



Sussex County Council Public/Media Packet

**MEETING:
June 17, 2014**

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

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



2 THE CIRCLE | PO BOX 589
GEORGETOWN, DE 19947
(302) 855-7743 T
(302) 855-7749 F
sussexcountyde.gov

Sussex County Council

A G E N D A

JUNE 17, 2014

10:00 A.M.

****AMENDED ON June 13, 2014 at 12:15 P.M.¹**

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Todd Lawson, County Administrator

1. Planning and Zoning Commission Appointment(s)
2. Administrator's Report

Hal Godwin, Deputy County Administrator

1. Wastewater Agreement – The Landings at Pepper Creek, A/K/A The Marina at Pepper's Creek, Phase 3
2. Legislative and Committee Action Update

10:15 a.m. Public Hearings

“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2015”

Assessment Rolls for Sewer and Water Districts



“AN ORDINANCE ESTABLISHING ANNUAL SEWER CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SEWER DISTRICTS”

Julie Cooper, Project Engineer

1. Bid Award – Oak Crest Farms Revised Stormwater Management Phase 1, Project No. 01-04

Michael Izzo, County Engineer

1. Millville Expansion of the Bethany Beach Sanitary Sewer District
 - A. Whitman, Requardt & Associates, LLP
 1. Revised Amendment 38 – Construction Inspection Services for SR 26

Grant Requests

1. Town of Millsboro for welcome signs.
2. Town of Laurel for the Independence Day Celebration.
3. Delmarva Council – Boy Scouts of America – Troop 249 for Eagle Scout project expenses.
4. Seaford Historical Society for programs and special events.
5. March of Dimes Foundation for The Farmer & The Chef South event.
6. Greater Millsboro Chamber of Commerce for festival expenses.

Introduction of Proposed Zoning Ordinances

Any Additional Business Brought Before Council

****Executive Session – Pending/Potential 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.1986 filed on behalf of Castaways Bethany Beach, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.56 ACRES, MORE OR LESS” (Tax Map I.D. 134-9.00-21.00) (Part of) (land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and north of Ocean View) (no 911 address available)

Change of Zone No. 1746 filed on behalf of Castaways Bethany Beach, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.45 ACRES, MORE OR LESS” (Tax Map I.D. No. 134-9.00-21.00) (Part of) (land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View) (no 911 address available)

Change of Zone No. 1747 filed on behalf of Castaways Bethany Beach, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.80 ACRES, MORE OR LESS” (Tax Map I.D. No. 134-9.00-21.00) (part of) (land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View) (no 911 address available)

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on June 10, 2014 at 4:20 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.

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¹ Per 29 Del. C. § 10004 (e) (5) and Attorney General Opinion No. 13-IB02, this agenda was amended under Executive Session to include Pending/Potential Litigation listed therein.

The Council intends to discuss public business in Executive Session. The agenda amendment was required to address these matters which need immediate Council attention and which arose after the initial posting of the agenda but before the start of the Council meeting.

**M 225 14
(continued)**

Motion Adopted: 5 Yeas.

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

**M 226 14
Council-
manic
Grant**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$700.00 (\$500.00 from Mr. Vincent's Councilmanic Grant Account, \$100.00 from Mrs. Deaver's Councilmanic Grant Account and \$100.00 from Mr. Phillips' Councilmanic Grant Account) to Eastern Shore AFRAM Festival to sponsor the 2014 festival.

Motion Adopted: 5 Yeas.

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

**M 227 14
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$3,500.00 (\$2,500.00 from Mr. Cole's Councilmanic Grant Account and \$1,000.00 from Mrs. Deaver's Councilmanic Grant Account) to West Rehoboth Community Land Trust for their housing initiative.

Motion Adopted: 5 Yeas.

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

**M 228 14
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$166.66 from Mr. Cole's Councilmanic Grant Account, \$166.67 from Mrs. Deaver's Councilmanic Grant Account, and \$166.67 from Mr. Vincent's Councilmanic Grant Account) to the NAACP to support their 2014 activities, i.e. workshop, convention.

Motion Adopted: 4 Yeas, 1 Nay. (corrected on 5/27/14)*

**Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Nay; (corrected on 5/27/14)*
Mr. Vincent, Yea**

**M 229 14
Council-
manic
Grant**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$1,000.00 (\$500.00 each from Mr. Cole's and Mr. Phillips' Councilmanic Grant Accounts) to the Mid-Atlantic Symphony Orchestra Society for concert expenses.

Motion Adopted: 5 Yeas.

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 10, 2014

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

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Vance Phillips	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 266 14
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of June 3, 2014 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

MILFORD SENIOR HIGH SCHOOL, MILFORD, DELAWARE.
RE: Letter in appreciation of grant.

CHILDREN OF THE DELAWARE NATIONAL GUARD YOUTH CAMP,
NEW CASTLE, DELAWARE.
RE: Letter in appreciation of grant.

**Procla-
mation/
LHS Girls'
Softball
Team**

The Council recognized the Laurel High School Girls' Softball Team with a Proclamation entitled "A PROCLAMATION TO HONOR THE LAUREL HIGH SCHOOL GIRLS' SOFTBALL TEAM UPON WINNING THE 2014 DIAA CHAMPIONSHIP".

**Proclamation/
LHS Girls'
Softball
Team
(continued)**



**Administrator's
Report**

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

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

Attached please find the call statistics for the Fire and Ambulance Callboard for May 2014. There were 15,964 total calls handled in the month of May. Of those 9-1-1 calls in May, 81 percent were made from wireless phones.

2. **Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, White Creek Landing – Water View Court and Fairway Village – Phase 5 received Substantial Completion effective June 5 and June 6, respectively.

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

**FEMA
Grant
Update
and
Discussion**

Brad Whaley, Director of Community Development and Housing, stated that the Community Development & Housing Office has been working with the residents of the Mallard Lake community to assist them with obtaining a FEMA Flood Mitigation Grant as a result of damage sustained to the residents' properties from Hurricane Sandy. This community is located on Route 54 approximately one mile west of Route 1 and Fenwick Island; there are a total of 47 residential buildings composed of 477 condominium units in the community.

Mr. Whaley and Mike Powell, Natural Hazards Program Manager with DNREC, presented information on the Mallard Lake FEMA flood

**FEMA
Grant
Update
and
Discussion
(continued)**

mitigation grant:

- All of the buildings were built to the required flood elevation in the 1980s; however, due to changes to the base flood elevation, four of the buildings are now well below the current level. This insufficient height, combined with a Substantial Damage Claim totaling over \$1.2 million (which removed their grandfathered classification) from Hurricane Sandy, has caused an extreme hardship for the property owners.
- In order for Sussex County to remain eligible under the National Flood Insurance Program (NFIP), the County is required to have the buildings brought into compliance with Sussex County Flood Plain Ordinances. This would require the buildings to be elevated to the current base flood elevation level of 7' above mean sea level, which is approximately a 4' elevation for the Mallard Lake buildings. Additionally, the flood insurance for these buildings has increased dramatically, which affects the entire community because they purchased the policy as a group.
- Due to their history of flooding, four of the buildings, containing 24 condominium units, have been identified as Repetitive Loss Properties by FEMA. This recent distinction by FEMA places the four buildings in "another category" of FEMA grant assistance that allows a greater federal-local cost share percentage.
- FEMA allows local municipalities that administer FEMA grants to set their own cost share percentage as long as the breakdown does not exceed FEMA's baseline. Previously, in 2010, the Council approved a cost share percentage for FEMA Flood Mitigation Grants of 50% federal and 50% local, which is lower than the FEMA baseline of 75%-25% respectively. Unless amended, the same cost share percentage would apply to the Repetitive Loss Property with Substantial Damage Claim classification grant program.
- Due to the recent distinction of a qualified Repetitive Loss Property by FEMA in Sussex County, combined with the Substantially Damaged Claim, the Mallard Lake's community and property owners are requesting an amendment to the current 50%-50% cost share established by the Council. The amendment would apply to Repetitive Loss Properties with Substantial Damage Claim classifications only and would not affect the other Flood Mitigation Assistance Grant cost share (50%-50%).
- As proposed, the amendment would permit the greatest level of federal assistance for a Repetitive Loss Property as determined by FEMA. Thus, if a property qualifies for 85% federal assistance, the local match would be 15%. The proposed amendment would allow Mallard Lake's grant application to request the maximum allowable Federal share under this program.

Mr. Whaley noted that the proposed Motion pertains to one project only. He also noted that this would be for a competitive grant on a nationwide level and there is no guarantee that the grant will be awarded.

**M 267 14
Amend
Cost Share
Percentage
for the
Adminis-
tration of
FEMA's
Flood
Mitigation
Grants**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, that the Sussex County Council amends the previously established cost share percentage for the administration of FEMA's flood mitigation grants to include properties that qualify as Repetitive Loss Properties and have received Substantially Damaged Claim classification as determined by FEMA; a property in a Repetitive Loss category with a Substantially Damaged Claim classification as designated by FEMA shall receive the federal and local share percentage established by FEMA; Be It Further Moved that the previously established cost share percentage of 50% federal and 50% local for federal flood mitigation grants shall remain in effect.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Draft
Ordinance
Relating
to Definition
of Dwelling
Etc.**

Vince Robertson, Assistant County Attorney, presented a draft ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, BY AMENDING THE DEFINITIONS OF "DWELLING", "DWELLING, SINGLE FAMILY", "DWELLING, MULTIFAMILY" AND "FAMILY".

Synopsis: This Ordinance amends the definitions of Family, Single Family Dwellings and Multifamily Dwellings to avoid unintended discrimination under State and Federal Law. It confirms that a family may include one or two people living together and not only their natural or adopted children but also step-children and foster children. It also clarifies that children are permitted to reside with legally appointed guardians. It permits licensed and approved residential houses or no more than ten persons with disabilities as defined in the Delaware Fair Housing Act. Lastly, it recognizes that it is appropriate for two families to reside in a single unit when the owner(s) of the unit are elderly and/or disabled.

Mr. Robertson explained that, as a result of several factors, including the recent Consent Decree between Sussex County and HUD and a review of federal and state law, it has been determined that the Sussex County Zoning Code needs an update with regard to the definitions of "dwelling" and who can reside in such a unit. Attention was also drawn to this issue in a pending campground rezoning application, where it was observed that the definition of "dwelling" specifically excluded "manufactured homes" in regard to the proximity between campgrounds and "dwellings". The information led to this proposed change was also discussed during recent Fair Housing Training sessions.

Mr. Robertson stated that this amendment brings manufactured homes back into the definition of dwelling where it should be; there is no distinction between a dwelling and a manufactured home, mobile home, etc. With the adoption of this ordinance, future campground applications must be 400 feet from the nearest dwelling, whether it is a stick-built home, a

Draft Ordinance Relating to Definition of Dwelling Etc. (continued)	<p>manufactured home, single-wide or double wide manufactured home, etc.</p> <p>Mr. Robertson stated that the definition of dwelling is based on federal law; that law was also referenced in the Consent Decree.</p> <p>Mr. Robertson stated that, in accordance with the draft ordinance, the definition of “family” is to be eliminated from the Code as a separate item. This definition was previously required to further define what was a single family or multifamily dwelling. Since that information is now supplied within the definition of those specific items, a separate definition of “family” is no longer required for zoning purposes.</p>
Introduction of Proposed Ordinance	<p>Mrs. Deaver introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE I, BY AMENDING THE DEFINITIONS OF “DWELLING”, “DWELLING, SINGLE FAMILY”, “DWELLING, MULTIFAMILY” AND “FAMILY”.</p> <p>The Proposed Ordinance will be advertised for Public Hearing. [Mr. Robertson noted the Planning and Zoning Commission and the County Council will hold public hearings on the Proposed Ordinance.]</p>
Legislative Update	<p>Hal Godwin, Deputy County Administrator, presented the following legislative update:</p> <p>House Bill No. 385 – “AN ACT TO AMEND TITLE 3 OF THE DELAWARE CODE RELATING TO INDUSTRIAL HEMP”</p> <p>Synopsis: Section 7606 of the federal Farm Bill exempts the growth and cultivation of industrial hemp for research purposes from the provisions of the federal Controlled Substances Act, the Safe and Drug-Free Schools and Communities Act, Chapter 81 of Title 41 of the United States Code, and any other Federal law so long as such growth and cultivation is also permitted under state law. This Bill authorizes the growth and cultivation of industrial hemp by the Department of Agriculture and higher education institutions for research purposes in the State of Delaware. Any higher education institution wishing to grow or cultivate industrial hemp in Delaware must be certified by the Department of Agriculture. The Department of Agriculture is authorized to develop such rules, regulations, and standards as are necessary to further the objectives of this Act.</p> <p>Mr. Godwin asked Council members to review the legislation and to submit their opinions on it at the next Council meeting.</p>
Wetlands Advisory Committee Report	<p>Hal Godwin, Deputy County Administrator, reported that the Wetlands Advisory Committee will vote on a question at their Wednesday, June 11th meeting and that he needs Council’s direction on how to vote. The Committee proposes to increase available tax credits to owners of property with wetlands from \$50,000 each to \$100,000 each, while retaining the statewide cap of \$1 million per year for this tax credit. Mr. Godwin noted</p>

**Wetlands
Advisory
Committee
Report
(continued)**

that this proposal does not increase the tax credit burden on the State budget.

Mr. Godwin reported that the Wetlands Advisory Committee (WAC) voted to recommend an amendment and expansion of the tax credit program for protection and preservation of wetlands and adjacent natural resource areas. At its last meeting, the Committee reviewed proposed implementation measures for the recommendation adopted, which resulted in a withdrawn motion so that the Committee members could review the details with their representative organizations before a vote is taken. The question to be presented to the Committee regarding implementation is as follows: “The Committee recommends that the existing Delaware Land and Historic Resources Protection Incentive Act of 1999 be amended and expanded as follows:

1. Category I freshwater wetlands and adjacent areas qualify and be identified as a conservation value for tax incentive program.
2. The tax credit program maintains:
 - A. The existing 40% of Fair Market value limit
 - B. The existing 5-year carry forward period
 - C. The existing Statewide cap of \$1,000,000 per year
3. The tax credit program be expanded to include:
 - A. Raise the individual maximum credit from \$50,000 to \$100,000
 - B. The allowance of transfer of tax credits to third parties.”

Mr. Godwin noted that the original law provided for a \$10 million fund with a \$1 million cap per year. He noted that the Committee’s proposal provides that the existing \$1 million Statewide cap remain unchanged so as not to create any new revenue loss exposure to the State.

Marty Ross, member of the Wetlands Advisory Committee, commented on the Committee’s proposal. He stated that the biggest change that is being proposed is the transferability, which is preventing the program from being successful. He stated the Committee’s charge is to focus on wetlands and to try to encourage preservation of wetlands. He noted that wetland already qualify for this tax credit program even though it is not specifically stated, as do other lands. Mr. Ross stated that “many” members of the Committee would like to see this tax credit recommendation to the General Assembly give a bonus for wetland preservation i.e. a higher percentage than the 40% of Fair Market value limit.

It was the consensus of the Council to agree with the Wetlands Advisory Committee’s proposal.

**Fair
Housing
Update**

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

**Fair
Housing
Update
(continued)**

U.S. Department of Justice Consent Decree

- Regarding the development of New Horizons by Diamond State CLT and its resubmission and consideration, on May 5, 2014 the County received a letter from Diamond State CLT indicating that they have terminated their contract for the land in Laurel that was originally designated for New Horizons. Therefore, while the County is released from the duties pertaining to the project, the County intends to assist the non-profit in locating other sites for future projects.
- Regarding an Affordable and Fair Housing Marketing Plan, the County has not yet received official approval from the Department of Justice; however, the County has: (1) begun implementing the items, i.e. annually fund the search.org website, a real-time online service that lists all of the State's public and private rental units as well as publically funded for-sale units, and (2) the County is working with several local housing providers and advocacy organizations to provide an inaugural Sussex County Homebuyer Fair, which has been tentatively scheduled for September 2014.
- Regarding housing discrimination complaints, Brandy Nauman, Fair Housing Compliance Officer, receives and reviews complaints of housing discrimination against the County. In the last six months, the County has not received any complaints.
- Regarding the submission of the Third Semi-Annual Compliance Report, the report is due on June 19th and will go to HUD and the Department of Justice.
- Regarding Fair Housing Training, the County completed a Fair Housing Training seminar. In addition, all new employees that are hired into departments affiliated with housing, land use, or zoning receives the Fair Housing Training.
- Regarding the Affordable Housing Webpage, the County created an affordable and fair housing webpage, which was launched in June 2013. Compliance reports and notice of public hearings and meetings and other events are posted on the website. The webpage will continue to be updated regularly.

Mrs. Nauman reported that for the first time since the U.S. Department of Housing & Urban Development Voluntary Compliance Agreement was established (November 2012), HUD issued a response to the County's submitted activities and progress.

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

- Regarding Fair Housing Training, the County completed a Fair Housing Training seminar. In addition, all new employees that are hired into departments affiliated with housing, land use, or zoning receives the Fair Housing Training.

**Fair
Housing
Update
(continued)**

- Regarding the requirement to review the 1998, 2003 and 2011 Analysis of Impediments Evaluation to fair housing and develop a Proposed Priority Fair Housing Plan to address those impediments, HUD commented on the County's plan and the Community Development and Housing Office is in the process of updating the document to address those concerns. The Office has also been working to update several items from the plan including completing a Four Factor Analysis which uses census data to determine the percentage of individuals in this jurisdiction where English is a second language. There were a few concerns and impediments relating to the Zoning Code; in regards to definitions, on this date a Proposed Ordinance was introduced by Council to address the new definitions of "dwelling" and "family".
- Regarding the Strong Communities Initiative and the RFP status, the County is required to perform an internal evaluation of ten rural communities in the County. The evaluation would determine the prioritized secondary infrastructure and community service needs of each individual community. Mrs. Nauman stated that there are four additional communities that they work with that should be included, so there are a total of 14 that they plan to evaluate. Once the data is evaluated, the County will have a basis from which to prioritize investments and requests. Through the CDBG program, the County applied for a grant to assist with the data collection part of the study and \$50,000 was awarded in Fiscal Year 2013 funding. A Request for Proposals was issued for the data collection on February 18th; five proposals were received. The Review Panel determined that all of the proposals exceeded Sussex County's predetermined budget for the study; proposals ranged from \$54,000 to \$360,000. Based on the legal team's advisement, the RFP will be altered and rebid.

**Proposed
Lease
Amend-
ment/
PATS
Aircraft**

Jim Hickin, Director of Airport and Industrial Park Operations, presented an Addendum to a Lease with PATS Aircraft LLC. PATS leases Lot 10 in the Industrial Park, including two large County-owned hangars; the proposed addendum changes two items in the lease:

- Corrects an error in the original lease and first addendum that incorrectly located the lot on Indian River Avenue.
- Allows PATS to place a "lien, mortgage, deed of trust, security interest, or encumbrance of any kind upon the Leased Premises or Tenant's leasehold interest", with the prior written approval of the County.

Mr. Hickin noted that the County has three leases with PATS, one is for Lots 1 through 7, one on Baltimore Avenue, and Lot 10. Two of the leases allows PATS to take out a mortgage or other financing with the County's permission; however, in the Lease for Lot 10, there is no provision for this financing option.

**M 268 14
Execute
Second
Addendum
to Lease/
PATs
Aircraft**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council authorizes the Council President to execute the Second Addendum to the Lease Purchase Agreement with PATs Aircraft LLC for Lot 10 in the Sussex County Industrial Park, as presented.

Motion Adopted: 5 Yeas.

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

**Sussex
Shores
Proposed
Chapter 96
Community
Improvement
Project**

Patti Deptula, Director of Special Projects, presented a proposed project for the subdivision of Sussex Shores. The community has requested inclusion in the County's Chapter 96, Sussex Community Improvement Program. The project is located on Route 1, north of Bethany. The County received a formal request on January 16, 2014 from the Sussex Shores Beach Association to initiate the Chapter 96 process. The request includes the underground relocation of all their existing overhead electric, phone and cable lines, removal of existing utility poles, minor stormwater drainage repairs, some signage, landscaping and fencing improvements, and the repaving of all existing subdivision streets. Included with their request was also a request to utilize the private engineering firm of George Miles & Buhr to coordinate this work with the County. The Engineering Department determined that the project meets all the necessary criteria for inclusion in the Chapter 96 Program. A petition form was mailed out to all property owners; 71 petitions were received back, which meets the representation requirement in Sussex County Code. Construction cost estimates were compiled: the total project cost is estimated at approximately \$2.5 million. This amount calculates into an estimated assessment rate of approximately \$1,614.00 for a twenty year time period or an option for an estimated one time lump sum payment of \$21,929.00 per assessable parcel. A public meeting was conducted to discuss the project with the homeowners. Mrs. Deptula asked for the Council's approval of a Proposed Resolution authorizing the project's inclusion in the Chapter 96 Program, acceptance of the estimated costs, and scheduling of a project election to be held on Saturday, July 12th. Mrs. Deptula noted that, if the election is voted in favor of the project, it is anticipated that construction would begin in the Spring of 2015.

**M 269 14
Adopt
R 006 14/
Sussex
Shores
Proposed
CIP**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Resolution No. R 006 14 entitled "A RESOLUTION ESTABLISHING A DATE, TIME, PLACE AND JUDGE FOR AN ELECTION TO BE HELD TO CONSIDER THE SUSSEX SHORES PROPOSED CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT".

Motion Adopted: 4 Yeas, 1 Abstention.

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

Mr. Cole stated that he abstained due to a potential conflict.

Grant Requests

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

M 270 14
Council-
manic
Grant

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to give \$500.00 from Mrs. Deaver's Councilmanic Grant Account to the Coolspring Civic Association for community event expenses.

Motion Adopted: 5 Years.

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

M 271 14
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$500.00 from Mr. Wilson's Councilmanic Grant Account to CHEER for the Annual Car, Truck & Bike Show fundraiser.

Motion Adopted: 5 Yeas.

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

M 272 14
Countywide
Youth
Grant

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$550.00 from the Countywide Youth Grant Account to Pathways to Success for mentoring and after-school programs.

Motion Adopted: 5 Yeas.

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

M 273 14
Council-
manic
Grant

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to give \$3,500.00 from Mr. Wilson's Councilmanic Grant Account to the City of Milford for the museum fundraising campaign.

Motion Adopted: 5 Yeas.

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

M 274 14 Councilmanic Grant **A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to give \$750.00 from Mr. Phillips' Councilmanic Grant Account to the Town of Delmar for a community improvement project.**

Motion Adopted: 5 Yeas.

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

Additional Business **Under Additional Business, Barbara Vaughn introduced Rob Morgan who was recently elected to serve on the Lewes City Council.**

Under Additional Business, Dixie Boucher commented on the following issues: the definition of "dwelling", updating the County Code, and a County Planner position.

Under Additional Business, Dan Kramer commented on the County's grant program.

M 275 14 Recess/ Go Into Executive Session **At 11:20 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Phillips, to recess the Regular Session and to go into Executive Session for the purpose of discussing issues relating to Job Applicants' Qualifications and Land Acquisition.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 11:23 a.m., an Executive Session of the Sussex County Council was held in the Council Caucus Room for the purpose of discussing issues relating to Job Applicants' Qualifications and Land Acquisition. The Executive Session concluded at 11:57 a.m.**

M 276 14 Reconvene Regular Session **At 11:58 a.m., a Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to come out of Executive Session and to reconvene the Regular Session.**

Motion Adopted: 5 Yeas.

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

Executive Session Action **Mr. Moore announced that the Council went into Executive Session for two purposes. There was a brief report given on land acquisition. Regarding Job Applicants' Qualifications, Mr. Moore stated that he believed it would**

(continued) be appropriate for the Council to make a Motion.

M 277 14
Conduct
Interviews/
Economic
Develop-
ment
Director

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that all the candidates who met the qualifications of the job posting for the Director of Economic Development, as determined by our staff, be contacted for the purpose of conducting interviews with the entire Council in Executive Session; those candidates are identified for our purposes as Candidates A, C, D, E, H, J, O, S, and U.

Motion Adopted: 5 Yeas.

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

M 278 14
Adjourn

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, to adjourn at 11:59 a.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

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
sussexcountysde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 11, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE LANDINGS AT PEPPER CREEK (A/K/A THE MARINA AT PEPPER'S CREEK) -
PHASE 3 - REVISED CONSTRUCTION PLAN
AGREEMENT NO. 516 - 4

DEVELOPER:

Mr. Bobby Horsey
HKS 4 LLC
28107 Beaver Dam Branch Road
Laurel, DE 19956

LOCATION:

South side County Road 336 East of County Road
335A...Marina at Piney Neck Road.

SANITARY SEWER DISTRICT:

Dagsboro/Frankford Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

Single Family Subdivision

SYSTEM CONNECTION CHARGES:

\$714,000.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/10/14

Department Of Natural Resources Plan Approval

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60

Construction Admin And Construction Inspection Cost – \$10,238.25

Proposed Construction Cost – \$68,255.00

ENGINEERING DEPARTMENT

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AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 17, 2014

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. 516-4 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "H.K.S. 4, L.L.C.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "THE LANDING AT PEPPER CREEK-PHASE 3 – REVISED CONSTRUCTION PLAN, (A/K/A THE MARINA AT PEPPER'S CREEK)", LOCATED IN DAGSBORO/FRANKFORD SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 516-4

TODD LAWSON
COUNTY ADMINISTRATOR



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator
June 17, 2014

Bill No.	Description and Purpose	Action
2013-2014 BILLS		
HB 14	This bill provides that any income and/or capital gain received from easements preserving agricultural land shall not be taxed for purposes of Delaware personal income taxes.	Assigned to the House Appropriations Committee 1/24/13, no further action. Tabled in Committee
HB 27	This bill allows school taxes and property taxes to be collected by tax intercept. The current law specifically prohibits school taxes from being collected by tax intercept. Currently millions of dollars of property taxes are owed to school districts and local governments and such taxes are difficult to collect. Tax intercept programs have been successful in collecting child support and other obligations owed the State and will help collections for education and other taxes.	6/11/13 passed the House Assigned to Senate Finance Committee 6/13/13 I have contacted Senator McDowell the Committee Chair explaining our support. I am assembling a group to apply pressure on Committee Chair McDowell
HB No. 63	This bill is the first leg of a constitutional amendment that forever guarantees the right of farmers to engage in modern farming and ranching practices.	On House Ready List
SB No. 58	This Bill allows Delaware residents 65 years of age and older to qualify for the "Senior School Property Tax Credit Program" upon entering into a payment plan for the taxes due.	Stricken – 5/23/14

HB No. 74	<p>This Delaware Health Security Act will provide a cost effective single payer health care system for the State of Delaware. The Act will provide comprehensive health care coverage to all Delawareans without any extra health insurance or out-of-pocket-expense. The system will save money currently wasted on administrative/overhead costs and will provide a stable funding structure.</p> <p>This Act creates the Delaware Health Security Authority. The authority will be governed by a 15-member Delaware Health Security Board comprised as follows: the Secretary of Health and Social Services, two members from both the State House of Representatives and State Senate Committees concerned with health care issues, five members from state health professional organizations, and five members from eligible consumer organizations in our state.</p> <p>Funding for the new health care system will be as follows:</p> <ol style="list-style-type: none">1. All state and federal funds available for health and health care costs in Delaware.2. Employer and employee graduated payroll tax from 4 percent for employers with less than ten employees to 9 percent for employers with 50 or more employees.3. A Health Security tax of 2.5 percent on net taxable income (after deductions) for all heads of households and persons subject to Delaware’s income tax; and4. An additional Health Security income surtax on net taxable income of 2.5 percent for persons filing a Delaware income tax return in excess of \$250,000. Married couples filing a joint Delaware income tax return shall pay an additional income surtax of 2.5 percent on net taxable income in excess of \$500,000.	<p>This bill has been assigned to the House Health & Human Development Committee</p> <p>This bill has not yet been scheduled for a Committee hearing.</p> <p>I will be certain to alert you of this date and time.</p> <p>Committee Members:</p> <table><tr><td>Chairman:</td><td>Michael a. Barbieri (302) 368-7257 Michael.barbieri@state.de.us</td></tr><tr><td>Vice-Chairman:</td><td>Rebecca Walker (302) 293-2356 Rebecca.walker@state.de.us</td></tr></table> <p>Members:</p> <table><tr><td>Donald A. Blakey (302) 697-6723 Donald.Blakey@state.de.us</td><td>Ruth Briggs-King (302) 856-2772 ruth.briggsking@state.de.us</td></tr><tr><td>Timothy D. Dukes (302) 280-6344 Timothy.Dukes@state.de.us</td><td>Earl G. Jaques, Jr. (302) 834-9231 earl.jaques@state.de.us</td></tr><tr><td>S. Quinton Johnson (302) 378-2681 Quinton.johnson@state.de.us</td><td>John A. Kowalko, Jr. (302) 737-2396 john.kowalko@state.de.us</td></tr></table>	Chairman:	Michael a. Barbieri (302) 368-7257 Michael.barbieri@state.de.us	Vice-Chairman:	Rebecca Walker (302) 293-2356 Rebecca.walker@state.de.us	Donald A. Blakey (302) 697-6723 Donald.Blakey@state.de.us	Ruth Briggs-King (302) 856-2772 ruth.briggsking@state.de.us	Timothy D. Dukes (302) 280-6344 Timothy.Dukes@state.de.us	Earl G. Jaques, Jr. (302) 834-9231 earl.jaques@state.de.us	S. Quinton Johnson (302) 378-2681 Quinton.johnson@state.de.us	John A. Kowalko, Jr. (302) 737-2396 john.kowalko@state.de.us
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<p>HB No. 74 (continued)</p>		<p>Joseph E. Miro (302) 454-1840 Joseph.miro@state.de.us Edward.osiensi@state.de.us</p> <p>Edward S. Osienski (302) 292-8903</p> <p>Charles Potter, Jr. (302) 762-8322 Charles.Potter@state.de.us</p> <p>Darryl M. Scott (302) 735-1781 Darryl.Scott@state.de.us</p> <p>Kimberly Williams (302) 577-8476 kimberly.williams@state.de.us</p> <p>* Federal Health Care Legislation requires all citizens be covered – the new tax will fund</p> <p>* Delaware is currently establishing exchanges to provide coverage for all residents to comply with Federal requirements</p> <p>* HB74 is introduced to cover all Delawareans – doesn't appear to be part of the State or Federal exchange plan</p>
<p>HB No. 135</p>	<p>This Act seeks to create jobs and new sources of revenue for the State of Delaware by, among other means, authorizing the addition of two new video lottery agents, one in Sussex County and one in New Castle County, through an application process conducted by a Lottery Economic Development Committee. This Act creates a nine member, politically-balanced Committee with financial, accounting, or banking experience to select the sites and licensees. This Act also increases the number of required racing days to reflect the current amount of racing, and prevents the addition of video lottery agents from triggering a reduction in the minimum number of days that existing harness tracks must offer harness racing. Finally, this Act also expresses the intent of the General Assembly that the new video lottery casinos will be subject to a one-time license fee and ongoing license fees, as well as such fees as are necessary to create a level playing field for competition with video lottery</p>	<p>Introduced 5/9/13 - This Bill intends to add a casino in Sussex County.</p> <p>Assigned to House Gaming and Parimutuels Committee</p> <p>6/12/13 Tabled in Committee</p> <p>6/11/13 County Council voted to oppose this Bill.</p> <p>I have notified all Committee Members of our opposition.</p> <p>Tabled in Committee</p>

HB No. 135 (continued)	agents who operate horse racing or harness racing, and directs the Department of Finance to prepare legislation implementing that intent.	
HB No. 137	This Bill expands and promotes unity in the options for survivor pension payout choices for retired participants in the State pension programs, the State Employees' Pension Plan, the County and Municipal Employees' Pension Plan, the County and Municipal Police/Firefighter Pension Plan, the State Judiciary Pension Plan, and the State Police Pension Plan. There is no reduction for the 50% survivor benefit, a 2% reduction for a 66.67% survivor benefit, 3% reduction for a 75% survivor benefit, and 6% reduction for a 100% survivor benefit.	Introduced 5/14/13 - This Bill may cause changes in our pension calculations. 6/6/13 Passed the House Assigned to Senate Finance Committee Released from Committee – 6/11/14
HA No. 1 to HB No. 137	This technical amendment changes the term “employer” to “employee” and corrects a cross-reference.	Stricken
HA No. 2 To HB No. 137	This amendment makes the following technical changes: 1) the term “employer” is corrected to “employee”; a cross-reference is added for a newly added paragraph; internal cross-references are corrected; and the judiciary’s option of a 6% reduction in exchange for 100% survivor benefit is added.	
HA No. 1 To HA No. 2 To HB No. 137	This amendment to House Amendment No. 2 makes the provisions of this legislation effective for those retiring with an effective date of retirement of July 1, 2014, in order to allow for necessary administrative and systems changes.	
SB No. 78 + SA-1	This legislation establishes a Wetlands Advisory Committee to develop comprehensive recommendations for conserving and restoring non-tidal wetlands in Delaware, including evaluating national best practices and standards, evaluating incentive-based programs, and reviewing state and federal wetland permitting processes to identify opportunities to improve efficiency and eliminate redundancy. The Secretary will provide a final report of recommendations to the General Assembly no	Signed into Law 7/31/13

SB No. 78 + SA-1	<p>later than December 31, 2014.</p> <p>The bill also amends Title 7 Del C. Chapter 66, §6607 and §6617 and Title 7 Del C. Chapter 72, §7205 and §7214 to expedite resolution of violations by allowing the use of administrative procedures and penalties to resolve wetland and subaqueous lands violations and by minimizing the use of civil or criminal prosecution to resolve violations. The bill also allows the Secretary to issue after-the-fact permits and assess administrative penalties as appropriate.</p>	
SR No. 8	<p>The Resolution urges the United States Congress to support efforts to reinstate the separation of commercial and investment banking functions in effect under the Glass-Steagall Act and supporting H.R. No. 129. <i>(See attached documentation)</i></p>	<p>This is a Resolution only; to demonstrate Delaware State support for Federal Legislation.</p> <p>State Senator Venables is requesting our endorsement.</p> <p>SR No. 8 demonstrates Delaware support for US House of Representative Resolution No. 129 which would support re-enacting Glass-Steagall Act adopted by Congress in 1933 to protect the public interest regarding banking regulations.</p> <p>Congress repealed this law in 1999 which many believe led to the 2nd Great Depression in America. Some members of Congress would like to reinstate the Glass-Steagall Act.</p> <p>This bill has passed both chambers.</p>
HB No. 167	<p>This bill would prohibit a public employer from inquiring into or considering the criminal record, criminal history or credit history or score of an applicant before it makes a conditional offer to the applicant. It would permit inquiry and consideration of criminal background after the conditional offer has been made. The bill specifies that once a background check is conducted an employer shall only consider felonies for 10 years from the completion of sentence, and misdemeanors for 5 years from the completion of sentence. Further, employers are required to consider several enumerated factors when deciding whether to revoke a conditional offer based on the results of a background</p>	<p>Amended by Amendments No. 1, Amendment 1 to No. 1 which were grammatical & House Amendment No. 2 which aligns with County Council's request to eliminate the 5 & 10 year look back limitations.</p> <p>See Synopsis on Attachment House Amendment No. 2 To House Bill No. 167</p> <p>Passed the House 1/28/14</p> <p>Passed the Senate 5/1/14</p>

HB No. 167 (continued)	check. Police forces, the Department of Corrections and other positions with a statutory mandate for background checks are excluded from these provisions. The bill also requires contractors with State agencies to employ similar policies where not in conflict with other State or federal requirements.	Signed into law by the Governor 5/8/14 Assigned to the Senate Labor and Industrial Relations Committee 1/29/14 Released from Committee 3/26/14
SB No. 159	This legislation provides clarification with respect to the placement, installation and maintenance of gateway signs to boundaries of political subdivisions and established non-incorporated areas of the State.	Passed the Senate 1/30/14 Released from House Transportation/Land Use and Infrastructure Committee
HB No. 243	Currently possession actions involving rental of residential or commercial property fall within the exclusive jurisdiction of the Justice of the Peace Court. There is no clear statement of jurisdiction for agricultural leases, though the possession issues are similar. This legislation provides that the Justice of the Peace Court has exclusive jurisdiction over agricultural lease matters and requires that service of process for any such action shall be provided by either personal service or certified mail, return receipt requested.	Introduced in the House 1/30/14 Passed the House 3/25/14 Assigned to the Senate Judiciary Committee 3/27/14
HB No. 159	This bill prohibits a person from running as a candidate for more than one state, county or municipal office in the same election.	County Council supports this legislation. Passed the House & passed the Senate 3/26/14 Signed by the Governor
SB No. 160	The bill would increase the weight limit for live-haul poultry trucks operating on Delaware highways within 100 miles of the plant in order to accommodate the poultry industry and ensure public safety. In addition, the bill would provide for a weight variance of 3 percent to account for variations in bird weight. Live-haul poultry trucks are granted the increased weight limit and associated variance provided that these trucks are in compliance with several conditions aimed at ensuring public safety. Provided these conditions are met, this bill would allow a live-haul poultry truck to weigh up to 92,700 pounds before any penalty is assessed for exceeding weight restrictions. This weight variance provided for in this bill is the same weight variance granted to vehicles used for farm operations by § 4502(c)(9) of Title 21.	Passed the Senate 3/18/14 Assigned to the House Ag Committee which will meet and consider this Bill 4/2/14 Passed the House and signed into law – 5/8/14

SB No. 166 SB No. 166 (continued)	This bill defines “industrial landfill” in conformity with the Department of Natural Resources and Environmental Control’s <i>Regulations Governing Solid Waste</i> . This bill also establishes a height restriction, or vertical limit, for an industrial landfill at 130 feet above the mean sea level of the area.	Introduced in the Senate 1/29/14 Assigned to Senate Natural Resources and Environmental Control Committee
HB No. 272	This Bill, modeled after similar legislation enacted in Pennsylvania and West Virginia, clarifies paramedic immunity when consent to render care is unable to be obtained.	Our EMS Department is currently reviewing Released from House Public Safety and Homeland Security Committee
SB No. 157	The bill adds sales and leases to the current language regarding publicly capital improvement.	This Bill allows public bodies to meet in Executive Session when considering sales or leases of real property Passed the Senate
SB No. 191	This Act establishes “Downtown Development Districts”. Under the Act, investors (both non-profit and for-profit) who make qualified real estate improvements in a District would be entitled to receive Downtown Development District (DDD) Grants of up to 20 percent of their “hard costs”.	This is a Governor’s initiative. Governor Markell explained this bill Wednesday evening, April 2, 2014 in Bridgeville at the SCAT meeting as a fund to help Delaware Municipalities grow. Passed both chambers of the legislature and signed by the Governor
HB No. 289	This bill creates equity among users of telecommunications services by extending the 911 fee to prepaid wireless retail transactions.	The State shall create a special fund designated as the Enhanced 911 Emergency Reporting System Fund, which shall be used to reimburse the State, counties, local governments and providers of telecommunications services in this State for costs associated with the E-911 Emergency Reporting System. Passed the House
SB No. 201	This bill clarifies the roles and authority of the Delaware Division of Public Health Office of Animal Welfare and Delaware Department of Agriculture. The Office of Animal Welfare was established to consolidate and coordinate companion animal programs and address the treatment of companion animals in Delaware by reviewing and determining emerging issues needing attention for the protection of both animals and members of the public. This bill not only authorizes the	Introduced April 2, 2014 assigned to Senate Health and Social Services Committee Has passed both chambers of the legislature

	Department of Health and Social Services to enforce existing shelter standards, the animal population control program and spay/neuter fund, and companion animal welfare license plate funds, all programs previously overseen by the Department of Agriculture, it also establishes an enforcement mechanism to do so. The bill also updates and clarifies the authority of the Department of Agriculture over poultry and livestock species and zoonotic disease prevention, eradication and mitigation.	
SB No. 196	This bill restores language to the Delaware Code that was inadvertently repealed in 2010 when SB 240 and HB 419 were enacted concurrently. This bill adds cats to the list of domestic animals that are protected under the dangerous dog law. Cats are domestic animals and dogs that viciously attack a cat on the property of its owner or under the immediate control of its owner should be evaluated according to dangerous dog provision.	Introduced April 10, 2014 assigned Senate Health and Social Services Committee. Released from Committee April 30. 2014. Passed the Senate
HB No. 311	During hearing of the Animal Welfare Task Force, established by Senate Concurrent Resolution 44 in the 146 th General Assembly, members of the public expressed serious concern about the lack in standardized training and certification of Animal Control Officers (ACOs) and Animal Cruelty Agents (ACAs). ACOs and ACAs in the State of Delaware carry out law enforcements duties, such as issuing warrants, citations, and seizing evidence, yet they are not currently required to have any uniform training and certification. The Animal Welfare Task Force recommended that the Delaware Division of Public Health Office of Animal Welfare develop and implement statewide training and certification of ACOs and ACAs. This will promote safety of the public, officers and animals, reduce the possibility of having inadequately trained officers carrying out law enforcement duties, and enhance consistency in service among agencies. This Act is based upon those recommendations. This Act does not change the animal cruelty standards or investigative authority currently in the Delaware Code. This Act becomes effective upon final publication of the regulations by the Department of Health and Social Services.	Introduced April 29, 2014 assigned to House Health and Human Development Committee. Passed the House

SB No. 207	This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by ensuring that health insurers, health service corporations, health maintenance organizations, or managed care organizations do not set their allowable charges below the costs incurred by the volunteer ambulance companies in providing an ambulance run and basic life support services.	Introduced April 30, 2014 assigned to Senate Insurance Committee. Released from Committee 5/7/14 Passed both chambers of the legislature – 6/11/14
HB No. 315	This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by establishing a \$10 assessment on all violations of Title 21 and creating a Volunteer Ambulance Company Fund. The moneys collected would be earmarked for volunteer ambulance companies and distributed on a pro rata basis by the State Fire Prevention Commission.	Introduced April 30, 2014 assigned to the House Public Safety & Homeland Security Committee. Released from Committee 5/7/14 Passed the House – 6/3/14; assigned to Senate Public Safety Committee
HB No. 316	This bill would implement one of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by requiring each county to contribute a minimum of 15% of the total countywide cost of basic life support services provided by volunteer ambulance companies within each county. The bill allows the counties the leeway to determine the best way to provide these funds; however the bill grants a county the power to support its volunteer ambulance companies through additional funding mechanisms designed solely for the support of volunteer ambulance companies, should it choose to do so. These additional powers are (1) to assess an additional tax rate, assessment, or fee on real property or (2) to adopt a user fee.	Introduced April 30, 2014 assigned to the House Public Safety & Homeland Security Committee. This bill was reviewed Wednesday, May 7, by the House Public Safety & Homeland Security Committee. The committee tabled this bill to allow time for all three counties to join with the sponsors of the bill in order to amend or rewrite it to better serve all parties involved. Todd, Gina, and I will provide this process with Sussex County's interests. Bill remains tabled
HB No. 317	This bill would implement two of the Task Force's recommendations to improve the funding of basic life support ambulance services in Delaware by (1) specifying that certain types of health insurers are subject to the insurance premium tax assessment for ambulance service and (2) increasing the amount of the moneys placed in the fund to forty five one hundredths of 1 percent. This bill also adds definitions for volunteer ambulance companies and other related terms. While the bill adds the new definition for volunteer ambulance companies, it retains the prior	Introduced April 30, 2014 assigned to the House Public Safety & Homeland Security Committee. Released from Committee 5/7/14

	reference to volunteer rescue services to ensure those entities continue to receive funding from the special fund.	
HB No. 279	This bill includes uniformed paramedics as an employee for purposes of the Delaware County and Municipal Police and Firefighter Pension Plan.	Passed the House and released from Senate Finance Committee
No. Not Yet Assigned	This bill is the first leg of a Constitutional amendment that eliminates reference to the county elective office of Clerk of the Peace. Contemporaneously with the second leg of the Constitutional Amendment, the implementation language will be filed as a separate bill to maintain a Marriage Bureau in each county under the Secretary of Health and Social Services.	Please review this bill carefully. I need your direction.



SPONSOR: Rep. Schwartzkopf & Rep. Longhurst & Rep. Viola &
Rep. D.E. Williams & Rep. Hudson & Sen. Blevins &
Sen. Lavelle

HOUSE OF REPRESENTATIVES
147th GENERAL ASSEMBLY

HOUSE BILL NO.

AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO
THE CLERK OF THE PEACE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE (Two-thirds of all members
elected to each house thereof concurring therein):

1 Section 1. Amend Article III of the Delaware Constitution by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 11. County officers; qualifications; members of Congress, federal employees and other officers holding dual
4 office.

5 Section 11. No person shall be elected or appointed to an office within a county who shall not have a right to vote
6 for a Representative in the General Assembly, and have been a resident therein one year next before his or her election or
7 appointment, nor hold the office longer than he or she continues to reside in the county, unless herein otherwise provided.

8 No member of Congress, nor any person holding or exercising any office under the United States, except officers
9 usually appointed by the courts of justice respectively and attorneys-at-law, shall at the same time hold or exercise any
10 office of profit under this State, unless herein otherwise provided.

11 No person shall hold more than one of the following offices at the same time, to-wit: Secretary of State, Attorney-
12 General, Insurance Commissioner, State Treasurer, Auditor of Accounts, Prothonotary, ~~Clerk of the Peace~~, Register of
13 Wills, Recorder, or Sheriff.

14 § 22. Election and term of office of certain county officers; commission.

15 Section 22. The terms of office of ~~Clerks of the Peace~~, Registers of Wills, Recorders, and Sheriffs shall be 4 years.
16 These officers shall be chosen by the qualified electors of the respective counties at general elections, and be commissioned
17 by the Governor.

18 § 23. Place of office of certain county officers.

19 Section 23. Prothonotaries, ~~Clerks of the Peace~~, Registers of Wills, Recorders and Sheriffs shall keep their offices
20 in the town or place in each county in which the Superior Court is usually held.

21 Section 2. Any person elected and commissioned as a Clerk of the Peace as of the effective date of this legislation
22 shall continue to hold the respective office for the full term for which such person was elected; provided, however, that a
23 vacancy in the office after the effective date of this legislation by reason of ineligibility, death, resignation, or otherwise
24 shall be filled by appointment of the Governor or left vacant if the Governor so determines.

SYNOPSIS

This bill is the first leg of a Constitutional amendment that eliminates reference to the county elective office of Clerk of the Peace. Contemporaneously with the second leg of the Constitutional Amendment, the implementation language will be filed as a separate bill to maintain a Marriage Bureau in each county under the Secretary of Health and Social Services.

HAL GODWIN
DEPUTY COUNTY ADMINISTRATOR
(302) 854-5060 T
(302) 855-7749 F
hgodwin@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable George B. Cole
The Honorable Joan R. Deaver
The Honorable Vance C. Phillips

FROM: Hal Godwin
Deputy County Administrator

RE: **WETLANDS ADVISORY COMMITTEE UPDATE**

DATE: June 13, 2014

On Wednesday, June 11, the Wetlands Advisory Committee unanimously supported the following two recommendations:

- A. The existing Delaware Land & Historic Resources Protection Incentive Act of 1999 be amended and expanded as follows:
1. Category I freshwater wetlands and adjacent areas qualify and be identified as a conservation value for the tax incentive program.
 2. The tax credit program maintain:
 - a. The existing 40% of Fair Market Value limit
- Category I freshwater wetlands at 100% of Fair Market Value;
 - b. The existing 5-year carry forward period; and
 - c. The existing Statewide cap of \$1,000,000 per year.
 3. The tax credit program be expanded to include:
 - a. An individual maximum credit from \$50,000 to \$100,000; and
 - b. The allowance of transfer of tax credits to third parties.
- B. DNREC shall map wetlands in Delaware and offer assistance to property owners in determining if they want to participate in the incentive program or not, while seeking verification from wetland owners with regard to boundaries.

HFG/sww

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR
FISCAL YEAR 2015

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1: The Statement of Anticipated General Fund Revenues for the Fiscal Year
Ending June 30, 2015 is as follows:

	<u>Amount Year Ending June 30, 2015</u>
<u>REVENUES:</u>	
<u>Taxes</u>	
Property – County	\$12,452,070
Property – Library	1,460,016
Realty Transfer	16,000,000
Fire Service	1,000,000
Penalties and Interest	120,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	160,000
Emergency Management	6,200
Housing and Urban Development	1,775,000
Payments in Lieu of Taxes	5,000
State Grants	
Paramedics	3,994,650
Library	340,000
Local Emergency Planning Commission	66,950
Department of Health	10,000
<u>Charges for Services</u>	
Constitutional Offices Fees	
Marriage Bureau	134,000
Recorder of Deeds	3,300,000
Recorder of Deeds – Town Realty Transfer Tax	30,000
Recorder of Deeds - Maintenance	40,000
Register of Wills	950,000
Sheriff	2,150,000
General Government Fees	
Building Permit and Zoning Fees	1,325,000
911 System Fee	559,630
Manufactured Home Placement Fees	74,000
Building Inspection Fees	1,040,000
Airpark Operation Fees	472,820
Miscellaneous Fees	86,000
Dog Licensing	74,000
Rents other than Airpark	38,170
Private Road and Inspection Fees	377,000

	<u>Amount Year Ending June 30, 2015</u>
<u>Miscellaneous Revenue</u>	
Contributions and Donations	\$ 25,000
Economic Loan Repayments	45,000
Fines and Forfeits	22,000
Investment Income	400,000
Reimbursements – Medicare	94,080
Miscellaneous Revenue	18,000
<u>Other Financing Sources</u>	
Reimbursements from other funds	300,000
Appropriated Reserves	3,000,000
<u>TOTAL REVENUES</u>	<u>\$51,944,586</u>

Section 2. The Statement of General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2015 is established as follows:

	<u>Amount Year Ending June 30, 2015</u>
<u>EXPENDITURES:</u>	
<u>General Administration</u>	
County Council	\$ 513,286
Administration	569,170
Legal	370,000
Finance	1,836,669
Assessment	1,466,378
Building Code	786,212
Mapping & Addressing	728,705
Human Resources	838,127
Records Management	180,719
Buildings and Grounds	1,761,191
Information Technology	1,449,792
Constable	230,634
Dog Control	741,512
<u>Planning & Zoning</u>	1,255,298
<u>Paramedics</u>	13,315,497
<u>Emergency Preparedness</u>	
Administration	467,259
Emergency Operations	1,929,054
Communication Systems	452,587
Local Emergency Planning Committee	73,513

	<u>Amount Year Ending June 30, 2015</u>
<u>Engineering</u>	
Administration	\$1,301,245
Public Works	613,472
<u>Library</u>	
Administration	635,485
Facilities	1,895,283
Local Libraries	1,460,017
<u>Economic Development</u>	
Economic Development	123,828
Security	421,722
Airport and Industrial Park	660,764
<u>Community Development</u>	2,041,920
<u>Grant-in-aid</u>	7,600,361
<u>Constitutional Offices</u>	
Marriage Bureau	176,294
Recorder of Deeds	1,148,045
Register of Wills	533,805
Sheriff	681,241
<u>Other Financing Sources</u>	
Transfers Out	85,500
Reserve for Contingencies	3,600,000
<u>TOTAL EXPENSES</u>	<u>\$51,944,585</u>

Section 3. The Tax Rate, Firemen's Enhancement Funding Program, and Cluster Fees for Fiscal Year Ending June 30, 2015 are established as follows:

- (a) County Property Tax Rate \$.4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program – Building Permit surcharge of one-quarter of one percent (.25%) of construction values.
- (c) Cluster Fee for a density bonus.
 - 1. For the Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel, and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
 - 2. For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
 - 3. For the Environmentally Sensitive Developing Area - \$20,000 per unit in excess of two dwelling units per acre.

Section 4. The Statement of Revenues and Expenditures for the Capital Projects Fund for the Fiscal Year Ending June 30, 2015 is as follows:

	<u>Amount Year Ending June 30, 2015</u>
<u>Revenues:</u>	
Appropriated Reserves	\$ 1,763,485
Federal Aviation Grant	270,000
Investment Income	20,000
Realty Transfer Tax	4,000,000
State of Delaware Grant – Aviation	7,500
State of Delaware Grant – Bond Bill	100,000
State of Delaware Grant – Emergency Management	500,000
State of Delaware Grant - Paramedic	<u>435,000</u>
<u>Total Revenues</u>	<u>\$ 7,095,985</u>
<u>Expenditures:</u>	
Administrative	
Building Improvements	\$ 765,000
IT Data Center	155,000
Pole Barn	270,000
Parking Lot Improvements	20,000
Digitize Map Project	230,000
Airpark	
Apron Improvements	300,000
Electrical Improvements	530,935
Land Acquisition	900,000
Pavement Improvements	57,800
Stormwater Improvements	131,250
Taxiway Improvements	636,000
Security Improvements	20,000
Water Plant Improvements	10,000
Wind Tree Replacement	20,000
Airport Sign	50,000
Engineering	
Woodland Park	250,000
Land Acquisition	300,000
Emergency Operations	
Mobile Command	800,000
Library	
Buildings	200,000
Paramedic	
Buildings	<u>1,450,000</u>
<u>TOTAL EXPENDITURES</u>	<u>\$ 7,095,985</u>

Section 5. The Statement of Enterprise Funds Budget Revenues and Expenditures for the Fiscal Year Ending June 30, 2015 is as follows:

	<u>Amount Year Ending June 30, 2015</u>
<u>Operating Revenues</u>	
Finance Charges	\$ 1,040
Holding Tank Fees	264,000
License, Permits, and Review Fees	605,700
Miscellaneous Fees	168,542
Service Charges	19,457,709
<u>Non-Operating Revenues</u>	
Assessment Charges	9,148,673
Capitalized Ordinance 38 Fees	1,500,000
Connection Charges	2,291,898
Investment Results	211,070
<u>Other Financing Sources</u>	
Transfers In	85,500
Available Funds	683,925
<u>TOTAL REVENUES AND OTHER FINANCING</u>	<u>\$34,418,057</u>
<u>Expenditures</u>	
Administrative Costs	\$ 6,115,825
Operations and Maintenance Costs	11,521,218
Capital Expenditures	3,661,925
Debt Service	<u>13,119,089</u>
<u>TOTAL EXPENDITURES</u>	<u>\$34,418,057</u>

Section 6. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Section 7. The County has invested \$10 million of Appropriated Reserves from Realty Transfer Tax funds with a goal to earn five percent per year. The fire companies are to receive a grant for the annual investment income from this investment up to four percent per year; these fire service grants are to be awarded annually based on recommendations from the Fire Resource Committee, but at the discretion of the Sussex County Council. Sussex County will receive the first one percent of the investment income earned. The fire service would receive investment income of up to four percent after Sussex County receives one percent. A four-fifths vote of the County Council is required to use principal for any other purpose. If there is a loss from the investments, then the principal balance must be restored before any additional grants are made from investment income in the future to the County or the fire service. Sussex County is to receive the investment income over five percent per year. These grants to the fire service will be awarded annually, based on the previous calendar year's annual investment results.

Section 8. This Ordinance shall become effective on July 1, 2014.

NOTICE OF PUBLIC HEARING

ASSESSMENT ROLLS FOR ALL SUSSEX COUNTY SANITARY SEWER AND WATER DISTRICTS

The Dewey Beach Water District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer District (including Sussex Shores, North Bethany Expansion, and Ocean Way Estates, Sections I & II, Ocean View Expansion, Cedar Neck Expansion, and North Millville Expansion), South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, Dagsboro-Frankford Sanitary Sewer District (including the Prince George’s Acres Subdistrict), West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Holts Landing Sanitary Sewer District (including The Greens at Indian River Subdistrict), Miller Creek Sanitary Sewer District, Ellendale Sanitary Sewer District (including the New Market Village Subdistrict), Oak Orchard Sanitary Sewer District, Expansion No. 1 and Captain’s Grant Expansion of the Oak Orchard Sanitary Sewer District, Bay View Estates Sanitary Sewer District, Sea Country Estates Sanitary Sewer District, South Ocean View Sanitary Sewer District, Angola Neck Sanitary Sewer District, Golf Village Sanitary Sewer District, Johnson’s Corner Sanitary Sewer District, and the Woodlands of Millsboro Sanitary Sewer District assessment rolls for the period from July 1, 2014 through June 30, 2015 have been completed and filed in the Sussex County Billing Division located at the County Administrative Offices, 2 The Circle, Georgetown, Delaware. The assessment rolls may be reviewed in the Sussex County Billing Division between the hours of 8:30 a.m. and 4:30 p.m., local time, Mondays through Fridays, except on legal holidays recognized by the Sussex County Council.

The Sussex County Council will meet and hold a public hearing at 10:15 a.m., local time, on Tuesday, June 17, 2014, in Council Chambers, County Administrative Offices, 2 The Circle, Georgetown, Delaware to hear and consider any objections that may be made to the assessment rolls.

The proposed annual service and assessment charges used in preparing the assessment rolls are presented below.

SUSSEX COUNTY, DELAWARE				
SUMMARY OF ANNUAL SERVICE CHARGES AND ASSESSMENT CHARGES JULY 1, 2014 – JUNE 30, 2015				
<u>District</u>	<u>Annual Service Charge \$/EDU</u>	<u>Annual Assessment Charge</u>		
		<u>Distribution Or Collection \$/foot</u>	<u>Transmission And/or Treatment \$/foot</u>	<u>Total \$/foot</u>
DEWEY BEACH WATER	305.76	.00	.00	.00
DEWEY BEACH SEWER	298.14	.50	.21	.71
BETHANY BEACH SEWER	278.00	.00	.00	.00
SUSSEX SHORES ¹	278.00	2.83	.00	2.83
NORTH BETHANY EXPANSION ¹	278.00	0.00	0.00	0.00
OCEAN WAY ESTATES I & II ¹	278.00	2.29	.00	2.29
OCEAN VIEW EXPANSION ¹	278.00	2.82	.86	3.68
CEDAR NECK EXPANSION ¹	278.00	2.61	.78	3.39
NORTH MILLVILLE EXPANSION ¹	278.00	4.41	.77	5.18
SOUTH BETHANY SEWER	278.00	.00	.00	.00
FENWICK ISLAND SEWER	278.00	.28	.04	.32
HOLTS LANDING SEWER	278.00	.68	2.58	3.26
THE GREENS AT INDIAN RIVER SUBDISTRICT ⁴	278.00	5.23	2.58	7.81
BLADES SEWER	281.82	.00	.00	.00
HENLOPEN ACRES SEWER	487.15	.00	.00	.00
LONG NECK SEWER	273.43	3.34	.23	3.57
DAGSBORO-FRANKFORD SEWER	278.00	.38	.22	.60
PRINCE GEORGE’S ACRES SUBDISTRICT ⁵	278.00	4.63	.22	4.85
WEST REHOBOTH SEWER EXPANSION ²	278.00	1.77	1.08	2.85
MILLER CREEK SEWER	278.00	6.10	.82	6.92

ELLENDALE SEWER	278.00	.96	.92	1.88
NEW MARKET VILLAGE SUBDISTRICT ³	278.00	3.97	.92	4.89
OAK ORCHARD SEWER	278.00	2.16	2.19	4.35
EXPANSION NO. 1 & CAPTAINS GRANT EXP.	278.00	2.61	1.58	4.19
BAY VIEW ESTATES SEWER	278.00	4.37	2.81	7.18
SEA COUNTRY ESTATES SEWER	278.00	4.79	.04	4.83
SOUTH OCEAN VIEW SEWER	278.00	4.88	.59	5.47
ANGOLA NECK SEWER	278.00	3.45	3.13	6.58
GOLF VILLAGE SEWER	0.00	1.47	0.00	1.47
WOODLANDS OF MILLSBORO	808.00	0.00	0.42	.42
JOHNSON’S CORNER	278.00	2.60	1.95	4.55
Notes: 1. Part of the Bethany Beach Sanitary Sewer District. 2. Part of the Dewey Beach Sanitary Sewer District. 3. Part of the Ellendale Sanitary Sewer District. 4. Part of the Holts Landing Sanitary Sewer District. 5. Part of the Dagsboro-Frankford Sanitary Sewer District. “foot” means assessable footage “EDU” means equivalent dwelling unit				

The Sussex County Council will also consider the proposed system connection charges for the period from July 1, 2014 through June 30, 2015 for the Dewey Beach Water District, Dewey Beach Sanitary Sewer District, Bethany Beach Sanitary Sewer District, South Bethany Sanitary Sewer District, Fenwick Island Sanitary Sewer District, Blades Sanitary Sewer District, Henlopen Acres Sanitary Sewer District, Long Neck Sanitary Sewer District, Dagsboro-Frankford Sanitary Sewer District, West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District, Holts Landing Sanitary Sewer District, Ocean View Expansion of the Bethany Beach Sanitary Sewer District, Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District, North Millville Expansion of the Bethany Beach Sanitary Sewer District, Miller Creek Sanitary Sewer District, Ellendale Sanitary Sewer District, Oak Orchard Sanitary Sewer District, Bay View Estates Sanitary Sewer District, Sea Country Estates Sanitary Sewer District, South Ocean View Sanitary Sewer District, Johnson’s Corner Sanitary Sewer District, Golf Village Sanitary Sewer District, and Angola Neck Sanitary Sewer District.

The System Connection Charge shall be in addition to all other charges and assessments made in connection with the furnishing of water or sewer service, and shall be billed and payable in a manner determined by the County. The proposed system connection charges are presented below.

SUSSEX COUNTY, DELAWARE			
SUMMARY OF SYSTEM CONNECTION CHARGES			
JULY 1, 2014– JUNE 30, 2015			
District	Connection Charge		Total System Connection Charge \$/EDU
	Transmission \$/EDU	Treatment \$/EDU	
DEWEY BEACH WATER	1,100	0	1,100
DEWEY BEACH SEWER	2,870	1,230	4,100
BETHANY BEACH SEWER	3,850	1,650	5,500
SOUTH BETHANY SEWER	3,850	1,650	5,500
FENWICK ISLAND SEWER	3,850	1,650	5,500
BLADES SEWER	2,380	1,020	3,400
HENLOPEN ACRES SEWER	2,870	1,230	4,100
LONG NECK SEWER	2,870	1,230	4,100
DAGSBORO-FRANKFORD SEWER	4,760	2,040	6,800
WEST REHOBOTH EXPANSION	3,850	1,650	5,500
HOLTS LANDING SEWER	3,850	1,650	5,500
OCEAN VIEW EXPANSION	3,850	1,650	5,500
CEDAR NECK EXPANSION	3,850	1,650	5,500
MILLVILLE EXPANSION	3,850	1,650	5,500
MILLER CREEK SEWER	3,850	1,650	5,500
OAK ORCHARD & OAK ORCHARD EXP. SEWER	2,870	1,230	4,100
ELLENDALE SEWER	5,600	2,400	8,000
BAY VIEW ESTATES SEWER	3,850	1,650	5,500

SEA COUNTRY ESTATES SEWER	3,850	1,650	5,500
SOUTH OCEAN VIEW	3,850	1,650	5,500
JOHNSON’S CORNER SEWER	3,850	1,650	5,500
GOLF VILLAGE SEWER ³	-	-	-
ANGOLA NECK SEWER	2,870	1,230	4,100
WOODLANDS OF MILLSBORO ⁴	-	-	-
Notes: 1. “EDU” means “Equivalent Dwelling Unit.” 2. Amount equal to the Town of Georgetown’s Impact Fee. 3. Amount equal to the Town of Millsboro’s Impact Fee.			

The Sussex County Council will also consider the one-time septic installation charge for the period from July 1, 2014 through June 30, 2015 for the Holts Landing Sanitary Sewer District. The proposed one-time septic installation fee is presented below.

SUSSEX COUNTY, DELAWARE	
ONE-TIME SEPTIC INSTALLATION FEE	
JULY 1, 2014 – JUNE 30, 2015	
District	One-time Septic Installation Fee \$/EDU
Holts Landing Sewer	2,626
Notes: (1) “EDU” means “Equivalent Dwelling Unit.”	

After holding the public hearing, the Sussex County Council will establish, at one of its regularly scheduled meetings, the assessment rolls to be known respectively as the “Dewey Beach Water District Assessment,” “Dewey Beach Sanitary Sewer District Assessment,” “Bethany Beach Sanitary Sewer District Assessment (including Sussex Shores, Ocean Way Estates Sections I and II, Ocean View Expansion, Cedar Neck Expansion, and North Millville Expansion),” “North Bethany Expansion of the Bethany Beach Sanitary Sewer District Assessment,” “South Bethany Sanitary Sewer District Assessment,” “Fenwick Island Sanitary Sewer District Assessment,” “Blades Sanitary Sewer District Assessment,” “Henlopen Acres Sanitary Sewer District Assessment,” “Long Neck Sanitary Sewer District Assessment,” “Dagsboro-Frankford Sanitary Sewer District Assessment,” “Prince George’s Acres Subdistrict Assessment of the Dagsboro-Frankford Sanitary Sewer District Assessment,” “West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District Assessment,” “Holts Landing Sanitary Sewer District Assessment,” “The Greens at Indian River Subdistrict Assessment of the Holts Landing Sanitary Sewer District,” “Miller Creek Sanitary Sewer District Assessment,” “Ellendale Sanitary Sewer District Assessment,” “New Market Village Subdistrict Assessment of the Ellendale Sanitary Sewer District,” “Oak Orchard Sanitary Sewer District Assessment,” “Expansion No. 1 and Captain’s Grant Expansion of the Oak Orchard Sanitary Sewer District,” “Bay View Estates Sanitary Sewer District Assessment,” Sea Country Estates Sanitary Sewer District Assessment,” “South Ocean View Sanitary Sewer District Assessment,” “Johnson’s Corner Sanitary Sewer District Assessment,” “Angola Neck Sanitary Sewer District Assessment,” “Golf Village Sanitary Sewer District Assessment,” and “The Woodlands of Millsboro Sanitary Sewer District Assessment.” Unless otherwise posted in the Office of the Clerk of the Sussex County Council, the Sussex County Council meets regularly every Tuesday at the posted time, in the County Administrative Offices, 2 The Circle, Georgetown, Delaware. After holding the public hearing, the Sussex County Council may change or amend the assessment rolls as it deems necessary or just and may confirm and adopt the assessment rolls as originally proposed, or as amended, or changed.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING ANNUAL SERVICE CHARGES, ANNUAL ASSESSMENT RATES FOR COLLECTION AND TRANSMISSION AND/OR TREATMENT, AND CONNECTION CHARGES FOR ALL SUSSEX COUNTY WATER AND SANITARY SEWER DISTRICTS

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Dewey Beach Water District are established as follows:

- A. For an annual service charge: \$305.76 per EDU;
- B. For distribution, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$1,100.00.

Section 2. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Dewey Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$298.14 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.50;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.21; and
- D. For a connection charge, per equivalent dwelling unit: \$4,100.00.

Section 3. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 4. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Sussex Shores Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.83;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the North Bethany Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ocean Way Estates Extension of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.29;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 7. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the South Bethany Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 8. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Fenwick Island Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.28;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.04; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 9. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Blades Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$281.82 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$3,400.00.

Section 10. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Henlopen Acres Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$487.15 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.00;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.00; and
- D. For a connection charge, per equivalent dwelling unit: \$4,100.00.

Section 11. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Long Neck Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$273.43 per EDU;
- B. For collection, an assessment rate per billable front foot: \$3.34;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.23; and
- D. For a connection charge, per equivalent dwelling unit: \$4,100.00.

Section 12. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Dagsboro/Frankford Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.38;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.22; and
- D. For a connection charge, per equivalent dwelling unit: \$6,800.00.

Section 13. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$1.77;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.08; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 14. The annual service charge, annual assessment rate for collection and transmission and/or treatment, connection charge, and one-time septic installation charge for the Holts Landing Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$0.68;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.58;
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00;
- E. For a one-time septic installation charge, per equivalent dwelling unit: \$2,626.00.

Section 15. The annual service charge, annual or one-time assessment rate for collection, annual assessment rate for transmission and/or treatment, and connection charge for The Greens at Indian River Subdistrict of the Holts Landing Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an annual assessment rate per billable front foot: \$5.23;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.58; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 16. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ocean View Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.82;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.86; and
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 17. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.61;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.78; and

- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 18. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the North Millville Expansion of the Bethany Beach Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$4.41;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.77;
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 19. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Miller Creek Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$6.10;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.82;
- D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 20. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Oak Orchard Sanitary Sewer District is established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.16;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.19; and

- D. For a connection charge, per equivalent dwelling unit: \$4,100.00.

Section 21. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for Expansion No. 1 and Captain's Grant Expansion of the Oak Orchard Sanitary Sewer District is established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$2.61;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.58; and
- D. For a connection charge, per equivalent dwelling unit: \$4,100.00.

Section 22. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Ellendale Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$.96;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.92;
- D. For a connection charge, per equivalent dwelling unit: \$8,000.00.

Section 23. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the New Market Village Subdistrict of the Ellendale Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$3.97;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.92; and

D. For a connection charge, per equivalent dwelling unit: \$8,000.00.

Section 24. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Bay View Estates Sanitary Sewer District is established as follows:

A. For an annual service charge: \$278.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.37;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$2.81; and

D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 25. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Sea Country Estates Sanitary Sewer District is established as follows:

A. For an annual service charge: \$278.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.79;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.04; and

D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 26. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the South Ocean View Sanitary Sewer District are established as follows:

A. For an annual service charge: \$278.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$4.88;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$.59; and

D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 27. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Johnson's Corner Sanitary Sewer District are established as follows:

A. For an annual service charge: \$278.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$2.60;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$1.95; and

D. For a connection charge, per equivalent dwelling unit: \$5,500.00.

Section 28. The annual service charge, annual assessment rate for transmission and/or treatment, and connection charge for the Angola Neck Sanitary Sewer District are established as follows:

A. For an annual service charge: \$278.00 per EDU;

B. For collection, an assessment rate per billable front foot: \$3.45;

C. For transmission and/or treatment, an assessment rate per billable front foot: \$3.13; and

D. For a connection charge, per equivalent dwelling unit: \$4,100.00.

Section 29. The connection charge for the Golf Village Sanitary Sewer District is established as follows:

A. For collection, an assessment rate per billable front foot: \$1.47; and

B. For a connection charge, per equivalent dwelling unit: Amount equal to the Town of Georgetown's Impact Fee.

Section 30. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Prince George's Acres Subdistrict of the Dagsboro-Frankford Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$278.00 per EDU;
- B. For collection, an assessment rate per billable front foot: \$4.63;
- C. For transmission and/or treatment, an assessment rate per billable front foot: \$.22; and
- D. For a connection charge, per equivalent dwelling unit: \$6,800.00.

Section 31. The annual service charge, annual assessment rate for transmission and/or treatment for the Woodlands of Millsboro Sanitary Sewer District are established as follows:

- A. For an annual service charge: \$808.00 per EDU; and
- B. For transmission and/or treatment, an assessment rate per billable front foot: \$.42.
- C. For a connection charge, per equivalent dwelling unit: Amount equal to the Town of Millsboro's in-town rate for Impact Fee.

Section 32. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 33. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2014.

Section 34. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the sewer districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

PROPOSED

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E., County Engineer
JOSEPH WRIGHT, P.E., Asst. County Engineer



2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DE 19947

Administration	302-855-7718
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299
FAX: 302-855-7799	

OAK CREST FARMS REVISED STORMWATER MANAGEMENT, PHASE I PROJECT SUMMARY

Oak Crest Farms is an existing 175-lot single-family home subdivision on Beaver Dam Road constructed in three phases. Phase III of the infrastructure work, primarily stormwater management, was left incomplete by the developer. The Sussex County Engineering Department recalled a Letter of Credit from the developer's Surety to complete the work.

County Council passed a resolution on February 19, 2013, directing the Engineering Department to submit a request for a Surface Water Matching Planning Grant to the Delaware Clean Water Advisory Council. The matching grant was approved by the Advisory Council, thus, a portion of project planning expenditures will be reimbursed to Sussex County.

Phase I of the Oak Crest Farms Revised Stormwater Management Project includes the realignment of Stormwater Pond C outfall to eliminate Beaver Dam Road flooding, clearing and regrading of Stormwater Pond A to increase storage volume, the replacement of Pond A and Pond B outlet control structures for improved stormwater management, and related work.

Bids for Phase I were opened on June 11, 2014. Seven bids were received. The Engineering Department recommends that Council approve the Bid Award to Melvin L. Joseph Construction Co., Inc., of Georgetown, Delaware, at the bid amount of \$252,817.00.

Sussex County
Engineering Department

MICHAEL A. IZZO, P.E., County Engineer
JOSEPH WRIGHT, P.E., Asst. County Engineer



2 THE CIRCLE
P.O. BOX 589
GEORGETOWN, DE 19947

Administration	302-855-7718
Environmental Services	302-855-7730
Public Works	302-855-7703
Utility Engineering	302-855-7717
Utility Permits	302-855-7719
Utility Planning	302-855-1299
FAX:	302-855-7799

OAK CREST FARMS REVISED STORMWATER MANAGEMENT, PHASE I
SUSSEX COUNTY PROJECT 14-01
BID RESULTS

BIDDER	TOTAL BID
*MELVIN L. JOSEPH CONSTRUCTION CO., INC. GEORGETOWN, DELAWARE	\$252,817.00 Recommended Bid Award
COMMON SENSE SOLUTIONS, LLC LAUREL, DELAWARE	\$264,312.07
A. P. CROLL & SON, INC. GEORGETOWN, DELAWARE	\$308,949.00
GEORGE & LYNCH, INC. DOVER, DELAWARE	\$433,217.00
MIDATLANTIC DISMANTLEMENT CORPORATION DOVER, DELAWARE	\$451,851.00
MUMFORD & MILLER CONCRETE, INC. MIDDLETOWN, DELAWARE	\$483,710.00
DIXIE CONSTRUCTION CO., INC. GEORGETOWN, DELAWARE	\$645,617.00
ENGINEER'S ESTIMATE	\$368,363.16
LETTER OF CREDIT VALUE	\$410,253.00

* APPARENT LOW BIDDER

PROJECT FACT SHEET

PROJECT NAME: Millville Expansion of the Bethany Beach Sanitary Sewer District
SR 26 – Phase III Expansion; It is also known as the SR 26
Mainline Project

- Intent: To incorporate the extension of sewer work from SR 26 from the Denton Mills subdivision west to the vicinity of St George's Church. By embedding the work in the DeIDOT project, we take advantage of savings in items like road restoration costs and contractor mobilization. Also, it greatly reduces the inconvenience to the public by having concurrent construction activities.
- Funded by: USDA Rural Utility Service
- The Millville sewer project has been constructed in 6 – separate construction contracts with a total project cost @ \$25M.
- DeIDOT Bid opening on 9/24/13, Low bidder is George & Lynch, Sewer work cost at \$2,128,701.22
- Although an excess of design funds remain in amendment #40, a shortfall exists in Construction Administration and Inspection amendment #38. Therefore a transfer of \$140,000 from Amendment #40 to Amendment #38 is proposed to oversee the remaining construction work.
- Proposed Motion: Be it moved, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council hereby approves a transfer of \$140,000 from Whitman, Requardt and Associates, L.L.P., Contract Amendment No. 40 to Contract Amendment No. 38 to provide Contract Administration & Construction Inspection Services for the Millville Sanitary Sewer District: SR 26 – Phase III Expansion.

**MAYOR and COUNCIL
TOWN OF MILLSBORO
322 Wilson Highway
Millsboro, Delaware 19966 - 1216**

OFFICE HOURS
MONDAY — FRIDAY
8:00 a.m. to 4:30 p.m.



**Phone: (302) 934-8171
Fax: (302) 934-7682**

TOWN OFFICE
PARKS/RECREATION
STREETS
WATER/SEWER

POLICE DEPT. 934-8174

June 9, 2014


Vance Phillips
31479 Dogwood Lane
Laurel, DE 19956

Dear Councilman Phillips:

The Town of Millsboro has never had "Welcome to Millsboro" signs at the entrance of Town and is something the residents of Millsboro have asked for. The Town Council is busy trying to get this accomplished and are seeking help with the funding.

If it is possible would you or the Sussex County Council be able to contribute to this cause. We are planning to have two, one at each end of DuPont Boulevard as visitors enter town and we are still looking for funding to be able to accomplish this. We are hoping to receive a total of \$3,000.00 but anything you may be able to do is certainly appreciated. Thank you for your consideration.

Sincerely,

THE TOWN OF MILLSBORO

Robert H. Bryan,
Mayor

Cc: file



Laurel Independence Day Committee

Sponsored by The Town of Laurel
201 Mechanic Street, Laurel, De 19956
302-875-2277 - laurelop@comcast.net

Sussex County Councilman
Vance Phillips
P. O. Box 598
Georgetown, Delaware 19947

Dear County Councilman Phillips:

The Laurel Independence Day Committee is in the planning phase for our 20th annual ***Independence Day Celebration*** which, **this year, will be on Friday, July 4th**. We would like extend an invitation to you to participate in the 4th of July Mayor's Cornhole Tournament as a partner to one of our local Mayors. The contest is scheduled from 12:30 p.m. to 1:30 p.m., in Market Square Park. We do ask that you arrive approximately 15 minutes early.

Once again we will begin the festivities with a prayer breakfast at 7:30 A.M., at the Abbott's on Broadcreek Restaurant, located at 300 Delaware Avenue. The cost of the breakfast is \$12.00 per person. Tickets can be purchased at the Laurel Town Hall, 201 Mechanic Street, Laurel Chamber of Commerce, 215 Mechanic Street or at Abbott's on Broadcreek. Tickets must be purchased prior to the breakfast.

Our parade will begin at 10:00 A.M. on Evergreen Drive and travel north on Central Avenue. The theme is Cruisin' Thru Time! There will also be a Laurel Little Miss Independence Day Pageant, Car Show, food and non food vendors, musical entertainment and the Bo Dickerson Band performing at 7:00 p.m.. The evening will end with a wonderful firework display beginning at dusk.

Please RSVP by June 26th by calling me at 875-2277 or email at laurelop@comcast.net. We look forward to seeing you!

Sincerely,



Jamie Smith
Laurel Independence Day Committee

June 6, 2014


Michael Vincent
Sussex County Council President
Georgetown, DE 19947

President Michael Vincent;

My name is Shane Collins. I am a Life Scout with the Boy Scout Troop 249 from Seaford. I am working on my Eagle Scout project and need help to fund my project. My Eagle Scout project will benefit the Western Sussex Boys and Girls Club located in Seaford. I am building a bridge over a ditch, which will allow people safer access to the soccer fields. I have played soccer with NYSA (Nanticoke Youth Soccer Association) which is located at the Boys and Girls Club since I was five years old. I wanted to show my gratitude and thanks for allowing myself and all of the kids of the community the ability to play soccer in Seaford.

In the process of doing an Eagle Scout project, I compiled a list of materials I will need to complete the project. I went to Dukes Lumber and spoke with Mr. Dale Dukes and presented him the list of materials, he quoted me a price of \$358.90. I am asking for your financial support to help me complete this project. When the project is complete, I will return to show pictures and give thanks to you and the council for your support.

Sincerely,



Shane Collins
Life Scout
Troop 249
9137 Concord Road
Seaford, DE 19973
302-236-3373

Troop 249 Tax ID# 51-0411773



Seaford Historical Society, Inc.

Website: www.seafordhistoricalsociety.com
SHS Office located in Museum

Email: seafordsociety@verizon.net
203 High Street 302-628-9828

SEAFORD MUSEUM

203 High Street
Seaford, DE 19973
Phone: 302-628-9828
Fax: 302-628-2984

ROSS MANSION & PLANTATION

(Formerly: 1101 N. Pine Street Ext.)
23669 Ross Station Road
Seaford, DE 19973
Phone: 302-628-9500

President

James Larson

Vice President

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

Secretary

Aileen Watkins

Treasurer

John Torkelson

June 5, 2014

Assistant Treasurer

Rob Hutton

Ross Plantation Manager

Margaret Alexander

Museum Manager

Janet L. Jones

Past President

Scott Davidson

Office Manager

Phyllis A. Williams

Grants Administrator

Jim Blackwell

Honorary Trustees

Anne Nesbitt

Earl Tull

Trustees

Liz Chambers

Ted Corbett

Sharlana Edgell

Rob Hutton

Ric Marvel

William Messenger

Mary Noel

Clark White

Teresa Wilson

Dear Councilman Vincent :

75 years ago, Sussex County was changed forever when the first commercial pound of nylon, in the world, was made in Seaford. The magnitude of the invention and production of nylon is huge. The Seaford Historical Society (SHS) is taking the lead in recognizing the 75th Anniversary throughout the rest of 2014. The SHS will be working with the City of Seaford, businesses, organizations and interested groups through the area and will be offering public events. Both educational and fun, to celebrate this tremendous event that happened on December 12, 1939 when the "First Pound" was manufactured at the nylon plant in Seaford.

There will be interesting exhibits in the Seaford Museum, programs, receptions and we hope to involve school children in essay writing and art posters. We hope they will learn about what their parents, or more likely, grandparents did when they "worked at the plant". We plan to have many public programs and have special events to encourage museum visits. Our permanent nylon exhibit is very good and we are planning much more.

Following is a partial list of planned events and we hope that you could consider donating \$1000 to assist with the funding. The SHS cannot carry the full burden of this important anniversary year. An addendum is attached which more fully describes the planned events. It is a draft and subject to change, depending on funding, among other things.



8.28.14

June 3, 2104

The Honorable Michael H. Vincent
Sussex County Council

2 The Circle
PO Box 589
Georgetown, DE 19947

Dear Honorable Vincent:

We are excited to announce that the second annual **The Farmer and the Chef South** will be Thursday, August 28 at Baywood Greens in Long Neck. Last year's event was a huge success with 14 restaurants and 14 farmers from Sussex County participating. Approximately 300 guests enjoyed the delicious pairings.

The primary focus of the event is to pair Sussex Farmers with Sussex Chefs to help them develop sustainable relationships long after the event. We continue to work with Ellen Magee of Magee Farms and the Delaware Department of Agriculture to plan and execute the event. Throughout the planning, promotion and the actual event, one of our goals is to support the Sussex County economy by introducing event participants to the wonderful restaurants and local farm products that Sussex County has to offer.

We so much appreciate your \$500 support for 2013 and would love to have you join us for 2014. We hope you will consider our Gold level with each council member supporting the event at the \$500 level to make a combined contribution of \$2,500. I have attached the sponsorship information for your review. Please feel free to reach out to me if you have questions about the event.

Sincerely,

Pam Armstrong
Sr. Community Director
March of Dimes/Delaware

cc: Ellen Magee

March of Dimes Foundation

March of Dimes Delaware
5620 Kirkwood Highway
Wilmington, DE 19808

marchofdimes.com/delaware

march of dimes



"A Millwheel Turning for Continuous Progress"

May 30, 2014

7472 Portsville Road
Laurel, DE 19956

Dear Mr. Vance Phillips and Sussex County Council,

The Greater Millsboro Chamber of Commerce has set the date of Saturday, September 20, 2014, for The Millsboro Country Festival. The festival committee has worked hard to come up with entertainment and activities that will match our first year success.

We will kick off the morning at 11am at the Millsboro Little League Field.. We are proud to announce that The Tennesse Mafia jug Band will be our headlining act. Mountaire will be doing their Chickin' Pickin' event, musical entertainment throughout the day include Charles Paparella, Flatland Drive, Bo Dickerson and The Dirt Road Outlawz. We will be having a number of contests and a Super Redneck Challenge with prizes. Also Fast Action Motorsports Entertainment will be here with a race car simulator, tire changer simulator and a race track where festival goers will get to race RC cars. Trophies will be awarded for winners of each of these events.

All Chamber members and local non-profits have been encouraged participate in this family fun event and get their name out to the event visitors.

Scott Thomas, from Southern Delaware Tourism is working closely with us on this event and is very excited at the potential he sees in this event continuing to grow to a large event for this area.



"A Millwheel Turning for Continuous Progress"

As with all events, there are costs that need to be covered and hope that you and the County Council would consider helping sponsor this event again this year, to help defray some of the cost for putting an event of this size on. The Chamber's goal is to continue to draw visitors from outside the area and be able to highlight what not only Millsboro has to offer but all of Sussex County. If you have any questions, please feel free to contact me.

I look forward to hearing from you.

Sincerely,

Amy Simmons
Executive Director

Council District – District No. 5
Tax I.D. No. 533-12.00-674.00
911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO MODIFY CONDITION NO. 1 AND TO DELETE CONDITIONS NO. 2 AND NO. 15 IMPOSED ON ORDINANCE NO. 1532 FOR CHANGE OF ZONE NO. 1460, THE APPLICATION OF BUNTING-GRAY, LLC FOR “THE REFUGE AT DIRICKSON CREEK”, A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY, TO INCREASE THE MAXIMUM NUMBER OF ALLOWABLE DWELLING UNITS FROM 343 UNITS TO 355 UNITS, OF WHICH NO MORE THAN 68 UNITS SHALL BE MULTI-FAMILY UNITS, AND TO ELIMINATE THE B-1 NEIGHBORHOOD BUSINESS USES PERMITTED BY ORDINANCE NO. 1532 ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.3494 ACRES, MORE OR LESS

WHEREAS, on the 15th day of May 2014, a zoning application, denominated Change of Zone No. 1755 was filed on behalf of Bunting – Gray, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1755 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying north of Route 54 (Lighthouse Road) 0.6 mile east of Road 381 (Old Mill Bridge Road) and being more particularly described as Parcel A-1 - Commercial Site on Plot entitled “The Refuge at Dirickson Creek” as recorded in Plot Book 143, Page 92, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 3.3494 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

Council District – District No. 5
Tax I.D. No. 233-5.00-135.00, 136.00, 137.01 and Part of 125.00
911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 13.57 ACRES, MORE OR LESS

WHEREAS, on the 16th day of May 2014, a zoning application, denominated Change of Zone No. 1756 was filed on behalf of Delmarva Power & Light Company; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1756 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying southwest of Handy Road (Road 337) and southwest of U.S. Route 113 (DuPont Highway) and being more particularly described as follows:

BEGINNING at a point on the southwesterly right-of-way of U.S. Route 113 (DuPont Highway), a corner for these subject lands and the Kersey's Evergreen Acres Subdivision; thence southwesterly and northwesterly along said Kersey's Evergreen Acres Subdivision the following two (2) courses: South 36°24'54" West 500.22 feet to a point; and

North 61°24'21" West 200.84 feet to a point; thence North 65°10'49" West 1547.89 feet across lands of Delmarva Power & Light Company to a point; thence North 07°31'11" West 196.12 feet along lands, now or formerly, of Henry E. and Ollie M. Houston Heirs to a point; thence southeasterly by and along seven (7) adjacent property owners the following three (3) courses: South 63°23'32" East 149.75 feet to a point; South 65°09'34" East 337.71 feet to a point; and South 65°11'14" East 621.04 feet to a point; thence North 48°57'24" East 456.61 feet along lands, now or formerly, of Edward M. Taylor Heirs to a point on the southwesterly right-of-way of Handy Road; thence southeasterly 480.82 feet along the southwesterly right-of-way of Handy Road to a point on the southwesterly right-of-way of U.S. Route 113 (DuPont Highway); thence South 34°14'48" East 207.35 feet along the southwesterly right-of-way of U.S. Route 113 (DuPont Highway) to the point and place of beginning and containing 13.57 acres, more or less.

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

Council District - District No. 4
Tax I.D. No. 234-12.00-84.00
911 Address: 22379 Camp Arrowhead Road, Lewes, DE

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EXCAVATING COMPANY STORAGE OF EQUIPMENT AND OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.34 ACRES, MORE OR LESS”

WHEREAS, on the 4th day of June 2014, a conditional use application, denominated Conditional Use No. 1995 was filed on behalf of Adele H. Fluharty; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1995 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1995 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 east of Road 279 (Camp Arrowhead Road), 260 feet south of Road 279A (Waterview Road) and being more particularly described in Deed Book 1431, Page 333, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 5.34 acres, more or less, per revised survey by Compass Point Associates.

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

PUBLIC HEARINGS

June 17, 2014

This is to certify that on April 24, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed applications for Conditional Use and Change of Zone. At the conclusion of the public hearings, the Commission moved and passed that the applications be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING

COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank

Director of Planning and Zoning

The attached comments relating to the public hearings are findings of the Planning and Zoning Commission based upon a summary of comments read into the record, and comments stated by interested parties during the public hearings.

The applications are referenced as combined since the Planning and Zoning Commission held one public hearing on the combined applications. The Planning and Zoning Commission made separate decisions on the applications.

Change of Zone #1746 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.45 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of)).

Change of Zone #1747 - Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a MR Medium Density Residential District to a MR-RPC Medium Density Residential – Residential Planned Community to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 17.80 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of)).

Conditional Use #1986 - Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 11.56 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 Part of).

The Commission found that the Applicants provided an Exhibit Booklet on February 3, 2014 for review and consideration, and that the Booklet contains references to the Consulting Team; an application letter referencing the applications; copies of the application forms, copies of checks for payment of fees; a copy of the deed to the property; surveys and legal descriptions; preliminary site plans and zoning density plans; an Environmental Assessment and Public Facility Evaluation Report and Plan; Preliminary Land Use Service (PLUS) comments and responses; considerations and responses to Subdivision Code Section 99-9C; supporting documents; copy of the approved "Seasons at Bethany" site plan for the same site; a DelDOT letter, dated January 6, 2014, with attached Support Facility Report, Service Level Evaluation Request, and traffic signal agreement; a letter from Sussex Shores Water Company; a letter from U.S. Army Corps. of Engineers; and a draft set of Restrictive Covenants.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on all three applications on April 23, 2014 referencing that the project site is located in a County operated and maintained Sanitary Sewer District, the Cedar Neck Expansion of the Bethany Beach Sanitary Sewer District; that wastewater capacity is available for the proposed 45 single family lots and 30 multi-family units; that Ordinance 38 construction will be required; that the current System Connection Charge Rate is \$4,935.00 per EDU (Equivalent Dwelling Unit); that the parcel has been served with one 8-inch stub located along the parcel's frontage on Cedar Neck Road and a sewer connection point is available at the southern property line of the County's pump station located on the north side of parcel 21; that conformity to the South Coastal Area Planning Study, 2005 Update, will be required; that connection to the sewer system will be mandatory; that the proposed project of 75 residential units is within system design assumptions; that the County requires design and construction of an on-site collection system to meet County Engineering Department requirements and procedures; that system connection charges will apply; and that a concept plan is required.

Mr. Lank advised the Commission that the Technical Advisory Committee comments received on or before March 24, 2014 are a part of the record and are the same or similar to the comments received in the PLUS report.

Mr. Lank advised the Commission that the Department has received 46 letters and emails in opposition to these applications and that a large number of these letters and emails make

reference to opposition to a proposed campground and waterpark, which is not a part of these applications. Mr. Lank provided the Commission with copies of all of the letters and emails for their review and consideration.

Mr. Lank added that the applications include a downzoning from C-1 General Commercial to MR Medium Density Residential, a rezoning from MR Medium Density Residential to MR-RPC Medium Density Residential – Residential Planned Community for 45 single family detached dwelling lots, and a Conditional Use for multi-family use for 30 single-family attached dwelling units within ten (10) buildings.

The Commission found that Todd Burbage, a Principal in Castaways Bethany Beach, LLC, was present with James Fuqua, Jr., Esquire with Fuqua, Yori & Willard, P.A. and Jeff Clark of Land Tech Land Planning, LLC and that they stated in their presentations and in response to questions raised by the Commission that a recent news article in a local newspaper may have created some undue concerns to the area residents since the article referenced that a campground and waterpark were still proposed, when in actuality they were not proposed and that the developers are proposing only 75 residential units; that the 75 proposed units consist of 45 single family dwelling lots and 30 townhouse units; that the applications include a downzoning from C-1 General Commercial to MR Medium Density Residential, a rezoning from MR Medium Density Residential to MR-RPC Medium Density Residential – Residential Planned Community, and a Conditional Use for 30 townhouse type units; that to the east of the site is State lands with Federal and State wetlands; that to the north is a residential subdivision, The Reservation; that to the south is a C-1 General Commercial zoned mini-storage facility; that to the west is Cedar Neck Road and Hockers G & E general store; that the parcel contains 29.26 acres of land which currently is zoned C-1 General Commercial (1/3 of the site) and MR Medium Density Residential (2/3 of the site); that the site currently has a valid Conditional Use (C/U #1488) approved for 143 multi-family units; that the economic downturn impacted that proposal; that in July 2012 the Applicants filed an application for an RV campground and waterpark which included additional lands, including the adjacent mini-storage; that the mini-storage site is not now a part of this new application; that the Commission and the County Council both held public hearings on the RV campground and waterpark; that the Commission recommended denial of the request; that the Applicants withdrew the application for the RV campground and waterpark prior to the County Council taking any action in December 2012; that the proposed application should be consistent with the current development trend of the area; that approval of C/Z #1746 will reduce the permitted density from 12 units per acre to 4 units per acre; that Conditional Use #1986 will permit 30 single family townhouse units; that C/Z #1747 will permit 45 single family detached dwelling lots; that the applications are in accordance with the Sussex County Comprehensive Plan since they are located within an Environmentally Sensitive Developing Area, a growth area, which permits housing types of single family detached dwellings, townhouses, and multi-family units; that central sewer will be provided by the County; that central water will be provided by Sussex Shores Water Company; that a traffic impact study was not required by DelDOT since the project has been reduced to 1/2 of the original density; that the developer will comply with all of DelDOT entrance and roadway improvement requirements; that wetlands will not be disturbed; that the U.S. Army Corps of

Engineers have approved the established wetlands boundaries; that the site plan depicts the lots and units, a pool facility, sidewalks, and street lighting; that the townhouses are designed with courtyard areas; that access to all lots shall be from internal streets and driveways; that the minimum lot size is 7,500 square feet with 60 feet minimum width; that the streets will have curb and gutter; that a minimum of two parking spaces will be provided for each unit with some overflow parking areas for guests; that evergreen and deciduous plantings will be included in the landscaping plan with some berms; that the stormwater management facilities will include green technologies and designs including bio-retention, swales, and filter strips; that the central water system will include provisions for potable water and fire protection; that a County regional pump station is adjacent to Territory Trail, a street in The Reservations subdivision; that there are no records of any endangered or protected rare plant or animal species on the site; that all utilities will be provided; that TAB 6 of the Exhibit Booklet contains references to Subdivision Code 99-9C; that creating 45 single family dwellings and 30 townhouses is consistent with the Comprehensive Plan and consistent with and provides a response to the objections to the previous campground and waterpark applications, eliminates a C-1 General Commercial zoned parcel, and reduces the density from 143 residential units to 75 residential units, a reduction of 68 units; that the existing graded streets on the site are being totally revised based on the proposed site plan; that the stormwater management design has emergency outfalls that will be subject to agency approvals; that there are no open ponds proposed; that sidewalks are planned throughout the project; that all streets are curb and gutter with sidewalks on one side; that the traffic signal agreement has some history back to the original Conditional Use #1488 approved in 2003; that a 20 foot wide strip along Cedar Neck Road has already been dedicated to public use; and that there are no commercial activities proposed in this project.

The Commission found that Mr. Fuqua submitted suggested proposed Findings of Fact and suggested proposed Conditions of Approval for the Commissions consideration.

The Commission found that there were no parties present to speak in support of or in opposition to these applications.

At the conclusion of the public hearings on April 24, 2014 the Commission discussed these applications.

There was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action on C/Z #1746. Motion carried 5 – 0.

There was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action on C/Z #1747. Motion carried 5 – 0.

There was a motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to defer action on C/U #1986. Motion carried 5 – 0.

On May 22, 2014 the Commission discussed these applications under Old Business.

The Commission recommendations that follow relate to each application individually.

Change of Zone #1746 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a C-1 General Commercial District to a MR Medium Density Residential District for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 9.45 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of)).

The Commission discussed this application which has been deferred since April 24, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1746 for Castaways Bethany Beach, LLC for a change of zone from C-1 General Commercial to MR Medium Density Residential based upon the record made during the public hearing and for the following reasons:

- 1) This is a “down zoning” resulting in a significant reduction in the type of permitted uses for the land. The permitted residential density is also much lower under the MR zoning classification than it was under C-1 zoning, which permits up to 12 residential units per acre.
- 2) The rezoning is necessary for the Applicant to achieve MR zoning across the entire parcel so that a uniform development plan with a Residential Planned Community overlay can be achieved.
- 3) The rezoning will not adversely affect nearby uses or properties.
- 4) The rezoning will be consistent with other area zoning classifications and uses, which do include GR and MR zoned properties.
- 5) The site is located in the Environmentally Sensitive Developing Area under the County Code and the County Comprehensive Land Use Plan. The rezoning to MR is consistent with the purposes and goals of this area, and permitted housing types include single family, townhouse and multi-family type units.
- 6) MR zoning is appropriate since the site will be served by central water and it is a part of an existing Sussex County Sewer District.
- 7) The rezoning is consistent with the stated purposes of the MR zone.

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

Change of Zone #1747 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to amend Comprehensive Zoning Map of Sussex County from a MR Medium Density Residential District to a MR/RPC Medium Density Residential District – Residential Planned Community to be located on a certain parcel

of land lying and being in Baltimore Hundred, Sussex County, containing 17.80 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of).

The Commission discussed this application which has been deferred since April 24, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1747 for Castaways Bethany Beach, LLC for a MR/RPC Medium Density Residential – Residential Planned Community based on the record made during the public hearing and for the following reasons:

- 1) The RPC permits the development of 45 single family lots to be part of a mixed use residential development.
- 2) The site currently is approved for 143 residential units. The total number of lots and units for the entire project will be limited to 75. This is a significant reduction in density.
- 3) The RPC designation will allow the development of this property in a way that is consistent with nearby communities.
- 4) The proposed MR/RPC project meets the purpose of the Zoning Ordinance by promoting the orderly growth of the County. It is also in the Environmentally Sensitive Developing District according to the Comprehensive Land Use Plan. This type of RPC residential use is permitted under this designation.
- 5) With the conditions placed upon this project, the RPC designation is appropriate for this parcel, since the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity while protecting existing and future uses.
- 6) The RPC will be served by central water and Sussex County sewer.
- 7) This recommendation is, however, subject to the following conditions:
 - A. There shall be no more than 45 lots within the RPC.
 - B. The Applicant shall form a homeowners' association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.

- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. A 20 foot forested Agricultural buffer shall be shown along the perimeter of the entire residential development, including the area covered by Conditional Use #1986. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
- H. No wetlands shall be included within any lots.
- I. The subdivision shall be served by Sussex County sewer.
- J. As proffered by the Applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 50th residential building permit for the entire project, including Conditional Use #1986.
- K. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m.
- L. This Preliminary Approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. The Staff shall approve the revised Plan upon confirmation that the Conditions of Approval have been depicted or noted on it.
- M. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that this application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

Conditional Use #1986 – Castaways Bethany Beach, LLC

Application of **CASTAWAYS BETHANY BEACH, LLC** to consider the Conditional Use of land in a MR Medium Density Residential District for multi-family dwelling structures to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 11.56 acres, more or less, land lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and north of Ocean View (Tax Map I.D. 1-34-9.00-21.00 (Part of)).

The Commission discussed this application which has been deferred since April 24, 2014.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 1986 for Castaways Bethany Beach, LLC for Multi-Family Dwelling Structures based on the record made during the public hearing and for the following reasons:

- 1) This Conditional Use permits the development of 30 multi-family units to be part of a mixed use residential development.

- 2) The site currently is approved for 143 residential units. The total number of lots and units for the entire project will be limited to 75. This is a significant reduction in density.
- 3) The Conditional Use will allow the development of this property in a way that is consistent with nearby residential communities and it is consistent with the prior approvals for multi-family units on this parcel.
- 4) The Conditional Use will be served by central water and Sussex County sewer.
- 5) The Conditional Use will not adversely affect adjacent properties, roadways or other public facilities.
- 6) This recommendation is, however, subject to the following conditions:
 - A. There shall be no more than 30 units within the Conditional Use area.
 - B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
 - D. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
 - E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
 - F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
 - G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire residential development, including the area covered by Change of Zone #1747 for the RPC portion of the development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
 - H. The project shall be served by Sussex County sewer.
 - I. As proffered by the Applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 50th residential building permit for the entire project, including the RPC portion of the development covered by C/Z #1747.
 - J. Construction, site work, grading and deliveries of construction materials, landscaping materials and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m.

- K. This Preliminary Approval is contingent upon the Applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. The Staff shall approve the revised Plan upon confirmation that the Conditions of Approval have been depicted or noted on it.
- L. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Ross, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 5 – 0.

911 Address: Unavailable due to multiple numbers.

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.56 ACRES, MORE OR LESS (Tax Map I.D. 134-9.00-21.00) (Part of)

WHEREAS, on the 3rd day of February 2014, a conditional use application, denominated Conditional Use No. 1986 was filed on behalf of Castaways Bethany Beach, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 1986 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1986 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

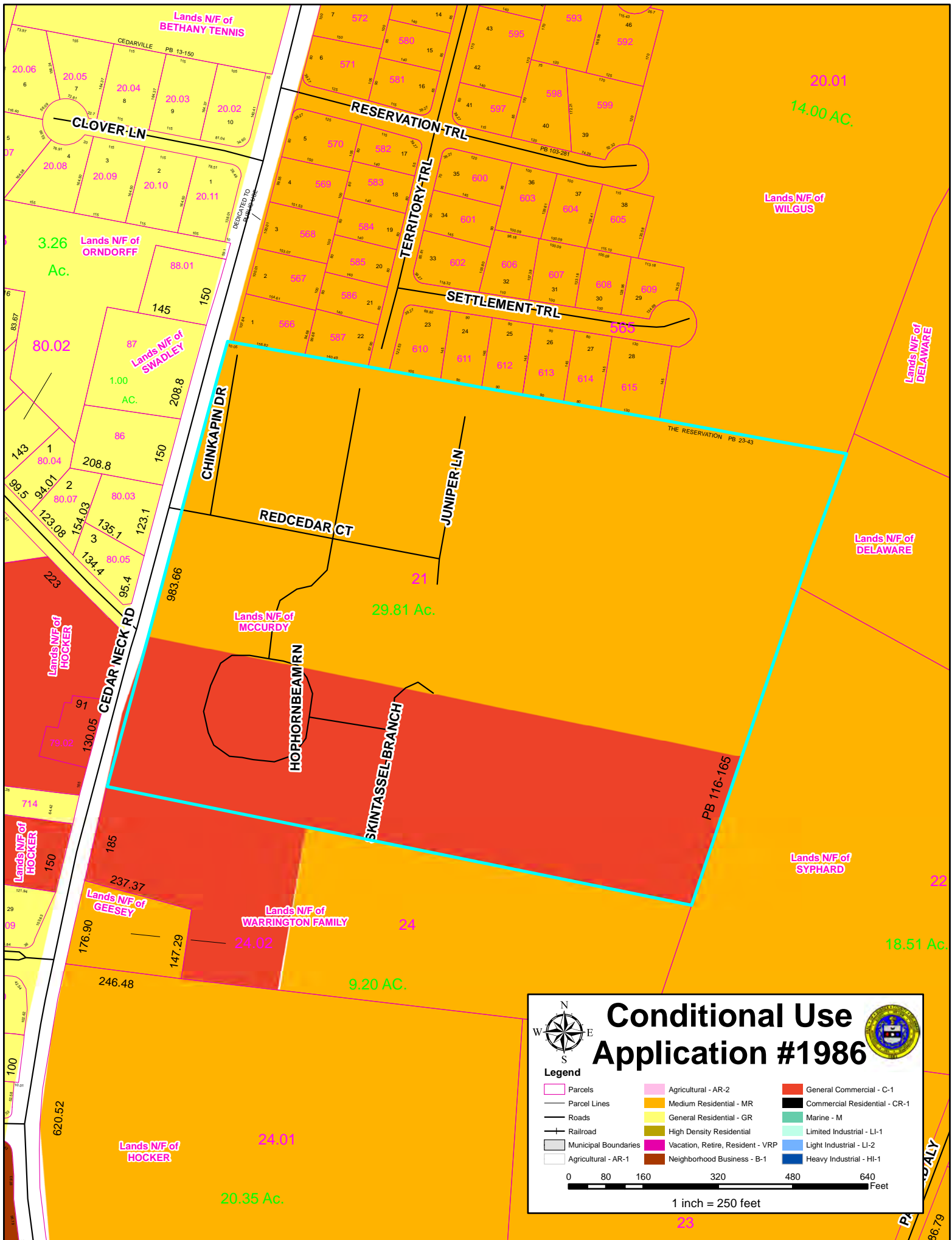
ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and north of Ocean View and being more particularly per the attached legal description prepared by Land Tech Planning, LLC, said parcel containing 11.56 acres, more or less.

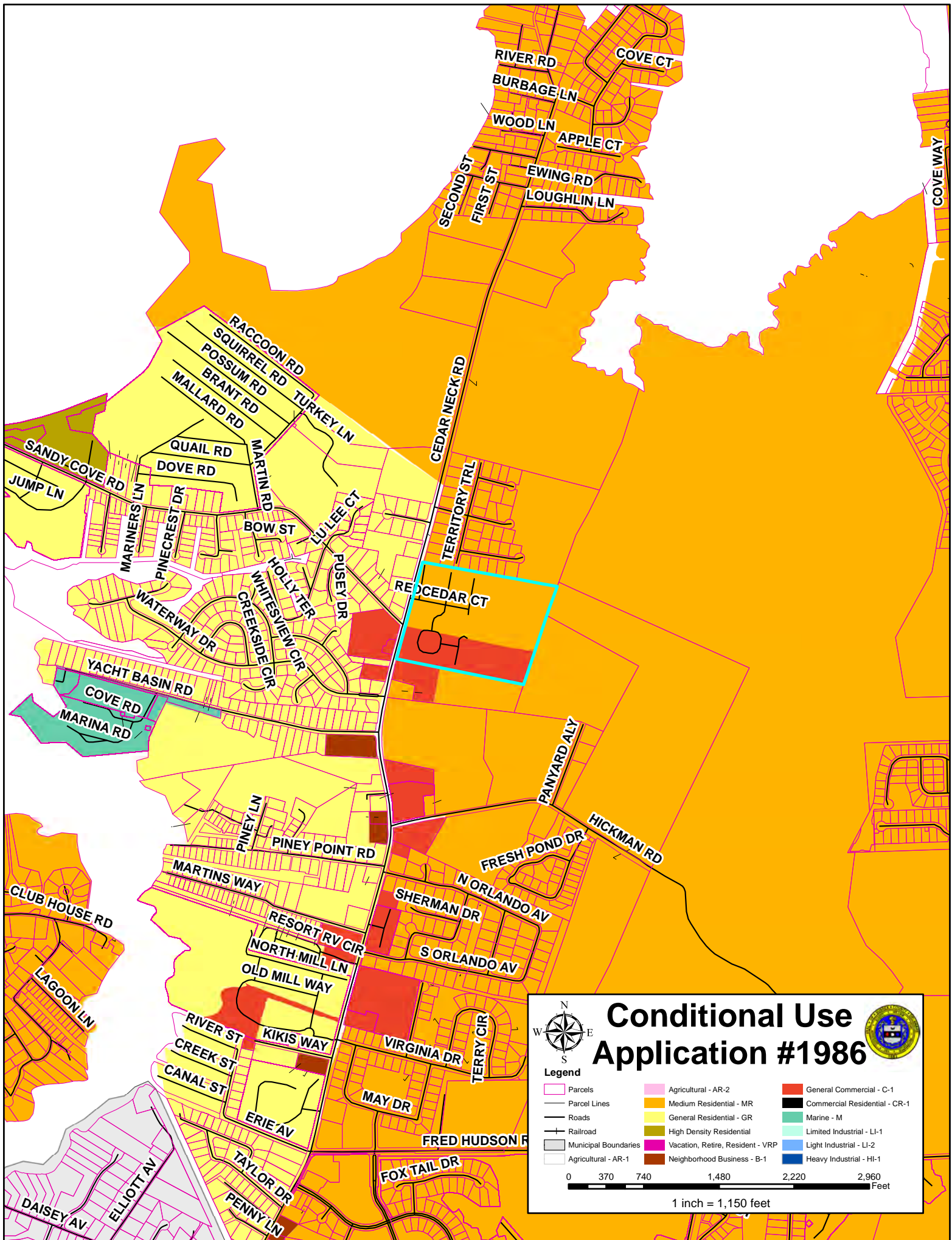
This Ordinance shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

THE PRESERVE AT CEDAR PINES

PROPOSED MR – MULTI-FAMILY

BEGINNING at a point located on the easterly Right of Way of County Road 357, (Cedar Neck Road), said point being a corner for this parcel and “The Reservation” subdivision; thence by and with “The Reservation” subdivision and lands N/F Wilgus Development, Corp., South 80°48’07” East a distance of 1,339.86 feet to a point; thence by and with lands N/F The State of Delaware South 18°39’50” West a distance of 61.86 feet to a point; thence South 21°39’50” West a distance of 300.00 feet to a point; thence by and with lands N/F James E. Syphard, Jr., South 19°05’37” West a distance of 91.01 feet to a point; thence by and with other lands of Castaways Bethany Beach, LLC, North 80°48’07” West a distance of 506.89 feet to a point; thence North 19°11’59” East a distance of 2.23 feet to a point; thence North 09°44’06” West a distance of 41.79 feet to a point; thence North 45°06’06” East a distance of 37.21 feet to a point; thence North 27°35’29” East a distance of 21.46 feet to a point; thence North 29°42’22” East a distance of 97.97 feet to a point; thence North 12°37’58” West a distance of 28.02 feet to a point; thence North 80°48’07” West a distance of 169.21 feet to a point; thence North 09°11’53” East a distance of 213.60 feet to a point; thence North 80°48’07” West a distance of 191.37 feet to a point; thence South 09°11’53” West a distance of 303.52 feet to a point; thence North 80°48’07” West a distance of 75.32 feet to a point; thence South 09°11’53” West a distance of 214.40 feet to a point; thence North 80°48’07” West a distance of 266.71 feet to a point; thence South 09°11’53” West a distance of 24.40 feet to a point; thence North 80°48’07” West a distance of 137.76 feet to a point; thence by and with the easterly Right of Way of County Road 357 (Cedar Neck Road), North 15°09’08” East a distance of 565.37 feet to the Point of Beginning, said parcel contains 11.56 acres of land, being the same more or less.





911 Address: Unavailable due to multiple numbers.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A C-1 GENERAL COMMERCIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 9.45 ACRES, MORE OR LESS (Tax Map I.D. No. 134-9.00-21.00) (part of)

WHEREAS, on the 3rd day of February 2014, a zoning application, denominated Change of Zone No. 1746 was filed on behalf of Castaways Bethany Beach, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1746 be _____; and

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

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

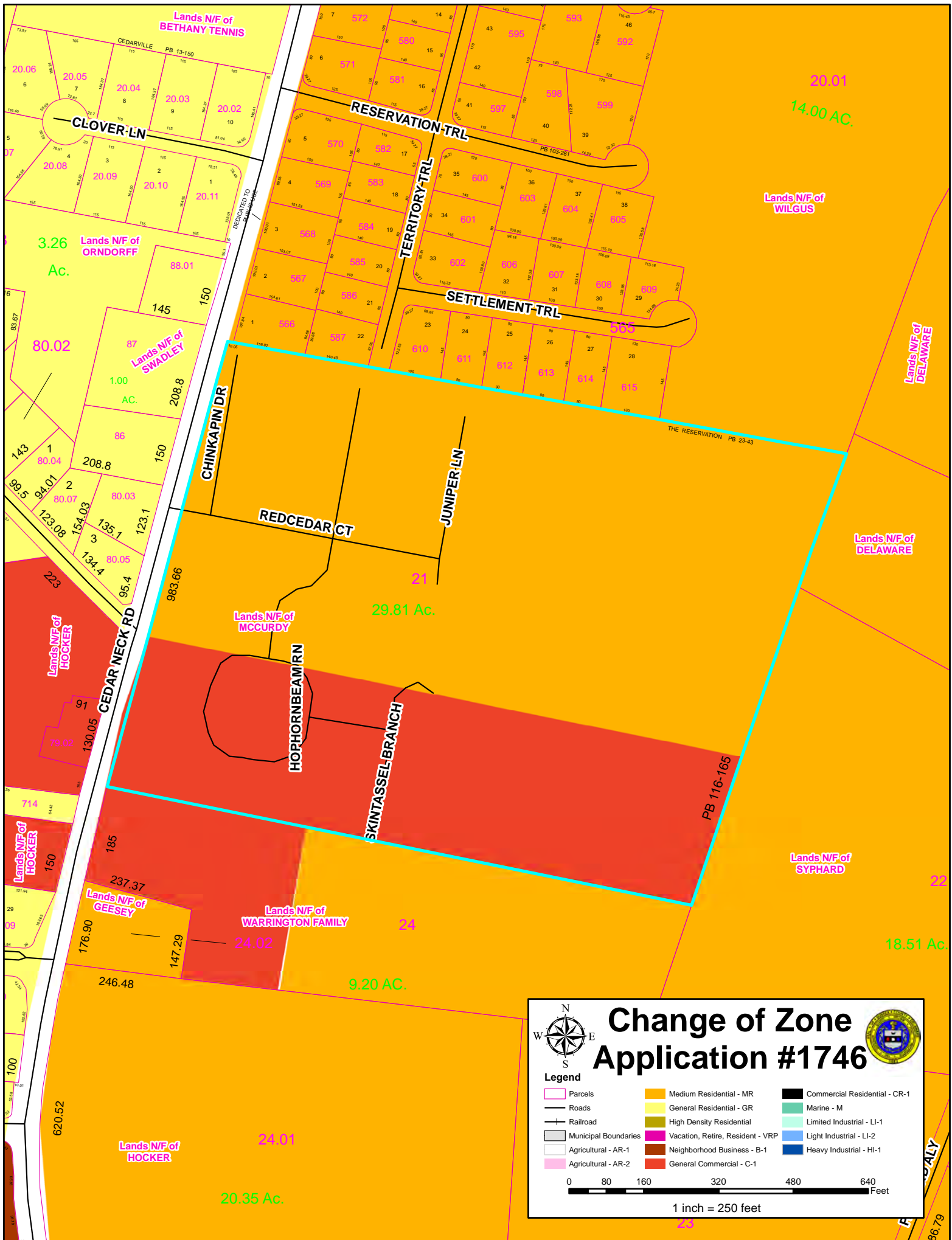
Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View and being more particularly described per the attached legal description prepared by Land Tech Land Planning, LLC, said parcel containing 9.45 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.

THE PRESERVE AT CEDAR PINES
EXISTING C-1 (GENERAL COMMERCIAL)
PROPOSED REZONING TO MR
(MEDIUM DENSITY RESIDENTIAL)

BEGINNING at a point located on the easterly Right of Way of County Road 357 (Cedar Neck Road), said point being a corner for this parcel and lands N/F Bethany Mini Storage, LLC; thence by and with the easterly Right of Way of County Road 357 (Cedar Neck Road) North 15°10'23" East a distance of 326.16 feet to a point; thence by and with other lands of Castaways Bethany Beach, LLC South 79°59'53" East a distance of 1,277.78 feet to a point; thence by and with lands N/F James E. Syphard, Jr., South 19°05'37" West a distance of 329.53 feet to a point; thence by and with lands N/F Bethany Mini Storage, LLC, North 79°58'21" West a distance of 1,255.10 feet to the Point of Beginning.





Change of Zone Application #1746

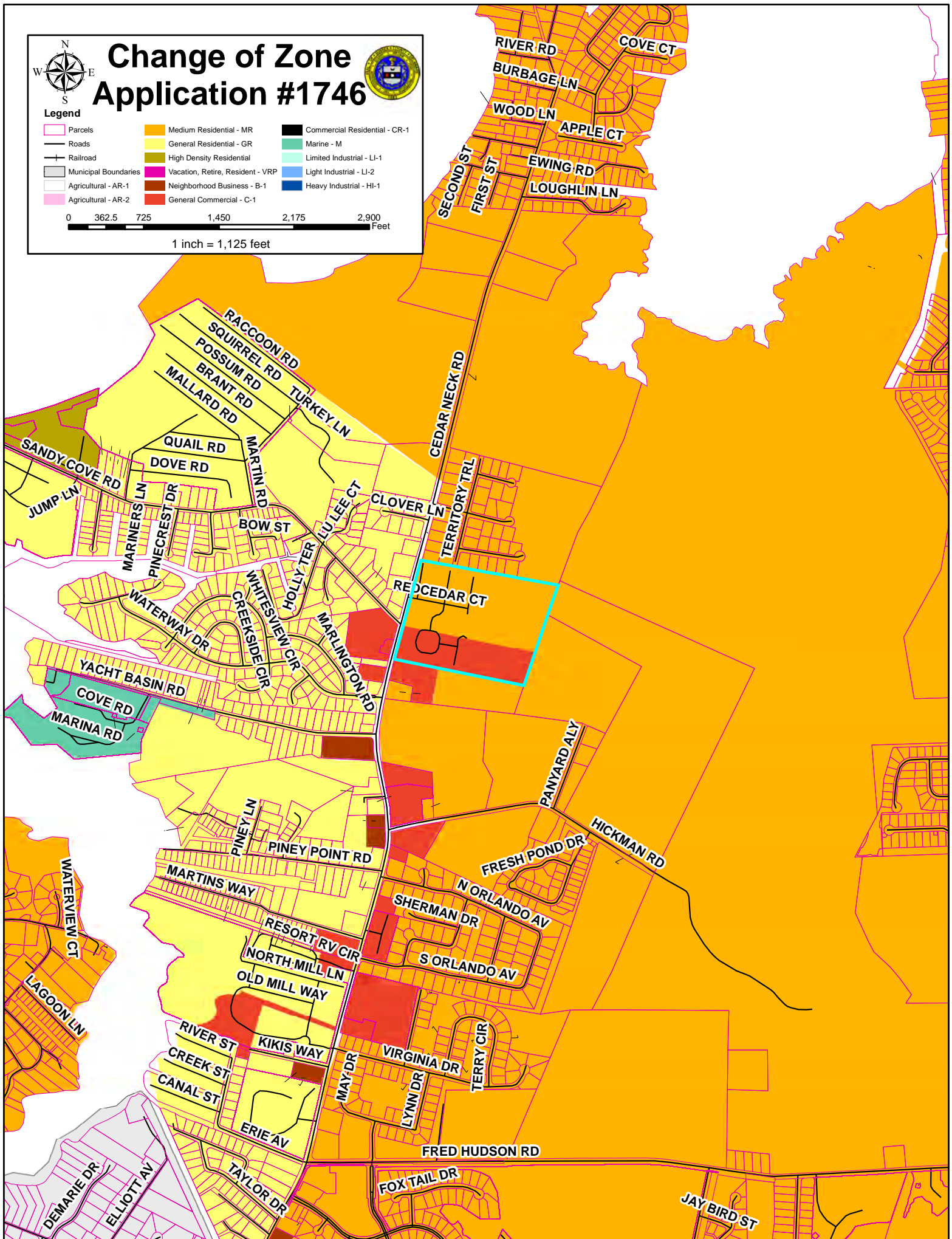


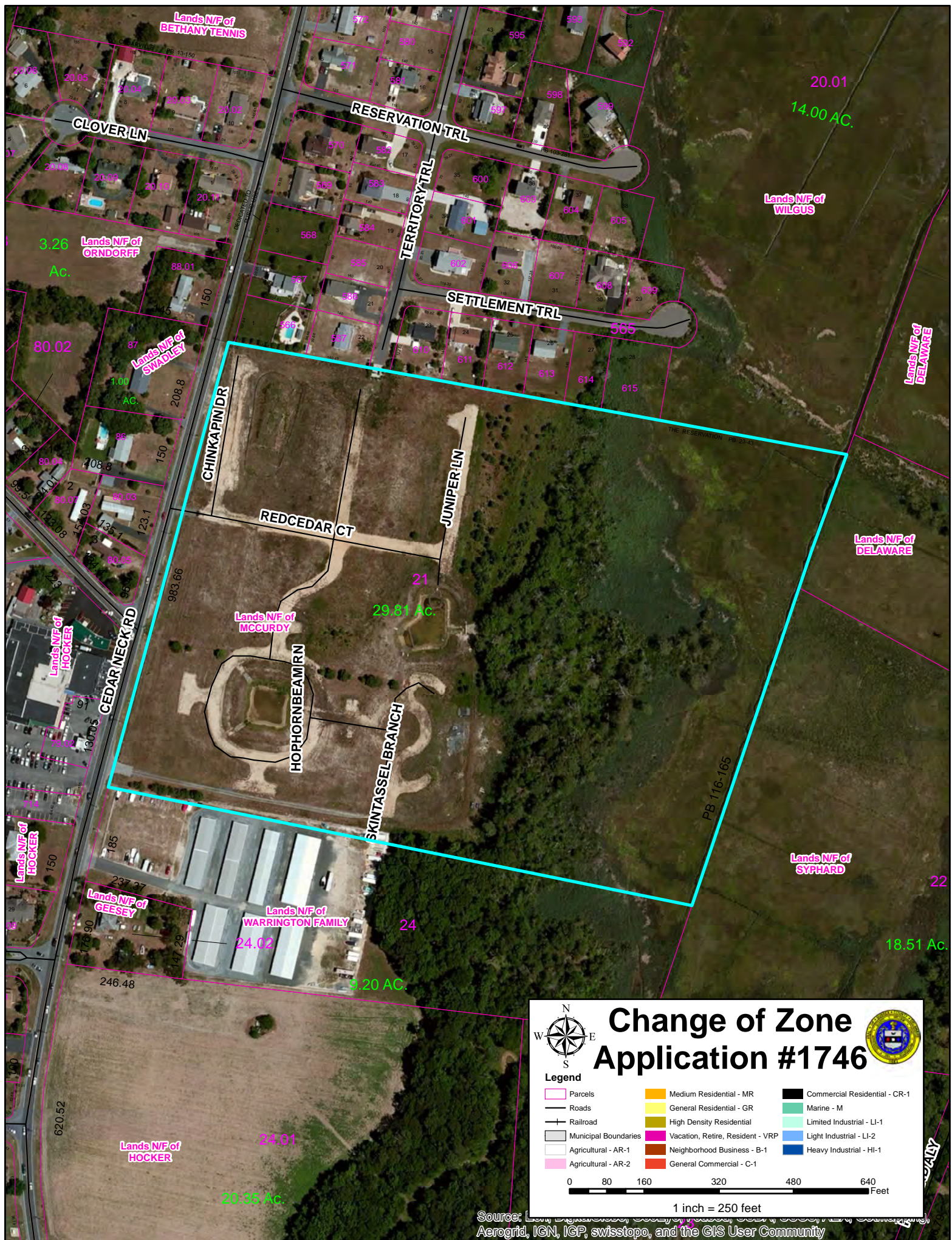
Legend

- | | | |
|----------------------|----------------------------------|-------------------------------|
| Parcels | Medium Residential - MR | Commercial Residential - CR-1 |
| Roads | General Residential - GR | Marine - M |
| Railroad | High Density Residential | Limited Industrial - LI-1 |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2 |
| Agricultural - AR-1 | Neighborhood Business - B-1 | Heavy Industrial - HI-1 |
| Agricultural - AR-2 | General Commercial - C-1 | |

0 362.5 725 1,450 2,175 2,900 Feet

1 inch = 1,125 feet





911 Address: Unavailable due to multiple numbers.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 17.80 ACRES, MORE OR LESS (Tax Map I.D. No. 134-9.00-21.00) (part of)

WHEREAS, on the 3rd day of February 2014, a zoning application, denominated Change of Zone No. 1747 was filed on behalf of Castaways Bethany Beach, LLC; and

WHEREAS, on the ____ day of _____ 2014, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1747 be _____; and

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

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

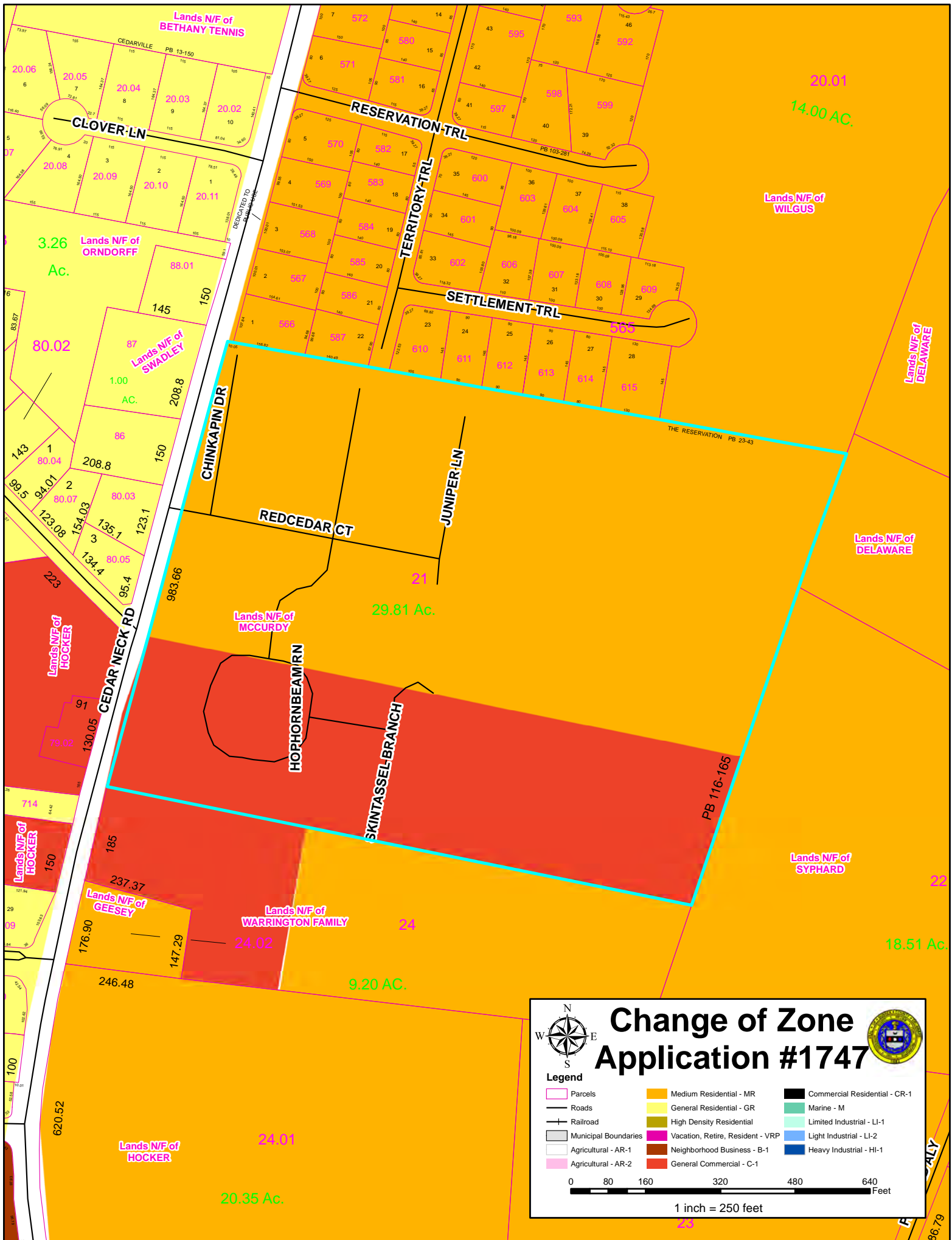
ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying east of Cedar Neck Road (Road 357) across from Sandy Cove Road (Road 358) and being north of Ocean View and being more particularly described per the attached legal description prepared by Land Tech Land Planning, LLC, said parcel containing 17.80 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.

THE PRESERVE AT CEDAR PINES

PROPOSED MR-RPC

BEGINNING at a point located on the easterly Right of Way of County Road 357 (Cedar Neck Road), said point being a corner for this parcel and lands N/F Bethany Mini Storage, LLC; thence by and with the easterly Right of Way of County Road 357 (Cedar Neck Road), North 15°10'23" East a distance of 326.16 feet to a point; thence North 15°09'08" East a distance of 92.42 feet to a point; thence by and with other lands of Castaways Bethany Beach, LLC, South 80°48'07" East a distance of 137.76 feet to a point; thence North 09°11'53" East a distance of 24.40 feet to a point; thence South 80°48'07" East a distance of 266.71 feet to a point; thence North 09°11'53" East a distance of 214.40 feet to a point; thence South 80°48'07" East a distance of 75.32 feet to a point; thence North 09°11'53" East a distance of 303.52 feet to a point; thence South 80°48'07" East a distance of 191.37 feet to a point; thence South 09°11'53" West a distance of 213.60 feet to a point; thence South 80°48'07" East a distance of 169.21 feet to a point; thence South 12°37'58" East a distance of 28.02 feet to a point; thence South 29°42'22" West a distance of 97.97 feet to a point; thence South 27°35'29" West a distance of 21.46 feet to a point; thence South 45°06'06" West a distance of 37.21 feet to a point; thence south 09°44'06" East a distance of 41.79 feet to a point; thence South 19°11'59" West a distance of 2.23 feet to a point; thence South 80°48'07" East a distance of 506.89 feet to a point; thence by and with lands N/F James E. Syphard, Jr., South 19°05'37" West a distance of 561.56 feet to a point; thence by and with lands N/F Bethany Mini Storage, LLC North 79°58'21" West a distance of 1,255.10 feet to the Point of Beginning, said parcel contains 17.80 acres of land, being the same more or less.





Change of Zone Application #1747



Legend

- | | | |
|----------------------|----------------------------------|-------------------------------|
| Parcels | Medium Residential - MR | Commercial Residential - CR-1 |
| Roads | General Residential - GR | Marine - M |
| Railroad | High Density Residential | Limited Industrial - LI-1 |
| Municipal Boundaries | Vacation, Retire, Resident - VRP | Light Industrial - LI-2 |
| Agricultural - AR-1 | Neighborhood Business - B-1 | Heavy Industrial - HI-1 |
| Agricultural - AR-2 | General Commercial - C-1 | |

0 362.5 725 1,450 2,175 2,900 Feet

1 inch = 1,125 feet

