with conditions (A-M), as follows:

- A. The Final Site Plan shall show all required parking areas for**
customers and for cars and trucks that are for sale. These areas shall
be clearly designated on the site itself. No parking shall be permitted
within the front yard setback.
- B. There shall not be any outside storage of junked vehicles, automobile**
parts, equipment, tires, or other materials used to repair cars or
trucks.
- C. The only repair work allowed at the shop will be for automobiles,**
trucks and farm equipment.
- D. As proposed by the Applicant, the business will only be operated**
between the hours of 7:00 a.m. until 6:00 p.m. Monday through
Friday, and 7:00 a.m. until 5:00 p.m. on Saturday.
- E. There may only be one lighted sign on the property advertising the**
business, not to exceed 32 square feet in size on either side.
- F. Any security lights shall be screened so that they do not shine on**
neighboring properties or roadways.
- G. All loading areas and storage areas shall be screened with a 6-foot**
high privacy fence.
- H. The area for a dumpster shall be located behind the building and shall**
be screened from view. Its location shall also be shown on the Final

**Public
Hearing/
CU 2097
(continued)**

Site Plan.

- I. All entrances, intersections, roadway improvements, and multi-modal required by DelDOT shall be completed by the Applicant as required by DelDOT and within the time periods required.**
- J. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with all applicable State and County requirements and shall be operated utilizing Best Management Practices.**
- K. As stated by the Applicant, there shall be no more than 5 cars or trucks on site for servicing at any one time.**
- L. The Final Site Plan shall allow for interconnectivity with adjacent properties if they are ever developed or redeveloped.**
- M. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated September 14 and 28, 2017.)

Exhibit Booklets were previously provided by the Applicant and distributed to Council members.

The Council found that Mark Davidson of Pennoni Associates was present with the Applicant, Christopher Lopez. Mr. Davidson stated that this application is for an extension to an existing Conditional Use approved in 2012 (CU No. 1901 for automotive service and repair garage) to add automobile and truck sales along with service and repair; that the property is owned by the Applicant; that the Applicant has now purchased additional land (30,000 square feet) to add to his existing Conditional Use site; that he now owns approximately 1 acre total; that as part of this Conditional Use, the existing entrance will be moved to the north side of the building; that they will obtain DelDOT's approval to move the entrance; that the Applicant currently has an operation on Route 113 and Market Street in Georgetown and that he is unable to renew the lease on this site; that the use, with the conditions imposed upon it, will not have an adverse impact on neighboring properties as it is adjacent to a contractor's office and adjacent to the Georgetown Speedway; that the location along U.S. Route 113 is appropriate for the use; that there will be a total of approximately 5 to 6 employees; that it is a family run business; that there will be no more than 5 cars on the property at any time to be serviced and there will be a maximum of 20 vehicles on the site for sale; that no Traffic Impact Study was required; that there will be no storage outside of the building; and that all repairs are performed inside.

Mr. Davidson stated that they are requesting a clarification on one of the conditions recommended by the Planning and Zoning Commission (No. 7A) which states "The Final Site Plan shall show all required parking areas for customers and for cars and trucks that are for sale. These areas shall be clearly designated on the site itself. No parking shall be permitted within the front yard setback." Mr. Davidson questioned if the last sentence

**Public
Hearing/
CU 2097
(continued)**

pertains to parking of customers and/or parking of cars for sale and noted that they are requesting that this condition state clearly that there will be no customer parking in the front yard setback and that it does not pertain to the parking of cars for sale. Mr. Davidson advised that, in the Code, it states that no car sales will encroach within 25 feet of the front yard setback and that they will comply with this.

There were no public comments.

The Public Hearing and public record were closed.

**M 538 17
Amend
Condition
7A**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to amend Condition 7A recommended by the Planning and Zoning Commission, as follows: "The Final Site Plan shall show all required parking areas for customers and for cars and trucks that are for sale. These areas shall be clearly designated on the site itself. No customer parking shall be permitted within the front yard setback."

Motion Adopted: 5 Yeas.

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

**M 539 17
Adopt
Ordinance
No. 2527/
CU 2097**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt Ordinance No. 2527 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOBILE AND TRUCK SALES, SERVICE, AND REPAIR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 1.01 ACRES, MORE OR LESS" (Conditional Use No. 2097) filed on behalf of Christopher Lopez, with the following conditions, as amended:

- A. The Final Site Plan shall show all required parking areas for customers and for cars and trucks that are for sale. These areas shall be clearly designated on the site itself. No customer parking shall be permitted within the front yard setback.
- B. There shall not be any outside storage of junked vehicles, automobile parts, equipment, tires, or other materials used to repair cars or trucks.
- C. The only repair work allowed at the shop will be for automobiles, trucks and farm equipment.
- D. As proposed by the Applicant, the business will only be operated between the hours of 7:00 a.m. until 6:00 p.m. Monday through Friday, and 7:00 a.m. until 5:00 p.m. on Saturday.
- E. There may only be one lighted sign on the property advertising the business, not to exceed 32 square feet in size on either side.
- F. Any security lights shall be screened so that they do not shine on

**M 539 17
Adopt
Ordinance
No. 2527/
CU 2097
(continued)**

- neighboring properties or roadways.**
- G. All loading areas and storage areas shall be screened with a 6-foot high privacy fence.**
 - H. The area for a dumpster shall be located behind the building and shall be screened from view. Its location shall also be shown on the Final Site Plan.**
 - I. All entrances, intersections, roadway improvements, and multi-modal required by DelDOT shall be completed by the Applicant as required by DelDOT and within the time periods required.**
 - J. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with all applicable State and County requirements and shall be operated utilizing Best Management Practices.**
 - K. As stated by the Applicant, there shall be no more than 5 cars or trucks on site for servicing at any one time.**
 - L. The Final Site Plan shall allow for interconnectivity with adjacent properties if they are ever developed or redeveloped.**
 - M. The Final Site Plan shall be subject to approval of the Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
CZ 1828**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT- RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1764 (ORDINANCE NO. 1770) CONDITIONS 17A AND 17D TO EXTEND TIMEFRAME ONE YEAR FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 373 ACRES, MORE OR LESS” (Change of Zone No. 1828) filed on behalf of Coastal Club (a/k/a Marine Farm) (Tax I.D. No. 334-11.00-5.00, 334-11.00-395.00 and 396.00) (911 Address: Not Available).

Janelle Cornwell, Planning and Zoning Director, presented the Conditional Use application.

The Planning and Zoning Commission held a Public Hearing on this application on September 14, 2017 at which time action was deferred. On September 28, 2017, the Commission recommended that the application be approved.

**Public
Hearing/
CZ 1828
(continued)**

(See the minutes of the Planning and Zoning Commission dated September 14 and 28, 2017.)

Exhibit Booklets were previously provided by the Applicant and distributed to Council members.

The Council found that James Fuqua, Attorney, was present on behalf of the application. Also in attendance were Preston Schell of Coastal Club, Zach Crouch of Davis, Bowen and Friedel, and Bobby Horsey of Horsey Construction Company. Mr. Fuqua presented the application for a one year time extension on two conditions of approval for the RPC for Coastal Club, Change of Zone No. 1764 (Ordinance No. 1770), Conditions 17A and 17D.

Mr. Fuqua stated that Condition 17A references construction of sewer transmission for the homes located in Jimtown, which is adjacent to Coastal Club, and which was to be completed by May 22, 2017 and Condition 17D which required construction of a sidewalk within the northeast side of Jimtown Road right-of-way by May 22, 2017. Mr. Fuqua presented the reasons for the time extension request for completion of the improvements.

Mr. Fuqua provided a history of the project: the original RPC was known as the Marine Farm which was approved as a MR-RPC in 2005; the original Developer defaulted on their loans; the land was purchased by Coastal Club LLC who took over as the Developer; there was an outstanding question as to whether residents of Jimtown desired the proposed infrastructure improvements that were a condition of approval; the Council settled that issue and required that the improvements be constructed (decision made on 8/18/15); that decision provided that the Developer construct the improvements within three years, but it back-dated the beginning of the three years to the date of the original date of construction (May 23, 2014); thereby the three years was really only 19 months from the time of the decision by Council.

Mr. Fuqua explained the engineering aspect of the design of the sewer, water, drainage, sidewalk and road improvements. He noted that the proposed improvements would normally require about 70 feet of right-of-way; however, it had to be fit into an existing 50 feet of right-of-way. He further noted that the design process involved area residents, DelDOT, DNREC, the Fire Marshal's Office and the Sussex County Engineering Department. Mr. Fuqua referred to the letter he submitted on April 28, 2017 requesting a one year time extension and requesting that it be placed on Council's agenda; however, he was advised that the Applicant would have to follow the formal application process to amend the RPC conditions, which was filed on May 9, 2017. Mr. Fuqua reported that, since they filed the application, DelDOT has finished its review of the road improvement plans and issued a letter of approval on August 10, 2017. The letter of approval indicated that no daytime road closures would be allowed on Jimtown Road until October 1st, and the work did start on or about

**Public
Hearing/
CZ 1828
(continued)**

October 1st by Mr. Horsey's construction company and the improvements that are required will be completed on or before May 22, 2018. Mr. Fuqua also reported that as part of DelDOT's approval, Coastal Club LLC was required to post a performance bond in the amount of 150% of the cost of construction in favor of the State of Delaware. It was reported that the Sussex County Engineering Department has no objection to the requested time extension and the Planning and Zoning Commission recommended approval of the time extension to May 22, 2018.

Gerald Allen, resident of Jimtown, spoke in support of the application.

Rosalyn Allen Echols (who has interest in a property on Jimtown Road) spoke in opposition to the application. Ms. Echols referenced changes in zoning on two properties in the Jimtown area and changes in the boundary of Jimtown. Ms. Echols spoke in opposition to the application stating that she opposes a time extension because the new infrastructure (i.e. sewer lines and sidewalks and streetlights) will be a financial burden on some residents; that it will culturally change their town; that they want to maintain the integrity of their town; that the roadway/sidewalks will be too close to the homes; and that she is asking that the extension not be granted since approval to construct infrastructure should never have been granted in the first place (without ALL residents agreeing).

Ms. Echols was advised by Ms. Cornwell and Hans Medlarz, County Engineer, that there has been no zoning change for the two properties referenced. Ms. Cornwell provided an explanation of the title of the Proposed Ordinance.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 540 17
Adopt
Ordinance
No. 2528/
CZ 1828**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to Adopt Ordinance No. 2528 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY TO AMEND CHANGE OF ZONE NO. 1764 (ORDINANCE NO. 1770) CONDITIONS 17A AND 17D TO EXTEND TIMEFRAME ONE YEAR FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 373 ACRES, MORE OR LESS" (Change of Zone No. 1828) filed on behalf of Coastal Club (a/k/a Marine Farm).

Motion Adopted: 5 Yeas.

**M 540 17
(continued)**

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

**M 541 17
Adjourn**

At 2:47 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;
Mr. Wilson, Yea; Mr. Cole, 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.}

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

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
COASTAL CLUB - JIMTOWN RD REGIONAL PUMP STATION
AGREEMENT NO. 984 - 8

DEVELOPER:

Mr. Preston Schell
Coastal Club LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

LOCATION:

+/-3,000' South east of intersection between
Beaver Dam Rd. & Jimtown Road

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

38 lots on Jim Town Road, including a pump
station and force main.

SYSTEM CONNECTION CHARGES:

\$219,450.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/25/16

Department of Natural Resources Plan Approval
11/01/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 180
Construction Admin and Construction Inspection Cost – \$82,776.52
Proposed Construction Cost – \$551,843.50



ENGINEERING DEPARTMENT

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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

October 31, 2017

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 984-8 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "COASTAL CLUB, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "COASTAL CLUB – JIMTOWN RD REGIONAL PUMP STATION", LOCATED IN GOSLEE CREEK PLANNING AREA.

ORDINANCE NO. 38
AGREEMENT NO. 984-8

TODD LAWSON
COUNTY ADMINISTRATOR



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

TODD F. LAWSON
COUNTY ADMINISTRATOR
(302) 855-7742 T
(302) 855-7749 F
tlawson@sussexcountyde.gov



Sussex County
DELAWARE
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Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Todd F. Lawson
County Administrator

RE: **"AN ORDINANCE TO PROHIBIT FIREARMS IN COUNTY BUILDINGS"**

DATE: October 27, 2017

During Tuesday's meeting, the Council is scheduled to hold a public hearing on an Ordinance related to the prohibition of firearms and explosives in County Buildings. A copy of the draft ordinance is attached.

As you are aware, over the last few years, the County has focused on improving the safety and security of our operations. These efforts – which have been shepherded through by Human Resources, the County's Safety and Security Manager, and Administration, have resulted in an improved work environment for both our employees and County customers alike.

Feedback from our employees has been extremely positive. However, I have personally heard from several employees who have requested the County do more to improve the security of their facilities, including the County Administrative Office building, the West Complex and the County libraries.

Thus far, our efforts have included new policies and procedures, as well as the installation of additional enhanced security measures in the form of private security officers, numerous security cameras, enhanced lighting, and electronic key-controlled doors.

The County asked the Delaware Capitol Police Department to perform a physical security assessment on our facilities in Georgetown. The Capitol Police provided



several recommendations, with an emphasis on improving the access and security of County buildings. Specifically, their highest recommendation was the installation of mechanicalized security screening through magnetometers. We are now prepared to move forward with the installation of this devices.

As you may recall, prior to 2015, local towns and county governments were prohibited from enacting any law that restricted firearms. In 2015, the State legislature passed House Bill 201, which gave local governments the ability to enact ordinances to restrict the possession of firearms in public buildings, subject to specific requirements. Sussex County supported the legislation and actively worked to see it passed into law.

The ordinance for consideration will allow the County to screen for and prohibit firearms specifically, unless an individual is qualified by the State to carry a firearm under Delaware Code, Title 9 § 330.

Please note, the County does not have to enact an ordinance to forbid any other weapon other than a firearm, all other weapons such as knives, can be prohibited through policy and procedure.

On Tuesday, staff will provide an overview of the ordinance and address any questions you may have.

Please let me know if you have any questions or concerns.

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT CHAPTER 63, SECTION 63-1 OF THE CODE OF SUSSEX COUNTY WHICH SHALL PROHIBIT POSSESSION OF FIREARMS, AMMUNITION, COMPONENTS OF FIREARMS, OR EXPOSIVES IN ALL COUNTY BUILDINGS, SUBJECT TO CERTAIN EXCEPTIONS, IN ACCORDANCE WITH TITLE 9, SECTION 330 OF THE DELAWARE CODE.

WHEREAS, Sussex County has determined that the County buildings are in need of enhanced security measures to protect its employees and visitors from potential harm; and

WHEREAS, as part of its implementation of these enhanced security measures, Sussex County desires to prohibit possession of firearms, ammunition, components of firearms and explosives from all County buildings as defined herein; and

WHEREAS, Title 9, Section 330 of the Delaware Code grants Sussex County the authority to adopt an ordinance regulating the possession of firearms, ammunition, components of firearms and explosives from all County buildings, subject to certain exceptions and inclusion of certain required language therein.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, is hereby amended by adopting a new Chapter 63, entitled "Firearms," and a new § 63-1, entitled, "Possession of firearms, ammunition, components of firearms, or explosives in County buildings," by inserting the underlined language as follows:

"§ 63-1 Possession of firearms, ammunition, components of firearms, or explosives in County buildings.

- a. Possession of Firearms Prohibited. Except as set forth in section e. below, possession of firearms, ammunition, components of firearms, or explosives is prohibited in all County buildings. Persons in violation shall be denied entrance to the building or shall be ordered to leave the building.

- b. County Building Defined. For purposes of this section, “County buildings” shall be defined as any building where a county government entity meets in its official capacity or containing the offices of elected officials and of public employees actively engaged in performing governmental business but excluding any parking facility; provided, however, that if such building is not a County-owned or -leased building, such building shall be considered a county building for the purposes of this section only during the time such government entity is meeting in or occupying such a building.
- c. Required Signs. In all County buildings, a conspicuous sign shall be posted at each entrance stating that the possession of firearms, ammunition, components of firearms, or explosives are prohibited. Such sign may also state that persons in violation shall be denied entrance to the building or shall be ordered to leave the building.
- d. Immediate Departure. Any person who immediately foregoes entry or immediately exits any County building due to the possession of a firearm, ammunition, components of firearms, or explosives shall not be guilty of violating this section.
- e. Exceptions. The following shall constitute valid exceptions to this section:
 - 1. Possession of firearms, components of firearms, and ammunition or explosives by law enforcement officers, the Sussex County Sheriff and Sheriff’s deputies, and Sussex County security officers employed or contracted by Sussex County;
 - 2. Law enforcement agencies receiving shipments or delivery of firearms, components of firearms, ammunition, or explosives;
 - 3. Law enforcement agencies conducting firearm or ammunition safety and training programs, donation, amnesty, or any other similar programs in County buildings;
 - 4. Compliance by persons subject to protection from abuse court orders;
 - 5. Carrying firearms and ammunition by persons who hold a valid license pursuant to either §1441 or §1441A of Title 11 of the Delaware Code so long as the firearm remains concealed except for inadvertent display or for self-defense or defense of others;

6. Carrying firearms and ammunition by officers or employees of the United States duly authorized to carry a concealed firearm; or

7. Carrying firearms and ammunition by agents, messengers and other employees of common carriers, banks, or business firms, whose duties require them to protect moneys, valuables and other property and are engaged in the lawful execution of such duties.”

Section 2. Effective Date. This Ordinance shall become effective upon approval.

Synopsis

This Ordinance amends the Sussex County Code by adopting Chapter 63, § 63-1 which prohibits the possession of firearms, ammunition, components of firearms, or explosives in all County buildings, subject to certain exceptions stated herein, in accordance with Title 9, Section 330 of the Delaware Code.

No text has been deleted. All new text is underlined and in quotations.

ENGINEERING DEPARTMENT

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Sussex County

DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER
JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett
The Honorable Samuel R. Wilson, Jr.

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

RE: ***Town of Bethany Beach
Sale of County Owned Parcels 134-13.00-1841 and 1842***

DATE: October 31, 2017

Sussex County owns parcels 134-13.00-1841.00 and 134-13.00-1842.00 within “The Salt Pond” community located north of the Town of Bethany Beach. They were donated by Salt Pond Associates L.P., the developer in the late 1990ties for a County pump station and a Town well site respectively. The smaller, landlocked one 134-13.00-1842 consists of 2,494 square feet totally encumbered by a Town of Bethany Beach easement. The larger one 134-13.00-1841 consists of 5,292 square feet fronting at the Bethany Loop entrance road to the community.

In December of 2016 the Engineering Department was approached Ralph and Barbara Brown who had a contract on the adjacent parcel 134-13.00-1843.00 questioning the status of the County owned lands with regards to placement of utility improvements. The Engineering Department determined that there was neither an immediate nor future need to place a pump station on the County parcel since service to the area was already provided by a regional pump station. On February 24, 2017 the Browns provided the attached appraisal and expressed written interest in the purchase as long as the Town abandoned their easement rights.

On February 26, 2017 the Department initiated the sales process by submitting the attached Engineer’s report in accordance with the Council approved Disposition of County Real Property. On March 30, 2017 the Browns advised the Department that they were no longer pursuing the purchase of the adjoining lot. On May 5, 2017 Salt Pond Associates L.P. submitted a request to return the parcels which was rejected. On May 4, 2017 Mr. Costello, the County’s Government Affairs Manager determined that the parcels were deemed surplus property after polling all County Departments in accordance with the Policy. On September 1, 2017 Mr. Schrader submitted the attached offer on behalf of Salt Pond Associates L.P. in the amount of \$20,000.00.



The Disposition of County Real Property Policy states that if the property is no longer needed by the County, the County Administrator may offer the property to a public entity before advertising publicly for sealed bids. On October 5, 2017 Mr. Gravier, the Town Manager expressed interest in a purchase. Discussions between the Town of Bethany and the Engineering Department ensued and on October 18, 2017, the Bethany Town Council approved the purchase of the two parcels in the amount of \$20,000.00, contingent upon Sussex County Council's approval of a utility related use. On October 24, 2017 Ms. Cornwell, the County Planning Director confirmed that" *The parcels were identified for use by a public entity as part of the Salt Pond DMR-RPC approval. The use by the Town would be considered a public entity and valid with the MR-RPC approval.*" On the same day Mr. Schrader transmitted the attached increased purchase offer of \$22,000.00 from Salt Pond Associates L.P.

In discussions with the County Administrator he exercised his authority and recommended in accordance with Section 4 (d) of the Policy*that it be offered to the State, a political subdivision of the County or to an interested private organization.* i.e. the Town of Bethany Beach. Therefore, the Administrator and the Sussex County Engineering Department request Council's approval for the sale of parcels 134-13.00-1841 and 1842 to the Town of Bethany Beach in the amount of \$20,000.00.

82803

02291 100

PREPARED BY:
FUQUA AND YORI, P.A.
P. O. Box 250
Georgetown, DE 19947

1-34 13 1841 & 1842

DEED

THIS DEED, Made this 31st day of MARCH,
A. D. 1998,

B E T W E E N

SALT POND ASSOCIATES, a Delaware general partnership, of
P. O. Box 1000, Bethany Beach, Delaware 19930, party of the first
part, hereinafter referred to as the "Grantor",

- A N D -

SUSSEX COUNTY, a political subdivision of The State of
Delaware, of Georgetown, Delaware 19947, party of the second part,
hereinafter referred to as the "Grantee",

W I T N E S S E T H :

That the Grantor, for and in consideration of the sum of
ONE DOLLAR (\$1.00), current lawful money of the United States of
America, the receipt whereof is hereby acknowledged, hereby grants
and conveys unto the Grantee, its successors and assigns forever,

PARCEL 1:

ALL THAT certain lot, piece and parcel of land, situate,
lying and being in Baltimore Hundred, Sussex County, State of
Delaware, being more particularly bounded and described according
to a survey and plot thereof prepared by Land Tech, Inc.,
Registered Surveyors, dated August 2, 1993, as follows, to wit:
BEGINNING at a point in the southerly right-of-way line of Bethany
Loop marking a common corner for this lot and Lot 382; thence,
running by and with Lot 382, South 28 degrees 32 minutes 54 seconds
West, 103.17 feet to a point in line of Lot 382; thence, turning
and running North 65 degrees 31 minutes 32 seconds West, 50.0 feet
to a point in other lands now or formerly of Salt Pond Associates;
thence, turning and running by and with other lands now or formerly
of Salt Pond Associates, North 28 degrees 32 minutes 54 seconds
East, 108.73 feet to a point in the southerly right-of-way line of
Bethany Loop; thence, turning and running by and with the southerly
right-of-way line of Bethany Loop along a curve having a radius of
1362.05 feet, a delta of 02 degrees 05 minutes 59 seconds, an arc
distance of 49.92 feet home to the point and place of beginning,
containing 5,292 square feet of land, be the same more or less.

PARCEL 2:

ALL THAT certain lot, piece and parcel of land, situate,
lying and being in Baltimore Hundred, Sussex County, State of
Delaware, being more particularly bounded and described according
to a survey and plot thereof prepared by Land Tech, Inc.,
Registered Surveyors, dated August 2, 1993, as follows, to wit:
BEGINNING at a point in the line of Lot 382, said point being South
28 degrees 32 minutes 54 seconds West, 103.17 feet from the
southerly right-of-way line of Bethany Loop; thence, from said
point along the line of Lot 382 and Lot 1, South 28 degrees 32
minutes 54 seconds West, 50.0 feet to a point in the line of Lot 1
and marking a common corner for this lot and lands now or formerly

Consideration : \$ 0.00 Exempt Code: A

County	State	Total
0.00	4.00	4.00
Recorder	Date: 05/20/1998	

of Willard R. Pusey, etux.; thence, turning and running by and with lands now or formerly of Willard R. Pusey, etux., North 65 degrees 31 minutes 32 seconds West, 50.0 feet to a point in the line of lands now or formerly of Willard R. Pusey, etux.; thence, turning and running by and with other lands now or formerly of Salt Pond Associates, North 28 degrees 32 minutes 54 seconds East, 50.0 feet to a point in line of lands now or formerly of Salt Pond Associates; thence, turning and running South 65 degrees 31 minutes 32 seconds East, 50.0 feet home to the point and place of beginning, containing 2,494 square feet of land, be the same more or less.

SUBJECT to the Deed of Easement from Salt Pond Associates, a Delaware general partnership, to the Town of Bethany Beach, a political subdivision of The State of Delaware, dated SEPT 4, 1996, 1996, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 2179, Page 305, &c.

BEING a part of the lands and premises heretofore conveyed unto Salt Pond Associates, a Delaware general partnership, by Deed of Salt Pond Investment Company, dated November 24, 1988, and now of record in the Office of the Recorder of Deeds, in and for Sussex County, at Georgetown, Delaware, in Deed Book 1614, Page 81, &c.

IN WITNESS WHEREOF, the said SALT POND ASSOCIATES, a Delaware general partnership, has caused its name by KENNETH A. SIMPLER and C. E. RUPERT SMITH, III, its Partners to be hereunto set, the day and year first abovewritten.

SALT POND ASSOCIATES

Witness

James A. Pusey
[Signature]

By: *[Signature]* (SEAL)
Kenneth A. Simpler, Partner

Witness

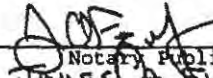
By: *[Signature]* (SEAL)
C. E. Rupert Smith, III, Partner

BK 02291 PG 102

STATE OF DELAWARE *
: 88.
COUNTY OF SUSSEX *

BE IT REMEMBERED, That on this 31st day of MARCH, A. D. 1998, personally appeared before me, the Subscriber, a Notary Public for the State and County aforesaid, KENNETH A. SIMPLER and C. E. RUPERT SMITH, III, Partners of SALT POND ASSOCIATES, a Delaware general partnership, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed and the act and deed of the said general partnership.

GIVEN under my Hand and Seal of Office, the day and year aforesaid.


Notary Public
Name: JAMES A. FUQUA JR.
My Commission Expires: N/A

RECORDER OF DEEDS
SUSSEX COUNTY, DELAWARE
99 MAY 28 PM 1:13
SUSSEX COUNTY
DOC. SURCHARGE IV.10

Received
MAY 29 1998
ASSESSMENT DIVISION
OF SUSSEX CTY

Wilson, Halbrook & Bayard

7-8-98

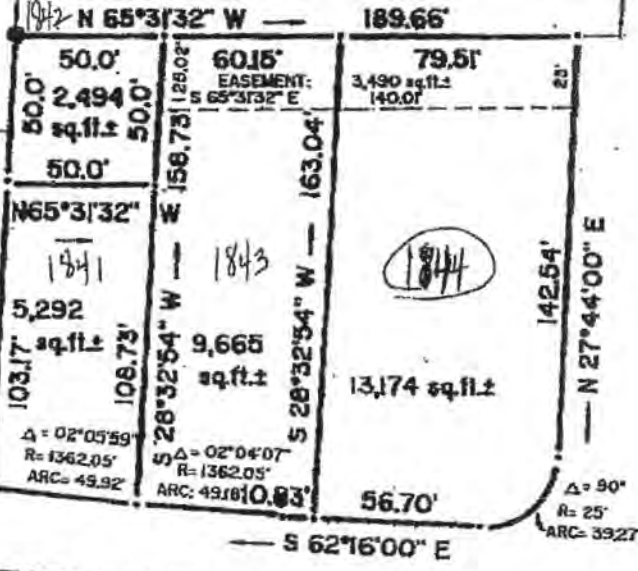
168B-3A

N/F WILLARD R. PUSEY, et ux.

LOT 1

LOT 382

COUNTY ROAD 357



BETHANY LOOP

LANDS OF:

SALT POND ASSOCIATES, L.P.

THIS PLOT AND SURVEY DOES NOT VERIFY THE EXISTENCE OR NON-EXISTENCE OF EGRESS OR EGRESS RIGHTS PERTAINING TO THE PROPERTY.

Parcel:

2,494	sq. ft.	Town of Bethany
5,292	sq. ft.	Sussex County
9,665	sq. ft.	Millville Fire Co.
13,174	sq. ft.	Salt Pond Associates

BALTIMORE HUNDRED - SUSSEX COUNTY - DELAWARE

SCALE 1"=50'	DATE 8-2-93	DRAWN BY EMM
PREPARED BY: LAND TECH INC.	JOB NO. 88245	F.B. NO. 44-9
SURVEYORS, ENGINEERS, LANDSCAPE ARCHITECTS	T.M. 1-34-13	DRAWING NO. 168B-3A
ROUTE 1, BOX 17-B - 118 ATLANTIC AVENUE OCEAN VIEW, DE 18970 TELEPHONE (202) 539-2366		

LAND APPRAISAL REPORT

File No. BethanyLoop

The purpose of this summary appraisal report is to provide the lender/client with an accurate and adequately supported opinion of the market value of the subject property.

CLIENT AND PROPERTY IDENTIFICATION

Property Address: **Parcels 1841.00 & 1842.00 Bethany Loop** City: **Bethany Beach** State: **DE** Zip: **19930**
 Borrower: **N/A** Owner of Public Record: **Sussex County** County: **Sussex**
 Legal Description: **The Salt Pond Phase 5A**
 Assessor's Parcel #: **134-13.00-1841.00 & 134-13.00-1842.00** Tax Year: **2016** R.E. Taxes: **0.00**
 Neighborhood Name: **Salt Pond** Map Reference: **13.00** Census Tract: **0512.02**
 Special Assessments: **None known** PUD Yes No HOA: \$ **675.00** Per Year Per Month
 Property Rights Appraised: Fee Simple Leasehold Other (describe) _____
 Assignment Type: Purchase Transaction Refinance Transaction Other (describe) **Market value**
 Lender/Client: **Ralph & Barbara Brown** Address: _____

CONTRACT ANALYSIS

I did did not analyze the contract for sale for the subject purchase transaction. Explain the results of the analysis of the contract for sale or why the analysis was not performed.
 Contract Price \$: _____ Date of Contract: _____ Is the property seller the owner of public record? Yes No Data Source(s) _____
 Is there any financial assistance (loan charges, sale concessions, gift or down payment assistance, etc.) to be paid by any party on behalf of the borrower? Yes No
 If Yes, report the total dollar amount and describe the items to be paid. \$ _____

NEIGHBORHOOD DESCRIPTION

Note: Race and the racial composition of the neighborhood are not appraisal factors.

Neighborhood Characteristics				One-Unit Housing Trends				One-Unit Housing		Present Land Use %	
Location	<input type="checkbox"/> Urban	<input checked="" type="checkbox"/> Suburban	<input type="checkbox"/> Rural	Property Values	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining	PRICE	AGE	One-Unit	70 %
Built-Up	<input type="checkbox"/> Over 75%	<input checked="" type="checkbox"/> 25-75%	<input type="checkbox"/> Under 25%	Demand/Supply	<input type="checkbox"/> Shortage	<input checked="" type="checkbox"/> In Balance	<input type="checkbox"/> Over Supply	\$(000)	(yrs)	2-4 Unit	0 %
Growth	<input type="checkbox"/> Rapid	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Slow	Marketing Time	<input type="checkbox"/> Under 3 mths	<input checked="" type="checkbox"/> 3-6 mths	<input type="checkbox"/> Over 6 mths	15 Low	1	Multi-Family	0 %
Neighborhood Boundaries: North of Rt 26; South of Indian River Inlet; East of and West of Rt 1.								800 High	85	Commercial	8 %
								120 Pred.	45	Other Misc.*	22 %

	Good	Aver.	Fair	Poor		Good	Aver.	Fair	Poor
Convenience to Employment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property Compatability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Shopping	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General Appearance of Properties	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Primary Education	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adequacy of Police/Fire Protection	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Convenience to Recreational Facilities	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Protection from Detrimental Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Employment Stability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Overall Appeal to Market	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Neighborhood Description: **The subject's lot is located within Salt Pond. The lot is not far from the Atlantic Ocean and beaches. Bethany Beach is within minutes. The subject's neighborhood amenities include indoor and outdoor pools, tennis, a fitness center, and golf. The miscellaneous land uses above include park area, wetlands, some farmland, woodlands, and otherwise vacant land. This area of Sussex County has seasonal employment.**

Market Conditions (including support for the above conclusions): **See 1004MC provided.**

SITE DESCRIPTION

Dimensions: **49.92x158.73x50x153.17** Area: **7792** Acres Sq.Ft. Shape: **Rectangular +/-** View: **Comm;**
 Zoning Classification: **MR** Zoning Description: **Medium Density Residential District**
 Zoning Compliance: Legal Legal Nonconforming (Grandfathered Use) No Zoning Illegal (describe) _____
 Uses permitted under current zoning regulations: **Residential dwelling**
 Highest & Best Use: **Residential Home**
 Describe any improvements: **None**
 Do present improvements conform to zoning? Yes No No improvements If No, explain: _____
 Present use of subject site: **Vacant land** Current or proposed ground rent? Yes No If Yes, \$ **0.00**
 Topography: **Level** Size: **7792sf** Drainage: **Appeared Adequate**
 Corner Lot: Yes No Underground Utilities: Yes No Fenced: Yes No If Yes, type: _____
 Special Flood Hazard Area Yes No FEMA Flood Zone: _____ FEMA Map #: _____ FEMA Map Date: _____

UTILITIES	Public	Other	Provider or Description	Off-Site Improvements	Type/Description	Public	Other
Electricity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	available	Street Surface	Macadam	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	private propane available	Street Type/Influence	Busy/entrance to nghbrhd and shp center	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water	<input checked="" type="checkbox"/>	<input type="checkbox"/>	impact fee to hook up	Curb/Gutter	None	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sanitary Sewer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	impact fee to hook up	Sidewalk	None	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>		Street Lights	Lights from parking lot	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>		Alley	None	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Are the utilities and off-site improvements typical for the market? Yes No If No, describe: _____
 Are there any adverse site conditions or external factors (easements, encroachments, environmental conditions, land uses, etc.)? Yes No If Yes, describe:
The subject lot is located at the entrance to the neighborhood and shopping center. A parking lot, grocery store, and pad site for future commercial building are directly in front of the subject.

Site Comments: **According to the county zoning office, the lot would only support a 25ft wide home. The lot is in an undesirable location within a desirable neighborhood.**

LAND APPRAISAL REPORT

File No. BethanyLoop

There are comparable sites currently offered for sale in the subject neighborhood ranging in price from \$ to \$
 There are comparable sites sold in the past 12 months in the subject neighborhood ranging in sale price from \$ to \$

COMPARABLE SALES							
FEATURE	SUBJECT	COMPARABLE SALE NO. 1		COMPARABLE SALE NO. 2		COMPARABLE SALE NO. 3	
Address	Parcels 1841.00 & 1842.00 Bethany Loop	Parcel 1843.00 Bethany Loop		624 Bethany Loop		635 Bethany Loop	
City/ST/Zip	Bethany Beach, DE 19930	Bethany Beach, DE 19930		Bethany Beach, DE 19930		Bethany Beach, DE 19930	
Proximity to Subject							
Data Source(s)	Tax Records/Zoning	Tax ID#134-13.00-1843.00		MLS#704599		Tax ID#134-13.00-1505.00	
Verification Source(s)	Exterior Inspection	Exterior Inspection/Agent		Exterior Inspection/Agent		Exterior Inspection/Agent	
Sale Price	\$	\$ 30,000		\$ 116,000		\$ 120,000	
Price/acre	\$ 0.00	\$ 133,619.63		\$ 459,151.29		\$ 467,800.25	
Date of Sale (MO/DA/YR)		03/14/2016		12/29/2016		10/04/2016	
Days on Market	N/A	Unk		413		Unk	
Financing Type	N/A	Cash		Cash		Cash	
Concessions	N/A	0		0		0	
Location	Suburban	Suburban		Suburban		Suburban	
Property Rights Appraised	Fee Simple	Fee Simple		Fee Simple		Fee Simple	
Site Size Sq.Ft.	7,792	9,780		11,005		11,174	
View	Comm;	Comm;		Res;Trees		Res;Trees	
Topography	Level	Level		Level		Level	
Available Utilities	elec,wtr,ss	elec,wtr,ss		elec,wtr(paid),ss		elec,wtr,ss	
Street Frontage	49.92ft	60.01ft		86ft		73ft	
Street Type	Busy/entrance to nghbrhd and	Busy/entrance to nghbrhd		Through street		Through street	
Water Influence	None	None		None		Pond in Rear	
Fencing	None	None		None		None	
Improvements	None	None		None		None	
Lot	Cleared	Cleared		Not Cleared		Not Cleared	
Net Adjustment (Total, in \$)		[X] + [] - \$ 0		[] + [X] - \$ 75,000		[] + [X] - \$ 77,000	
Adjusted sales price of the Comparable Sales (in \$)		Net Adj. 0.0% Gross Adj. 0.0% \$ 30,000		Net Adj. -64.7% Gross Adj. 69.8% \$ 41,000		Net Adj. -64.2% Gross Adj. 69.2% \$ 43,000	

The Appraiser has researched the transfer history of the subject property for the past 3 years and the listing history of the subject for the past 12 months prior to the effective date of this appraisal.
 The appraiser has also researched the transfer and listing history of the comparable sales for the past 12 months.

The appraiser's research did did not reveal any prior sales or transfers of the subject property for the three years prior to the effective date of the appraisal.
 Data Sources: **Matrix/Realist**
 The appraiser's research did did not reveal any prior sales or transfers of the comparable sales for the year prior to the date of sale of the comparable sale.
 Data Sources: **Matrix/Realist**
 The appraiser's research did did not reveal any prior listings of the subject property or comparable sales for the year prior to the effective date of the appraisal.
 Data Sources: **Matrix/Realist**

Listing/Transfer History	Transfer/Sale (ONLY) of the Subject in past 36 months:	Listing and Transfer history of Comp 1 in past 12 months:	Listing and Transfer history of Comp 2 in past 12 months:	Listing and Transfer history of Comp 3 in past 12 months:
(if more than two, use comments section or an addendum.)	\$	\$	\$	\$
	\$	\$	\$	\$

Subject Property Is Currently Listed For Sale? Yes No Data Source: **Matrix MLS**

Current Listing History	List Date	List Price	Days on Market	Data Source
	\$			

Subject Property has been listed within the last 12 Months? Yes No Data Source: **Matrix MLS**

12 Month Listing History	List Date	List Price	Days on Market	Data Source
	\$			
	\$			

Comments on Prior Sales/Transfers and Current and Prior Listings: **N/A**

Summary of the Sales Comparison Approach: **Comps were adjusted for primarily acreage, as most other aspects are very similar. The subject is 1 lot from the dead end. The gross and net adjustments may exceed guidelines, but are still considered comparable. Comps are located over 1 mile from the subject property due to the rural nature of the area. The properties would be considered by the same buyer.**

Reconciliation Comments: **Comp #1 is considered the most comparable to the subject, as it is the adjoining lot.**

This appraisal is made "as is", or subject to the following conditions or inspections: **See Attached Addendum**

Based on a complete visual inspection of the subject site and those improvements upon said site, defined scope of work, statement of assumptions and limiting conditions, and appraiser's certification, my (our) opinion of market value, as defined, of the real property that is the subject of this report is:
 Opinion of Market Value: \$ **30,000**, as of: **02/17/2017**, which is the date of inspection and the effective date of this appraisal.

LAND APPRAISAL REPORT

File No. BethanyLoop

PRODUCT INFORMATION FOR PUDs (if applicable)

Is the developer/builder in control of the Homeowners' Association (HOA)? Yes No Unit type(s): Detached Attached
 Provide the following information for PUDs ONLY if the developer/builder is in control of the HOA and the subject property is an attached dwelling unit.
 Legal Name of Project: _____
 Total number of phases: _____ Total number of units: _____ Total number of units sold: _____
 Total number of units rented: _____ Total number of units for sale: _____ Data source(s): _____
 Was the project created by the conversion of existing building(s) into a PUD? Yes No If Yes, date of conversion: _____
 Does the project contain any multi-dwelling units? Yes No Data Source: _____
 Are the units, common elements, and recreation facilities complete? Yes No If No, describe the status of completion: _____
 Describe common elements and recreational facilities: _____

CERTIFICATIONS AND LIMITING CONDITIONS

This report form is designed to report an appraisal of a parcel of land which may have some minor improvements but is not considered to be an "improved site". All improvements are considered to be of relatively minor value impact on the overall value of the site. This report form is not designed to report on an "improved site" where significant value is derived from the improvements. This appraisal report form may be used for single family, multi-family sites and may be included within a PUD development.

This appraisal report is subject to the following scope of work, intended use, intended user, definition of market value, statement of assumptions and limiting conditions and certifications. Modifications, additions, or deletions to the intended use, intended user, definition of market value, or assumptions and limiting conditions are not permitted. The appraiser may expand the scope of work to include any additional research or analysis necessary based on the complexity of this appraisal assignment. Modifications or deletions to the certifications are also not permitted. However, additional certifications that do not constitute material alterations to this appraisal report, such as those required by law or those related to the appraiser's continuing education or membership in an appraisal organization, are permitted.

SCOPE OF WORK: The scope of work for this appraisal is defined by the complexity of this appraisal assignment and the reporting requirements of this appraisal report form, including the following definition of market value, statement of assumptions and limiting conditions and certifications. The appraiser must, at a minimum; (1) perform a complete visual inspection of the subject site and any limited improvements, (2) inspect each of the comparable sales from at least the street, (4) research, verify and analyze data from reliable public and/or private sources, and (5) report his or her analysis, opinions and conclusions in this appraisal report.

INTENDED USE: The intended use of the appraisal report is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction.

INTENDED USER: The intended user of this report is the lender/client identified within the appraisal report.

DEFINITION OF MARKET VALUE: The most probable price which a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby: (1) buyer and seller are typically motivated; (2) both parties are well informed or well advised, and each acting in what they consider their own best interest; (3) a reasonable time is allowed for exposure in the open market; (4) payment is made in terms of cash in United States dollars or in terms of financial arrangements comparable thereto; and (5) the price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions* granted by anyone associated with the sale. (Source: OCC, OTS, FRS, & FDIC joint regulations published June 7, 1994)

* Adjustments to the comparables must be made for special or creative concessions. No adjustments are necessary for those costs which are normally paid by sellers as a result of tradition or law in a market area; these costs are readily identifiable since the seller pays these costs in virtually all sales transactions. Special or creative financing adjustments can be made to the comparable property by comparisons to financing terms offered by a third party institutional lender that is not already involved in the property or transaction. Any adjustment should not be calculated on a mechanical dollar for dollar cost of the financing or concession but the dollar amount of any adjustment should approximate the market's reaction to the financing or concessions based on the appraiser's judgment.

STATEMENT OF ASSUMPTIONS AND LIMITING CONDITIONS: The appraiser's certification in this report is subject to the following assumptions and limiting conditions:

- The appraiser will not be responsible for matters of a legal nature that affect the subject property being appraised or the title to it, except for information that he or she became aware of during the research involved in performing this appraisal. The appraiser assumes that the title is good and marketable and will not render any opinions about the title
- The appraiser has examined the available flood maps that are provided by the Federal Emergency Management Agency (or other data sources) and has noted in this appraisal report whether any portion of the subject site is located in an identified Special Flood Hazard Area. Because the appraiser is not a surveyor, he or she makes no guarantees, express or implied, regarding this determination.
- The appraiser will not give testimony or appear in court because he or she made an appraisal of the property in question unless specific arrangements to do so have been made beforehand, or as otherwise required by law.
- The appraiser has noted in this appraisal report any adverse conditions (such as the presence of hazardous wastes, toxic substances, etc.) observed during the inspection of the subject property or that he or she became aware of during the research involved in performing this appraisal. Unless otherwise stated in this appraisal report the appraiser has no knowledge of any hidden or unapparent physical deficiencies or adverse conditions of the subject property (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) that would make the property less valuable, and has assumed that there are no such conditions and makes no guarantees or warranties express or implied. The appraiser will not be responsible for any such conditions that do exist or for the engineering or testing that might be required to discover whether such condition exist. Because the appraiser is not an expert in the field of environmental hazards, this appraisal must not be considered as an environmental assessment of the property.

APPRAISER'S CERTIFICATION: The Appraiser certifies and agrees that:

- I have, at a minimum, developed and reported this appraisal in accordance with the scope of work requirements stated in this appraisal report.
- I performed a complete visual inspection of the subject site and any limited improvements. I have reported the information in factual and specific terms. I identified and reported the deficiencies of the subject site that could affect the utility of the site and its usefulness as a building lot(s).
- I performed this appraisal in accordance with the requirements of the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of the Appraisal Foundation and that were in place at the time this appraisal report was prepared.
- I developed my opinion of the market value of the real property that is the subject of this report based on the sales comparison approach to value. I have adequate comparable market data to develop a reliable sales comparison approach for this appraisal assignment. I further certify that I considered the cost and income approaches to value but did not develop them unless indicated elsewhere within this report as there are no or very limited improvements and these approaches to value are not deemed necessary for credible result and/or reliable indicators of value for this appraisal assignment.
- I researched, verified, analyzed, and reported on any current agreement for sale for the subject property, any offering for sale of the subject property in the twelve months prior to the effective date of this appraisal, and the prior sales of the subject property for a minimum of three years prior to the effective date of this appraisal, unless otherwise indicated in this report.
- I researched, verified, analyzed, and reported on the prior sales of the comparable sales for a minimum of one year prior to the date of the sale of the comparable sale, unless otherwise indicated in this report.
- I selected and used comparable sales that are locationally, physically, and functionally the most similar to the subject property.
- I have not used comparable sales that were the result of combining multiple transactions into reported sales
- I have reported adjustments to the comparable sales that reflect the market's reaction to the differences between the subject property and the comparable sales.
- I have verified, from a disinterested source, all information in this report that was provided by parties who have a financial interest in the sale or financing of the subject property.
- I have knowledge and experience in appraising this type of property in this market area.
- I am aware of, and have access to, the necessary and appropriate public and private data sources, such as multiple listing services, tax assessment records, public land records and other such data sources for the area in which the property is located.

CERTIFICATIONS AND LIMITING CONDITIONS (continued)

13. I obtained the information, estimates, and opinions furnished by other parties and expressed in this appraisal report from reliable sources that I believed to be true and correct.
14. I have taken into consideration the factors that have an impact on value with respect to the subject neighborhood, subject property, and the proximity of the subject property to adverse influences in the development of my opinion of market value. I have noted in this appraisal report any adverse conditions (such as, but not limited to, needed repairs, deterioration, the presence of hazardous wastes, toxic substances, adverse environmental conditions, etc.) observed during the inspection of the subject property or that I became aware of during the research involved in performing this appraisal. I have considered these adverse conditions in my analysis of the property value, and have reported on the effect of the conditions on the value and marketability of the subject property.
15. I have not knowingly withheld any significant information from this appraisal report and, to the best of my knowledge, all statements and information in this appraisal report are true and correct.
16. I stated in this appraisal report my own personal, unbiased, and professional analysis, opinions, and conclusions, which are subject only to the assumptions and limiting conditions in this appraisal report.
17. I have no present or prospective interest in the property that is the subject of this report, and I have no present or prospective personal interest or bias with respect to the participants in the transaction. I did not base, either partially or completely, my analysis and/or opinion of market value in this appraisal report on the race, color, religion, sex, age, marital status, handicap, familial status, or national origin of either the prospective owners or occupants of the subject property or of the present owners or occupants of the properties in the vicinity of the subject property or on any other basis prohibited by law.
18. My employment and/or compensation for performing this appraisal or any future or anticipated appraisals was not conditioned on any agreement or understanding, written or otherwise, that I would report (or present analysis supporting) a predetermined specific value, a predetermined minimum value, a range or direction in value, a value that favors the cause of any party, or the attainment of a specific result or occurrence of a specific subsequent event (such as approval of a pending mortgage loan application).
19. I personally prepared all conclusions and opinions about the real estate that were set forth in this appraisal report. If I relied on significant real property appraisal assistance from any individuals in the performance of this appraisal or the preparation of this appraisal report, I have named such individual(s) and disclosed the specific tasks performed in this appraisal report. I certify that any individual so named is qualified to perform the tasks. I have not authorized anyone to make a change to any item in this appraisal report; therefore, any change made to this appraisal is unauthorized and I will take no responsibility for it.
20. I identified the lender/client in this appraisal report who is the individual, organization, or agent for the organization that ordered and will receive this appraisal report.
21. The lender/client may disclose or distribute this appraisal report to: the borrower; another lender at the request of the borrower; the mortgagee or its successors and assigns; mortgage insurers; government sponsored enterprises; other secondary market participants; data collection or reporting services; professional appraisal organizations; any department, agency, or instrumentality of the United States; and any state, the District of Columbia, or other jurisdictions; without having to obtain the appraiser's or supervisory appraiser's (if applicable) consent. Such consent must be obtained before this appraisal report may be disclosed or distributed to any other party (including, but not limited to, the public through advertising, public relations, news, sales, or other media).
22. I am aware that any disclosure or distribution of this appraisal report by me or the lender/client may be subject to certain laws and regulations. Further, I am also subject to the provisions of the Uniform Standards of Professional Appraisal Practice that pertain to disclosure or distribution by me.
23. The borrower, another lender at the request of the borrower, the mortgagee or its successors and assigns, mortgage insurers, government sponsored enterprises, and other secondary market participants may rely on this appraisal report as part of any mortgage finance transaction that involves any one or more of these parties.
24. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature", as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.
25. Any intentional or negligent misrepresentation(s) contained in this appraisal report may result in civil liability and/or criminal penalties including, but not limited to, fine or imprisonment or both under the provisions of Title 18, United States Code, Section 1001, et seq., or similar state laws.


SUPERVISORY APPRAISER'S CERTIFICATION: The Supervisory Appraiser certifies and agrees that:

1. I directly supervised the appraiser for this appraisal assignment, have read the appraisal report, and agree with the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
2. I accept full responsibility for the contents of this appraisal report including, but not limited to, the appraiser's analysis, opinions, statements, conclusions, and the appraiser's certification.
3. The appraiser identified in this appraisal report is either a sub-contractor or an employee of the supervisory appraiser (or the appraisal firm), is qualified to perform this appraisal, and is acceptable to perform this appraisal under the applicable state law.
4. This appraisal report complies with the Uniform Standards of Professional Appraisal Practice that were adopted and promulgated by the Appraisal Standards Board of The Appraisal Foundation and that were in place at the time this appraisal report was prepared.
5. If this appraisal report was transmitted as an "electronic record" containing my "electronic signature", as those terms are defined in applicable federal and/or state laws (excluding audio and video recordings), or a facsimile transmission of this appraisal report containing a copy or representation of my signature, the appraisal report shall be as effective, enforceable and valid as if a paper version of this appraisal report were delivered containing my original hand written signature.

SIGNATURES

APPRAISER

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature 
 Name Eric Davis
 Company Name Davis Appraisal Company
 Company Address Warren Road
Millville, DE 19967
 Telephone Number 302-344-9590
 Email Address OceanCityAppraisals@gmail.com
 Date of Signature and Report 02/24/2017
 Effective Date of Appraisal 02/17/2017
 State Certification # X2-0000420
 or State License # _____
 or Other (describe) _____ State # _____
 State DE
 Expiration Date of Certification or License 10/31/2017

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 Telephone Number _____
 Email Address _____
 Date of Signature _____
 State Certification # _____
 or State License # _____
 State _____
 Expiration Date of Certification or License _____

ADDRESS OF PROPERTY APPRAISED
Parcels 1841.00 & 1842.00 Bethany Loop
Bethany Beach, DE 19930
 APPRAISED VALUE OF SUBJECT PROPERTY \$ _____ 30,000
 LENDER/CLIENT
 Name N/A
 Company Name Ralph & Barbara Brown
 Company Address _____
 Email Address ralph@ralphbrown.net

SUBJECT PROPERTY
 Did not inspect subject property
 Did inspect exterior of subject property from street
 Date of Inspection _____
 COMPARABLE SALES
 Did not inspect exterior of comparable sales from street
 Did inspect exterior of comparable sales from street
 Date of Inspection _____

ADDENDUM

Borrower: N/A	File No.: BethanyLoop	
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:	
City: Bethany Beach	State: DE	Zip: 19930
Lender: Ralph & Barbara Brown		

Conditions of Appraisal

No warranty of the appraised property is given or implied.

Unless stated in this report, the existence of a hazardous material, which may or may not be present on the property, was not observed by the appraiser. The appraiser has no knowledge of the existence of such materials on or in the property. The appraiser, however, is not qualified to detect such substances. The presence of potentially hazardous materials may affect the value of the property. The value estimate is predicated on the assumption that there is no such material on or in the property that would cause a loss in value. No responsibility is assumed for any such conditions, or for any expertise or engineering knowledge required to discover them. The client is urged to retain an expert in this field, if desired.

It should be noted that areas throughout Delaware have reported radon gas.

FINANCIAL INSTITUTIONS REFORM, RECOVERY & ENFORCEMENT ACT SUPPLEMENT (FIRREA)

This certifies that Eric Davis has personally inspected the subject, made an exterior inspection of the comparable sales and prepared the analysis and conclusions found in this report. Unless otherwise stated, no other person or persons have provided significant professional assistance in the preparation of this report.

I certify that, to the best of my knowledge and belief, the reported analysis, opinions and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and the Standards of Professional Appraisal Practice of the Appraisal Institute and the Uniform Standards of Professional Appraisal Practice.

I also acknowledge and certify that;

this appraisal report may be used in a federally related financial transaction that is subject to the requirements of Title IX of the Financial Institutions Reform, Recovery and Enforcement Act of 1989.

the appraisal report must comply with FIRREA and the applicable regulations implementing Title IX of FIRREA.

the appraisal report was completed in accordance with the Uniform Standards of Professional Appraisal Practice (USPAP)

Finally, I certify that, to the best of my knowledge and belief;

my compensation is not contingent upon the reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result, or the occurrence of a subsequent event;

the appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan;

I have no present or prospective interest in the property that is the subject of this report, and I have no personal interest or bias with respect to the parties involved;

and that I am fully qualified and competent by training, knowledge and experience to perform this appraisal.

As of the date of this report, Eric Davis has completed the requirements of the continuing education program for real estate appraisers.

Appraiser Additional Certifications

The Intended User of this appraisal report is the Client & Sussex County. The Intended Use is to evaluate the property that is the subject of this appraisal to determine market value, subject to the stated Scope of Work, purpose of the appraisal, reporting requirements of this appraisal report form, and Definition of Market Value. No additional Intended Users are identified by the appraiser.

I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.

A reasonable exposure time for the subject is 60-200 days.

Market Conditions Addendum to the Appraisal Report File No. **BethanyLoop**

The purpose of this addendum is to provide the lender/client with a clear and accurate understanding of the market trends and conditions prevalent in the subject neighborhood. This is a required addendum for all appraisal reports with an effective date on or after April 1, 2009.

Property Address **Parcels 1841.00 & 1842.00 Bethany Loop** City **Bethany Beach** State **DE** Zip Code **19930**
 Borrower **N/A**

Instructions: The appraiser must use the information required on this form as the basis for his/her conclusions, and must provide support for those conclusions, regarding housing trends and overall market conditions as reported in the Neighborhood section of the appraisal report form. The appraiser must fill in all the information to the extent it is available and reliable and must provide analysis as indicated below. If any required data is unavailable or is considered unreliable, the appraiser must provide an explanation. It is recognized that not all data sources will be able to provide data for the shaded areas below; if it is available, however, the appraiser must include the data in the analysis. If data sources provide the required information as an average instead of the median, the appraiser should report the available figure and identify it as an average. Sales and listings must be properties that compete with the subject property, determined by applying the criteria that would be used by a prospective buyer of the subject property. The appraiser must explain any anomalies in the data, such as seasonal markets, new construction, foreclosures, etc.

MARKET RESEARCH & ANALYSIS

Inventory Analysis	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)	3	2	3	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)	0.50	0.67	1.00	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Comparable Active Listings	8	11	8	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Housing Supply (Total Listings/Ab.Rate)	16.00	16.42	8.00	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale & List Price, DOM, Sale/List %	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Median Comparable Sale Price	35,000	39,900	40,000	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Sales Days on Market	222	200	105	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Comparable List Price	75,000	65,000	45,000	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Median Comparable Listings Days on Market	785	789	560	<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Median Sale Price as % of List Price	88.53%	90.25%	90.56%	<input type="checkbox"/> Increasing	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Declining
Seller-(developer, builder, etc.)paid financial assistance prevalent?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			<input type="checkbox"/> Declining	<input checked="" type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Explain in detail the seller concessions trends for the past 12 months (e.g., seller contributions increased from 3% to 5%, increasing use of buydowns, closing costs, condo fees, options, etc.).
Concessions are not often found in this market.

Are foreclosure sales (REO sales) a factor in the market? Yes No If yes, explain (including the trends in listings and sales of foreclosed properties).
Foreclosures are rare in this market for lots.

Cite data sources for above information. **MatrixMLS/realist**

Summarize the above information as support for your conclusions in the Neighborhood section of the appraisal report form. If you used any additional information, such as an analysis of pending sales and/or expired and withdrawn listings, to formulate your conclusions, provide both an explanation and support for your conclusions.
Values are stable. Marketing times for current listing inventory is over 1 year.

CONDO/CO-OP PROJECTS

If the subject is a unit in a condominium or cooperative project, complete the following: Project Name: _____


Subject Project Data	Prior 7-12 Months	Prior 4-6 Months	Current - 3 Months	Overall Trend		
Total # of Comparable Sales (Settled)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Absorption Rate (Total Sales/Months)				<input type="checkbox"/> Increasing	<input type="checkbox"/> Stable	<input type="checkbox"/> Declining
Total # of Active Comparable Listings				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing
Months of Unit Supply (Total Listings/Ab. Rate)				<input type="checkbox"/> Declining	<input type="checkbox"/> Stable	<input type="checkbox"/> Increasing

Are foreclosure sales (REO sales) a factor in the project? Yes No If yes, indicate the number of REO listings and explain the trends in listings and sales of foreclosed properties.

Summarize the above trends and address the impact on the subject unit and project.

APPRAISER

APPRAISER

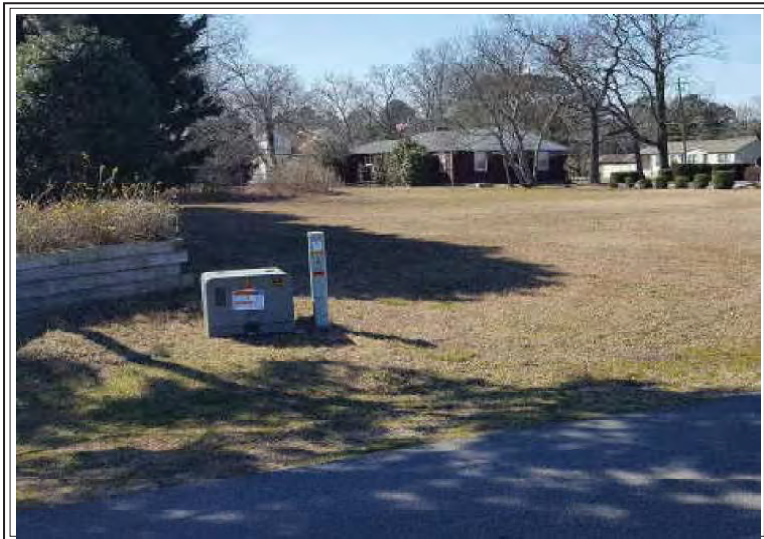
Signature 
 Name **Eric Davis**
 Company Name **Davis Appraisal Company**
 Company Address **Warren Road**
Millville, DE 19967
 State License/Certification # **X2-0000420** State **DE**
 Email Address **OceanCityAppraisals@gmail.com**

SUPERVISORY APPRAISER (ONLY IF REQUIRED)

Signature _____
 Name _____
 Company Name _____
 Company Address _____
 State License/Certification # _____ State _____
 Email Address _____

SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: N/A	File No.: BethanyLoop	
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:	
City: Bethany Beach	State: DE	Zip: 19930
Lender: Ralph & Barbara Brown		

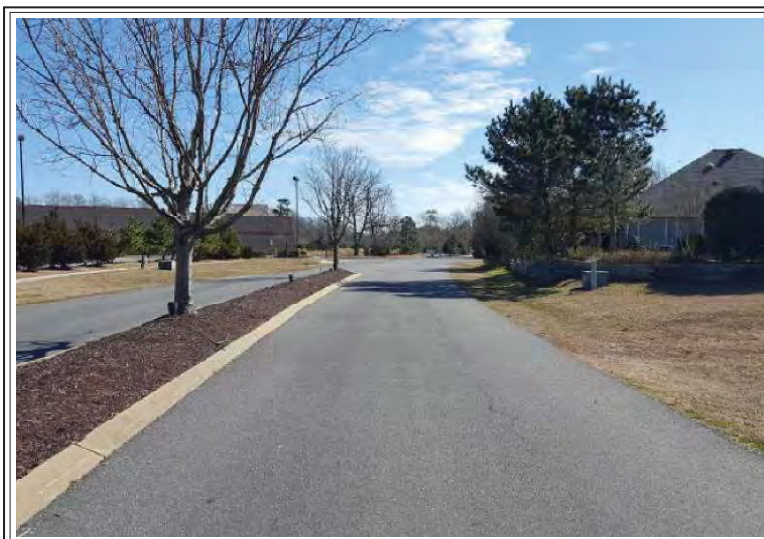


FRONT VIEW OF
SUBJECT PROPERTY

Appraised Date: February 17, 2017
Appraised Value: \$ 30,000



REAR VIEW OF
SUBJECT PROPERTY



STREET SCENE

COMPARABLE PROPERTY PHOTO ADDENDUM

Borrower: N/A	File No.: BethanyLoop	
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:	
City: Bethany Beach	State: DE	Zip: 19930
Lender: Ralph & Barbara Brown		



COMPARABLE SALE #1

Parcel 1843.00 Bethany Loop
Bethany Beach, DE 19930
Sale Date: 03/14/2016
Sale Price: \$ 30,000



COMPARABLE SALE #2

624 Bethany Loop
Bethany Beach, DE 19930
Sale Date: 12/29/2016
Sale Price: \$ 116,000



COMPARABLE SALE #3

635 Bethany Loop
Bethany Beach, DE 19930
Sale Date: 10/04/2016
Sale Price: \$ 120,000

Borrower: N/A	File No.: BethanyLoop	
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:	
City: Bethany Beach	State: DE	Zip: 19930
Lender: Ralph & Barbara Brown		



Commercial- 2 lots west of the subject



Northeastern view of grocery store



Direct view from subject lot

Borrower: N/A	File No.: BethanyLoop	
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:	
City: Bethany Beach	State: DE	Zip: 19930
Lender: Ralph & Barbara Brown		



Driveway will be located at entrance to the neighborhood and shopping center



Parking lot/Pad site across street

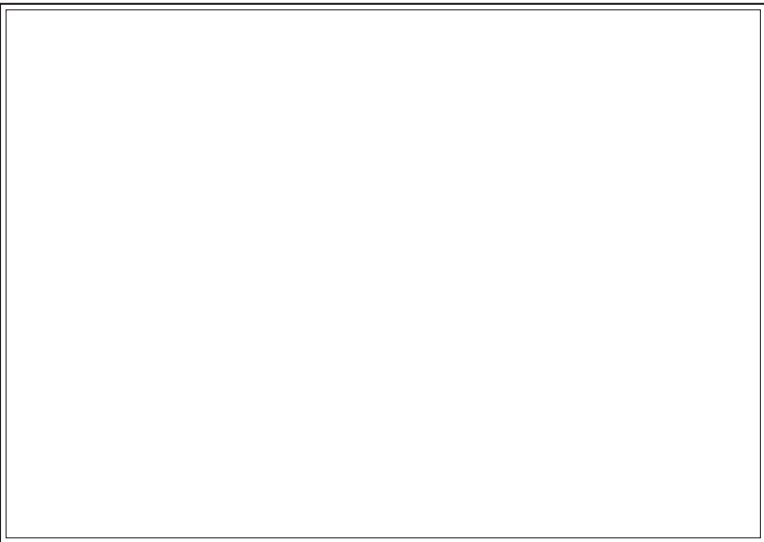


Subject lot

Borrower: N/A	File No.: BethanyLoop
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:
City: Bethany Beach	State: DE Zip: 19930
Lender: Ralph & Barbara Brown	



Southwestern view

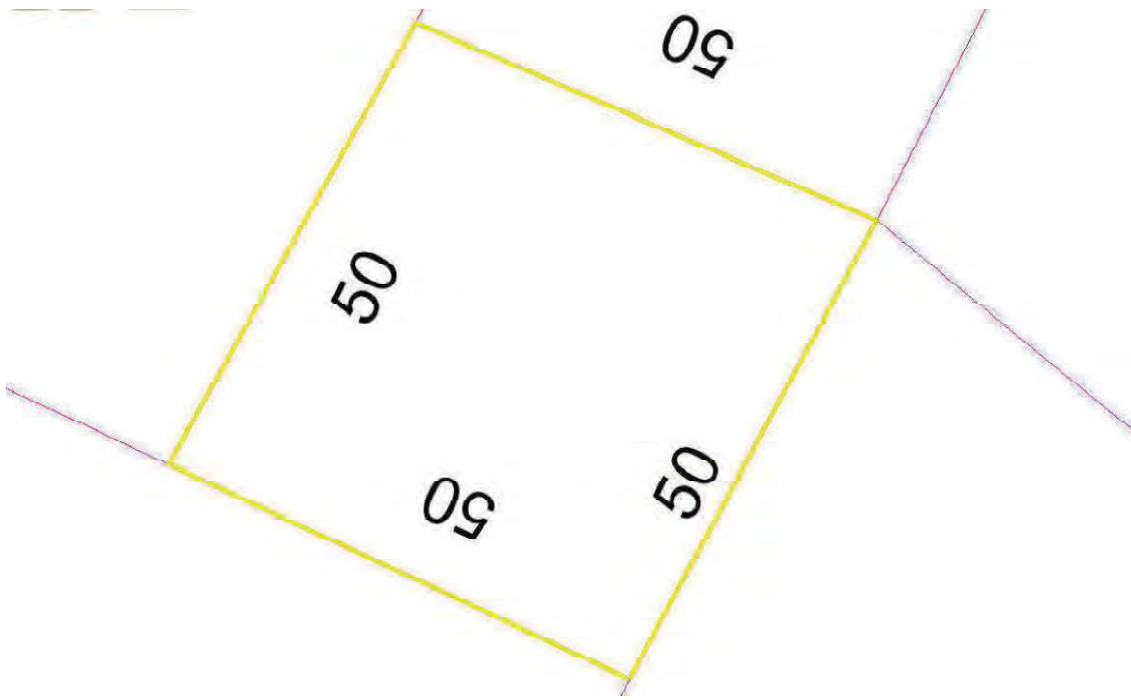


PLAT MAP

Borrower: N/A	File No.: BethanyLoop	
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:	
City: Bethany Beach	State: DE	Zip: 19930
Lender: Ralph & Barbara Brown		



Borrower: N/A	File No.: BethanyLoop	
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:	
City: Bethany Beach	State: DE	Zip: 19930
Lender: Ralph & Barbara Brown		



Borrower: N/A	File No.: BethanyLoop
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:
City: Bethany Beach	State: DE Zip: 19930
Lender: Ralph & Barbara Brown	

134-13.00-1841.00, Bethany Beach, DE, Sussex County



N/A	N/A	5,292	N/A
Beds	Bldg Sq Ft	Lot Sq Ft	Sale Price
N/A	N/A	CNTY PROP	03/31/1998
Baths	Yr Built	Type	Sale Date

Owner Information

Owner Name:	Sussex County	Tax Billing Zip:	19947
Tax Billing Address:	Po Box 589	Tax Billing Zip+4:	0589
Tax Billing City & State:	Georgetown, DE		

Location Information

School District:	1	Census Tract:	512.02
School District Name:	Indian River	Zoning:	MR
MLS Area:	Fenwick/Bethany East Of Canal	District:	134
Community:	Salt Pond	Map#:	13.00
Property Zip Code:	19930		

Tax Information

Tax-Id:	134-13.00-1841.00	Tax Area:	1
Legal Description:	THE SALT POND PHASE 5A *3000*		

Assessment & Tax

Assessment Year	2016	2015	2014
YOY Assessed Change (\$)	\$0	\$0	
YOY Assessed Change (%)	0%	0%	
Taxable Assessed Value	\$3,000	\$3,000	\$3,000

Characteristics

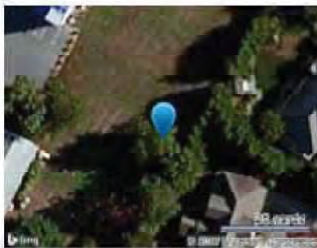
Land Use - County:	Local Government (County Town)	Lot Sq Ft:	5,292
Land Use - CoreLogic:	County Property	Lot Acres:	0.1215
Lot Frontage:	49	Lot Shape:	Irregular
Lot Depth:	108		

Last Market Sale & Sales History

Settle Date:	03/31/1998	Deed Type:	Deed (Reg)
Sale/Settlement Date	03/31/1998		
Buyer Name	Sussex County		
Seller Name	Owner Record		
Document Type	Deed (Reg)		

Borrower: N/A	File No.: BethanyLoop
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop	Case No.:
City: Bethany Beach	State: DE
Lender: Ralph & Barbara Brown	Zip: 19930

134-13.00-1842.00, Bethany Beach, DE, Sussex County



N/A	N/A	2,500	N/A
Beds	Bldg Sq Ft	Lot Sq Ft	Sale Price
N/A	N/A	CNTY PROP	N/A
Baths	Yr Built	Type	Sale Date

Owner Information

Owner Name:	Sussex County	Tax Billing Zip:	19947
Tax Billing Address:	Po Box 589	Tax Billing Zip+4:	0589
Tax Billing City & State:	Georgetown, DE		

Location Information

School District:	1	Census Tract:	512.02
School District Name:	Indian River	Zoning:	MR
MLS Area:	Fenwick/Bethany East Of Canal	District:	134
Community:	Salt Pond	Map*:	13.00
Property Zip Code:	19930		

Tax Information

Tax-Id:	134-13.00-1842.00	Tax Area:	1
Legal Description:	THE SALT POND PHASE 5A *500*		


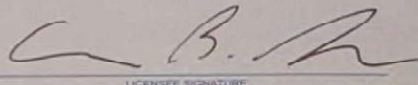
Assessment & Tax

Assessment Year	2016	2015	2014
YOY Assessed Change (\$)	\$0	\$0	
YOY Assessed Change (%)	0%	0%	
Taxable Assesd Value	\$500	\$500	\$500

Characteristics

Land Use - County:	Local Government (County TOWN)	Lot Depth:	50
Land Use - CoreLogic:	County Property	Lot Sq Ft:	2,500
Lot Frontage:	50	Lot Acres:	0.0574

Borrower: N/A File No.: BethanyLoop
Property Address: Parcels 1841.00 & 1842.00 Bethany Loop Case No.:
City: Bethany Beach State: DE Zip: 19930
Lender: Ralph & Barbara Brown

LICENSE NO.	X2-0000420	STATE OF DELAWARE	NOT TRANSFERABLE
		DIVISION OF PROFESSIONAL REGULATION	
		661 Silver Lake Blvd.	
		Cannon Building, Suite 203	
		Dover, DE 19904-2467	
PROFESSION	Certified Residential Real Property Appraiser	EXPIRATION DATE	10/31/2017
ISSUED TO	Eric B. Davis		
			
	MAILING ADDRESS		
	Eric B. Davis		
	32049 Warren Road		
	Millville DE 19967		
		PROFESSIONAL LICENSE	
			473974
		LICENSEE SIGNATURE	
<small>THIS CERTIFIES THAT THE PERSON NAMED IS HEREBY LICENSED TO CONDUCT OR ENGAGE IN THE PROFESSION INDICATED ABOVE. THIS DOCUMENT IS DULY ISSUED UNDER THE LAWS OF THE STATE OF DELAWARE.</small>			



Subject Front View



Subject Rear View



Subject Street Scene



Sales Comp. 1



Sales Comp. 2



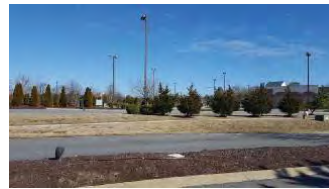
Sales Comp. 3



Extra Photo 1



Extra Photo 2



Extra Photo 3



Extra Photo 1



Extra Photo 2



Extra Photo 3



Extra Photo 1



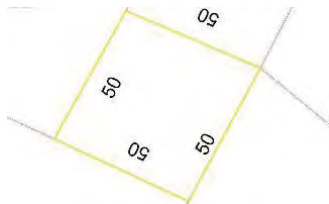
Extra Photo 2



Extra Photo 3



Plat Map



Extra Map

Location Map



Extra Image

Flood Map

Aerial Map



Extra Image



License Image

DISPOSITION OF COUNTY REAL PROPERTY REPORT

February 27, 2017

TO: Todd Lawson, County Administrator
FROM: Hans Medlarz, County Engineer

Parcel(s)	134-13.00-1841.00 134-13.00-1842.00
Property Description	Sussex County owns parcels 134-13.00-1841.00 and 134-13.00-1842.00 within “The Salt Pond” community located in Bethany Beach, Delaware. The two vacant parcels consist of 7,792 square feet at the entrance of the community, and is zoned “medium density residential district”.
Proposed Property Use	This property was intended for a repeater type pump station. It is surplus land now since the district area is built out and this functionality was not implemented.
Property Acquisition Cost	This property is a donated asset acquired in the initial land use approval process.
Appraised Property Value	This Property is appraised at \$30,000 as a residential lot with significant width limitations.

ADMINISTRATION
MICHAEL J. COSTELLO
GOVERNMENT AFFAIRS MANAGER
(302) 854-5060 T
(302) 855-7749 F
michael.costello@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

TO: Todd F. Lawson
County Administrator

Gina Jennings
Finance Director / Chief Operating Officer

FROM: Michael J. Costello
Government Affairs Manager

RE: **DISPOSITION OF COUNTY REAL ESTATE**

DATE: May 4, 2017

Pursuant to the Disposition of County Real Estate policy, it has been determined that certain parcels have been deemed surplus property.

A memorandum was sent to all department heads on April 6, 2017 which asked that any department having need of the below described property to respond by today's date:

Tax Parcels 134-13.00-1841.00 and 134-13.00-1842.00, which are vacant parcels consisting of 7,792 square feet located at the entrance of "The Salt Pond" community in Bethany Beach, Delaware, and zoned "Medium Density Residential District"

As of today, I have not received a response indicating that any department is interested in the property.

Please let me know if I can be of further assistance in this matter.



Morris James Wilson Halbrook & Bayard LLP

September 1, 2017

Hans Medlarz
Sussex County Engineer
Sussex County Administrative
Office Building, 3rd Floor
2 The Circle, P.O. Box 589
Georgetown, DE 19947

BY EMAIL

RE: T.M. No. 134-13.00-1841 and 1842
SCED Pump Station Site

Dear Hans,

As you are aware, I represent Salt Pond Associates and members of that firm. It is my understanding that the above parcels donated by Salt Pond Associates to Sussex County for use as a pump station site are now considered surplus property by the County.

My client, or its assigns, offers to purchase the property from the County on the following terms and conditions:

1. A purchase price of \$20,000;
2. Settlement will occur no later than 45 days after acceptance by the county;
3. Title is to be free and clear of all liens or encumbrances, except the easement granted the Town of Bethany Beach by my client;
4. Possession of the land will be given to my client at the time of settlement, free and clear of all possessory rights in the County or other third parties by way of lease or otherwise, except the easement granted the Town of Bethany Beach by my client;
5. County confirmation that the property is zoned MR Medium Density Residential district, is a buildable lot, and is suitable for my client's purposes; and,
6. If there are any, ground rent, rent, water rent, taxes, sewer assessments or other public charges against the premises shall be apportioned as of the date of settlement.

Please advise me if this proposal is acceptable to Sussex County. If there is additional information I can provide you, do not hesitate to contact me at your convenience.

Morris James Wilson Halbrook & Bayard, LLP

Thank you in advance for your consideration of this request.

Very truly yours,
MORRIS JAMES WILSON
HALBROOK & BAYARD, LLP

A handwritten signature in blue ink, appearing to read "Dennis L. Schrader".

Dennis L. Schrader, Esquire

Copy: Salt Pond Associates

Morris James Wilson Halbrook & Bayard LLP

October 24, 2017

Hans Medlarz
Sussex County Engineer
Sussex County Administrative
Office Building, 3rd Floor
2 The Circle, P.O. Box 589
Georgetown, DE 19947

BY EMAIL

RE: T.M. No. 134-13.00-1841 and 1842
SCED Pump Station Site

Dear Hans,

As you are aware, I represent Salt Pond Associates and members of that firm. It is my understanding that the above parcels donated by Salt Pond Associates to Sussex County for use as a pump station site have been offered to the Town of Bethany Beach.

In light of recent this development, my client, or its assigns, increases its offer to purchase the property from the County from a purchase price of \$20,000 to \$22,000, subject to the terms and conditions set out in my letter of September 1, 2017.

Please advise me if this new offer is acceptable to Sussex County. If there is additional information I can provide you, do not hesitate to contact me at your convenience.

Thank you in advance for your consideration of this request.

Very truly yours,
MORRIS JAMES WILSON
HALBROOK & BAYARD, LLP

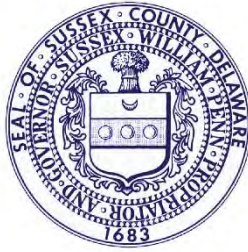


Dennis L. Schrader, Esquire

Copy: Salt Pond Associates

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

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

FROM: Hans Medlarz, County Engineer

RE: *Pump Station #210 Forcemain to IBRWF:
Indian Mission and Beaver Dam Roads
Balancing Change Order and Substantial Completion
Project No. 15-08 A*

DATE: October 31, 2017

On December 15, 2015, Council awarded Project No. 15-08 A, Pump Station #210 Forcemain to IBRWF: Indian Mission and Beaver Dam Roads, to Allan Myers MD, Inc. in the amount of \$3,977,377.00. Council approved Change Order No. 1 on April 19, 2016 with an adjusted Contract amount of \$4,197,777.00 to include the bid alternate to connect the force main along Stevenson Road. Acquisition of the necessary easement during the bidding process enabled this work to be included.

The attached Balancing Change Order, which incorporates the previous claim settlement approved by Council on May 16, 2017, reduces the contract amount by an additional \$42,625.13, allows for a 95-day contract time extension, and adjusts all quantities to their final amounts; thereby lowering the final contract amount to \$4,155,151.87

Construction began on March 14, 2016, and was considered Substantially Complete on June 16, 2017. Sussex County Engineering Department now recommends concurrence in granting Substantial Completion for the project as of June 16, 2017.



Change Order

No. 2-Final

Date of Issuance: October 17th, 2017 Effective Date: October 24th, 2017

Project: Pump Station 210 Force Main to IBRWF	Owner: Sussex County	Owner's Contract No.: 15-08A
Contract: Indian Mission and Beaver Dam Roads		Date of Contract: March 14 th , 2016
Contractor: Allan Myers, Inc.		Engineer's Project No.: 14256-008

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Added S.S. fittings on ARV's, bell gauge caliper tool. Provide 401 "Protecto" coated fittings. Contract Time Extension (Non-Compensatory). Added SCED purchased items for Horizontal Directional Drill under Chapel Branch.

Attachments: Cost Summary Sheet and Line Item 1, Line Item 2, Line Item 3, Line Item 4 and Line Item 5 documents which provide details for all cost credits and/or cost increases.

CHANGE IN CONTRACT PRICE:	CHANGE IN CONTRACT TIMES:
Original Contract Price: \$ <u>3,977,377.00</u>	Original Contract Times: 365 Calendar Days Substantial Completion (days or date): <u>365 days</u> Ready for final payment (days or date): _____
Changed from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : \$ <u>220,400.00</u>	Unchanged from previously approved Change Orders No. <u>1</u> to No. <u>1</u> : Substantial Completion (days): <u>0 days</u> Ready for final payment (days): _____
Contract Price prior to this Change Order: \$ <u>4,197,777.00</u>	Contract Times prior to this Change Order: Substantial Completion (days or date): <u>365 days</u> Ready for final payment (days or date): _____
Decrease on this Change Order: \$ <u>-42,625.13</u>	Increased on this Change Order: <u>95 days</u> Substantial Completion (days or date): <u>460 days</u> Ready for final payment (days or date): _____
Contract Price incorporating this Change Order: \$ <u>4,155,151.87</u>	Contract Times with all approved Change Orders: Substantial Completion (days or date): <u>460 days</u> Ready for final payment (days or date): _____

RECOMMENDED:
By: _____
Engineer (Whitman, Requardt & Assoc.)
Date: _____

ACCEPTED:
By: _____
Owner (Sussex County)
Date: _____

ACCEPTED:
By: M. L. Shi
Contractor (Allan Myers, Inc.)
Date: 10-26-17

Contract 15-08A

<p>Pump Station 210 Force Main - Indian Mission/Beaver Dam Roads Change Order No. 2 - Final / Cost Summary Sheet (Addition and/or Substitution of Various Items)</p>

Change Order Cost Summary Sheet with Proposed Line Item Costs and/or Credits							
Line Item No.	Description of Individual PCO Line Items	Proposed Quantity	Unit	Unit Price	Actual Quantity	Contract Added Cost	Contract Credit
1	Addition of 2" Stainless Steel Quick Disconnects on (12) ARV's: PCO-2	12	EA	\$ 170.00	12	\$ 2,040.00	
	Purchase/Provision of Bell Joint Gauge Caliper Tool: PCO-2	1	EA	\$ 1,825.00	1	\$ 1,825.00	
2	Substitute P401 Coated 90 Bend for Uncoated 90 Bend Sta. 475+00: PCO-3	1	LS	\$ 3,100.00	1	\$ 3,100.00	
	Sub. P401 Coated 11.25 Bend for Uncoated 11.25 Bend Sta. 294+32: PCO-3A	1	LS	\$ 2,500.00	1	\$ 2,500.00	
3	Non-Compensatory Contract Time Extension - 95 Calendar Days: PCO-7	1	LS	\$ -	1	\$ -	
4	Balancing of Final Used/Unused Contract 15-08A Bid Item Quantities: PCO-8	1	LS	\$ (97,457.73)	1	\$ -	\$ (97,457.73)
5	Materials Provided by AMI for Bid Item A-4 (Removed in PCO-8): PCO-12	1	LS	\$ 45,367.60	1	\$ 45,367.60	

Sub-Totals for Costs and Credits	\$ 54,832.60	\$ (97,457.73)
Total Change Order No. 2 - Final (Credit)		\$ (42,625.13)

Summary of Contract Change Orders - Contract 15-08A

Original Contract Amount	\$ 3,977,377.00
Amount of Previous Change Orders: No. 1 through No. 1	\$ 220,400.00
Contract Total Including Previous Change Order No. 1	\$ 4,197,777.00

Summary of Contract 15-08A Change Order No. 2 - Final

Line Item/PCO No. 2 - Addition of 2" Stainless Steel Quick Disconnects on (12) ARV's	Increase	\$	2,040.00
Line Item/PCO No. 2 - Purchase/Provision of Bell Joint Gauge Caliper Tool	Increase	\$	1,825.00
Line Item/PCO No. 3 - Substitute P401 Coated 90 Bend for Uncoated 90 Bend - Sta. 475+00	Increase	\$	3,100.00
Line Item/PCO No. 3A - Substitute P401 Coated 11.25 Bend for Uncoated 11.25 90 Bend - Sta. 294+32	Increase	\$	2,500.00
Line Item/PCO No. 7 - Non-Compensatory Contract Time Extension - 95 Calendar Days	No Change	\$	-
Line Item/PCO No. 8 - Balancing of Final Used/Unused Contract 15-08A Bid Item Quantities	Decrease	\$	(97,457.73)
Line Item/PCO No. 12 - Additional Wet Tap Relocation at Inland Bays RWF Tie-In Work	Increase	\$	<u>45,367.60</u>
Total of Change Order No. 2 - Final	Decrease	\$	(42,625.13)
+			
Revised Contract 15-08A Total through C.O. No. 1			<u>\$ 4,197,777.00</u>
=			
Revised Contract No. 15-08A Total (Including Change Order No. 2 - Final)			\$ 4,155,151.87

Line Item No. 1

P.C.O. No. 2

Addition of 2" Stainless Steel Disconnects on (12) ARV's
Contract 15-08A Cost Increase = \$2,040.00

P.C.O. No. 2

Purchase/Provide Bell Joint Gauge Caliper Tool
Contract 15-08A Cost Increase = \$1,825.00



P.O. Box 278, Fallston, MD 21047

Communication Date: 29-JUN-2016

WHITMAN REQUARDT & ASSOCIATES
801 SOUTH CAROLINE STREET
BALTIMORE, MD 21231
Attn: Mike Gilbert

Letter Number: COM0012

Job Number: 1525162

Re: Pump Station 210 Force Main Indian
Mission Road
PCO #2

Dear Mr. Gilbert,

Allan Myers respectfully submits the following pricing:

✓ Stainless Steel Disconnects	\$170.00 @ 12 pc.	\$2040.00 *
✓ Calipers	\$1825.00 @ 1 pc.	\$1825.00 *
P401 Coating Kits Installed	\$2800.00 @ 2 pc.	\$5600.00

The above prices include materials, labor, and equipment. If you have any questions or concerns please do not hesitate to contact our office.

Sincerely,

Christopher A. Berry, Sr.

Chris Berry

APPROVED
 * *Berry*
 SUSSEX COUNTY UTILITY
 CONSTRUCTION DIVISION

Copies To:

Cathy Pianka-Liszewski
Chris Gaines
Joseph Mohan
Brian Hawkes

Allan Myers
Allan Myers
Allan Myers
SUSSEX COUNTY

Line Item No. 2

P.C.O. No. 3

Substitute P401 Coated 90 Bend for Uncoated 90 Bend
(Station 475+00)

Contract 15-08A Cost Increase = \$3,100.00

P.C.O. No. 3A

Substitute P401 Coated 11¼ Bend for Uncoated 11¼ Bend
(Station 294+32)

Contract 15-08A Cost Increase = \$2,500.00



P.O. Box 278, Fallston, MD 21047

Communication Date: 29-AUG-2010

WHITMAN REQUARDT & ASSOCIATES
801 SOUTH CAROLINE STREET
BALTIMORE, MD 21231
Attn: Mike Gilbert

Letter Number: CON10020
Job Number: 1525162

Re: Pump Station 210 Force Mains Indian
Mission Road
RCO #3

Dear Mr. Gilbert,

Allan Myers respectfully submits for your review the RCO #3, which is the cost to substitute a P401 90 elbow for a 90 elbow, uncoated.

The cost that was discussed at our Progress Meeting was ~~53100.00~~ \$3100.00, which I will stand by, however you can see in the breakdown spreadsheet that the cost is slightly higher than that. We trust that the attached invoices and worksheet will suffice for required documentation to process our change order.

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

Sincerely,

Christopher A. Berry, Sr.

Chris Berry

Copies To:
Cathy Planka-Liszewski
Chris Gaines
Brad Hawkes
Will Hinz

Allan Myers
Allan Myers
SUSSEX COUNTY
WHITMAN REQUARDT & ASSOCIATES

APPROVED

SUSSEX COUNTY UTILITY
CONSTRUCTION DIVISION

Encl:
HD Supply Invoices
Excel Sheet – Breakdown



Bid Proposal for PS 210 11 1/4 Bend

ALLAN MYERS MD, INC
Bid Date: 11/09/2016
HD Supply Bid #: 198652

HD Supply Waterworks
2541A Prime Hook Rd
Suite 100
Milton, DE 19968
Phone: 302-684-3054
Fax: 302-684-3586

Seq#	Qty	Description	Units	Price	Ext Price
10	1	24" MI 11 1/4 401P DOMESTIC	EA	2,686.80	2,686.80
				Sub Total	2,686.80
				Freight	325.50
				Tax	0.00
				Total	3,012.30

2401 * 3012.30
 1125 * 508.46

 Cost * = 2508.84
 \$2900

APPROVED

SUSSEX COUNTY UTILITY
CONSTRUCTION DIVISION

Line Item No. 3

P.C.O. No. 7

95 Calendar Day

Non-Compensatory Contract Time Extension

March 14th to March 30th, 2017: 17 CD's AMI's Schedule Narrative #8 Update Claim. ✱

March 31st to June 4th, 2017: 66 CD's AMI's Settlement Agreement. ✱

June 5th to June 16th, 2017: 12 CD's AMI's May, 2017 Weather/Time Restriction Claim. ✱

Contract 15-08A Cost Increase = \$0.00

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✱ *Byham*

SUSSEX COUNTY UTILITY
CONSTRUCTION DIVISION

Line Item No. 4

P.C.O. No. 8

Balancing of Used/Unused Quantities

(Part A through Part E - Contract Bid Items)

Contract 15-08A Cost Credit = (\$97,457.73)

Part A: Beaver Dam/SR-5/Townsend Road Bid Items

Part B: Townsend Road to I.B.R.W.F. Bid Items

Part C: Stipulated Contingent Bid Items

Part D: Non-Stipulated Contingent Bid Items

Part E: Alternative Stevenson Road Bid Items

Contract 15-08A (P.C.O. No. 8)

Pump Station #210 Force Main - Indian Mission and Beaverdam Roads
C.O. No. 2 - Final Estimated Credit (including 8/2/17 Meeting and Settlement Agreement)
(Includes Balancing of Quantities Change Order Cost Summary Sheet with WRA Verified Quantities)

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part A - Beaverdam, Indian Mission and Townsend Roads							
A-1	Mobilization	1	LS	\$ 210,000.00	1	\$ -	\$ -
A-2	Furnish & Install 24" Force Main	21400	LF	\$ 88.00	20832		\$ (49,984.00)
A-3	Furnish & Install PVC Force Main - 6"	40	LF	\$ 92.00	0	\$ -	\$ (3,680.00)
A-4	Direction Drill - Chapel Branch	1	LS	\$ 110,947.00	0	\$ -	\$ (110,947.00)
A-5	Furnish & Install 2" Combo Air/Vac. Valve/Manhole	8	EA	\$ 15,000.00	8	\$ -	\$ -
A-6	Type "C" Hot Mix Overlay	17,000	SY	\$ 12.20	11715.11	\$ -	\$ (64,475.66)
A-7	Furnish and Install Isolation Valves - 24"	2	EA	\$ 25,000.00	2	\$ -	\$ -
A-8	Furnish & Install 6" Isolation Valves	1	EA	\$ 3,500.00	2	\$ 3,500.00	\$ -
A-9	Furnish & Install 36" Casing Pipe	190	LF	\$ 420.00	200	\$ 4,200.00	\$ -

Subtotals for Parts A: \$ 7,700.00 \$ (229,086.66)

A-2 = Sta. 411+00 to Sta. 405+40 = 560 L.F.
 A-2 = Sta. 391+88 to Sta. 300+50 = 9,138 L.F. - 120' casing = 9,018 L.F.
 A-2 = Sta. 292+50 to Sta. 179+36 = 11,314 L.F. - 60' casing = 11,254 L.F.
 A-9 = Sta. 438+20 to Sta. 438+00 = 0 L.F. Includes 20' casing = (B-1 Pipe Section)

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part B - Off Road Construction - Townsend Road to I.B.R.W.F.							
B-1	Furnish & Install 24" Force Main	9250	LF	\$ 88.00	9191		\$ (5,192.00)
B-2	Furnish & Install 2" Combo Air/Vac. Valve/Manhole	3	EA	\$ 14,000.00	3	\$ -	\$ -
B-3	Furnish and Install Isolation Valves - 24"	2	EA	\$ 37,000.00	2	\$ -	\$ -

Subtotals for Parts B: \$ - \$ (5,192.00)

B-1 = Sta. 502+93 to Sta. 411+00 = 9,234 L.F. + 18' from Sta. 502+07 tee/24" valve to Sta. 502+25 Tap - 20' casing at Sta. 438+20 to 438+00.

Part C - Stipulated Contingent Bid Items							
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
C-1	Contingent Unclassified Excavation	1,000	CY	\$11.00	1773.74	\$ 8,511.14	\$ -
C-2	Contingent Borrow Material - Type "C" Borrow	8,000	CY	\$16.00	11118.52	\$ 49,896.32	\$ -
C-3	Contingent Aggregate - Graded Type "B" Crusher Run	100	Ton	\$26.00	0.00	\$ -	\$ (2,600.00)
C-4	Contingent Porous Fill - No. 57 Stone	1,000	Ton	\$29.00	2,833.33	\$ 53,166.57	\$ -
C-5	Contractor Down Time	25	HR	\$400.00	548.41	\$ 209,364.00	\$ -
C-6	Furnish and Place 4,000 PSI Concrete	25	CY	\$150.00	18.00	\$ -	\$ (1,050.00)
C-7	Replacement of Ex. Storm Drain Pipes < 18"	200	LF	\$30.00	30.00	\$ -	\$ (5,100.00)
C-8	Contingent Hot Mix	500	Ton	\$75.00	82.15	\$ -	\$ (31,338.75)

Subtotals for Part C: \$ 320,938.03 \$ (40,088.75)

Note: Includes Settlement Agreement quantities for Bid items C-1 (Excavation), C-2 (Borrow), C-4 (#57 Stone) and C-5 (Down Time).
 Note: Includes Non-P.C.O. Bid Item Agreement of 30 L.F. of Bid Item C-7.

Contract 15-08A (P.C.O. No. 8) - Continued

Pump Station #210 Force Main - Indian Mission and Beaverdam Roads
C.O. No. 2 - Final Estimated Credit (including 8/2/17 Meeting and Settlement Agreement)
(Includes Balancing of Quantities Change Order Cost Summary Sheet with WRA Verified Quantities)

Part D - Unstipulated Contingent Bid Items							
D-1	Cont. Relocation of F.M. from Grass Shoulder	4,000	LF	\$28.00	0.00	\$ -	\$ (112,000.00)
D-2	Contingent Test Pits	50	EA	\$150.00	0.00	\$ -	\$ (7,500.00)
D-3	Replacement of Ex. Storm Drain Pipes > 18"	40	LF	\$350.00	0.00	\$ -	\$ (14,000.00)
D-4	Silt Fence	1,000	LF	\$3.50	0.00	\$ -	\$ (3,500.00)
D-5	Stabilization Matting	1,000	SY	\$4.00	500.00	\$ -	\$ (2,000.00)
D-6	Construction Entrance	2	EA	\$5,000.00	0.00	\$ -	\$ (10,000.00)

Subtotals for Part D: \$ - \$ (149,000.00)

Note: D-5 does include an estimated 500 S.Y.'s of matting that SCED has approved in limited areas.

Item No.	Description	Bid			Actual		
		Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part E - Alternative Bid Stevenson Road							
E-1	Furnish & Install 24" Force Main	1300	LF	\$ 120.00	1292		\$ (960.00)
E-2	Furnish & Install 2" Combo Air/Vac. Valve/Manhole	1	EA	\$ 9,500.00	1	\$ -	\$ -
E-3	Type "C" Hot Mix Overlay	1,700	SY	\$ 15.00	1,862.11	\$ 2,431.65	\$ -
E-4	Furnish & Install 36" Casing Pipe	70	LF	\$ 420.00	60		\$ (4,200.00)

Subtotals for Parts E: \$ 2,431.65 \$ (5,160.00)

E-1 = Sta. 405+40 to Sta. 391+88 = 1,352 L.F. - 60' casing at SR-5 / Independence crossing.

Grand Total = Parts (A + B + C + D + E): \$ 331,069.68 \$ (428,527.41)

Balancing of Used/Unused 15-08A Bid Item Quantities for C.O. 2 - Final **Decrease** **\$ (97,457.73)**
 (Total Decrease Based Upon All Final Quantities Part A through Part E)

APPROVED

**SUSSEX COUNTY UTILITY
 CONSTRUCTION DIVISION**

Line Item No. 5

P.C.O. No. 12

Materials Given to SCED by AMI for Bid Item A-4 Work
(Bid Item A-4 Removed from Contract 15-08A)

Contract 15-08A Cost Increase = \$45,367.60



AMI's Claimed Materials vs. WRA /SCED Confirmed Materials Given to SCED

For Sta. 300+50 to Sta. 292+50 H.D.D. Work - (5/08/17 to 7/12/17)

I. AMI Claimed Materials Given to SCED (AMI / Chris Berry on July 18th, 2017 e-mail)

1 - 2" ARI Combo. Short Body Sewage ARV	\$2,269.25 =	\$ 2,269.25
1 - 2" Isolation S.S. Ball Valve w/Nipple	\$ 212.42 =	\$ 212.42
1 - S.S. Cam and Groove Coupler (Dixon G-200)	\$ 98.50 =	\$ 98.50
1 - Manhole Frame and Cover (ERGO 30 DI wo/Lift	\$ 725.04 =	\$ 725.04
1 - Precast 60" "Doghouse" Manhole Structure	\$1,593.00 =	\$ 1,593.00
4 - 22.5 Degree M.J. Bends with no Restraints	\$ 664.91 / EA. =	\$ 2,659.64
2 - 11.25 Degree M.J. Bends with no Restraints	\$ 646.26 / EA. =	\$ 1,292.52
3 - 24" x 2' M.J. Solid Sleeves	\$ 463.02 / EA. =	\$ 1,389.06
9 - 24" M.J. Joint Restraints (Mega-Lugs)	\$ 254.79 / EA. =	\$ 2,293.11
180 L.F. of 24" SDR-18 Diamond-Lok Pipe	\$ 114.02 / L.F. =	\$ 20,523.60
200 L.F. of 24" SDR-21 Pipe	\$ 36.45 / L.F. =	\$ 7,290.00
5 Bell Joint Restraints for 5 Pipe Joints	\$ 445.39 / L.F. =	\$ 2,226.95

AMI's Sub-Total Including Manhole F&C and Structure: **\$ 42,573.09**

Plus Total Value of 10% Contract Allowed Mark-Up: **\$ 4,257.31**

Total Value of AMI Purchased Materials Given to SCED: **\$ 46,830.40**

II. AMI Provided Materials Confirmed by WRA/SCED (M. Gambrell / D. Beck on 8/4/17)

1 - 2" ARI Combo. Short Body Sewage ARV	\$2,269.25 =	\$ 2,269.25
1 - 2" Isolation S.S. Ball Valve w/Nipple	\$ 212.42 =	\$ 212.42
1 - S.S. Cam and Groove Coupler (Dixon G-200)	\$ 98.50 =	\$ 98.50
1 - Manhole Frame and Cover (ERGO 30 DI wo/Lift	\$ 725.04 =	\$ 725.04
1 - Precast 60" "Doghouse" Manhole Structure	\$1,593.00 =	\$ 1,593.00
2 - 22.5 Degree M.J. Bends with no Restraints	\$ 664.91 / EA. =	\$ 1,329.82
2 - 11.25 Degree M.J. Bends with no Restraints	\$ 646.26 / EA. =	\$ 1,292.52
3 - 24" x 2' M.J. Solid Sleeves	\$ 463.02 / EA. =	\$ 1,389.06
9 - 24" M.J. Joint Restraints (Mega-Lugs)	\$ 254.79 / EA. =	\$ 2,293.11
180 L.F. of 24" SDR-18 Diamond-Lok Pipe	\$ 114.02 / L.F. =	\$ 20,523.60
200 L.F. of 24" SDR-21 Pipe	\$ 36.45 / L.F. =	\$ 7,290.00
5 Bell Joint Restraints for 5 Pipe Joints	\$ 445.39 / L.F. =	\$ 2,226.95

WRA's Sub-Total Including Manhole F&C and Structure: **\$ 41,243.27**

Plus Total Value of 10% Contract Allowed Mark-Up: **\$ 4,124.33**

WRA's Total Value of AMI Purchased Materials Given to SCED: **\$ 45,367.60**

WRA Recommendation: Include \$45,367.60 as Line Item 8 (P.C.O. No. 12) on C.O. No. 2 – Final.

APPROVED

Baltimore, Maryland 21231

501 South Caroline Street

www.wralp.com · Phone 410.235.3450 Fax 410.235.3716

N:\14256-008\Engineering\Construction Adm\Claims\AMI Materials-SCED Confirmed PCO-12.docx

**SUSSEX COUNTY UTILITY
 CONSTRUCTION DIVISION**



July 7th, 2017

Mr. Brad Hawkes
Sussex County Engineering Department
#2 The Circle
Georgetown, Delaware 19947

Re: Pump Station #210 Force Main to I.B.R.W.F.
Indian Mission and Beaver Dam Roads
Contract No. 15-08A

Dear Mr. Hawkes:

Whitman, Requardt and Associates, LLP (WRA) has received a copy of Allan Myers (MD), Inc.'s (AMI), June 28th, 2017 letter stating AMI's position regarding Substantial Completion for the above referenced project. AMI's statements are understood by WRA to be based upon the requirements of the project specifications, negotiated settlements and the subsequent work referenced and remaining on the "Pre-Walk-Through" Inspection - "Punch List prepared by WRA from observations recorded by WRA, SCED and DelDOT field inspectors.

Based on WRA's observations and assessment of all completed work, as well as, the confirmed successful performance of the hydrostatic testing operation, WRA hereby makes recommendation granting "Substantial Completion" status to Allan Myers (MD), Inc. for all work performed on the 15-08A Contract, effective Friday, June 16th, 2017 (the date when the final pavement restoration work, except for Kendale Road, was witnessed as being successfully completed).

If accepted by Sussex County Engineering Department (SCED), the established dates regarding the 60 day, Conditional Acceptance period for the 15-08A Contract are June 17th, 2017 through August 15th, 2017. The One Year Warranty period for the 15-08A Contract will take effect (start) on August 16th, 2017 and will run through (including) August 15th, 2018. Please note that all Punch List items, as recorded on the WRA prepared, Contract 15-08A "Pre-Walk-Through" Inspection - "Punch List" document dated July 3rd, 2017, must be completed (by no later than August 15th, 2017) and prior to SCED's Final Acceptance and close-out of the Contract 15-08A.

In addition to completing all Punch List items, close-out of the 15-08A Contract, including the final, full payment for all required/completed work, requires AMI's submission of Contract 15-08A, general administrative items/documents; including but not limited to, AMI submitted and WRA/SCED reviewed/accepted Record Drawings, agreement and execution of any remaining Change Order documents, Release of Liens from major subcontractors/suppliers, General Contractor Waiver of Claims, Maintenance Bond for the One Year Warranty period and an extended 2nd/3rd Year Bond for all work completed within the DelDOT Right-of-Ways.

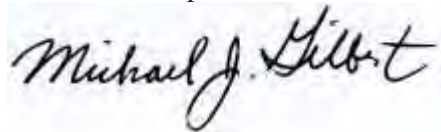
Please be reminded that a Delaware Department of Transportation (DelDOT) formal final "Walk-Through" Inspection (including the completion of any DelDOT required or other notice work items) and subsequent "Acceptance Letter" is required and needs to be obtained by Sussex County Engineering Department officials for close-out of the 15-08A Contract, as well.

The extended 2nd and 3rd Year Warranty period (according to the Contract documents for the work performed on or along or within DelDOT Right-of-Ways will start on August 16th, 2018 and run through (including) August 15th, 2020.

A copy of this letter will be sent directly to Allan Myers (MD), Inc. for their file and records. Submission of executed Certificate of Substantial Completion documents will be forwarded to SCED in the near future under separate cover, if required.

Should you have any questions or comments, please feel free to contact us at this office.

Very truly yours,
Whitman, Requardt & Associates, LLP



Michael J. Gilbert
Construction Projects Manager

Attachment – AMI Letter dated 6/28/17

cc: Joseph Wright, P.E. - (Sussex County Engineering Department)
Duane Beck - (Sussex County Engineering Department)
Rodney Marvel - (Sussex County Environmental Services)
Chris Berry - (Allan Myers MD, Inc.)
Dennis J. Hasson, P.E. - (Whitman, Requardt and Associates)
Will F. Hinz, P.E. - (Whitman, Requardt and Associates)
Mark Gambrell - (Whitman, Requardt and Associates)
File No. 14256-008



Carillon Woods

FACT SHEET

- Permission to prepare and post notices for an expansion of the Sussex County Unified Sanitary Sewer District (Long Neck Area).
- Project known as Carillon Woods.
- Expansion was requested by Davis Bowen & Friedel for their client.
- Parcels 234-23.00-260.00 & a portion of parcel 269.18.
- The project consists of 204 Apartment units and a clubhouse.
- The project will be responsible for System Connection Charges in place at the time of connection and a Use of Existing Infrastructure Agreement will need to be executed.
- Any Questions?
- Tentative date for Public Hearing will be November 28th, 2017 in council chambers.



October 19, 2017

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

Attn: Mr. John Ashman

Re: Carillon Woods
Indian Mission Road (RT 5)
Sussex County, Delaware
Tax Map No. 2-34-23.00-260.00 (25.86 Acres)
DBF #818N001

Dear Mr. Ashman:



On behalf of the Developer, Carillon Woods, LLC, we hereby request Sussex County Council's consideration of expanding the county sanitary sewer district boundary (Sussex County Unified Sanitary Sewer District - Long Neck Area) to include the above-referenced property. The approximate 26 acre site, located on Indian Mission Road, is to be used for the construction of a two hundred and four (204) apartment units with clubhouse. Enclosed for your review and use is a copy of the site plan for the project along with the required \$1,500.00 district expansion application fee check.

Should you have any questions or need additional information please let us know.

Sincerely,
DAVIS, BOWEN & FRIEDEL, INC.

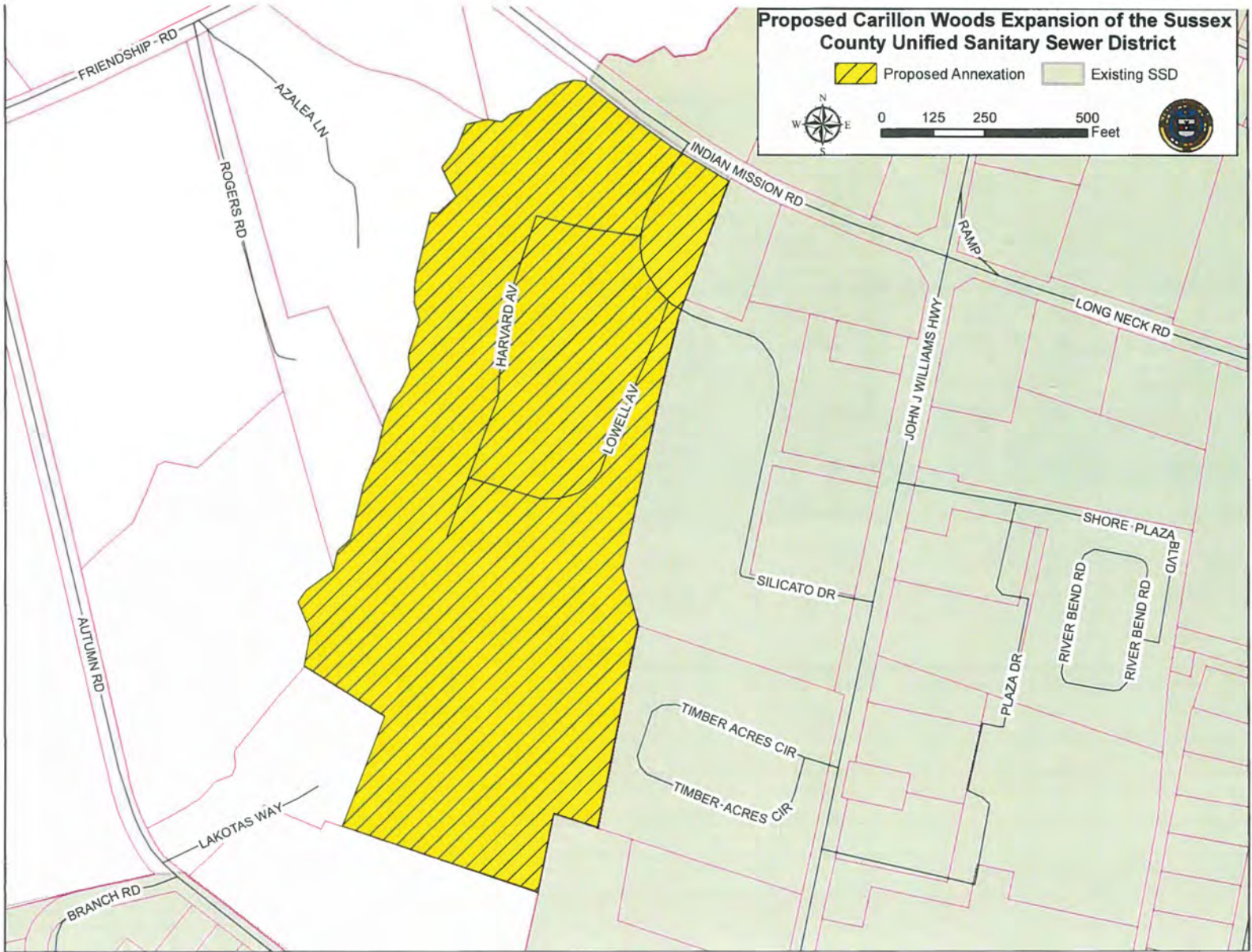
W. Zachary Crouch, P.E.
Principal

Proposed Carillon Woods Expansion of the Sussex County Unified Sanitary Sewer District

 Proposed Annexation  Existing SSD



0 125 250 500 Feet



JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 27, 2017

RE: County Council Old Business Report 2 for CU 2075 Burton's Pond, LLC (Burton's Pond Section II)

The County Council held a public hearing on June 13, 2017. The County Council deferred action and requested additional information from DelDOT regarding the timing of (scheduled of) the traffic signal.

The following is the response from DelDOT regarding the timing of the signal. The memo also includes the action taken by the Planning and Zoning Commission. This information was provided to County Council at their meeting on September 26, 2017.

Signals are not installed until they are justified through a Signal Justification Study that evaluates national and localized thresholds provide in the Manual on Uniform Traffic Control Devices (MUTCD). From a timeframe perspective, I do not know when a signal could be justified or if at all. To my knowledge, the Burton Pond development is paying into the Traffic Signal Revolving Fund which allows DelDOT to install a signal when justified. I've copied DelDOT's Sussex County Review Coordinator, Steve Sisson, to this email to help provide clarification on the process. If there are concerns now prior to the realignment and proposed unsignalized intersection, a signal justification study should be completed by the Burton Pond developer.

The following is the portion of the minutes from the April 6, 2017 Planning Commission meeting that addressed CU 2075 Burton's Pond, LLC (Burton's Pond Section II).

Ms. Cornwell advised the Commission that submitted in the record was a staff analysis, comments were received from DelDOT, Sussex Conservation District, and from the Sussex County Utility Planning Division; and that the applicant submitted a site plan and exhibit booklet.

Ms. Cornwell advised the Commission that there were three letters in opposition to this application.

The Commission found David Hutt, Attorney for Morris James Wilson Halbrook and Bayard, LLP, Zachary Crouch of Davis, Bowen, and Friedel, Inc. and Ben Gordy of Ocean Atlantic, were present on behalf of the application; that Mr. Hutt stated that 10 years ago a change of zone application from AR-1 to MR-RPC was filed; that the application was approved on July 31, 2007; that the RPC has expired; that a subdivision application was filed for a property on the other side of Route 24;



that the property received preliminary approval on January 26, 2017; that this application is for 100 townhomes on approximately 31 acres of land; that the townhomes lie on a little over 8 acres of the land; that two-thirds of the property will be open space; that Mr. Crouch spoke the property is zoned MR; that the property is located in a Level 2 State Strategy; that the property is located in an Environmentally Sensitive Developing Area (ESDA); that the density of this project is around 3.23 per acre; that the entrance will be on Sloan Road; that there will be 19.23 acres of open space; that the original application was for 6 multiunit buildings; that the hedgerow will remain to the south of the property; that there will be a pool house, pool, with a walking trail throughout the wooded area; and that there will be sidewalks on one side of the road; that there are no wetlands on this site; that they will try to keep all woodlands as it is today; that a TIS was done per the original application and have meet with DelDOT; that this property is in a Sussex County Sewer District; that the exhibit booklet contains comments from PLUS, TAC, Chapter 99-9C and also an Environmental Assessment report; that there will be a 30 foot buffer around the perimeter; that the existing trees are to remain; that there will be a walking trail through the woods and no trees will not be removed as part of the trail; that there will be a buffer along both side of the road; that there will be a multi-use path along Route 24 and Sloan Road; that as part of DelDOT's requirements, Sloan Road will be relocated at the developers expense; that the realigned road will tie into Hollymount Road; that the developer will enter into a signal agreement and will install the signal at the intersection when it is warranted per DelDOT, the developer will pay for the Signal; that Mr. Gordy spoke that there will be 6 units to a building; that the standard is 3 bedrooms a unit; that square the footage for each unit will be between 1,600 square feet to 2,300 square feet; that the master bedroom will be on the 1st floor; that he meet with some of the property owners; that he is willing to supplement the woods to meet the buffer requirement; that the HOA will be shared with the single family across the street and have shared amenities; that he is a licensed realtor and has no knowledge that multi-family having a negative impact on value of surrounding properties; that Mr. Crouch spoke that the all the trees will be removed on the single family lots so they could get the house on the lots; that the conditional use will allow for townhomes; that the plan in place will address infrastructure and the developer is paying for the improvements; that the developer is going to solve ongoing problems; that the sewer will be provided by a public provider; that there are other developments similar in the area and had no impact to the value; that this is in the ESDA which the code recognized to allow for a range of housing types; that mulch, stone, or natural material will be used for the walking path; that old Sloan Road will be abandoned; that the new intersection will be designed for a signal; that Hollymount Road will also be updated; that Sloan Road will be repaired first and then Hollymount Road; that the roads will meet the current standards; that the amenities will be in by the 51st Certificate of Occupy; that old Sloan Road will be removed and grass will be planted; that there will be centralized cluster mail boxes; that the both sides can share the amenities; that there will be room for additional parking with 15-20 spaces in front of the pool; that there will be a master HOA with a sub association for the townhomes for lawn care; and that the streets meet Fire Marshal requirements.

The Commission found that there were no parties in support to this application.

The Commission found that Arnold Pitman, Karen Snoots, Jessie Ockie, Joe Caserta, Susan Bovine, Chris McDaniel, and Johanna O'Neill, spoke in opposition to the application; that they had concerns with property values; that there concerns with traffic; that the housing should be single family and not townhomes; that it is not compatible with the area; that there are too many houses; and that there was concern about wildlife in the area.

At the conclusion of the public hearings, the Commission discussed this application; that concern of square footage; that the loss of trees; that there is concern with traffic; that the value issue doesn't exist as there was no documentation.

Motion by Mr. Hopkins, seconded by Mr. Ross and carried unanimously to defer action for further consideration. Motion carried 5-0.

The following is the portion of the minutes from the May 11, 2017 Planning Commission meeting that addressed CU 2075 Burton's Pond, LLC (Burton's Pond Section II).

At their meeting on May 11, 2017, the Commission discussed this application which has been deferred since April 6, 2017.

Mr. Ross stated that he would move the Commission recommend approval of Conditional Use No. 2075 for Burton's Pond, LLC (Burton's Pond Section II) for a multi-family (100 townhouse Units), based upon the record and the following reasons stated:

1. This property is currently zoned MR (Medium-Density Residential District) and the proposed project meets the purposes and requirements of the District.
2. This application is for a conditional use in an MR (Medium-Density Residential District) to allow for the construction of townhouses. The applicant proposes 100 dwelling units on 30.95 acres, located in Indian River Hundred, adjacent to John J. Williams Highway (Route 24) at Sloan Road (Country Road 49).
3. This project was previously approved as an MR-RPC by Ordinance No. 1919 (CZ No. 1610) with 102 dwelling units, adopted by County Council on July 31, 2007.
4. The property is in an Environmentally Sensitive Development District Overlay Zone (ESDDOZ).
5. The applicant has submitted the application to PLUS and has responded appropriately to the PLUS Comments and provided the Commission with the required information for its consideration.
6. The property contains no wetlands and is not located in a Wellhead Protection Area.
7. The project is designed to preserve wooded areas and the natural buffer next to the adjacent residential communities. Dwelling units will be adjacent to open space, sidewalks and walking, jogging and bike trails, promoting interconnectivity within the project. The design preserves 19 acres of open space when a grid MR subdivision would preserve significantly less open space.
8. The applicant has proposed 100 dwelling units within the project, which is permissible density of 3.23 units per acre within an MR (Medium Density Residential District).
9. The project will not adversely affect neighboring or adjacent properties. The project is consistent with existing residential development in the area.
10. The proposed project will be served by central water and sewer, in accordance with Federal, State and County requirements.
11. Through consultation with DelDOT, the proposed project shall have one (1) entrance on Sloan Road (County Road 49).
12. The proposed project will have both active and passive open space.
13. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the MR (Medium-Density Residential District).
14. This recommendation for approval is subject to the following conditions and stipulations:

- a. There shall be no more than 100 townhouse units within the project.
- b. The applicant shall create a fee simple townhome community which will be part of the Burton Pond Communities Homeowners Association, possibly through a separate sub-homeowners association, to be responsible for the maintenance of streets, roads, buffers, stormwater management facilities, and other common areas including the Environmental Management Plan for Burton's Pond as stated in the Conditions for Burton's Pond Section 1.
- c. The project shall be served by a central sewer system in accordance with the Sussex County Engineering Department specifications and in conformity with all DNREC regulations as part of the Sussex County Unified Sanitary Sewer District North Coastal Planning Area.
- d. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations through Tidewater Utilities, Inc.
- e. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements including the requirements of the Sussex Conservation District and PCS. The Applicant, its successors and assigns shall operate the stormwater management facilities utilizing Best Management Practices (BMP) and Best Available Technologies (BAT). The final site plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- f. All entrances, intersections, roadway improvements and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT. In addition, the relocation of Sloan Road shall be completed within the first phase of the development.
- g. The recreational amenities in Section II shall be constructed and open to the use by residents upon the issuance of the 50th residential building certificate of occupancy for Section II.
- h. Street lighting shall be provided and the location of the streetlights shall be shown on the Final Site Plan.
- i. Sidewalks shall be installed on one side of all streets within the project and shall be shown on the Final Site Plan. There shall also be walking, jogging, and bike paths throughout the subdivision as shown on the Preliminary Site Plan.
- j. The undisturbed forested areas shall be shown on the Final Site Plan.
- k. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- l. A school bus stop area with parking shall be located within the project. The Developer shall coordinate and cooperate with the local school district's transportation manager to establish the school bus stop area. The location of the bus stop area, with the approval of the local school district, shall be shown on the Final Site Plan.
- m. The Applicant shall provide agricultural buffers and wetland buffers, as necessary, in accordance with the applicable regulations. The Agricultural Use Notice shall be included in covenants, conditions, and restrictions or instruments of conveyance.
- n. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.

- o. The Developer shall design and install a landscape buffer of berms and plantings running South to North along the entire property boundary with John J. Williams Highway (Route 24) and running East to West along the entire property boundary with the relocated Sloan Road (County Road 49). The Final Site Plan shall contain a landscape plan showing the proposed design and vegetation of all landscape buffer areas.
- p. The interior street design shall be in accordance with or exceed Sussex County street requirement and/or specification. Street design shall include curbs, sidewalks, and street lighting.
- q. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Friday between the hours of 7:00 a.m. and 6:00 p.m. and Saturday between the hours of 8:00 a.m. 1:00 p.m.
- r. A revised Preliminary Site Plan either depicting or noting these conditions must be submitted to the Sussex County Office of Planning and Zoning.
- s. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Ross, seconded by Ms. Stevenson, and carried unanimously to forward this application on to the Sussex County Council with the recommendation that the application be approved for the reasons and with the condition stated. Motion carried 5-0.

Introduced 1/3/17

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

ORDINANCE NO. ____

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

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

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

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

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

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

ORDINANCE NO. __

AN ORDINANCE TO ADD A NEW CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED “LABOR UNIONS” TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE SECTOR EMPLOYMENT, INCLUDING PROHIBITION OF MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION DUES OR FEES AS CONDITION OF EMPLOYMENT; INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF COERCION RELATED TO UNION SUPPORT OR MEMBERSHIP.

WHEREAS, pursuant to Title 9 Section 7001(a) of the Delaware Code the Delaware General Assembly has granted to Sussex County all of the powers of the State that are not specifically prohibited by statute; and

WHEREAS, it is the intent of this Ordinance to provide that no employee covered by the National Labor Relations Act be required to join or pay dues to a union, or refrain from joining a union, as a condition of employment; and

WHEREAS, the County Council desires to promote economic development and worker freedom within all of Sussex County, directly and in cooperation with public and private entities promoting Sussex County and its resources, its people, and its many geographical and cultural advantages; and

WHEREAS, Sussex County and its residents compete for the expansion of employment opportunities with other cities, counties, and states (including states such as Michigan, Kentucky, Indiana, and a majority of the other states in the U.S.) whose citizens benefit from the protection under similar right to work legislation, and Sussex County desires to compete on a level playing field with other cities, counties, and states that have enacted such right to work legislation; and

WHEREAS, the County Council believes that right to work legislation is not “anti-union” legislation, but actually could lead to a healthier, more robust unions who freely compete for employee membership; and

WHEREAS, the County Council of Sussex County hereby finds and determines that it is in the best interest of the citizens of Sussex County to promote and encourage direct commerce for the protection and convenience of the public, by giving employees freedom to choose employment without restraint or coercion regarding the payment of mandatory dues, fees, or other payments to a labor organization as a condition of that employment; and

WHEREAS, the County Council believes that the goals of the foregoing can be furthered through the passage of this Ordinance and amending the County Code as provided for herein.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County is hereby amended by adopting a new Chapter 117, entitled “Labor Unions” with the following sections to be inserted in Chapter 117 as follows in this Ordinance.

Section 2. The Code of Sussex County is hereby amended by adopting a new §117-1, entitled “Declaration of public policy,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-1 Declaration of public policy.

It is hereby declared to be the public policy of Sussex County in order to ensure individual freedom of choice in the pursuit of employment, for the protection and convenience of its citizens who desire the broadest choice of employment opportunities, to permit its citizens to choose to increase their real take home pay by decreasing mandatory payroll deductions in order to stimulate savings and economic growth, and to encourage an employment climate conducive to the economic development of Sussex County, including recruiting new businesses to Sussex County, that the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.”

Section 3. The Code of Sussex County is hereby amended by adopting a new §117-2, entitled “Terms,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-2 Terms.

The terms “employee,” “employer,” “labor organization,” and “person” as used in this chapter shall have the same meanings as defined by the National Labor Relations Act.”

Section 4. The Code of Sussex County is hereby amended by adopting a new §117-3, entitled “Freedom of choice guaranteed, discrimination prohibited,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-3 Freedom of choice guaranteed, discrimination prohibited.

No person covered by the National Labor Relations Act in Sussex County shall be required as a condition of employment or continuation of employment:

- A. to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;**
- B. to become or remain a member of a labor organization;**
- C. to pay any dues, fees, assessments or other charges of any kind or amount to a labor organization; or**

D. to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.”

Section 5. The Code of Sussex County is hereby amended by adopting a new §117-4, entitled “Voluntary deductions protected,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-4 Voluntary deductions protected.

It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation to the employer, with the following exception:

- A. If the **card-written authorization** on its face clearly states that it is irrevocable for a period of up to one year after its effective date, that shall be the maximum period of time an employee is prohibited from ceasing payroll deductions;**
- B. Notwithstanding the foregoing, an employee’s express choice to revoke his/her authorization is to be given effect as soon as the period of irrevocability passes.”**

Section 6. The Code of Sussex County is hereby amended by adopting a new §117-5, entitled “Agreements in violation, and actions to induce such agreements, declared illegal,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-5 Agreements in violation, and actions to induce such agreements, declared illegal.

Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed by provisions of this chapter is hereby declared unlawful, null and void and of no legal force or effect.”

Section 7. The Code of Sussex County is hereby amended by adopting a new §117-6, entitled “Coercion and intimidation prohibited,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-6 Coercion and intimidation prohibited.

It shall be unlawful for any person, labor organization or officer, agent or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee’s or prospective employee’s parents, spouse, children, grandchildren or any other persons residing in the employee’s or prospective employee’s home, or by any damage or threatened damage to an employee’s or prospective employee’s property, to compel or attempt to compel such employee to join, affiliate with or financially support a labor organization or to refrain from doing

so, or otherwise to forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.”

Section 8. The Code of Sussex County is hereby amended by adopting a new §117-7, entitled “Penalties,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-7 Penalties.

- A. Any person who shall violate a provision of this chapter or any of its subsections and/or fails to comply with any notice of violation shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$250 for the first conviction; \$500 for the second conviction; \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the fine for such conviction shall be \$2,500. The fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 10 days from the date of the conviction. Jurisdiction over the enforcement of this provision shall be in the Justice of the Peace Courts of the State of Delaware.
- B. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is authorized, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.
- C. The penalties set forth in this section shall not affect the County’s right to also recover expenses incurred pursuant to this chapter.”

Section 9. The Code of Sussex County is hereby amended by adopting a new §117-8, entitled “Civil remedies,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-8 Civil remedies.

Any individual harmed as a result of any violation or threatened violation of the provisions of this chapter shall have the right to pursue in a court of competent jurisdiction a civil cause of action to enjoin further violations and to recover the damages sustained, together with the cost of the lawsuit, including reasonable attorneys’ fees. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this chapter.”

Section 10. The Code of Sussex County is hereby amended by adopting a new §117-9, entitled “Duty to investigate,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-9 Duty to investigate.

It shall be the duty of the County Administrator, or his/her designee, to investigate complaints of violation or threatened violations of this chapter and to take all means at his/her command to ensure the effective enforcement of this chapter.”

Section 11. The Code of Sussex County is hereby amended by adopting a new §117-10, entitled “Prospective application,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-10 Prospective application.

The provisions of this chapter shall apply to all contracts entered into after the effective date of this chapter by employers or labor organizations covering employees within this County and shall apply to any renewal or extension of any such contract.”

Section 12. **Severability.** If any provision of this chapter, or application thereof to any person, entity or circumstances, shall be invalid or unenforceable to any extent, the remainder of this chapter, and the application of such provision to other persons, entities or circumstances, shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

Section 13. **When effective.** This chapter shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

Synopsis

This Ordinance amends Sussex County Code to insert a new Chapter 117 to prohibit certain matters related to labor unions for Sussex County employees and employers in the private sector. The Ordinance prohibits mandatory union membership or payment of certain union fees, involuntary union pay deductions, and acts of coercion or intimidation related to union support or payment.

No text has been deleted. All new text is underlined and in quotations.

To Be Introduced 10/31/17

Council District No. 3 – Burton

Tax I.D. No. 135-15.00-40.00

911 Address: 22091 Lewes-Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE SALES WITH MINOR REPAIRS AND CONTRACTOR OFFICE WITH STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.909 ACRES, MORE OR LESS

WHEREAS, on the 11th day of October 2017, a conditional use application, denominated Conditional Use No. 2119, was filed on behalf of Chad Hayes; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2119 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2119 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 Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Highway (Route 9) approximately 812 feet east of Sand Hill Road and being more particularly described as follows:

BEGINNING at a point on the northerly right of way of Route 9, a corner for these lands and lands of Edward J. Soboczinski; thence north 10 degrees 07 minutes 25 seconds west 263.29 feet and north 82 degrees 30 minutes 13 seconds east 158.40 feet along said Soboczinski lands to a point; thence south 08 degrees 13 minutes 22 seconds east 250.96 feet along other lands of Charles H. Hayes, Jr., to a point on the northerly right of way of

Route 9; thence westerly 150.04 feet along the arc of the northerly right of way of Route 9 to the point and place of beginning, said parcel containing 39,610 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

To Be Introduced 10/31/17

**Council District No. 5 – Arlett
Tax I.D. No. 533-19.00-287.02
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONS OF APPROVAL FOR CONDITIONAL USE NO. 1106 TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.706 ACRES, MORE OR LESS

WHEREAS, on the 11th day of October 2017, a conditional use application, denominated Conditional Use No. 2120, was filed on behalf of PJM Properties, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2120 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2120 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Williamsville Road approximately 2,476 feet southeast of Lighthouse Road (Route 54) and being more particularly described in attached deed prepared by D. Stephen Parsons, P.A., said parcel containing 5.706 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 10/31/17

**Council District No. 2 – Wilson
Tax I.D. No. 135-6.00-10.00
911 Address: 18864 Redden Road, Georgetown**

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 GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 22.53 ACRES, MORE OR LESS

WHEREAS, on the 13th day of October 2017, a zoning application, denominated Change of Zone No. 1848, was filed on behalf of R. Keller and Joann Hopkins; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1848 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of 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 Georgetown Hundred, Sussex County, Delaware, and lying at the southeast corner of E. Redden Road and DuPont Blvd. and being more particularly described in the attached deed prepared by David W. Baker, Esq. P.A.

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

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417
GEORGETOWN, DE 19947
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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date September 28, 2017

Application: CU 2100 Catherine Schultz DH

Applicant/Owner: Catherine Schultz
36570 Camp Barnes Rd.
Frankford, DE 19945

Site Location: 36570 Camp Barnes Rd.
Southwest side of Camp Barnes Rd. approximately 425 ft. west of
Millers Neck Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Retail Flower Shop

Comprehensive Land
Use Plan Reference: Environmental Sensitive Developing Area

Councilmatic
District: Mr. Arlett

School District: Indian River School District

Fire District: Roxana Fire District

Sewer: Private on-site septic

Water: Private on-site well

Site Area: 1.35 ac. +/-

Tax Map ID.: 134-19.00-117.01



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE 19947

JANELLE M. CORNWELL, AICP
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Sussex County

DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 27, 2017

RE: County Council Report for C/U 2100 Catherine Schultz

The Planning and Zoning Department received an application (C/U 2100 Catherine Schultz) to allow for retail flower shop. The Planning and Zoning Commission held a public hearing on September 28, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, staff analysis, and comments from Sussex Conservation District, Sussex County Utility Planning Division, and DeIDOT.

The Commission found that Catherine Schultz, owner was present on behalf of her application; that Ms. Schultz stated that she wants to relocate her flower shop to her residence; that she presently had the business on Rt. 1 for the past 32 years and the lease would be up in two years; that she lives at the entrance to the Wildlife Refuge; that 80 percent of the orders are call ins and internet orders; that she do weddings and floral holidays; that they do deliveries; that the truck leaves and comes back when done with the deliveries; that summer time is not a very busy time of the year; that the busy time will be in the off season (such as Christmas) etc.; that the driveway can fit eight to ten parking spaces; that the hours of operation are 9:00 am to 5:00 pm or 8:00 am to 4:00 pm; that currently the hours are 8:00 am to 4:00 pm due to school and sports; that the driver would be in and out; that the only foot traffic would be wedding consultations; that she would like a sign; that a mini-van delivers supplies which comes on Monday, Wednesday, Thursday, and Friday around 10:00 am; that there will be two employees; that she does not grow any flowers on site; and that there used to be a few home businesses in the area.

The Commission found that James Mullican Sr. was in support to the application; that he has known Catherine since 2001; that she is very conscientious person; that she is very well organized; that he is a delivery driver; and that she keeps waste neat and orderly.

The Commission found no one in opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.



Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of October 12, 2017, the Commission discussed this application which had been deferred since September 28, 2017.

Mr. Hudson, moved that the Commission recommend approval of Conditional Use #2100 for Catherine Schultz for a retail flower shop based upon the record made during the public hearing and for the following reasons:

1. The applicant stated that she has an existing flower business that she desires to relocate to her home. She has stated that there are very little on-site retail sales, as most of her business involves off-site events and deliveries.
2. The business is small nature, with only the owner and two employees.
3. Deliveries to and from the business are small in nature, typically from a minivan or similar vehicle.
4. Because there is very little walk-in traffic, and the number and type of deliveries is small, the use will not adversely affect roadways or traffic.
5. Given the size of the business, the small number of employees, and the off-site nature of the product sales, the use will not have any negative impact on neighboring properties.
6. There was testimony from a neighbor in favor of the application, stating that the use has no adverse effect on his property, and that he supports the application.
7. The floral shop is desirable for the general convenience and welfare of the area.
8. No parties appeared in opposition to this application.
9. 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. The failure to abide by these conditions shall result in the termination of this Conditional Use.
 - f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.



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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 21, 2017
RE: Staff Analysis for CU 2100 Catherine Schultz

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2100 Catherine Schultz to be reviewed during the September 28, 2017 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 parcel 134-19.00-117.01 to allow for the use as a retail flower shop. The size of the area of the property to be used for the Conditional Use is 1.35 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

The 2008 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 indicates that the properties have the land use designation Environmental Sensitive Developing Area.

The surrounding land use to the north, east and west are Environmental Sensitive Developing Area. The land use to the south is Environmental Sensitive Developing Area and Mixed Residential Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, east and west are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned GR (General Residential District). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for a retail flower shop could be considered consistent with the land use, and surrounding zoning.





Addresses / Parcels

■ Tax Parcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

■ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

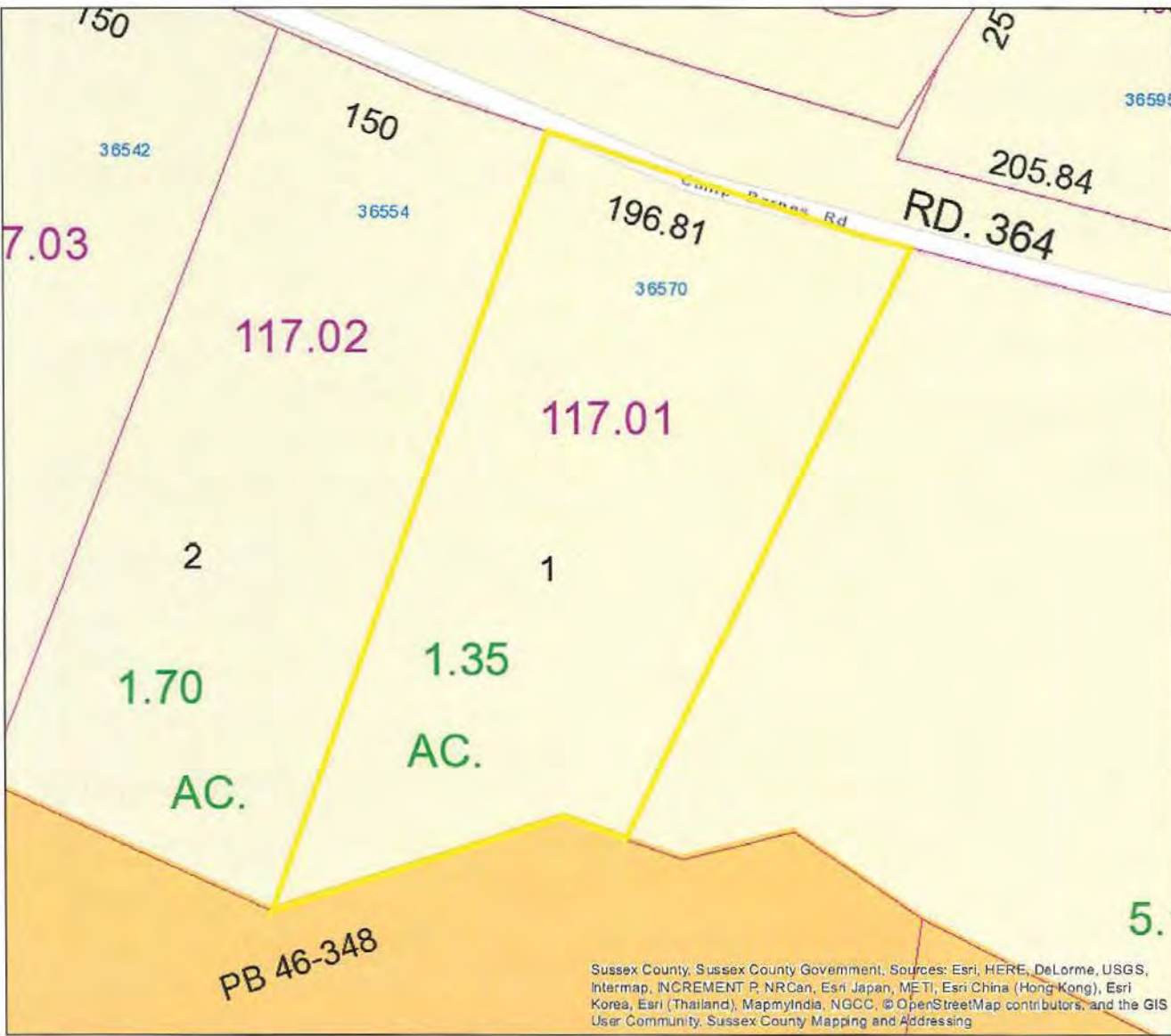
■ VE

■ Public Protected Lands

■ Municipalities

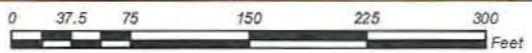
■ Communities

■ Boundaries State County



Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing

Sussex County Map



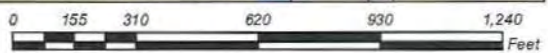


- Addresses / Parcels**
- Tax Parcels
- Council Districts**
- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries
- Schools/Libraries**
- School Buildings (Various)
- School Library
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- Special Library
- DOE School Districts
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- Hydrology**
- Streams / Rivers
- Lakes, Ponds, Bays
- Flood Zones**
- 0.2% Annual Chance Flood Hazard
- A
- AE
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- VE
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County

Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NCCO, OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing



Sussex County Map





Addresses / Parcels

▣ Tax Parcels

Council Districts

- ▣ Fire Districts
- ▣ County District 01
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- ▣ County Boundaries

Schools/Libraries

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- ▣ School Library
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- ▣ Special Library
- ▣ DOE School Districts
- ▣ DOE VoTech School Districts

Hydrology

- ▣ Streams / Rivers
- ▣ Lakes, Ponds, Bays

Flood Zones

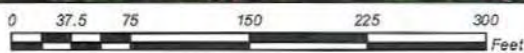
- ▣ 0.2% Annual Chance Flood Hazard
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- ▣ Municipalities
- ▣ Communities
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Sussex County Map



Introduced 05/09/17

Council District No. 5 – Arlett
Tax I.D. No. 134-19.00-117.01
911 Address: 36570 Camp Barnes Road, Frankford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETAIL FLOWER SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.35 ACRES, MORE OR LESS

WHEREAS, on the 25th day of April 2017, a conditional use application, denominated Conditional Use No. 2100, was filed on behalf of Catherine Schultz; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2100 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2100 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the southwest side of Camp Barnes Road, approximately 425 feet west of Millers Neck Road, and being more particularly described per the attached deed prepared by Raymond E. Tomasetti, Esquire, said parcel containing 1.35 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.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date September 28, 2017

Application: CU 2101 1st State Paving DH

Applicant: 1st State Paving
PO Box 561
Seaford, DE 19950

Owner: Stuart and Elizabeth Jones
31005 Iron Branch Rd.
Dagsboro, DE 19939

Site Location: 31005 Iron Branch Rd.
East side of Iron Branch Rd. approximately 0.38 miles south of Power Plant Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential with a Conditional Use for retail gun shop and gunsmithing (CU 2027)

Proposed Use: Residential with the existing Conditional Use for retail gun shop and gunsmithing and new Conditional Use for parking/storage of construction equipment

Comprehensive Land Use Plan Reference: Environmental Sensitive Developing Area

Councilmatic District: Mr. Arlett

School District: Indian River School District

Fire District: Dagsboro Fire District

Sewer: Unknown

Water: Unknown

Site Area: 14.04 ac +/- (6.55 ac. +/- proposed for Conditional Use)

Tax Map ID.: 233-11.00-17.00

*Previous Conditional Use (CU 2027) was granted by County Council on September 29, 2015.



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE 19947

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PLANNING & ZONING DIRECTOR
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(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 27, 2017

RE: County Council Report for CU 2101 1st State Paving

The Planning and Zoning Department received an application (CU 2101 1st State Paving) to allow for storage of construction equipment and vehicles. The Planning and Zoning Commission held a public hearing on September 28, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from Sussex Conservation District, Public Works Utility Planning Division, DelDOT, one letter of opposition and one letter of support.

The Commission found that Evan Matnard, were present on behalf of the application; that he is the owner of a small local business; that they previously parked on job site and had issues with vandalism; that a friend allowed him to park his items on site and in exchange for maintenance; that the hours of operation are 7:30 am to 5:30 pm or 6:00 pm., that there is no business being done on the property; that there is no office or customers; that he has four to five employees; that come in the morning to pick up the equipment vehicles and leave at the end of the day; that there is one guy that picks up everyone in one vehicle and it is the only vehicle there during the day; that they do small driveways; that the hours of operations are Monday thru Friday and maybe a Saturday every once in a while; that there is no maintenance done on the site; that there is no materials on the site; that there is a small 6 wheeled dump truck, small paver, small roller, skid loader, 25 to 26 foot long trailer, extra bucket, and five to six pieces of equipment total stored on the site; that the trucks are cleaned at the site; that no materials will be stored on the site; that the they bring the materials from an asphalt plant or stone plant to maintain the driveway and parking area; that there will be no backing up, or back up alarm on the trucks; and that they have not considered a sign.

The Commission found that there was no one in support of the application or opposition to the application.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 5-0.



At their meeting of October 12, 2017, the Commission discussed this application which had been deferred since September 28, 2017.

Mr. Hudson moved that the Commission recommend approval of Conditional Use # 1201 for 1st State Paving for parking and storage of construction equipment based on the record made during the public hearing and for the following reasons:

1. This use is limited in nature. The applicant only seeks to park or store equipment associated with his paving company on the site. There are no parking activities on the site, and there will not be any paving material stored or deposited at the site.
2. The site currently has a conditional use approval for a retail gun shop and gunsmithing. This limited use will have no impact upon that use.
3. The use as location for parking and storage of equipment will not require extensive deliveries to or from the site, and the use does not generate a significant amount of traffic.
4. The limited parking and storage of vehicles and equipment on this site, which was formerly used as a chicken farm, is similar to the parking and storage of equipment used in agricultural operations on the site.
5. With the conditions and limitations placed upon the use, it will not have an adverse impact upon traffic, roadways or properties.
6. The use will continue to provide a service to Sussex County residents and local businesses.
7. This recommendation is subject to the following conditions:
 - A. The use shall be limited to the parking and storage of vehicles associated with the company. No more than ten vehicles or pieces of equipment may be parked or stored at any one time.
 - B. As stated by the applicant, the vehicles and equipment shall not be cleaned of paving materials on this site. That shall occur entirely off-site.
 - C. As stated by the applicant, no maintenance work on the vehicles or equipment shall occur on the site.
 - D. No materials associated with the paving company (such as asphalt, concrete, sand, aggregate or similar materials) shall be dumped or kept on the site at any time.
 - E. There shall not be any inoperable vehicles or equipment stored on the site. Also, no unregistered vehicles or trailers shall be stored on the site.
 - F. The use shall only operate between the hours of 7:30 am and 6:00 pm, Monday through Saturday.
 - G. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.
 - H. The failure to abide by these conditions shall result in the termination of the conditional use.
 - I. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Ms. Stevenson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

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Sussex County
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 21, 2017
RE: Staff Analysis for CU 2101 - 1st State Paving

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2101 1st State Paving to be reviewed during the September 28, 2017 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 parcel 233-11.00-17.00 to allow for the use as parking/storage of construction equipment. The size of the area of the property to be used for the Conditional Use is 6.55 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

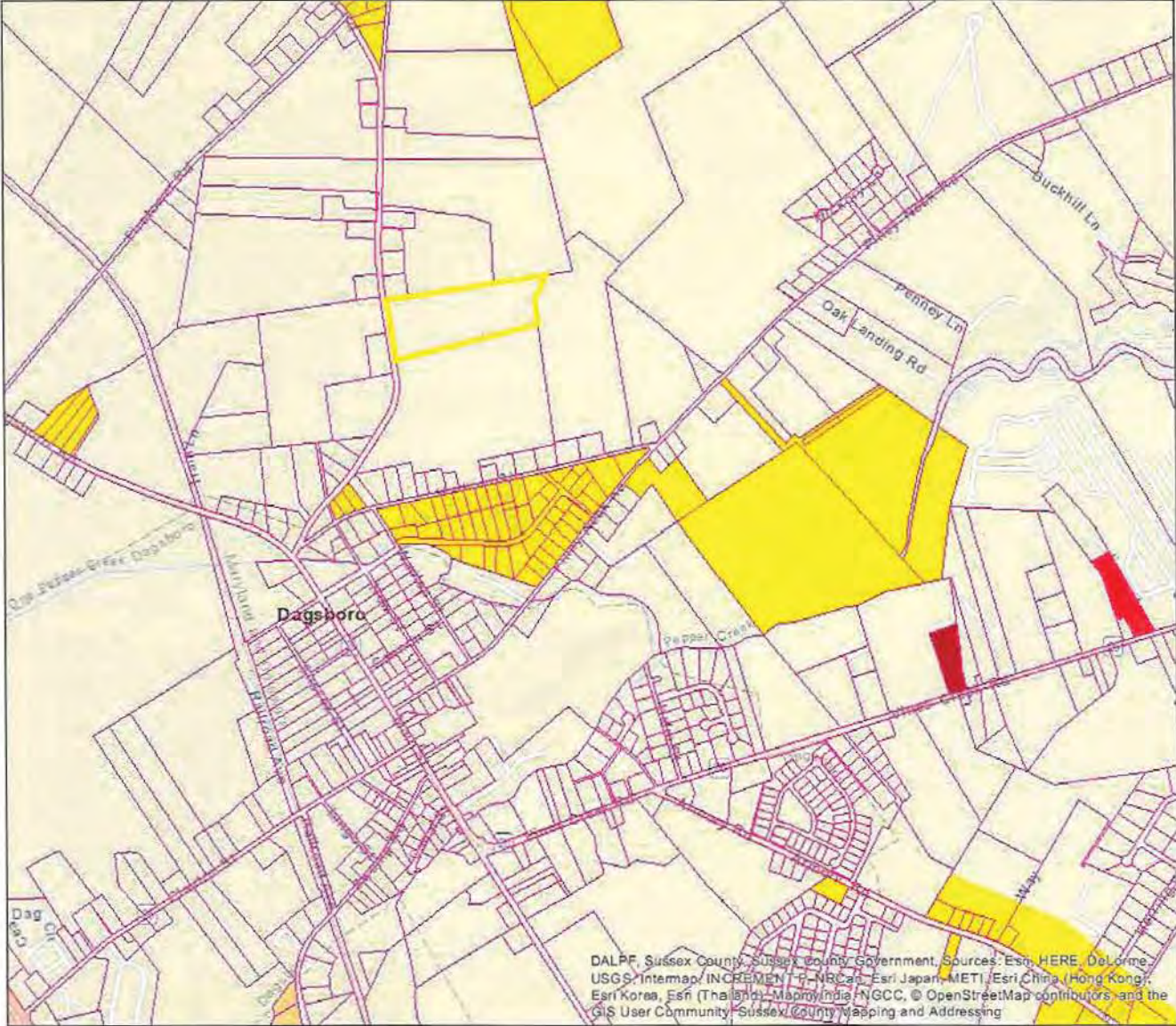
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation Environmental Sensitive Developing Area.

The surrounding land use to the north, south, east and west are Environmental Sensitive Developing Area. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south east and west are zoned AR-1 (Agricultural Residential District). A Conditional Use (CU 2027) was granted by County Council on September 29, 2015 for the use as retail gun shop and gunsmithing on the same parcel as the proposed Conditional Use.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for parking/storage of construction equipment could be considered consistent with the land use, and surrounding zoning.



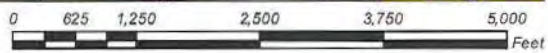


- Addresses / Parcels**
- TaxParcels
- Council Districts**
- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries
- Schools/Libraries**
- ↓ School Buildings (Various)
- 📖 School Library
- 📖 Public Library
- 📖 Special Library
- 📖 DOE School Districts
- 📖 DOE VoTech School Districts
- Hydrology**
- 🌊 Streams / Rivers
- 🌊 Lakes, Ponds, Bays
- Flood Zones**
- 🟡 0.2% Annual Chance Flood Hazard
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- AE
- AO
- 🟢 Open Water
- 🟣 VE
- ⚡ Public Protected Lands
- ⋯ Municipalities
- ⋯ Communities
- ⋯ Boundaries State County

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Sussex County Map





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Sussex County Map





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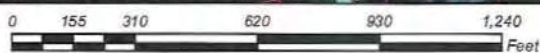
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Sussex County Map



Introduced 05/23/17

Council District No. 5 – Arlett
Tax I.D. No. 233-11.00-17.00 (portion of)
911 Address: 31005 Iron Branch Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR STORAGE OF CONSTRUCTION EQUIPMENT AND VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 6.61 ACRES, MORE OR LESS

WHEREAS, on the 27th day of April 2017, a conditional use application, denominated Conditional Use No. 2101, was filed on behalf of 1st State Paving; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2101 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2101 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the east side of Iron Branch Road (Road 331), approximately 2,500 feet northeast of Main Street in Dagsboro, and being more particularly described per the attached previous Conditional Use (Conditional Use No. 2027, Ordinance No. 2419), said parcel containing 6.61 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.

MARTIN L. ROSS, CHAIRMAN
KIM HOEY STEVENSON, VICE CHAIRMAN
R. KELLER HOPKINS
DOUGLAS B HUDSON
ROBERT C. WHEATLEY



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date September 28, 2017

Application: CU 2102 Arturo Granados-Gonzalez RW

Applicant/Owner: Arturo Granados-Gonzalez
30639 Vines Creek Rd.
Dagsboro, DE 19939

Site Location: 30639 Vines Creek Rd.
North side of Vines Creek Rd. approximately 190 ft. west of Townsend Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Current Use: Residential

Proposed Use: Concrete form business and equipment storage

Comprehensive Land
Use Plan Reference: Environmental Sensitive Developing Area

Councilmatic
District: Mr. Cole

School District: Indian River School District

Fire District: Dagsboro Fire District

Sewer: Private on-site septic

Water: Private on-site well

Site Area: 0.6889 ac. +/-

Tax Map ID.: 233-12.00-17.02



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Sussex County

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: October 27, 2017

RE: County Council Report for CU 2102 Arturo Granados-Gonzalez

The Planning and Zoning Department received an application (CU 2102 Arturo Granados-Gonzalez) to allow for concrete form business and equipment storage. The Planning and Zoning Commission held a public hearing on September 28, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, survey, comments from the Sussex Conservation District, Public Works Utility Planning Division, DelDOT, one letter in support and one letter of opposition.

The Commission found that Mr. Arturo Granados-Gonzalez was present on behalf of the application; that he does concrete construction; that he would like to use this site to keep tools and equipment safe; that there is no retail; that the work is done at other sites; that they leave at 7:30 am and return at or after 5:30 pm; that they meet at the shop every day at 7:15 am; that there is no in and out of the site during the day; that they work Monday thru Friday and a few Saturdays; that the encroachments have been fixed on the property; that he has 12 employees; that some come to the site and the others go directly to the job site; that he has five to six trucks, that he has a dump truck, two skid loaders and a mini excavator; that the equipment is stored outside under a carport; that a 40' by 60' building is used to keep tools and a concrete pump; that they don't bring concrete on site; that the forms are stored outside in the back between the fence and pole building; that they do have deliveries on-site once a month and they are kept inside; that they do change the oil in the trucks, but they can send them somewhere else; that four or five of the employees park on-site; that forms are used frequently but kept on the trailer; that the aluminum forms are brought back to the site because of stealing; and that he would like a sign.

The Commission found that Frank Miranda spoke in support to the application; that he has 25 years in the Sussex county building industry; that the property has been a storage building; that the Traffic Impact Study was not needed and land use is consist with the property; that this use would be reasonable; that he has known Mr. Granados-Gonzalez for ten years and he is hardworking, dependable, honest, fair and does a good job; that he is a good person; and that the conditional use is good for the building industry.



The Commission found that Baldwin Tuttle spoke in opposition to the application; that he is the President of Point Farm Home Owners Association; that he is with 200 feet from the property in question; that there has been a number of accidents; that there is no shoulder on Vines Creek Road; that he has concerns with traffic, safety, and number of close calls; that the trucks come and go; that the traffic backs up; that this use will not help; that there has been storage in the past; that now there is a house built, pole barn, and additions; that that the area is a farm community and residential community; that the development has been there for 30 years; that there is a lot of traffic from this community; that is not safety and not appropriate; that they did not take a vote by the residents; that the board of directors made a decision to be here to be against this application; that there are many concerns about loud noises from the site; that this does not create a new problem; and they found out about the application from a another neighbor.

At the conclusion of the public hearings, the Commission discussed this application.

Motion by Mr. Wheatley, seconded by Ms. Stevenson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting of October 12, 2017, the Commission discussed this application which had been deferred since September 28, 2017.

Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2102 for Arturo Granados-Gonzalez for a concrete form business with equipment storage and based upon the record made during the public hearing and for the following reasons:

1. The property was previously used for storage purposes. This is a continuation of that type of use. The property is also located along Route 26, which is an appropriate location for this limited type of use.
2. There will be no retail sales or similar business conducted from the site. It will only be used for storage of concrete forms and equipment.
3. The applicant has stated that all work is performed offsite, and that there will not be any dumping or storage of concrete or similar materials on the site.
4. The use does not require any regular deliveries during the day. The only traffic is in the morning and afternoon when employees take the equipment to offsite job locations.
5. With the conditions and limitations of this approval, the continuation of the use of the site for storage purposes will not adversely affect neighboring properties, roadways or traffic.
6. The applicant has stated that his company provides a service to the construction industry in Sussex County. This use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
7. This recommendation is subject to the following conditions;
 - A. This use shall be limited to the applicant's concrete form business with equipment storage. No retail sales or other business shall be conducted from the site.
 - B. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.
 - C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - D. The hours of operation shall be limited to 7:00 am through 6:00 pm, Monday through Saturday.
 - E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.

- F. A fence with landscaping shall be constructed along the perimeter of the site. The fencing and landscaping shall be shown on the Final Site Plan.
- G. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- H. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District.
- I. As stated by the applicant, there shall be no dumping or storage of concrete or similar materials on the site. Also, all trucks and equipment shall be cleaned off-site.
- J. All maintenance of vehicles and equipment shall be performed indoors.
- K. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
- L. All concrete forms shall be stored in a location that is screened from view from neighboring properties and roadways. These storage areas shall be shown on the Final Site Plan.
- M. All encroachments shown on the Preliminary Site Plan shall be eliminated.
- N. The Final Site Plan shall be designed to allow interconnectivity with adjacent properties along Route 26.
- O. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use approval.
- P. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 5-0.

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Sussex County

DELAWARE
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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: September 21, 2017
RE: Staff Analysis for CU 2102 Arturo Granados-Gonzalez

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2102 Arturo Granados-Gonzalez to be reviewed during the September 28, 2017 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 parcel 233-12.00-17.02 to allow for the use as a concrete form business and equipment storage. The size of the area of the property to be used for the Conditional Use is 0.6889 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

The 2008 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 indicates that the properties have the land use designation Environmental Sensitive Developing Area.

The surrounding land use to the north, east and west are Environmental Sensitive Developing Area. The land use to the south is Low Density Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south east and west are zoned AR-1 (Agricultural Residential District). There is some commercial and industrial zoning further to the east of the site and one parcel further to the west with commercial zoning. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for a concrete form business and equipment storage could be considered consistent with the land use, and surrounding zoning.





Addresses / Parcels

- Tax Parcels
- Council Districts**
- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

Schools/Libraries

- ▲ School Buildings (Various)
- School Library
- Public Library
- Special Library
- DOE School Districts
- DOE VoTech School Districts

Hydrology

- ~ Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

- 0.2% Annual Chance Flood Hazard
- A
- AE
- AO
- Open Water
- VE

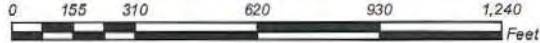
- Public Protected Lands
- Municipalities
- Communities
- Boundaries State County



DALPF, Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing



Sussex County Map





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DALPF, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community



Sussex County Map

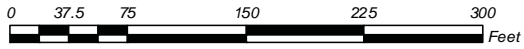




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DALEF, Delaware Department of Education, FEMA, Sussex County Government, Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, DNREC, Division of Water

Sussex County Map



Introduced 06/06/17

Council District No. 4 – Cole
Tax I.D. No. 233-12.00-17.02
911 Address: 30639 Vines Creek Road, Dagsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE FORM BUSINESS AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 0.6889 ACRE, MORE OR LESS

WHEREAS, on the 1st day of May 2017, a conditional use application, denominated Conditional Use No. 2102, was filed on behalf of Arturo Granados-Gonzalez; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2102 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2102 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the north side of Vines Creek Road, approximately 190 feet west of Townsend Road, and being more particularly described per the attached deed prepared by Sergovic, Carmean & Weidman, P.A., said parcel containing 0.6889 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.