



Sussex County Council Public/Media Packet

**MEETING:
July 15, 2014**

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



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Sussex County Council

AGENDA

JULY 15, 2014

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Consent Agenda

1. Wastewater Agreement No. 984-2
Sussex County Project No. 81-04
Coastal Club – Phase 1A
Angola Neck Planning Area
2. Wastewater Agreement No. 516-3
Sussex County Project No. 81-04
The Landings at Pepper Creek (A/K/A The Marina at Pepper's Creek) –
Pump Station and Force Main
Dagsboro/Frankford Sanitary Sewer District

Todd Lawson, County Administrator

1. Administrator's Report

Vince Robertson, Assistant County Attorney

1. Annual Comprehensive Plan Update

Hal Godwin, Deputy County Administrator

1. Legislative and Committee Action Update



Michael Izzo, County Engineer

1. **Woodland Park Design Project**
2. **North Coastal Planning Area - Goslee Creek Planning Study**
 - A. **Study Results**
3. **North Coastal Planning Area - Consultant Contracts**
 - A. **Pump Station #210 Improvements & Forcemain – Design**
 - B. **Goslee Creek Pump Station & Forcemain - Design**

Rob Davis, Senior Planner, Utility Planning Division

1. **Redden Ridge Annexation – West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
 - A. **Request to Prepare and Post Notices**

Grant Requests

1. **Milton Chamber of Commerce for event expenses (Great Duck Race).**
2. **Milton Historical Society for event expenses (Best of Milton Auction).**
3. **Frankford Town Council for picnic tables at the Town Park.**
4. **Georgetown Fire Company for kitchen equipment for the Ladies Auxiliary.**
5. **Town of Blades for the Police Department’s National Night Out community event.**
6. **Laurel School District for championship jackets for the Varsity Softball Team.**
7. **Greater Seaford Chamber of Commerce for event expenses (Woodland Ferry Festival).**
8. **Lewes Public Library for their capital campaign (new library project).**
9. **Laurel American Legion, Post 19, for event expenses (Veterans Day parade).**
10. **Bridgeville Apple Scrapple Festival for expenses.**
11. **Autism Delaware for event expenses (Blue Jean Ball).**

12. **Town of South Bethany for the South Bethany Historical Society for file cabinet and archival preservation materials.**
13. **Delaware Police Chiefs Foundation for conference expenses.**
14. **First State Community Action Agency for event expenses for Walker's Mill Civic Association's Block Party.**
15. **Town of Dagsboro for event expenses (Christmas Parade).**
16. **Georgetown Historical Society for carriage barn construction costs.**
17. **Coverdale Crossroads Community Council for playground equipment.**
18. **Bridgeville Historical Society for wagon restoration costs.**

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. 1987 filed on behalf of Brian and Kelly DeLeon

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CROSS FIT TRAINING GYM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.50 ACRES, MORE OR LESS” (land lying southwest of Route 30 (Gravel Hill Road) 1,605 feet southwest of Route 47 (Springfield Road) (Tax Map I.D. 234-8.00-51.00) (911 Address: 22326 Gravel Hill Road, Georgetown)

Change of Zone No. 1748 filed on behalf of CMF Bayside, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 27.896 ACRES, MORE OR LESS” (land lying southwest of Sand Cove Road (Road 394) 1,800 feet southeast of Route 54 (Lighthouse Road) and northeast of Williamsville Road (Road 395) 2,000 feet southeast of Route 54 (Lighthouse Road) (Tax Map I.D. No. 533-19.00-287.00) (911 Address: None Available)

Change of Zone No. 1749 filed on behalf of Bruce and Cathy King

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,024 SQUARE FEET, MORE OR LESS” (land lying southwest of Nassau Road (Road 266B) 200 feet northwest of Railroad and 70 feet northwest of New Road (Road 266) (Tax Map I.D. No. 334-5.00-73.00) (911 Address: 32172 Nassau Road, Lewes)

Change of Zone No. 1750 filed on behalf BLN, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS” (land lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) (Tax Map I.D. No. 135-15.00-83.00) (911 Address: 22440 Lewes Georgetown Highway, Georgetown)

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on July 8, 2014 at 4:15 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 17, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 17, 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 279 14
Amend
and
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the Agenda by deleting “Administrator’s Report” and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

**M 280 14
Amend
Minutes/
Approve
Minutes**

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, to amend the minutes of May 13, 2014 by correcting the vote on Motion M 228 14 as follows:

Motion Adopted: 4 Yeas, 1 Nay.

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

; and, to approve the minutes of June 10, 2014, 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**

Correspondence

Mr. Moore read the following correspondence:

ALFRED AND FLORENCE FALLAVOLLITA.

RE: Email submitted as correspondence relating to the FY2015 Budget and comments regarding the Council's discretionary accounts.

Mr. Phillips read the following correspondence:

JOHN THOROUGHGOOD, COUNCILMEMBER, TOWN OF MILLSBORO.

RE: Letter regarding discretionary accounts and Human Service Grants.

Grant Policy Clarification

Mr. Cole questioned if there is anything in writing that clarifies the use of discretionary accounts and he asked if it could be posted on the County's website.

Moment of Silence/ Employee

Mr. Wilson announced that Frank Tallent, a County employee, has been hospitalized as a result of an accident and that Mr. Tallent's wife was killed in the accident. A Moment of Silence was held for Mr. Tallent.

P&Z Commission

Mr. Lawson asked the Council to consider Mr. Wilson's appointment to the Planning and Zoning Commission.

M 281 14 Appointment/ P&Z Commission

A Motion was made by Mr. Wilson, seconded by Mr. Phillips, to approve the reappointment of Michael B. Johnson (District 2) to the Planning and Zoning Commission, effective June 1, 2014, for a term of 3 years.

Motion Adopted: 5 Yeas.

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

Wastewater Agreement

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

M 282 14 Execute Wastewater Agreement/ The Landing at Pepper Creek

A Motion was made by Mr. Cole, seconded by Mr. Phillips, 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, LLC 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 the Dagsboro/Frankford Sanitary Sewer District.

Motion Adopted: 5 Yeas.

**M 282 14
(continued)**

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

**Legislative
Update**

Hal Godwin, Deputy County Administrator, presented the following legislative update:

House Bill No. 405 – “AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO THE CLERK OF THE PEACE”

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.

Mr. Godwin advised that Sussex County’s Clerk of the Peace has said that he does not oppose this Bill.

Mr. Godwin asked the Council members for their opinion on the proposed legislation.

**Wetlands
Advisory
Committee**

Hal Godwin, Deputy County Administrator, reported on the Wetlands Advisory Committee’s action on the matter of proposed changes to Title 30, State taxes, allowing a tax credit for wetland owners at a rate of 40% of fair market value of their properties. At the June 10th Council meeting, Marty Ross, Committee member, stated that he thought the percentage should be 100% because it would give the property owner a larger incentive to protect it in perpetuity. Mr. Godwin reported that the Committee met and agreed to the 40%; Mr. Ross gave his presentation for 100%, and the Committee adopted it. The Committee is going to recommend to Secretary O’Mara that he recommend to the General Assembly that this value be given to property owners of wetlands at 100% of the value. Additionally, the Committee discussed the mapping of wetlands and the recommendation is that DNREC shall map the 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 property owners with regard to boundaries.

**Noise
Complaint**

Mrs. Deaver commented on a situation at a motel in Rehoboth regarding noise complaints being received from other establishments. Mrs. Deaver raised questions about the State’s noise ordinance.

**Public
Hearing/**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2015”.

**Public Hearing/
Proposed Ordinance/
FY 2015 Budget
(continued)**

Mr. Lawson reported that on May 20, 2014, the Proposed Fiscal Year 2015 Budget was introduced to the Council and he summarized the proposed budget: for the 25th year in a row, the County will not raise taxes; revenues from the housing sector are projected to be 20 to 30 percent over the previous year; the County's largest revenue source, Realty Transfer Tax, is expected to climb to over \$20 million by the end of this current fiscal year; as a result, budgeted revenues are increasing at a modest level of 2 percent or \$1.8 million for the General Fund; this is due in most part to the increase in housing related services, a projected surplus, and pension contribution. Additional highlights include: no General Fund fee increase; a reduction in the total number of employee positions compared to last year's budget; 2 percent COLA for all employees; \$2 million to the Delaware State Police for 44 additional state troopers; \$575,000 for local law enforcement grants; \$3.4 million for fire and ambulance services; and \$4.5 million to the local libraries.

Mr. Lawson stated that the following funding levels are being recommended for Fiscal Year 2015:

- \$51.9 million for the General Fund
- \$7.09 million for capital projects in the Governmental Fund
- \$34.4 million for the Enterprise Fund
- \$14.3 million for the capital projects in the Enterprise Fund
- \$9.51 million for the Fiduciary Funds

Public comments were heard.

Dan Kramer commented on: Fiscal Year 2014 bonus and merit raises; grant funding; raises for retirees; and "non-profit" organizations.

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

**M 283 14
Adopt Ordinance
No. 2352/
FY 2015
Budget**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to Adopt Ordinance No. 2352 entitled "AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2015".

Motion Adopted: 5 Yeas.

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

**Public Hearing/
Assessment
Rolls/Sewer
& Water
Districts**

A Public Hearing was held on the Proposed Assessment Rolls for Sewer and Water Districts.

Mrs. Jennings explained that the Assessment Rolls reflect the County's records for Equivalent Dwelling Units (EDUs) and billable front footage for each sewer and water district. These records have been made available in

(continued) the billing office for public inspection and review, and they are subject to individual appeal via the Board of Assessment Review.

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

**M 284 14
Adopt
Assessment
Rolls for
Sewer &
Water
Districts**

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, that the Sussex County Council hereby adopts the Assessment Rolls for all Sussex County Sanitary Sewer and Water Districts, as presented on June 17, 2014, for the period July 1, 2014 through June 30, 2015.

Motion Adopted: 5 Yeas.

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

**Public
Hearing/
Proposed
Ordinance/
Sewer &
Water
Charges
and Rates**

A Public Hearing was held on the Proposed Ordinance entitled “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”.

Mrs. Jennings reviewed sewer and water highlights:

- the County continues to work towards a uniform sewer and water rate with most districts seeing an annual increase of \$8.00
- this year is the first year that the County will begin unifying connection fees
- the County is seeing a 1.3 percent increase in EDUs
- there is a 2.4 percent increase in the operating budget
- assessment rates have either stayed the same or have decreased
- there will be about 1,100 customers that will see a decrease in their rate due to debt being paid off
- water and sewer capital projects decreased 20% and a septage rate increase is proposed
- continue the 100 foot cap for assessment charges

Mr. Cole complimented staff on moving toward uniform rates and he stated that the County needs to focus on uniform front footage charges since the current policy is an antiquated way of charging users for sewer and it is not equitable.

Mrs. Deaver expressed concern about the West Rehoboth system and she questioned future costs in this District. Mrs. Jennings reported that a study has been performed to look at connection fees to make sure they will support future growth.

Public comments were heard.

(continued) **Dan Kramer questioned if the County is still subsidizing sewer service and, if so, how much. Mrs. Jennings responded that, starting last year, there are no subsidies. She noted, however, that in the Ellendale district, the County used to subsidize \$700,000 but it is now taken out of the sewer budget. There were no additional public comments and the Public Hearing was closed.**

M 285 14
Adopt
Ordinance
No. 2353/
Sewer &
Water
Charges
and Rates
A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, to Adopt Ordinance No. 2353 entitled “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”.

Motion Adopted: 5 Yeas.

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

Oak Crest
Farms
Revised
Stormwater
Manage-
ment
Project/
Phase I,
Bid Award
Julie Cooper, Project Engineer, presented bid results for the Oak Crest Farms Revised Stormwater Management Project, Phase I (Sussex County Project 14-01). Ms. Cooper reported that Oak Crest Farms is an existing 175-lot single family home subdivision on Beaver Dam Road which was constructed in three phases. Phase III of the infrastructure work, primarily stormwater management, was left incomplete by the developer. The County’s Engineering Department recalled a Letter of Credit from the developer’s surety to complete the work. On February 19, 2013, the Council passed a Resolution 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 the County and put back into the project. Phase I of the Oak Crest Farms Revised Stormwater Management Project includes the realignment of Stormwater Pond C outfall to eliminate flooding on Beaver Dam Road, 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.

Ms. Cooper reported that bids for Phase I were opened on June 11, 2014 and seven bids were received. The Engineering Department is recommending that Council approve awarding the bid to Melvin L. Joseph Construction Co., Inc. of Georgetown at the bid amount of \$252,817.00. The Engineer’s Estimate for the project was \$368,363.16.

The project and the recommended bid award were discussed.

M 286 14
Award
Bid/
Oak
Crest
Farms
Revised
Stormwater
Management
Project

A Motion was made by Mrs. Deaver, seconded by Mr. Phillips, based upon the recommendation of the Engineering Department, that Sussex County Project 14-01, Oak Crest Farms Revised Stormwater Management, Phase I” be awarded to the lowest responsive bidder, Melvin L. Joseph Construction Company, Inc., of Georgetown, Delaware, at the total bid amount of \$252,817.00.

Motion Adopted: 5 Yeas.

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

Millville
Expansion
of the
BBSSD/
SR 26 –
Phase III
Expansion
Project

Michael Izzo, County Engineer, discussed the Millville Expansion of the Bethany Beach Sanitary Sewer District, SR 26 – Phase III Expansion (AKA SR 26 Mainline Project). Mr. Izzo stated that the Department’s intent is to incorporate the extension of sewer work on SR 26 from the Denton Mills subdivision west to the vicinity of St. George’s Church; by embedding this work in the DelDOT project, the County can take advantage of savings in items like road restoration costs and contractor mobilization. Also, it would greatly reduce the inconvenience to the public by having concurrent construction activities. The work will be funded by the USDA Rural Utility Service. Mr. Izzo noted that this is remnant work; the Millville sewer project has been constructed in six separate construction contracts with a total project cost of \$25 million. The Engineering Department is working with DelDOT and the construction has been embedded in DelDOT’s contract; George & Lynch is DelDOT’s contractor at a cost of \$2,128,701.22. Mr. Izzo noted that, 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. The sewer work in this Phase 3 expansion should begin in July.

Mr. Izzo reported that the Engineering Department went through the Public Hearing process, gave the presentation to the local public, and the consensus was in support of the project. Additionally, the sewer district was expanded to include this area.

M 287 14
Approve
Transfer
of Funds
for Millville
SSD SR-26
Phase III
Expansion

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, 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, LLP, Contract Amendment No. 40 to Contract Amendment No. 38 to provide Contract Administration and Construction Inspection Services for the Millville Sanitary Sewer District, SR 26 – Phase III Expansion.

Motion Adopted: 5 Yeas.

M 287 14
(continued)
Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Phillips, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea

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

M 288 14
Council-
manic
Grant A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,500.00 from Mr. Phillips' Councilmanic Grant Account to the Town of Millsboro for welcome signs.

Motion Adopted: 5 Yeas.

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

Tabled The grant request from the Town of Laurel was tabled.

M 289 14
Council-
manic
Grant A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$358.90 from Mr. Vincent's Councilmanic Grant Account to the Delmarva Council - Boy Scouts of America – Troop 249 for Eagle Scout project expenses.

Motion Adopted: 5 Yeas.

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

M 290 14
Council-
manic
Grant A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to give \$1,000.00 from Mr. Vincent's Councilmanic Grant Account to the Seaford Historical Society for events to recognize the 75th anniversary of commercial nylon.

Motion Adopted: 5 Yeas.

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

M 291 14
Council-
manic
Grant A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to the March of Dimes Foundation for The Farmer & The Chef South event.

Motion Adopted: 5 Yeas.

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

**M 292 14
Council-
manic
Grant**

A Motion was made by Mr. Phillips, seconded by Mr. Cole, to give \$1,000.00 from Mr. Phillips' Councilmanic Grant Account to the Greater Millsboro Chamber of Commerce for festival expenses.

Motion Adopted: 5 Yeas.

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

**Introduction
of Proposed
Ordinances**

Mr. Phillips introduced the Proposed Ordinance entitled "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" (Change of Zone No. 1755) filed on behalf of Bunting – Gray, LLC. (Tax I.D. # 533-12.00-674.00)

Mr. Phillips introduced the Proposed Ordinance entitled "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" (Change of Zone No. 1756) filed on behalf of Delmarva Power & Light Company. (Tax I.D. # 233-5.00-135.00, 136.00, 137.01 and Part of 125.00)

Mr. Cole introduced the Proposed Ordinance entitled "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" (Conditional Use No. 1995) filed on behalf of Adele H. Fluharty. (Tax I.D. # 234-12.00-84.00)

The Proposed Ordinances will be advertised for Public Hearing.

**Additional
Business**

Under Additional Business, Paul Reiger commented on his complaints regarding violations that take place on the parcel adjacent to his property.

**M 293 14
Recess
and Go
Into
Executive
Session** **At 10:56 a.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to recess the Regular Session and go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and land acquisition.**

Motion Adopted: 5 Yeas.

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

**Executive
Session** **At 10:59 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 11:55 a.m.**

**M 294 14
Reconvene** **At 11:57 a.m., a Motion was made by Mr. Cole, seconded by Mrs. Deaver, to reconvene.**

Motion Adopted: 5 Yeas.

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

Action **There was no action on Executive Session items.**

**M 295 14
Recess** **At 11:57 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Cole, to recess until 1:30 p.m.**

Motion Adopted: 5 Yeas.

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

**M 296 14
Reconvene** **At 1:38 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to reconvene.**

Motion Adopted: 5 Yeas.

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

Rules **Mr. Moore reviewed the rules of procedure for Public Hearings.**

**Public
Hearing/** **A Public Hearing was held on the Proposed Ordinances entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF**

**Public
Hearing/
CZ 1746,
CZ 1747,
CU 1986**

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) (Change of Zone No. 1746), “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) (Change of Zone No. 1747) and “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) (Conditional Use No. 1986) filed on behalf of Castaways Bethany Beach, LLC.

The Planning and Zoning Commission held a Public Hearing on the three (3) applications on April 24, 2014 at which time the Commission recommended approval of the applications (conditions of approval were recommended for Change of Zone No. 1747 and Conditional Use No. 1986).

(See the minutes of the Planning and Zoning Commission dated April 24, 2014.)

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

Exhibit Books which were provided by the Applicant were distributed. The Exhibit Book contains various documents and exhibits, including a response to the PLUS comments, Environmental Assessment and Public Facilities Evaluation Report, and a summary of the subdivision consideration set forth in the subdivision ordinance.

Mr. Lank noted that, at the time of the Public Hearings before the Commission, 46 letters and emails were received in opposition to the applications and that a large number of those emails and letters made reference to opposition to a proposed campground and waterpark. Mr. Lank stated that a campground and waterpark is not a part of the application. Mr. Lank noted that 4 additional letters and emails in opposition have been received since the date of the Public Hearing before the Commission. Mr. Lank referenced a letter/email from Debbie Swadley Engel that was sent directly to Council members; the letter/email was made a part of the record.

Public
Hearing/
CZ 1746,
CZ 1747,
CU 1986
(continued)

It was the consensus of the Council to hear the applications as combined applications. It was noted that separate decisions would be made on the applications.

The Council 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. They stated in their presentations and in response to questions raised by the Council that the three applications are for one development (The Preserve at Cedar Pines) consisting of 30 townhouses and 45 single family lots; 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 within ten (10) buildings; 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 29.36 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's 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

**Public
Hearing/
CZ 1746,
CZ 1747,
CU 1986
(continued)**

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; and that the applications are in accordance with the County's Comprehensive Plan and are consistent with the general nature of the residential development in the area.

Mr. Fuqua noted that these applications were first misinterpreted, in the press and by the public, and that the developers are proposing only 75 residential units.

Mr. Fuqua stated that these applications are a significant step back from the previous RV – Waterpark application that was withdrawn and it is also a substantial reduction in the currently approved residential development. Mr. Fuqua noted that the net effect of these applications will be the elimination of a commercial zoned parcel containing about 9 acres and the reduction in the approved residential density of the site from 143 units to 75 units. Mr. Fuqua stated that the conditions recommended by the Commission are acceptable to the Applicant.

The Council found that Mr. Fuqua submitted suggested Findings of Fact and suggested Conditions of Approval for the Council's consideration.

Public comments were heard.

There were no comments in support of the application.

**Public
Hearing/
CZ 1746,
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CU 1986
(continued)**

Debbie Swadley Engel stated that she resides on Cedar Neck Road directly across from the proposed project. Ms. Engel spoke in opposition to Conditional Use No. 1986, which would allow for multi-family dwellings structures to be located directly in front of several single family homes and an entrance directly in front of these single family homes. She stated that the proposed project is not consistent with current development trends north of Sandy Cove Road; will create a view of the back of the dwellings; will create a lot of traffic; that there is no definition for multi-family dwelling or structures that would cut across any other land in the development; that if there is any thought of or possibility of a traffic signal at the proposed project's location, it would have a devastating impact on the area both lowering the quality of life and negatively affecting the property values; and that the proposed project will significantly and adversely affect the area and would not be consistent with neighboring properties. Mrs. Engle submitted a copy of her letter/email/comments into the record.

William Johnston stated that he resides on Cedar Neck Road directly across from the proposed project. He expressed concerns about any proposed traffic light, traffic on Cedar Neck Road, the proposed central water system; and the proposed bus stop.

The Public Hearing and public record were closed.

The Council discussed and raised questions regarding the applications and specifically, the layout of the proposed entrance and the layout of the residential units.

Mr. Phillips requested that Mr. Lank and Mr. Moore contact DelDOT to find out if the entrance could be moved to the intersection of Sandy Cove Road. Mr. Phillips asked that the record remain open to allow time for the Applicant to confer with DelDOT.

Mr. Cole suggested that the record also remain open so that the Applicant might modify the site plan.

Mr. Clark noted that DelDOT was vehemently opposed to any intersection that is not at a 90 degree angle and as far away from Sandy Cove Road as possible. He noted that he could get that in writing from DelDOT.

**M 297 14
Leave
Record
Open on
Public
Hearing/
CZ 1746,
CZ 1747,
CU 1986**

A Motion was made by Mr. Phillips, seconded by Mrs. Deaver, (regarding Change of Zone No. 1746, Change of Zone No. 1747, and Conditional Use No. 1986) to leave the record open for the purpose of receiving documentation from DelDOT as to the permitted location of the entrance.

Motion Adopted: 5 Yeas.

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

M 298 14
Defer
Action on
CZ 1746

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Change of Zone No. 1746 filed on behalf of Castaways Bethany Beach, LLC.

Motion Adopted: 5 Yeas.

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

M 299 14
Defer
Action on
CZ 1747

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to defer action on Change of Zone No. 1747 filed on behalf of Castaways Bethany Beach, LLC.

Motion Adopted: 5 Yeas.

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

M 300 14
Defer
Action on
CU 1986

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to defer action on Conditional Use No. 1986 filed on behalf of Castaways Bethany Beach, LLC.

Motion Adopted: 5 Yeas.

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

M 301 14
Adjourn

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to adjourn at 2:49 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JUNE 24, 2014

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 24, 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

[Mrs. Deaver joined the meeting following Additional Business and was present during the Executive Session.]

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 302 14
Amend
and
Approve
Agenda**

A Motion was made by Mr. Phillips, seconded by Mr. Wilson, to amend the Agenda by deleting "Approval of Minutes" and to approve the Agenda, as amended.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Employee
of the
Quarter**

The Council recognized Loretta Ellingsworth, Employee of the Second Quarter. Mrs. Ellingsworth is an employee in the Office of the Register of Wills.

**Appoint-
ment**

Mr. Lawson asked the Council to consider Mr. Vincent's appointment to the Library Advisory Board.

**M 303 14
Appoint-
ment/
Library
Advisory
Board**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, to approve the appointment of Rebecca Calio (District 1) to the Library Advisory Board for a term of three years, effective June 1, 2014.

Motion Adopted: 4 Yeas, 1 Absent.

M 303 14
(continued)

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

**Adminis-
trator's
Report**

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

1. **Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Subcommittee Meeting**

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County Conference Planning Subcommittee will meet on Thursday, June 26, 2014, at 10:00 a.m. at the Sussex County West Administrative Complex (2nd floor conference room), 22215 North DuPont Boulevard, in Georgetown. During the meeting, the Committee will continue discussion of its upcoming conference.

2. **Sussex County Airport Advisory Committee Meeting**

Be advised the Sussex County Airport Advisory Committee will meet tomorrow, Wednesday, June 25, at 6:00 p.m. at the Sussex County Emergency Operations Center located at 21911 Rudder Lane in Georgetown. A copy of the agenda is attached.

3. **DelDOT 2016-2021 Capital Transportation Program**

Sussex County invites the public to offer suggestions for the upcoming 2015-2020 Capital Transportation Program request, which the County Council will submit to the Delaware Department of Transportation in early September. Residents and property owners with ideas for improving local roads, pedestrian walkways, public transportation, and other related infrastructure and services can go onto the County's website to submit their suggestions. Please visit www.sussexcountyde.gov and click the 'Submit Transportation Ideas' link on the right side of the main page to fill out a suggestion form, as well as to view last year's County request. Submissions will be accepted now through July 25. Administration will review all suggestions and then compile a draft report for County Council's consideration in late August before submitting it to DelDOT in September.

4. **Summer Holiday**

The Sussex County Council will not meet on July 1, 2014, preceding the July 4th holiday. A summer holiday for the County Council will also occur on July 8th. The next regularly scheduled meeting of the Sussex County Council will take place on July 15, 2014.

County offices will be closed July 4th for the Independence Day holiday.

**Adminis-
trator's
Report
(continued)**

5. New Chief Constable

I am pleased to announce the hiring of Mr. Mike Costello of Lincoln as the new Sussex County Chief Constable. Mike's first day with the County was yesterday, June 23rd.

Mike brings more than 25 years in environmental law and criminal code enforcement and has extensive experience working with the various agencies throughout the State. Mr. Costello comes to us from the Delaware Department of Natural Resources and Environmental Control where he was a Lieutenant in the Environmental Crimes Unit. Prior to that, Mike worked as a police officer for Rehoboth Beach and Lewes. Mr. Costello is also a veteran of our armed services, having served over three years in the Coast Guard.

As the new Chief Constable, Mike will be charged with investigating public complaints and enforcing the County Code as it relates to zoning issues. In light of recent comments made by Members of Council supporting a more pro-active approach to Code enforcement – such as with property maintenance – I have specifically asked Mr. Costello to take a good look at ways to improve the Constable's operations to better serve the County's residents.

I want to welcome Mr. Costello to the County and thank him for his willingness to serve.

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

**Insurance
Recommen-
dation**

Mrs. Jennings presented the results of the County's Request for Insurance Proposals. This insurance renewal is for the period July 1, 2014 through June 30, 2017. Mrs. Jennings reported that the estimated cost for insurance coverage is \$1,975,000. This is a \$152,000, or 8 percent, increase. She also reported that there are two suggested minor changes to the County's coverage:

1. IBC recommends increasing the deductible on the general liability to \$10,000 from \$0. By reviewing claims during the last 7 years, this change would have resulted in a savings of \$4,500 per year.
2. IBC recommends increasing the airport liability coverage from \$2,500,000 to \$3,000,000 at an additional cost of \$500. This slight increase in cost gives the County improved coverage for airplanes at the County's airport.

In summary, Mrs. Jennings stated that the recommendation is to obtain all lines of coverage from Pratt Insurance.

**Insurance
Recommen-
dation
(continued)**

Mrs. Jennings noted that they are disappointed with the number of responses and therefore, they plan to go out to bid for worker's compensation next year instead of waiting three years; worker's compensation is over 50 percent of the cost. Additionally, they will be seeking more options, such as self-insurance.

Mrs. Jennings recognized Andrea Wall and Louise Thompson for their work on the RFP.

Scott Agar, the County's insurance consultant with Insurance Buyers' Council reported on the results of the RFP, discussed the analysis of the proposals, and commented on the limited interest. Mr. Agar expressed the firm's disappointment that there was not more accomplished with this RFP and that typically, they are able to elicit a much broader set of competitive proposals. He noted that, absent alternatives, it is more difficult to secure better terms. He also noted that the County was able to secure coverage from insurers with "Excellent" or "Superior" Best Ratings and preserve to a large degree the level of coverage and service previously maintained along with some coverage enhancements as well.

Based on their review of the proposals received, Mr. Agar reported on the recommended coverages.

Mr. Agar stated (in agreement with Mrs. Jennings) that they will be seeking more alternatives, sooner versus later, i.e. on an insured and potentially self-insured basis for the next year.

**M 304 14
Authorize
Purchase
of Insurance**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council authorizes the purchase of insurance for all lines of coverage except workers compensation for the period July 1, 2014 to June 30, 2017 and authorizes the purchase of workers compensation for the period July 1, 2014 to June 30, 2015, as recommended by Insurance Buyers Council and the County Finance Department, binding coverage with Pratt Insurance.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Pension
Fund**

Mrs. Jennings discussed the County's Pension Fund Performance, the Pension Investment Policy Statement, and the 2014 actuarial reports:

Investment Performance Report as of March 31, 2014

Summary of the Pension Investment Analysis

- Market value was \$71,322,869 as of March 31, 2014

**Pension
Fund
(continued)**

- Year-to-date gain of \$8.5 million, or 14.3 percent
- The fund’s performance ranked in the top 3 percent for pension funds tracked by Peirce Park Group

Summary of the OPEB Investment Analysis

- Market value was \$31,198,313 as of March 31, 2014
- Year-to-date return of \$2.89 million, or 11.0 percent, net of investment fees
- The fund’s performance ranked below average for OPEB funds. However, changes were made in January that are showing better returns.
- Next quarter, the Committee will be discussing the benefits and cons of taking on more risk to obtain a higher return. The current allocation is 40 percent fixed income and 60 percent equities.

Mrs. Jennings reported on the Pension Investment Policy Statement and she stated that the Pension Committee has recommended changes to the County’s Pension Investment Policy Statement. She noted that a copy of the Investment Policy Statement was included in the packet with all of the changes. The Investment Policy Statement was last updated in 2007. There have been no addendums or amendments to the policy since its adoption in 2007. The recommended changes are all housekeeping items and are notated on the Statement that was included in the packets. Each of the recommended changes will accomplish one of the following: fix grammatical errors, add clarification, update language to reflect industry standards, bring the Pension IPS more in line with the OPEB IPS that was adopted in 2010 and amended in 2012. Mrs. Jennings reported that the Pension Committee unanimously voted to approve the changes.

**M 305 14
Approve
Changes
to the
Pension
Investment
Policy**

A Motion was made by Mr. Cole, seconded by Mr. Phillips, that the Sussex County Council approves the changes to the Pension Investment Policy Statement, as recommended by the Pension Committee.

Motion Adopted: 4 Yeas, 1 Absent.

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

**Pension
Fund
(continued)**

Mrs. Jennings presented and reviewed the 2014 Actuarial Reports. She stated that, each year, the County’s Actuary, AON, is required to report an actuarial valuation of the County’s two pension funds. The purpose of the annual actuarial valuation is to determine the financial condition of the plans and the recommended contribution, as well as, provide information for use in satisfying the requirements of application standards of the Governmental Accounting Standards Board (GASB). Mrs. Jennings

Pension Fund (continued)

explained that new financial reporting guidelines will take effect with Fiscal 2014 for the Pension Fund and 2017 for the OPEB Fund.

Mrs. Jennings reported that, previously, the County would have reported a 94% funded status for the Pension Fund; however, because of new standards, the County will have to report an 88% funded status. She also reported that the County would need \$77.7 million in the Fund to be 100% funded and there currently is \$68 million in the fund (a liability of \$9.5 million). Mrs. Jennings explained that the new standards also determine what the County has to contribute to the Pension Fund. She noted that the County has \$3.28 million in the Fiscal Year 2015 Budget to fund the Pension Fund, resulting in the County funding the Pension Fund 119 percent more than the actual required contribution.

Mrs. Jennings noted that the Pension Insurance Benefits Fund was 70.6 percent funded last year; this year it has been increased to 78.2 percent funded (an 8% increase). The required contribution decreased \$20,000 and liability has decreased \$1.6 million.

Wastewater Agreement

Hal Godwin, Deputy County Administrator, presented a Wastewater Agreement for the Council's consideration.

M 306 14 Execute Wastewater Agreement

A Motion was made by Mr. Cole, seconded by Mr. Phillips, based upon the recommendation of the Sussex County Engineering Department, for Sussex County Project No. 81-04, Agreement No. 918-6, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Bay Forest LLC, for wastewater facilities to be constructed in Bay Forest Club – Phase 3.1, located in the Millville Expansion of the Bethany Beach Sanitary Sewer District.

Motion Adopted: 4 Yeas, 1 Absent.

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

Legislative Update

Hal Godwin, Deputy County Administrator, provided the following legislative update:

House Bill No. 405 – “AN ACT PROPOSING AN AMENDMENT TO ARTICLE III OF THE DELAWARE CONSTITUTION RELATING TO THE CLERK OF THE PEACE”

This Bill has been stricken.

Mr. Phillips questioned House Bill No. 40 entitled “AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE CREATION OF MEDICAL ORDERS FOR SCOPE OF TREATMENT”.

(continued) **Mr. Phillips asked Mr. Godwin to review the legislation and to report back.**

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

M 307 14 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$500.00 (\$100.00 from each Councilmanic Grant Account) to El Centro Cultural to sponsor the *Festival Hispano*.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Request Deferred **The grant request from First State Community Action Agency was deferred.**

M 308 14 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$3,500.00 (\$2,500.00 from Mr. Cole’s Councilmanic Grant Account and \$1,000.00 from Mr. Phillips’ Councilmanic Grant Account) to the Town of Millville for event costs.**

Motion Adopted: 4 Yeas, 1 Absent.

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

M 309 14 Councilmanic Grant **A Motion was made by Mr. Cole, seconded by Mr. Phillips, to give \$2,500.00 from Mr. Vincent’s Councilmanic Grant Account to the Seaford Historical Society for project expenses.**

Motion Adopted: 4 Yeas, 1 Absent.

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

Additional Business **Under Additional Business, Paul Reiger referenced the County’s new Constable and he commented on his complaints regarding violations that take place on the parcel adjacent to his property.**

Additional Business **Under Additional Business, Dan Kramer commented on the newly constructed Greenwood Public Library.**

Deaver/Revisit **Mrs. Deaver joined the meeting.**

Grant Request **The Council agreed to revisit the grant request from the First State Community Action Agency that was previously deferred.**

M 310 14 Councilmanic 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 First State Community Action Agency for the Pinetown Civic Association’s community event.**

Motion Adopted: 5 Yeas.

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

M 311 14 Go Into Executive Session **At 10:48 a.m., a Motion was made by Mr. Phillips, seconded by Mrs. Deaver, to recess and go into Executive Session for the purpose of discussing issues relating to pending/potential litigation and land acquisition.**

Motion Adopted: 5 Yeas.

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

Executive Session **At 10:50 a.m., an Executive Session of the Sussex County Council was held in the Council’s Caucus Room for the purpose of discussing issues relating to pending/potential litigation and land acquisition. The Executive Session concluded at 11:14 a.m.**

M 312 14 Reconvene **At 11:16 a.m., a Motion was made by Mr. Phillips, 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**

There was no action on Executive Session items.

M 313 14 Recess **At 11:16 a.m., a Motion was made by Mr. Phillips, seconded by Mr. Wilson, to recess until 1:00 p.m.**

Motion Adopted: 5 Yeas.

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

Grand Opening **At 1:00 p.m., the Council attended the Grand Opening of the Greenwood Public Library.**

**M 314 14
Adjourn**

A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 1:50 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted,

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

DRAFT

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 30, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
COASTAL CLUB - PHASE 1A
AGREEMENT NO. 984 - 2

DEVELOPER:

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

LOCATION:

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

SANITARY SEWER DISTRICT:

Angola Neck Planning Area

TYPE AND SIZE DEVELOPMENT:

RPC Residential Development

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/10/14

Department Of Natural Resources Plan Approval
6/24/14

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 100
Construction Admin And Construction Inspection Cost – \$26,128.69
Proposed Construction Cost – \$174,191.25

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 15, 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. 984-2 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "COASTAL CLUB, LLC.", FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "COASTAL CLUB – PHASE 1A", LOCATED IN ANGOLA NECK PLANNING AREA.

ORDINANCE NO. 38
AGREEMENT NO. 984-2

TODD LAWSON
COUNTY ADMINISTRATOR

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
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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

June 18, 2014

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
THE LANDINGS AT PEPPER CREEK (A/K/A THE MARINA AT PEPPER'S CREEK) - PUMP
STATION AND FORCE MAIN
AGREEMENT NO. 516 - 3

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:

Pump Station serving 138 initial development
EDUs with a regional ultimate build out of 882
EDUs.

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
12/05/13

Department Of Natural Resources Plan Approval
03/30/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 270
Construction Admin And Construction Inspection Cost – \$109,534.20
Proposed Construction Cost – \$730,228.00

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
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Sussex County

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MICHAEL A. IZZO, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

July 15, 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. 516-3 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 LANDINGS AT PEPPER CREEK (A/K/A THE MARINA AT PEPPER'S CREEK) – PUMP STATION AND FORCE MAIN", LOCATED IN DAGSBORO/FRANKFORD SANITARY SEWER DISTRICT.

ORDINANCE NO. 38
AGREEMENT NO. 516-3

TODD LAWSON
COUNTY ADMINISTRATOR


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



Sussex County
DELAWARE
sussexcountyde.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 Phillips

FROM: Todd F. Lawson
County Administrator 

RE: COMPREHENSIVE PLAN UPDATE

DATE: July 7, 2014

As you know, the State of Delaware requires an annual update of the County's Comprehensive Plan. With the assistance of County staff, Vince Robertson drafted the attached document.

At the July 15th Council meeting, the topic will be brought before Council for discussion.

Should you have any comments, questions or concerns regarding this document, please feel free to contact my office.

TFL/rg

Attachment



GRIFFIN & HACKETT, P.A.

ATTORNEYS AT LAW

19264 MILLER ROAD, UNIT A

JAMES D. GRIFFIN
VINCENT G. ROBERTSON

REHOBOTH BEACH, DELAWARE 19971

(302) 226-8702

FAX: (302) 226-8704
robertson@griffinhackettllaw.com

MEMORANDUM

**TO: SUSSEX COUNTY COUNCIL
SUSSEX COUNTY PLANNING & ZONING COMMISSION**

**FROM: VINCENT G. ROBERTSON, ESQUIRE
ASSISTANT COUNTY ATTORNEY**

RE: ANNUAL COMPREHENSIVE LAND USE REPORT

DATE: JULY 1, 2014

Enclosed is the Report to the Governor's Cabinet Committee on State Planning Issues and O.S.P.C. that has been prepared by County Staff. The Report must be completed and returned to O.S.P.C. so that the information can be used by that Office to prepare an annual report to the Governor highlighting the County's accomplishments and progress in implementing its Comprehensive Plan.

The attached Report has been prepared based upon information provided by the various County Departments and is in the same basic format as prior years.

This is the subject of my earlier Memo to you dated June 6, 2014 seeking any input or suggestions for the Report.

I will present this Report to Sussex County Council during its July 15, 2014 meeting. In the meantime, I am providing it to you now so that you are familiar with it prior to that meeting. I welcome any questions, comments, or suggestions that you may have.

VGR:ssj

cc: Mr. Todd Lawson, Sussex County Administrator
Mr. Lawrence Lank, Director, Planning and Zoning
Mr. Hal Godwin, Assistant County Administrator
Ms. Gina Jennings, Director of Finance
Mr. Michael Izzo, P.E., Sussex County Engineer
Mr. J. Everett Moore, Esquire
Mrs. Brandi Naumann, Fair Housing Compliance Officer
Mr. Chip Guy, P.I.O.

REPORT TO GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY

2013-2014

JULY 1, 2014

INTRODUCTION

Sussex County's current Comprehensive Land Use Plan was adopted on June 24, 2008 (the "Plan"). Each year after adoption, Sussex County must prepare a Report on the status of its Plan for submission to the Cabinet Committee on State Planning Issues and the Office of the State Planning Coordination ("OSPC"). The first such report was dated July 1, 2012 with information retroactive to the adoption of the Plan in 2008. This is the Third Annual Report to the Cabinet Committee on State Planning Issues and OSPC covering the one-year period between July 1, 2013 and June 30, 2014. This Report is intended to comply with Title 9, Section 6958 of the Delaware Code and to address the items outlined in Section 6950(b) in the course of the information provided below.

LAND USE

As in previous years, while Sussex County has seen an increase in residential building permit applications during the past year, this is generally the result of increased activity in existing, approved developments. Sussex County has not received a large number of new land use applications. This is at least partially the result of Sussex County's desire to maintain the viability of approved, but not yet built, residential developments. As the prior Report explained, Ordinance No. 2288

adopted on January 15, 2013 extended the validity of all existing residential land use approvals through 2016.

Since July 1, 2013, Sussex County has received 54 applications filed for all types of land use approvals. This includes commercial development and residential development in the form of subdivision applications, rezoning applications, and conditional use applications.

Sussex County has processed 10 subdivision applications for a total of 300 lots during the past year. Those applications were considered by the Sussex County Planning & Zoning Commission; 5 of those applications were approved as being in compliance with County Code. By way of comparison, Sussex County considered 4 subdivision applications in CY 2012; 7 in CY 2011; 9 in CY 2010; 11 in CY 2009; and at its peak, 100 applications in CY 2005.

Sussex County also considered 21 rezoning applications, of which 9 were approved by Sussex County Council. By way of comparison, Sussex County considered 14 rezonings in CY 2012; 8 in CY 2011; 9 in CY 2010; and 11 in CY 2009.

Finally, Sussex County processed 23 applications for Conditional Use Permits during the time covered by this Report. Again, by way of comparison, Sussex County considered 32 Conditional Use Applications in CY 2012; 39 in CY 2011; 26 in CY 2010 and 26 in CY 2009.

Many of the past year's 44 rezoning and conditional use applications were for small businesses, and several were the result of either enforcement actions or notifications that a use was operating without the appropriate County Zoning approvals. A few of the larger or more significant pending applications include the following:

1. C/Z #1725 and C/U #1951 for Jack Lingo Asset Management, LLC for a 162.4 acre RV resort and campground. This remains pending before County Council.
2. C/Z #1729 and C/U #1963 for Ida C. Faucet, Faucett Heirs, LLC and Massey's Landing Park, LLC, for a 50.83 acre campground at Massey's Landing. This remains pending before County Council.
3. A prior waterpark and campground application on Cedar Neck Road near Bethany Beach and Ocean View that was controversial came back in the form of a new, entirely residential project. C/Z #1746, C/Z #1747 and C/U #1986 represent a single project to construct 75 residential units. While the original campground/waterpark application received quite a bit of opposition from nearby residents, the applicant's reconfigured all-residential project received no opposition before the Planning and Zoning Commission. County Council heard the application on June 17, 2014, and the decision is pending.

Another major land use discussion occurred about the permitted maximum height of certain structures in certain zoning districts. Sussex County Council became aware of an original provision of the County Zoning Code that permitted buildings open to public use to be constructed to a maximum height of 60 feet. It was a common misunderstanding that 42 feet was the maximum height for most uses in Sussex County. During the pendency of an ordinance amendment on this issue, County Council and the Planning and Zoning Commission jointly consulted with other agencies including DelDOT, County Engineering and the State Fire Marshal to study the effects of increased height limits in Sussex County. Ultimately,

County Council determined that the appropriate maximum height for most buildings should be 42 feet, and the ordinance amendment was adopted to make that correction.

WASTEWATER

The conveyance and treatment of wastewater continues to be a significant issue in Sussex County. As reflected in the current Plan, there are 3 major wastewater treatment providers in Sussex County: the County and two private companies. The private companies are regulated by the State Public Service Commission (“PSC”) and the Certificate of Public Convenience and Necessity (“CPCN”) process set forth in State Law. In September of 2013, Sussex County Council adopted a revised “Service Territory Map” including adjusted Secondary Service Areas. This Map was submitted to the PSC for its use during the consideration of CPCN applications. The updated Map will not exclude private wastewater companies from providing service to properties, nor will it have any impact on existing CPCNs. The authority to approve CPCNs will remain with the PSC; CPCN applicants and the PSC will now have to come to Sussex County for an initial evaluation of a proposed CPCN within the Service Territories. This provides the County with an opportunity to manage sewer expansion through an evaluation process that already exists in Chapter 110 of the Sussex County Code. The result will be better coordination of sewer services as both public and private wastewater systems prepare for short- and long-term growth in an organized method.

Sussex County has also been working to increase the availability of County sewer to various areas of the County. Planning, construction and connections during the past year (and looking forward to the future) include the following: the

Goslee Creek Planning Area of 804 existing EDUs and a build-out of 11,136 EDUS; The Angola North Planning Area of 379 existing EDUs and a build-out of 1,061 EDUS; Herring Creek of 741 existing EDUs and a build-out of 3,675 EDUs; and the Route 54 Expansion Area of 24 existing EDUs and a build-out of 952 EDUs.

HOUSING

Sussex County continues to promote affordable housing through a variety of means and methods. As described in the prior Report, all of this work is now coordinated through the County's Fair Housing Compliance Officer under the County's Community Development and Housing Department. These endeavors include the creation of the County's Fair Housing Policy. In July of 2013, this Policy was revised to include language confirming Sussex County's practice that it does not discriminate against any protected classes of citizens. Under this Policy, a non-discrimination statement is read prior to all land use application hearings so that the public is aware: (a) not to make discriminatory statements; (b) that such statements will not be considered nor tolerated by Sussex County. In September of 2013, the County created a new Affordable Housing Support Policy, too. The Policy provides a mechanism for the County to offer a conditional letter of support for affordable housing projects, provided that they meet certain qualifications for affordability. In this same regard, all Sussex County elected and appointed officials, directors and employees continue to take Fair Housing Training to stay up-to-date on the requirements for promoting fair housing opportunities within the County. All of this is incorporated into the new Affordable Housing Webpage that was launched within the County's sussexcountyde.gov website.

Sussex County also continues to support the DelawareHousingSearch.org website, which is a free real-time online service that lists all of the State's public and private rental units, as well as publicly funded for-sale units. The site offers extensive search options, particularly for accessibility features. Similarly, the Community Development and Housing Office is working with several local housing providers and advocacy organizations to provide an inaugural Sussex County Homebuyer Fair, tentatively scheduled for September of 2014.

Finally, Sussex County continues to evaluate Impacted Communities in order to determine investment strategies, priority designations of infrastructure and/or community development for those elements of infrastructure over which the County has primary governing authority. In furtherance of this, the County has been in discussions with the Delaware State Housing Authority regarding the use of CDBG funds to assist in the collection of baseline data for 14 different Impacted Communities. A Request for Proposals was issued for current data collection; the proposals that were received all greatly exceeded the proposed budget. The County is in the process of altering the RFP so that it can be re-issued. Once this data is collected, the County anticipates performing an evaluation and drafting an approval process for future infrastructure projects. The Request For Proposal process for starting this work is underway.

ECONOMIC DEVELOPMENT

Agriculture continues to be one of Sussex County's main economic engines. For example, in 2013, more than 100,000 pounds of watermelon were harvested and corn yields were close to 200 bushels per acre. The poultry industry is also

thriving along with all of the ancillary business and agricultural uses that support it.

Tourism is another large economic engine in Sussex County. The County has worked with many organizations to promote events throughout the County beyond the traditional tourism associated with the beach areas. These events included two World Series Softball Tournaments and numerous festivals including Apple Scapple and Wings and Wheels.

Sussex County continues to promote opportunities for businesses to start or relocate here. For example, Grayling (an ILC Dover company) opened a new production plant in mid-2013 just outside of Seaford, bringing jobs from Mexico to Sussex County. In addition to State grants, Sussex County awarded a \$92,000 economic development grant tied to job creation to entice the company to relocate here. Ultimately, Grayling plans to employ 180 people to work on nine different production lines in the 90,000-square-foot plant. Meantime, Allen Harim, a poultry company that acquired the former Allen Family Foods Co., has chosen Sussex County for its newest plant, creating a special distribution operation in the former Vlastic Pickle facility outside Millsboro. That operation is currently going through the various permitting processes. Sussex County also provided a \$200,000 loan to Tech World Medicals, Inc. to relocate its corporate offices to Milford from Pennsylvania. Sussex County awarded another grant to Atlantis Industries in Milton for an expansion project, resulting in the retention of 36 jobs in Sussex County with the expectation of additional jobs for its custom injection molding and tool-making business.

Sussex County continues its work to extend the main runway at the Sussex County Airport, too. The first 500 foot extension was completed in the spring and the entire runway received new overlay paving and grooving. These improvements are designed to support existing business at the airport and elsewhere, and to increase air transportation opportunities for Sussex County and its residents. The airport facility also includes an Industrial Park. Sussex County remains committed to its existing tenants, and is actively seeking new tenants for the Park. One of the largest tenants, and largest employers in Sussex County remains PATS Aircraft Systems, which services private and commercial jetliners, including 727s.

CONCLUSION

In conclusion, Sussex County has continued in accordance with its current Plan and the Goals set forth therein. Sussex County will continue to monitor the implementation of its Plan and the trends affecting the County throughout the coming year, with an eye toward the future as the next Comprehensive Land Use Plan gets underway, with adoption set for 2018.



Sussex County Council

Delaware General Assembly Legislative Report

Prepared by:

Hal Godwin, Deputy County Administrator
July 15, 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.	Died in Session
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.	Died in Session
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

<p>HB No. 74</p>	<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; and 4. 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>Died in Session</p>
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HB No. 135	<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 agents who operate horse racing or harness racing, and directs the Department of Finance to prepare legislation implementing that intent.</p>	Died in Committee
HB No. 137	<p>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.</p>	Passed both Chambers of the Legislature
HA No. 1 to HB No. 137	<p>This technical amendment changes the term "employer" to "employee" and corrects a cross-reference.</p>	Stricken
HA No. 2 To HB No. 137	<p>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.</p>	

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 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 later than December 31, 2014. 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.	Signed into Law 7/31/13
SR No. 8	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>	Died in Session
HB No. 167	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	Passed the House 1/28/14 Passed the Senate 5/1/14 Signed into law by the Governor 5/8/14

HB No. 167 (continued)	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 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.	
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 Passed the House
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 Passed the Senate 5/01/14 Signed by the Governor 6/18/14
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 4/04/14
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	Passed the Senate 3/18/14 Passed the House and signed into law – 5/8/14 Signed by the Governor 5/08/14

SB No. 160 (continued)	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.	
SB No. 166	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.	Died in Session
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.	Died in Session
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 and the House
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 and Senate 6/26/14
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	Introduced April 2, 2014 assigned to Senate Health and Social Services Committee Has passed both chambers of the legislature

SB No. 201 (continued)	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 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.	Died in Session
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.	Passed the House 6/03/14 Passed the Senate 6/18/14

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.	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.	Passed the House – 6/3/14 Passed the Senate
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. This Bill has died in session, however, similar legislation will be considered in January 2015 after all three counties have discussed it.
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.	Passed both Chambers of the Legislature

HB No. 317 (continued)	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 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 Senate
HB No. 405	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.	Stricken 6/19/14
HB No. 385	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.	Died in Session

TODD F. LAWSON
COUNTY ADMINISTRATOR

(302) 855-7742 T
(302) 855-7749 F
tlawson@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: Todd F. Lawson
County Administrator

RE: **WOODLAND PARK PROJECT**

DATE: July 11, 2014

During Tuesday's Council meeting, Mike Izzo and staff, along with Pennoni Associates, will provide an update on the County's ongoing efforts as they relate to Woodland Park. The attached PowerPoint will also be reviewed.

Recall, this project started in 2010 when the County purchased 40 acres of the former Woodland Golf Park for \$583,884. Purchase of the property was needed to facilitate the dredging of the Nanticoke River. In addition, since the entire parcel was not needed, the "front half" of the property was to be open for public access through a low-impact park.

In March 2011, the County was awarded a Delaware Land and Water Conservation Trust Fund grant from the State's Division of Parks and Recreation. A copy of the award letter is attached. Please note, the letter states, "Sussex County accepts responsibility for maintaining the property for publicly accessible outdoor recreation uses in perpetuity." The grant was in the amount of \$107,811. A copy of the grant is also attached.

In 2013, the Army Corps completed the dredging of the Nanticoke using the 20 acres located in the rear of the park property to deposit the dredge spoils. The County continues to monitor the dredging spoils to date.

As you will hear during the presentation, in the beginning of 2013 the County began working with interested stakeholders in and around the Woodland neighborhood to develop the concept design of the park. Countless hours were spent to finalize the basic project design you will review on Tuesday.



Memo to Council - Woodland Park Project

July 11, 2014

Page 2 of 2.

The next step in the process is for Council to approve the Engineering Department moving forward with the bidding of the project.

Please let me know if you have any questions.

TFL/sww

Attachments

pc: Ms. Gina A. Jennings
Mr. Michael A. Izzo



State of Delaware
Department of Natural Resources and Environmental Control
Delaware Division of Parks and Recreation
89 Kings Highway
Dover, Delaware 19901

March 21, 2011

Mr. David Baker
County Administrator
2 The Circle P.O. Box 589
Georgetown, DE 19947

Dear Mr. Baker:

The Division of Parks and Recreation is pleased to announce approval of your Delaware Land and Water Conservation Trust Fund (DTF) grant request. The **Sussex County Nanticoke Park acquisition** has been approved at the requested amount. The DTF Grant Project Agreement (**DTF 11-131**) attached is the contract between Sussex County and our Division outlining the DTF Grant obligations and commitments.

By accepting DTF assistance, Sussex County accepts responsibility for maintaining the property for publicly accessible outdoor recreation uses in perpetuity. The attached map is a depiction of the DTF protection area for this project.

Please sign the Project Agreement and Protection Maps for DTF 11-131 and return one Map and the Project Agreement for our Division Director's signature. After the Project Agreement is signed by our Director, you will receive a copy of the fully-signed Agreement for your records.

If you have any questions regarding the Project Agreement or the grant process, please contact me at 302 739-9241.

Sincerely,

A handwritten signature in blue ink that reads "Bob Ehemann".

Bob Ehemann
Grants Coordinator

Enc: Project Agreement and Protection Map

DTF Project NO.: DTF 11-131

Project Agreement

Delaware Land and Water Conservation Trust Fund

Sponsor Agency: **Sussex County**

Project Title: **Sussex County Nanticoke Park Acquisition**

Project Period: **February 1, 2011 through December 31, 2011**

Project Scope & Description:

Sussex County acquired the property known as the Woodland Golf Park (tax parcel 531-15.00-21.01) on May 27, 2010. Approximately 20 acres, fronting Woodland Road, will be designated for public park land. A waiver acknowledging the investment by the County was granted on May 14, 2010.

The County may allow other organizations or agencies to utilize the existing building as long as the use includes in full or in part a component of outdoor recreation, conservation or environmental education. The utilization of the building shall not detract or interfere with the public's safety, access or enjoyment of the park. **The County may remove the building** or replace it in a location agreed upon by both the County and Division. The building footprint shall not exceed 2,000 sq. ft.

Sussex County agrees to maintain the property as park land (depicted on the attached map) for the outdoor recreating public in perpetuity. Dredging pipes running through the park land are allowed under this Program as long as the operation is temporary and any disturbance is restored. The Park will be available to the public in the spring of 2012.

Total Project Cost: \$ 215,622

DTF Grant Amount: \$ 107,811

Local Match: \$ 107,811 Sussex County budget

Department of Natural Resources
and
Environmental Control
Division of Parks & Recreation
89 Kings Highway
Dover, DE 19901



Project Agreement

Delaware Land and Water Conservation Trust Fund

The State of Delaware, Division of Parks & Recreation (hereinafter referred to as the Division) and **Sussex County** (hereinafter referred to as the Sponsor) mutually agree to perform this Project Agreement in accordance with the **Delaware Land and Water Conservation Trust Fund** (Title 30, Ch 54, Subchapter II Conservation Trust Fund). The provisions and conditions of the Delaware Land and Water Conservation Trust Fund (hereinafter referred to as DTF) are outlined in the DTF Manual Guidelines, and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances that are a part of this Project Agreement.

The Division hereby promises to obligate the amount of Delaware Land and Water Conservation Trust Fund grant sum referred to on the Project Agreement cover page. The Division will reimburse the Sponsor for the DTF grant amount after the Sponsor has demonstrated that it has spent an equal or greater sum for eligible elements of the project outlined in the Project Scope and Description on the Project Agreement cover page. The Sponsor promises to execute the approved project described above in accordance with the terms of this Project Agreement.

Part 1 - General Provisions

The parties to the Project Agreement specifically recognize that grant assistance from the Delaware Land and Water Conservation Trust Fund creates an obligation to maintain the property described in the Project Agreement consistent with the Title 30, Ch 54, Subchapter II Conservation Trust Fund. The Sponsor will provide sufficient funds to assure effective operation and maintenance of areas developed or acquired by the project.

Further, it is the acknowledged intent of the parties to this Project Agreement that the Sponsor will use DTF assistance granted for the purposes of this Program, and that DTF assistance granted will result in a net increase of land for outdoor recreation, conservation and/or greenways, and/or new or renovated outdoor recreation facilities. DTF assistance may also result in a park, recreation or conservation plan that will expand the Sponsor's outdoor recreation estate. It is intended by both parties to this Project Agreement that DTF assistance will be added to the Sponsor's contribution, rather than replace or be substituted for outdoor recreation funds by the municipality, county or park district.

- A. The Sponsor receiving DTF grant assistance agrees to comply with the terms of the Project Agreement.
- B. The Sponsor shall be responsible for implementing the approved project according to the guidance outlined in the DTF Manual and the Sponsor agrees to comply with the policies and procedures set forth in the Manual.
- C. The Sponsor agrees that the property acquired or developed under the terms of this Agreement will result in preservation, protection, and the net increase in the quality of public outdoor recreation resources which will be made available to the people of the State and visitors. The map accompanying this Project Agreement outlines the area protected under this DTF grant.
- D. The Sponsor agrees that the property acquired or developed described in the project shall be operated and maintained as prescribed by the DTF Manual. Development and acquisition projects funded with DTF assistance shall be maintained by the sponsoring agency in perpetuity. The

DTF Project No: DTF 11-131

sponsoring agency shall maintain facilities for their useful life as determined by the Division.

- E. The Sponsor agrees that if any land is acquired with DTF assistance the following language shall be in the deed of conveyance:

“These lands are acquired for outdoor recreation or conservation purposes in accordance with the Land and Water Conservation Trust Fund, (Title 30, Ch 54, Subchapter II Conservation Trust Fund)). Property acquired or improved with DTF assistance shall remain in public outdoor recreation or conservation in perpetuity and remain open for public use. Furthermore, said property may not be converted to other uses without a subsequent act of the General Assembly. If the Sponsor intends to convert all or a portion of this property to another use, the Sponsor must notify the State Division of Parks and Recreation, Department of Natural Resources & Environmental Control prior to the conversion.”

The Sponsor shall provide the Division with a survey boundary map and a copy of the deed with the above referenced paragraph. The Sponsor will keep a permanent record and make it available for public inspection.

- F. The Sponsor agrees that lands developed with DTF assistance shall remain in public outdoor recreation or conservation uses in perpetuity and shall not be converted to other uses. The map accompanying this Project Agreement outlines the area that fall under the provisions of this DTF grant.

If the Sponsor cannot avoid a conversion of the land to another use, the Sponsor must notify the Division of the conversion as soon as possible. The lands cannot be converted to another use, other than those originally intended, without approval of the Delaware General Assembly. If a conversion of land is approved, the Sponsor must agree to replace the original land in accordance with the conditions set forth in the DTF Manual. The Sponsor further agrees to effectuate such replacement within a reasonable period of time, acceptable to the Division, after conversion of property takes place. The Sponsor agrees that any replacement parcel(s) shall then become subject to the same provision as the original parcel.

- G. Any site where DTF assistance was used, the Sponsor must post a sign acknowledging the DTF Program. The Division will supply a DTF logo or the Sponsor may produce a reasonable likeness of the DTF logo.
- H. The Sponsor shall comply with all applicable State and federal laws relating to discrimination on the basis of race, color, national origin, age, sex or disability.

Part 2 - Project Assurances

- A. The Sponsor shall assure compliance with all applicable local, State or federal regulations, policies, and guidelines as they relate to the application, acceptance and use of State funds for this DTF assisted project.
- B. Project Application and Financing
1. The Sponsor shall finance the non-DTF share of the project costs via their own budgets, contributors, donors, in-kind services or a combination of these sources.

DTF Project No: DTF 11-131

2. In accordance with DTF Manual, the Sponsor must provide written documentation of their matching funds and sources that constitute the match for this project. Evidence of the Sponsor's match may include: 1) appropriate General Fund or special fund documentation from the Sponsor's budget; 2) letter from a State or federal agency, private organization or corporation that funds are allocated and approved; or 3) letters or logs demonstrating in-kind contributions of supplies, material or labor. Other match must be discussed with the Division and the appropriate documentation instrument determined.

C. Project Execution

1. The project period is specified on the cover page and the project can be executed after the Project Agreement is fully signed.
2. The State shall reimburse the Sponsor all funds granted in this Project Agreement unless actual project costs are less than anticipated or the project is amended.
3. The Sponsor will begin work on the project within a reasonable time after receipt of notification that DTF Project Agreement has been signed by the Division. The Sponsor assures that the project will be completed with reasonable diligence. Failure to make adequate progress on the project may be grounds for termination of this Project Agreement and a withdrawal of grant funds awarded for the project.
4. Status reports shall be completed at least two (2) times per year and/or submitted with each grant reimbursement request while a project is active.

D. Billing and Reimbursement Procedures

In accordance with the DTF Manual, the Sponsor will submit documentation that their matching funds were utilized during each billing cycle. Written documentation must reflect the Sponsor's match, thereby meeting DTF grant requirements. Reimbursement checks from the Division will not be processed until:

- a) the Sponsor's total project match has been demonstrated; and/or
- b) the Sponsor's match is equal to or greater than the DTF grant award and demonstrated in each billing.

E. Correspondence

The Sponsor agrees to reference the assigned DTF grant number and project name in any written correspondence or billing submitted to the Division.

The following parties agree to the Project Agreement terms and conditions: In witness whereof, the parties to this Project Agreement have executed this agreement as of the date entered below.

Charles A. Salkin, Director

Sponsor Signature

Date

Name, Title

Date



Delaware

Land and Water Conservation Trust Fund (DTF)

Project No: DTF 11-131



Nanticoke Park

Sussex County



2009 Aerial Photo



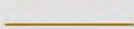
Under the Land and Water Conservation Trust Fund (DTF), [Title 30, Ch. 54, Subchapter II], lands receiving DTF assistance shall remain in public outdoor recreation or conservation uses in perpetuity.

DTF Program Coordinator

Project Sponsor

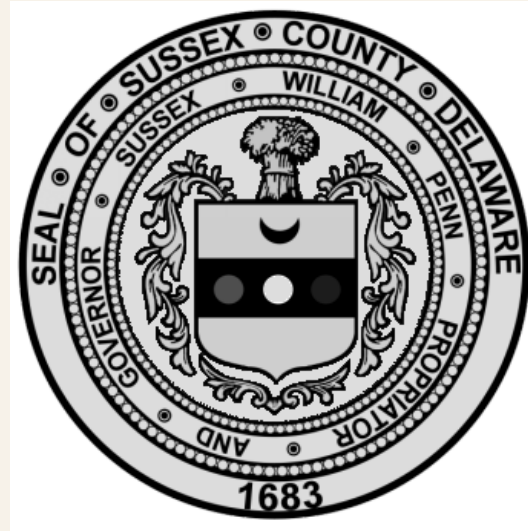
Date: _____

Legend

-  DTF 11-131
-  Nanticoke Wildlife Area
-  Roads



Presentation of



Woodland Park

Sussex County, Delaware

July 15, 2014

Presentation Agenda

- Introductions
- Project History
- Concept Plan
- Base Project
 - Base Project Details
 - Base Construction Estimate
- Alternative Items
 - Alternative Items Construction Estimate
- Comments & Questions

Introductions

Pennoni Associates Inc.

Carlton Savage Jr., PE

Senior Engineer

18072 Davidson Drive

Milton, DE 19968

Main 302-684-8030

Direct 302-684-6212

Fax 302-684-8054

<http://www.pennoni.com> | csavage@pennoni.com

Daniel Barbato, PE

Municipal Division Manager

18072 Davidson Drive

Milton, DE 19968

Main 302-655-4451

Direct 302-351-5230

<http://www.pennoni.com> | dbarbato@pennoni.com

Peter Stone, RLA, LEED AP BD+C

Landscape Architect

8818 Centre Park Drive, Suite 200

Columbia, MD 21045

Main 410-997-8900

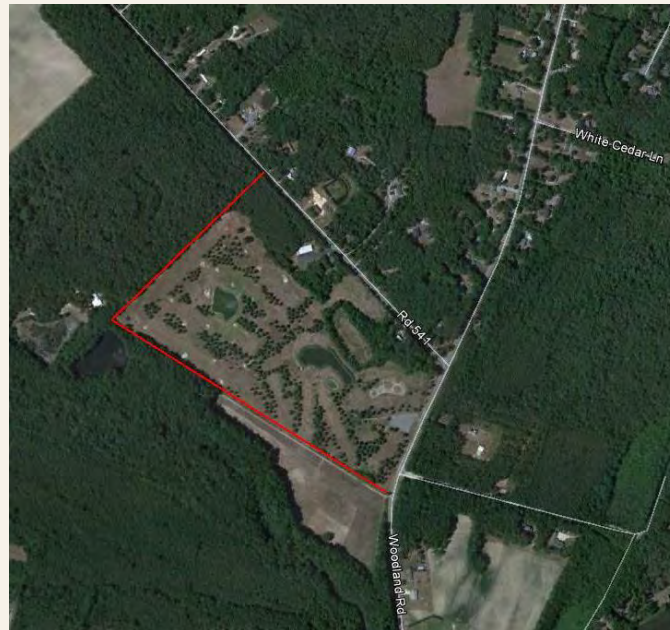
Direct 443-537-2721

<http://www.pennoni.com> | pstone@pennoni.com



Project History

- 40-acre site was acquired by Sussex County Council in May 2010.
- Site contains an existing clubhouse, parking area, accessory buildings, golf cart paths, sand traps and ponds.
- 20 acres of the site have been used for the disposal of spoils from the recently completed Nanticoke River Dredging Project.
- Remaining 20 acres have been reserved for a low-impact recreational park.
- The Park becoming a waypoint in conjunction with the proposed Nanticoke Heritage Byway Project has been discussed.



Funding Possibilities

- The County originally obtained a \$107,811 grant from the Delaware Land and Water Conservation Fund (DTF) to assist with the purchase of the property.
- Additional DTF grants to assist with park development costs are available up to 50% of the total project cost.
- The County has initiated the grant application process.

Public Outreach

- A public meeting to solicit public input was held at the Nanticoke Senior Center on February 21, 2013.
- Over 100 members of the local community participated in a lively discussion with positive comments.
- The County invited residents to become part of a working group to assist with a proposed park design.
- The working group assembled consisted of 6 members representing a cross-section of interests - civic, local resident, conservation group and future user.
- The working group met during the months of April and May 2013.
- From these meetings, a consensus emerged for the final design. The key design elements identified were:
 - Walking paths
 - Butterfly garden
 - Covered Pavilion
 - Fishing Pier
 - Dog Park
 - Skip Gardner Memorial Area
 - Bird Habitat Area
 - Observation Platforms
 - Outdoor Classroom

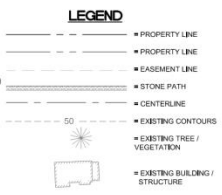
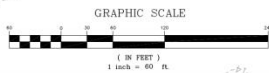
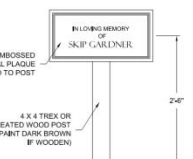
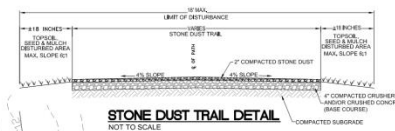
Concept Plan



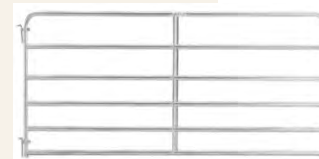
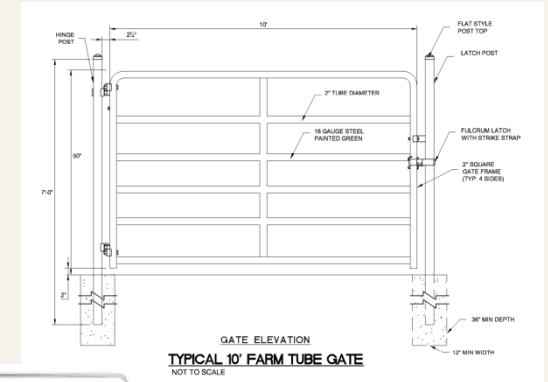
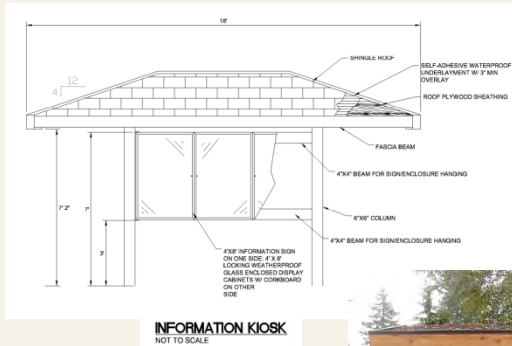
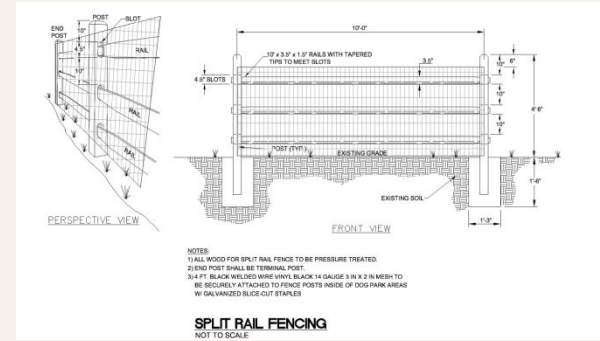
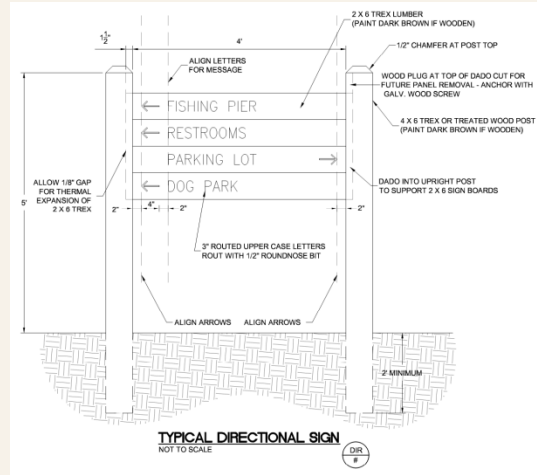
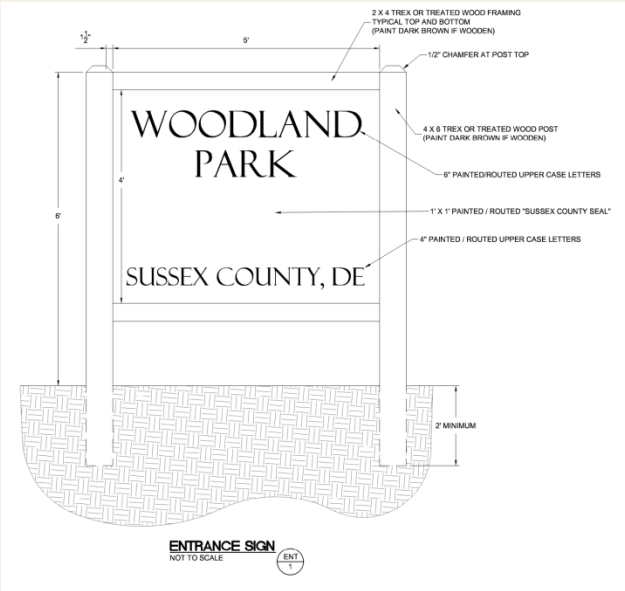
Base Project

Base Items

- Parking Lot Rehabilitation
- Stone Trail
- Skip Gardner Memorial
- Directional Signs
- Perimeter Fencing
- Gate
- Entrance Sign
- Informational Kiosk



Base Project Details



Base Project - Construction Estimate

Woodland Park Construction Estimate (Base Items)

2/25/2014

Construction Items

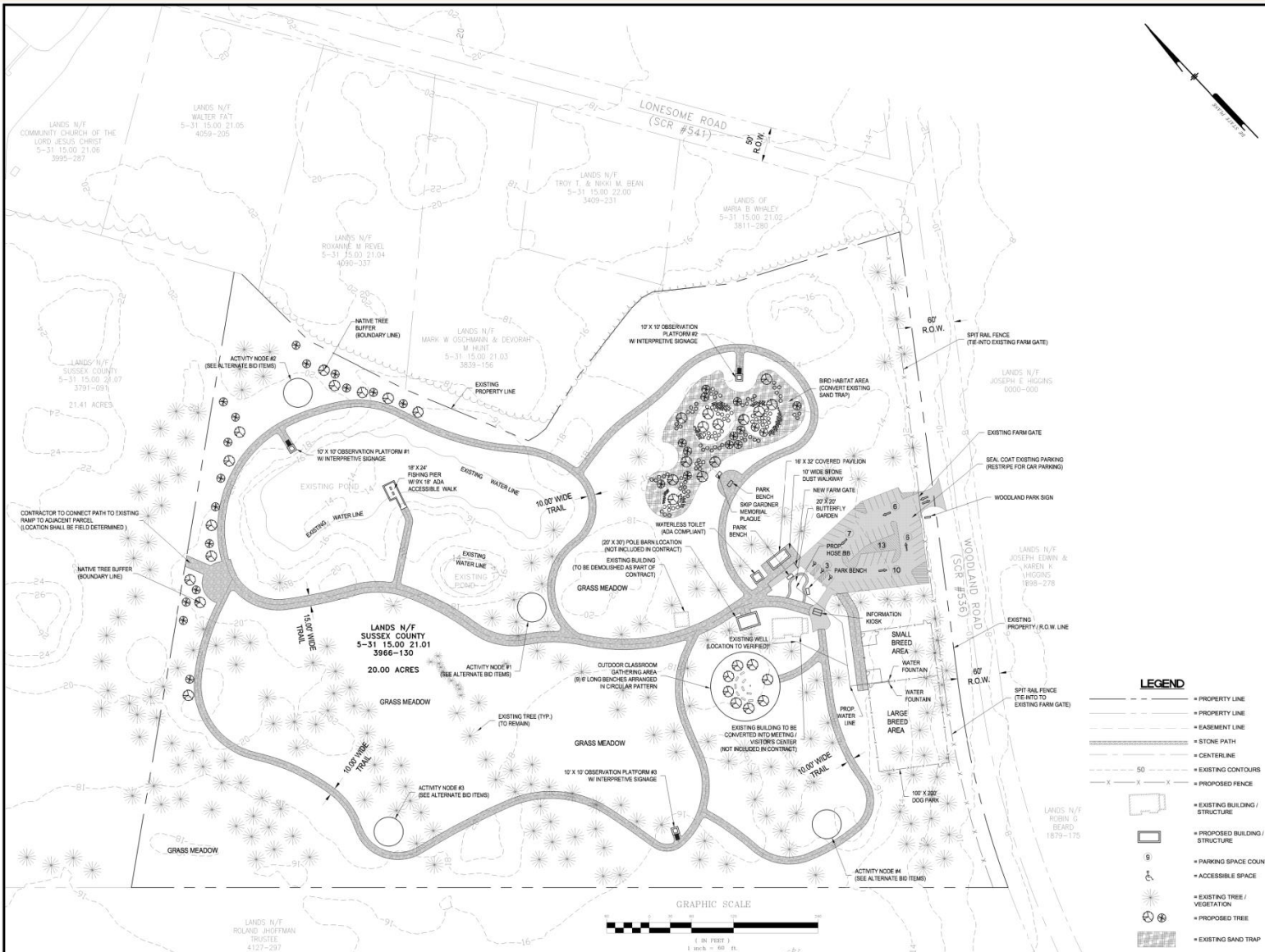
ITEM	DESCRIPTION	SIZE	QUANTITY	UNIT	PRICE	COST
1	Parking Area					
	Sealcoating	21,200	21,200	SQFT	0.25	\$5,300.00
	Striping		2,500	LF	2	\$5,000.00
	Entrance Sign		1	LS	2000	\$2,000.00
	Informational Kiosk		1	LS	3000	\$3,000.00
Sub-Total						\$15,300.00
2	Skip Gardner Memorial Area					
	Park Benches		2	EA	225	\$450.00
	Skip Gardner Plaque		1	LS	400	\$400.00
Sub-Total						\$850.00
3	Stone Trail	5100 feet long x 10' and 15 wide				
	Per SCD Cost Proposal		1	LS	84900	\$84,900.00
	Grading, restoration, Fill		1	LS	7000	\$7,000.00
	Directional Signs		1	LS	2000	\$2,000.00
Sub-Total						\$93,900.00
4	Fencing					
	Wooden Fencing		1500	LF	15	\$22,500.00
	Farm Gates		1	EA	350	\$350.00
Sub-Total						\$22,850.00
Total						\$132,900.00
Contingency						\$10,000.00
Base Construction Estimate						\$142,900.00



Alternative Items

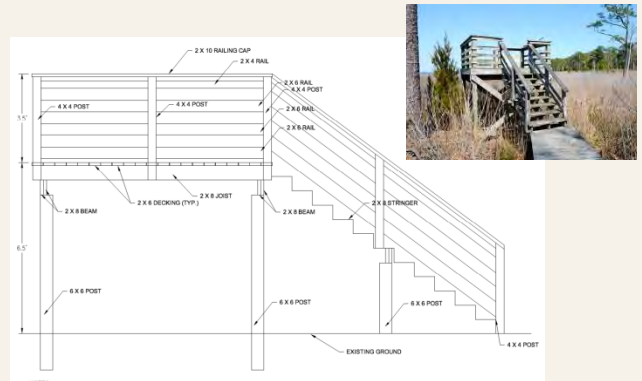
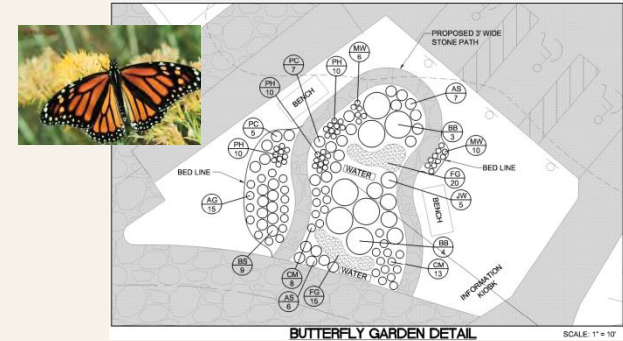
Alternative Items

- Dog Park
- Butterfly Garden
- Bird Habitat Area
- Covered Pavilion
- Restroom / Waterless Toilets
- Observation Platforms w/ Interpretive Signage
- Fishing Pier
- Outdoor Classrooms

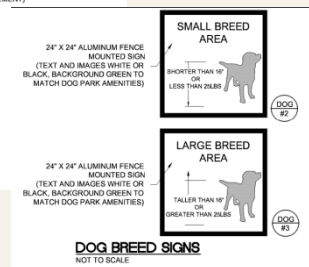
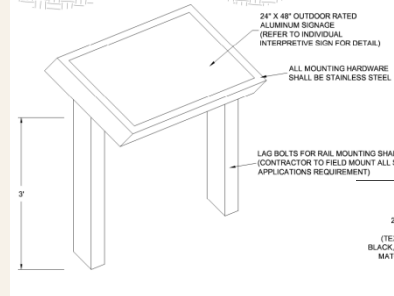


Alternative items – Construction Estimate

Alternative Items						
5	Butterflygarden					
	Nectar Plants	261	EA	20		\$5,220.00
	Ground Cover Plantings	35	EA	20		\$700.00
	Mulch	100	SY	10		\$1,000.00
	PE Water Service	150	LF	8		\$1,200.00
	Frost Free Yard Hydrant	1	EA	200		\$200.00
	Park Benches	2	EA	500		\$1,000.00
				Sub-Total		\$9,320.00
6	Bird Habitat Area					
	Shrub Plantings	100	EA	25		\$2,500.00
	Tree Plantings	25	EA	90		\$2,250.00
	Park Benches	2	EA	225		\$450.00
				Sub-Total		\$5,200.00
7	Covered Pavilion					
	Pavilion	16 X 32	1	LS	15000	\$15,000.00
	Picnic Benches	8-person	4	EA	400	\$1,600.00
				Sub-Total		\$16,600.00
8	Restrooms					
	Waterless Toilets		1	EA	25000	\$25,000.00
				Sub-Total		\$25,000.00
9	Observation Platforms					
	Platform	10 x 10	3	EA	3000	\$9,000.00
	Interpretive Signs 24"x48"		4	EA	200	\$800.00
				Sub-Total		\$9,800.00
10	Fishing Pier					
	Wood Pier	18 x 24	432	SF	60	\$25,920.00
	Accessible Walk	9 x 18	162	SF	25	\$4,050.00
	Backfill		50	TON	20	\$1,000.00
				Sub-Total		\$30,970.00
11	Outdoor Classroom					
	Log Bench		9	EA	250	\$2,250.00
				Sub-Total		\$2,250.00
12	Dog Park	100 x 200 fenced				
	Fencing & Gates	5 feet	800	LF	22	\$17,600.00
	Leash Posts		2	EA	400	\$800.00
	Park Benches		4	EA	225	\$900.00
	Dog Water Fountain		2	EA	1900	\$3,800.00
	PE Water Service		175	LF	5	\$875.00
	Dog Park Signs	12"x18"	4	EA	75	\$300.00
				Sub-Total		\$24,275.00
				Total		\$123,415.00
				Contingency		\$10,000.00
				Alternative Items Subtotal		\$133,415.00
				Base Contract Estimate + Alternative Items		\$276,315.00



- NOTE:
 1. ALL WOOD USED IN DECK CONSTRUCTION TO BE PRESSURE TREATED
 2. 6 X 6 POSTS ARE TO BE SPACED # 7' ON CENTER
 3. CONTRACTOR TO FIELD ADJUST #750 IN FIELD TO MATCH GRADE CONDITIONS
 4. SAILING TO MATCH THAT USED ON FISHING PIER. (SEE OBSERVATION PLATFORM)



Comments / Questions

- **County Council Questions & Comments?**
- **Workgroup/Public Comments**



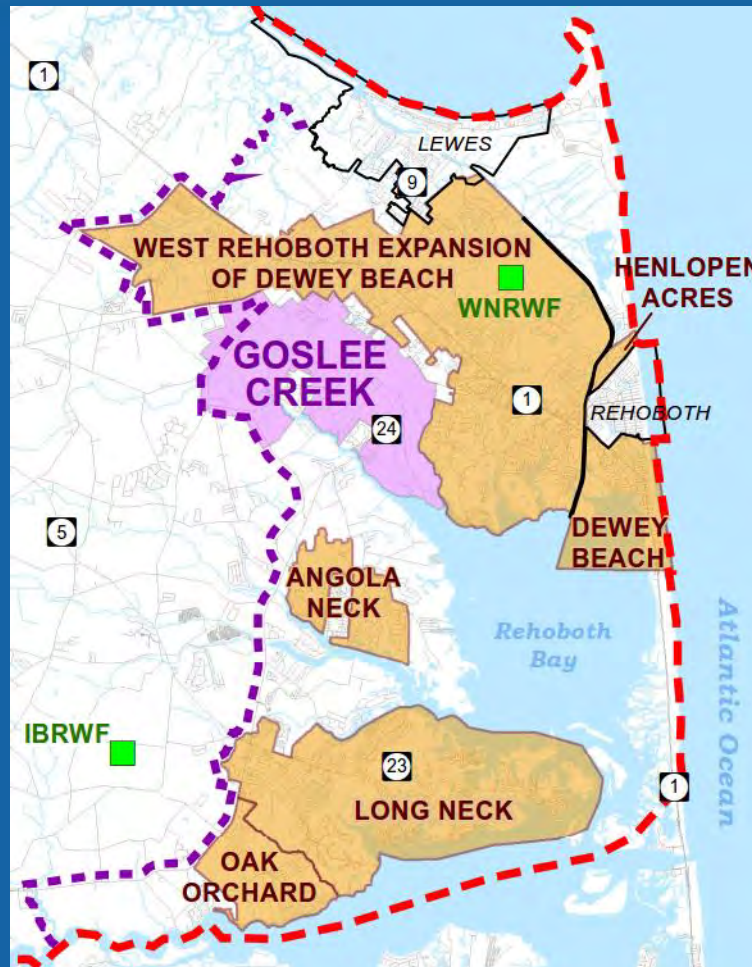
Goslee Creek Planning Study Council Presentation

July 15, 2014



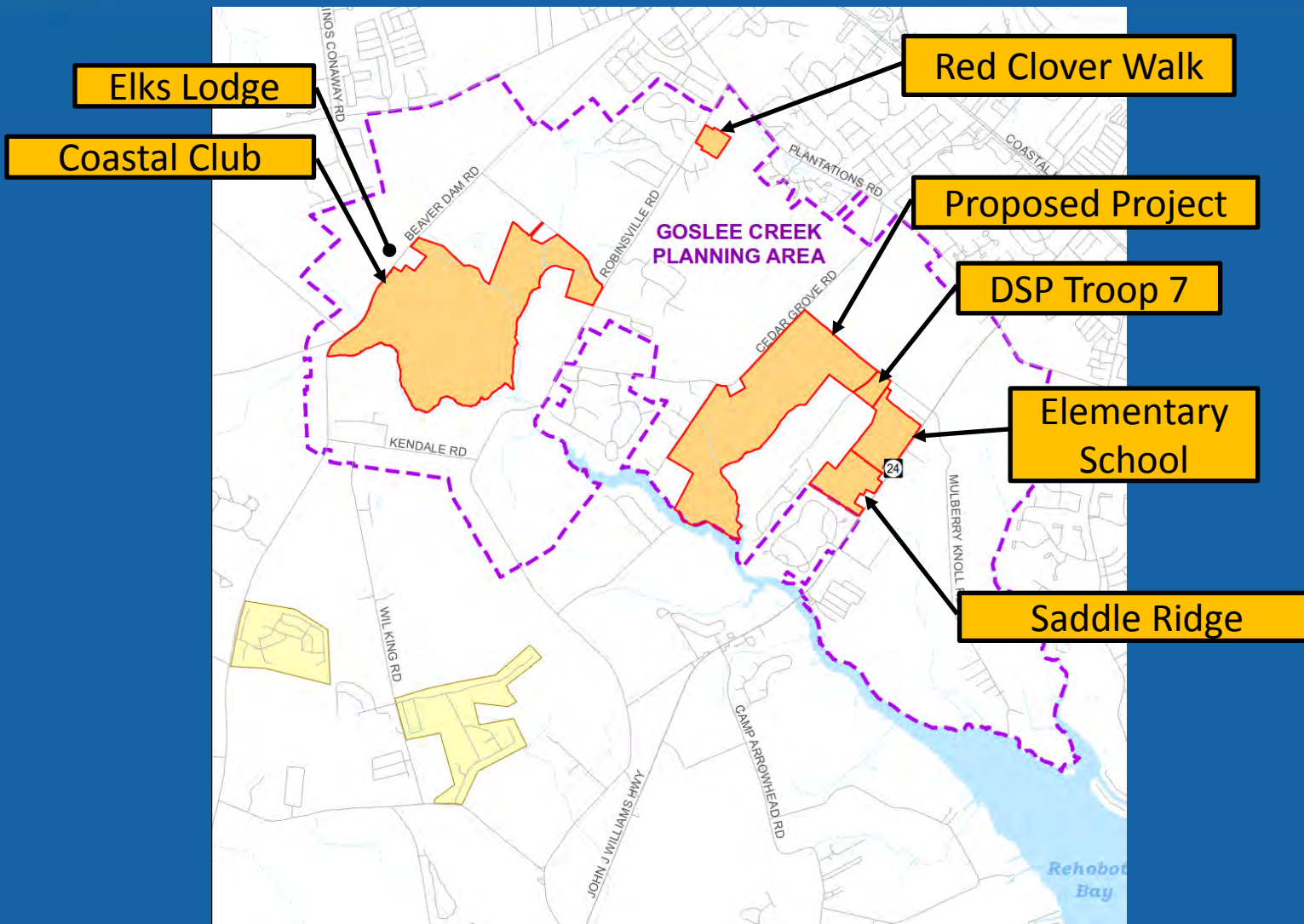


Inland Bays Planning Area





Goslee Creek Planning Area

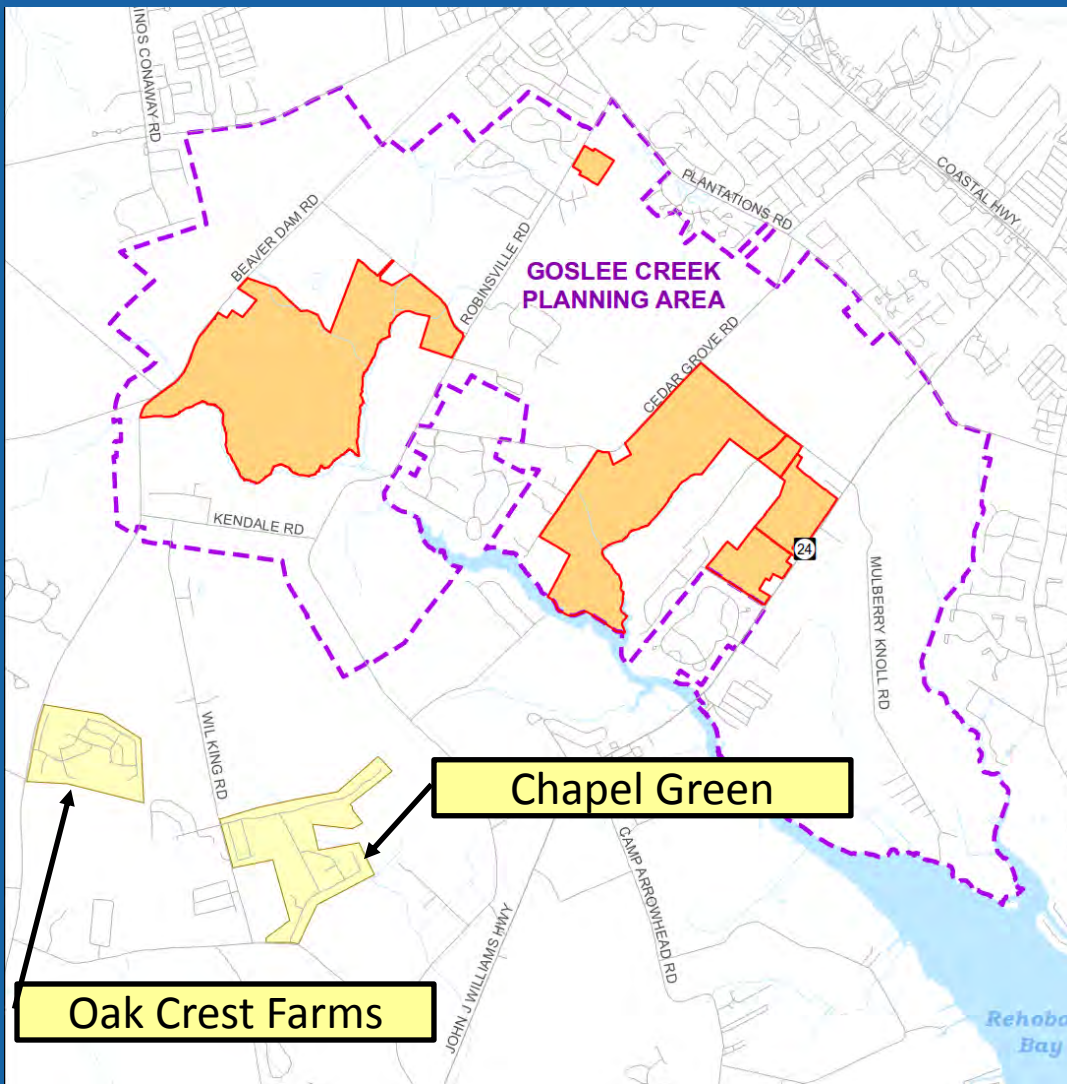


Priority Project





Special Study Area



Priority Project

Special Study Area Project



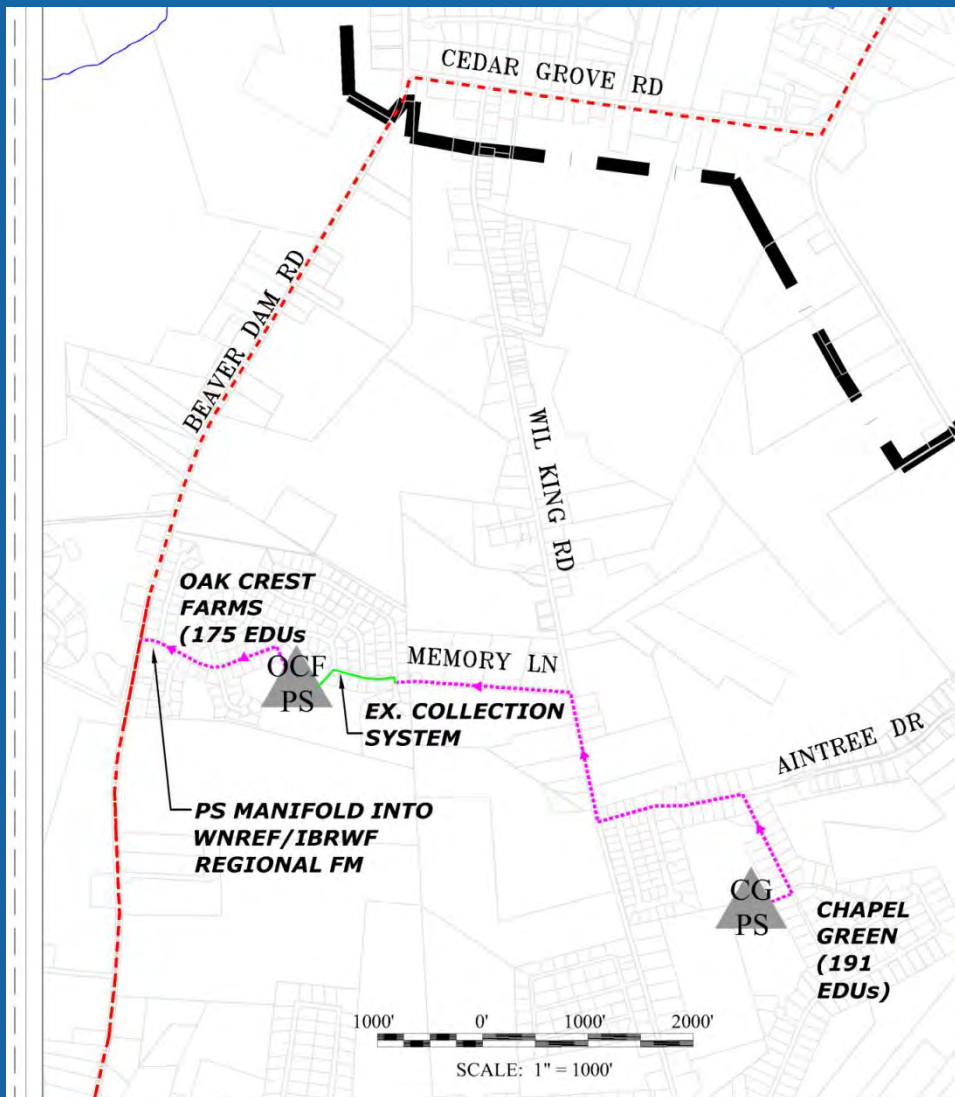


Goslee Creek- Scope of Services

- Review options to provide wastewater transmission and treatment for the entire service area.
- Determine location of main regional pump station and route of regional force main to IBRWF.
- Determine a phasing plan that considers near-term service to Priority Projects, service to existing development and future service to undeveloped lands.
- Evaluate the feasibility of Sussex County serving the Special Projects.
- Analyze the sharing of a joint regional forcemain to IBRWF between Goslee Creek PS and regional improvements at PS#210.
- Determine impacts on existing IBRWF treatment facility.

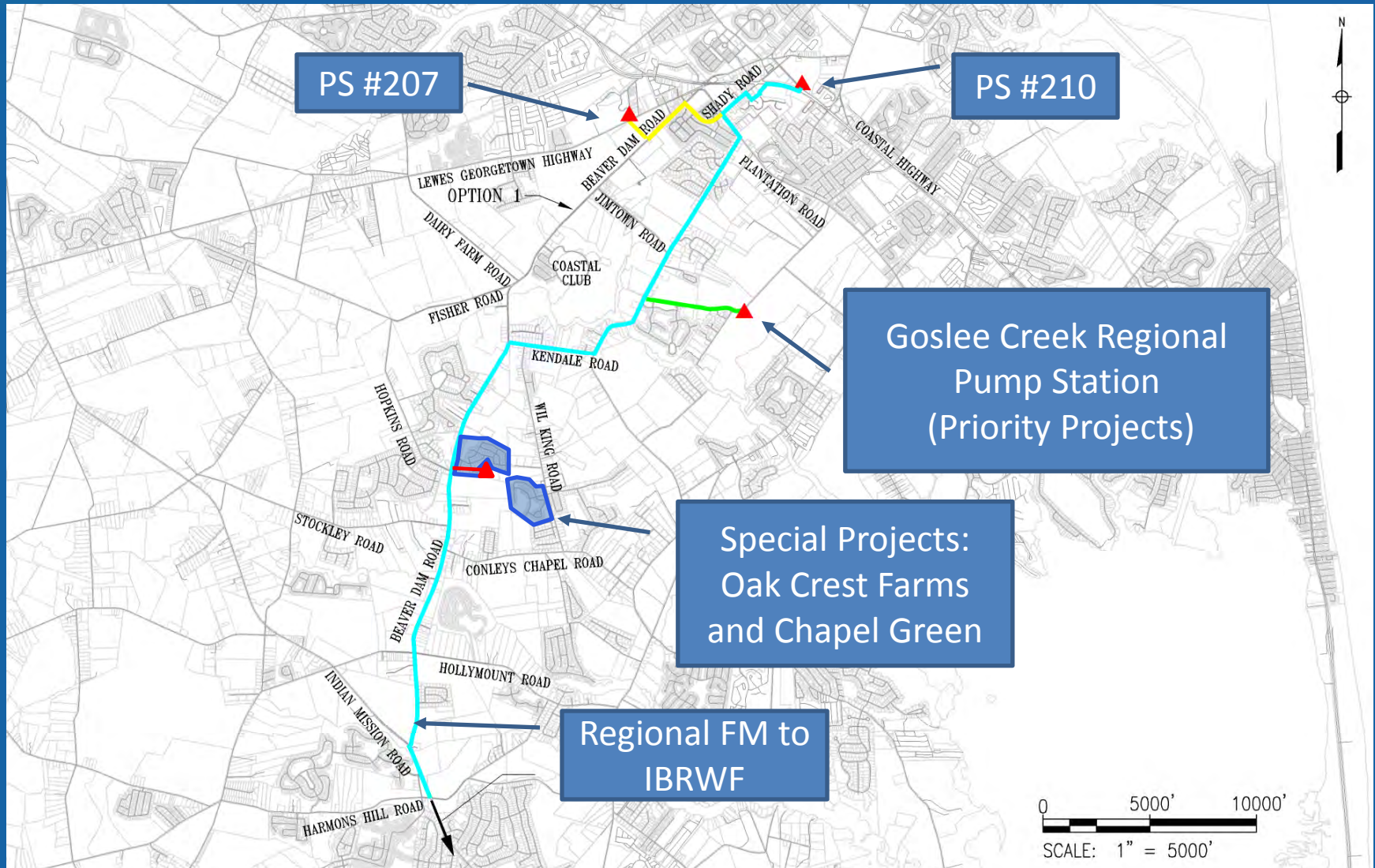


Service to Special Project Area





Regional Forcemain to IBRWF





Goslee Creek- Schedule

Final Approval of Planning Study

Design Amendments for PS#210 and Goslee Creek

Goslee Creek and PS 210 Schedule for Completion

			2014				2015				2016			
			1st	2nd	3rd	4th	1st	2nd	3rd	4th	1st	2nd	3rd	4th
PS 210 Upgrade					Design & VE		Bidding	Construction						
Goslee Creek PS & FM			Planning		Design & VE		Bidding	Construction						



Goslee Creek Planning Area

Questions?

ATTACHMENT A

SCOPE OF SERVICES

WEST REHOBOTH EXPANSION PUMP STATION #210 IMPROVEMENTS AND FORCEMAIN TO IBRWF:

This attachment outlines the required Scope of Services for the Final Design of the **West Rehoboth Expansion PS#210 Improvements and Forcemain to IBRWF**. This work effort includes the production of contract documents (plans and specifications) for the upgrade of existing pump station PS#210 and the installation of a new force main from the limits of the PS#207 project to the IBRWF. It is assumed that these projects will be bid as two separate contracts, one for PS#210 Improvements and one for the PS#210 to IBRWF forcemain. WR&A will actively participate in a Value Engineering process arranged by Sussex County and incorporate selected options into Final Design.

PS#210 IMPROVEMENTS

1. Replacement of three existing 90 horsepower (HP) submersible pumping units with three new larger submersible pumping units to pump to WNRWF. Install two new pumps to pump to IBRWF. Provide pump removal system, new piping, electrical and control upgrades for the new pumping units.
2. Design of new cast in place concrete wetwell to house new pumps, with adjacent cast in place valve vault structure
3. Demolition/conversion of existing pump station wetwell.
4. Modification of existing electrical building to house new electrical equipment.
5. Additional of lighting protection for existing pump station control building and site lighting improvements.
6. Provision of station bypass connection for both the existing FM to WNRWF and the new FM to the IBRWF.
7. Design of 50,000 linear feet (l.f.) of new regional force main from the existing pump station at the limits of the PS#207 contract to the IBRWF.
8. Design of new emergency generator and installation of new utility service.
9. Required electrical and control upgrades for the required new pumping units.
10. Design and install monorail within new valve vault for removal of valve vault equipment.

11. Design new odor control unit.

SCOPE OF SERVICES

The Derivation of Man-hours and Estimated Fee for all tasks are provided in separate spreadsheets included with this document for both pump stations. Also included with this document is a separate list of drawings for each contract.

Unless otherwise noted, tasks listed in Part A through Part I are similar for both projects.

PART A: PROJECT MANAGEMENT

1. Prepare Scope Document for distribution to Sussex County.
2. Conduct peer review sessions for the preliminary, 60%, 90%, and final design submittals.
3. Update Project Cost Estimates, Meeting Minutes, Project Schedules and Project Accountability Logs.
4. Attend Project Progress Meetings (Assumes eight (8) meetings).
5. Attend two (2) Delaware Department of Transportation (DelDOT) Coordination meetings.
6. Attend two (2) Utility Coordination meeting to determine and verify existing utilities within the pipeline corridors.
7. Actively participate in a Value Engineering process arranged by Sussex County and incorporate selected options into Final Design.

Assumption: Project progress and coordination meetings will be held for both projects on the same day.

PART B: SURVEYS

1. Perform supplemental topography for force mains. This effort will involve the following:
 - a). Location of storm drains, stream crossings, underground utilities, and other pertinent features in the pipeline corridors.
 - b). Establish benchmarks in construction areas.
 - c). Stakeout boring locations.
 - d). Verify property lines for existing Pump Station #210 and provide easement documentation for necessary temporary construction easements.

Assumption: Aerial topo from the Goslee Creek Planning Area will be used for project.

PART C: SUBSURFACE INVESTIGATIONS

1. Determine boring locations. It is assumed a total of thirty (30) borings will be taken along the pipeline alignments, two (2) borings for the directional drills underneath Love Creek, and two (2) borings at PS#210.
2. Write performance specifications for boring subcontractor. Solicit and review bids from three boring subcontractors and make recommendation to Sussex County for approval.
3. Administer contract with boring subcontractor and coordinate activities.
4. Review soil borings for determination of soil types, depth to ground water, dewatering suitability of soils for backfill material, and geotechnical recommendations.

Assumption: The boring contract for both projects will be bid and performed as one contract.

PART D – PRELIMINARY DESIGN –PUMP STATIONS

1. **Visit Pumping Station** - Visit pumping station to take field dimensions.
2. **Verify hydraulics and design flows** - Verify hydraulics for pump station taking into account future competing head system with PS#207 and GCRPS.
3. **Technical Memorandum:** Outline basis of design for equipment to be designed.

PART E – FINAL DESIGN- PS#210 IMPROVEMENTS

1. **Prepare 30% contract documents** - Prepare 30% contract documents (plans only). Plans will include preliminary electrical, instrumentation, mechanical, civil, and structural layouts.
2. **Prepare 60% contract documents** - Incorporate Sussex County 30% review comments and prepare 60% contract documents (plans and specifications). Plans will include preliminary electrical, instrumentation, mechanical, civil, and structural layouts.
3. **Prepare 90% contract documents** - Incorporate Sussex County 60% review comments. Prepare 90% contract documents.
4. **Prepare final contract documents** - Incorporate Sussex County 90% review comments. Prepare final contract documents and final cost estimate. Specifications will include general and technical sections. Submit to Sussex County for review.

PART F: FINAL DESIGN PIPELINES

1. Meet with directional drill subcontractor to evaluate Directional Drill of Love Creek.

2. Contact utility companies and DelDOT for all base plans. Coordinate with utility locate company to test pit isolated utilities along forcemain alignment.
3. Prepare 30% plans. Plans will include preliminary pipeline alignments. Submit to Sussex County for review.
4. Prepare 60% plans. Plans will include plan and profile. Submit to Sussex County for review.
5. Incorporate Sussex County 60% review comments. Prepare 90% contract documents (Plans and specifications).
6. Incorporate Sussex County 90% review comments. Prepare final contract documents.

PART G: PERMITTING

1. Permits will be prepared for submission by the Sussex County Engineering Department. The following permit applications will be prepared for each of the contracts:
 - a. Delaware Department of Natural Resources and Environmental Control (DNREC) Construction and Notice of Intent (NOI) Permits
 - b. Sediment and Erosion Control permit
 - c. Stormwater (SWM) Management Letter and Quality Control Design
 - d. Delaware Department of Transportation (DelDOT) Construction Permit
2. Perform non-tidal wetlands delineation within pipeline corridors and prepare Joint Permit Application.

Assumptions:

- *No threatened or endangered species impacts.*
- *No stormwater management required.*
- *All non-tidal and wetlands delineations and associated permit will be performed at one time for both contracts.*
- *All permit fees will be paid for by Sussex County.*

PART H: ADVERTISE/BIDDING SERVICES

Both projects will be advertised and bid as two separate contracts. The following items will be performed during the Advertise and Bidding Phase for each separate contract:

1. Reproduce contract documents for bidding. Reproduction costs for all bidders will be included in the sale of the plans and specifications.
2. Attend pre-bid meeting.

3. Prepare Addendums based on questions from Contractors. It is assumed that only one addendum will be required.
4. Maintain plan holders list.
5. Review bids and make recommendations to Sussex County.

Assumption: Advertise/bid efforts will be for two separate contracts.

PART I: ARCHEOLOGICAL/HISTORICAL SURVEYS

1. Prepare 1" = 400' plan depicting pipeline alignments and roads constructed to state and local standards.
2. Coordinate with archeology subcontractor regarding any testing required and results of testing.

Assumptions:

- *Approximately 50% of the project area will not require archeological testing, for various reasons.*
- *The determination of where archeological survey takes place is based on a field view with the project team, County and State agencies.*
- *There is no historical architectural evaluation or assessment required.*
- *A Phase I archaeological survey will only be required (essentially determining presence or absence of archaeological materials). Evaluation of National Register eligibility will not be required.*
- *Archeology services will be limited tasks necessary to complete a Phase I survey to DE State standards. Tasks include background research, field survey, artifact analysis and cataloging, report preparation, and contract administration.*

PART J – Preliminary Engineering Report and Environmental Assessment

1. **Background Data Collection** – WR&A will conduct a collection of background environmental data required for the environmental assessment.
2. **Purpose and Need/Alternatives Definition** – WR&A will assess and define the purpose and need of the proposed expansion and provide various alternatives for its completion.
3. **Inter-agency Correspondence** – WR&A will prepare correspondence on behalf of Sussex County for inter-agency review.
4. **USDA Environmental Assessment Forms** – WR&A will complete the required forms for the environmental assessment on behalf the County. This includes the environmental screening checklist.
5. **Environmental Impacts Analysis** – WR&A will investigate the impacts of the proposed expansion on the surrounding environment.

6. **Categorical Exclusion Report Documentation** – This effort will involve development of the low-level Environmental Assessment documentation to reflect the potential environmental impacts of the proposed action. Documents will be developed in a format consistent with USDA National Environmental Policy Act (NEPA) guidelines, and will include documentation of potential impacts, support maps, and inter-agency correspondence.

7. **Preliminary Engineering Report and Environmental Assessment.** Prepare Preliminary Engineering based on approved Technical Memorandum for Pump Station (Scope Item D3) and combine with Environmental Assessment (Part J) for submission to RUS.

Assumptions:

- *Field studies and survey services are not required. There are no historical/archeological resources, coastal zone consistency, floodplain, or rare, threatened or endangered species concerns.*
- *The activity will require the level of documentation appropriate for a finding of no significant impact.*

ATTACHMENT A
CONTRACT 1: PS#210 IMPROVMENTS**LIST OF DRAWINGS**

<u>Sheet No.</u>	<u>Title</u>
G-1	Title Sheet / Location Plan
G-2	Legend and Notes
C-1	PS#210 Demolition Plan
C-2	PS#210 Utility Plan
C-3	PS#210 Grading Plan and Details
C-4	Utility Profiles
C-5 through C-6	Civil Details
SC-1 through SC-2	Erosion and Sediment Control Notes and Details
S-1	Structural Notes and Loads
S-2	PS#210 Wetwell Demolition Plan
S-3	Wetwell/Valve Vault Plans
S-4	Wetwell/Valve Plans
S-5	Wetwell/Valve Vault Sections and Details
S-6	Valve Vault Interior Monorail Plans, Sections and Details
S-7	Misc. Structural Details
M-1	Demolition Plan
M-2	General Notes, Legend and System Characteristics
M-3	Valve Vault Plan and Section
M-4	Existing Control Building HVAC
M-5	Mechanical Details
E-1	Electrical Legend, Abbreviations, & General Notes
E-2	Electrical Site Plan – Demolition
E-3	Single Line Diagram - Demolition
E-4	Grade and Vault Level -Demolition
E-5	Electrical Site, Power, and Lighting Plans
E-6	Single Line Diagram



E-7	Power Plan-Grade Level
E-8	Lighting Plan- Grade Level
E-9	Power and Lighting Plan- Vault
E-10	Lighting Protection & Grounding Plan
E-11	Lighting Protection & Grounding Details
E-12	General Details
E-13	Panel Schedules
I-1	Legend, Abbreviation, & General Notes
I-2	Control System Schematic
I-3 through I-6	Elementary Diagrams
I-7	Lower Level Plan and Details
I-8	Grade Level Plan and Details
I-9	Conduit and Conductor Schedule
I-10	Instrumentation Details



ATTACHMENT A

CONTRACT 2:
PS#210 FORCEMAIN TO IBRWF

LIST OF DRAWINGS

<u>Sheet No.</u>	<u>Title</u>
G-1	Title Sheet / Location Plan
G-2	Key Sheet and Legend
C-1 to C-38	PS#30 Force Main Plan & Profiles (50,000')
C-39	Love Creek Directional Drill Plan, Profile, and Details
C-40	Headworks Tie-In
DT-1 through DT-4	Utility Details
SC-1 and SC-2	Erosion and Sediment Control Notes and Details

		PROJECT NAME:	PUMPING STATION #210 IMPROVEMENTS & FM TO IBRWF
TASK	Project Budget Input Form		
	SUMMARY		Total
			Dollars
Phase A - Project Management			\$48,245
Phase B - Surveys			\$76,295
Phase C - Subsurface Investigation			\$26,457
Phase D - Preliminary Design - Pumping Stations			\$28,009
Phase E - Final Design - Pumping Station			\$241,736
Phase F - Final Design - Pipelines			\$283,872
Phase G - Permitting			\$20,843
Phase H- Advertise / Bidding Services			\$17,988
Phase I- Archeological / Historical Surveys			\$35,006
Phase J Preliminary Engineering Report and Environmental Assessment			\$21,355
PROJECT TOTAL			\$799,805

Subcontractors included in above project total

Archeology (John Milner)	\$30,000
Surveying (Adams-Kemp)	\$75,000
Environmental (ERI)	\$10,000
Utility Locates (TBD)	\$25,000
Borings (TBD)	\$20,000
Total	\$160,000

ATTACHMENT B

SCOPE OF SERVICES

GOSLEE CREEK SANITARY SEWER DISTRICT (GCSSD) REGIONAL PUMP STATION FORCE MAIN, AND GRAVITY SEWERS

This attachment outlines the required Scope of Services for the Final Design of the **Goslee Creek Sanitary Sewer District (GCSSD) Regional Pump Station, Force Main and Gravity Sewers**. This work effort includes the production of contract documents (plans and specifications) for the **Goslee Creek Sanitary Sewer District** involving the construction of the one sub-regional pump station and approximately 10,000 linear feet (LF) of gravity sewer and forcemain.

This project involves the preparation of the contract documents (plans and specifications), permit forms, and easement descriptions. It is assumed that this project will be bid as one contract. The Derivation of Man-hours and Estimated Fee for these tasks are provided in summary spreadsheets included with this document. Also included with this document is a list of drawings. WR&A will actively participate in a Value Engineering process arranged by Sussex County and incorporate selected options into Final Design.

PART A: PROJECT MANAGEMENT

1. Prepare Project Management Plan for distribution to Sussex County and in-house disciplines.
2. Conduct peer review sessions for the preliminary, 60%, 90%, and final design submittals.
3. Update Project Cost Estimates, Project Schedules, and Project Accountability Logs.
4. Attend Project Progress Meetings (Assumes five (5) meetings for the Project Manager and Project Engineer) and generate meeting minutes. It is assumed that the progress meetings will be held on the same day as other County projects.
5. Actively participate in a Value Engineering process arranged by Sussex County and incorporate selected options into Final Design

PART B: SURVEYS

1. Aerial topography for the Study Area previously flown for the Goslee Creek Planning Area will be processed under this contract. The following additional survey work will be necessary as part of this contract.

Survey Field Work:

- a. Extend horizontal and vertical controls.

- b. Perform supplemental topography for gravity sewers and force mains.
 - i. Location of storm drains, stream crossings, underground utilities, and other pertinent features in the pipeline corridors.
 - ii. Establish benchmarks in construction areas.
 - iii. Stakeout boring locations (66 borings).
 - iv. Supplemental topo for the pump station sites
 - c. Collect property evidence for plats.
2. Survey Office Work:
- a. Prepare plats and descriptions for one (1) fee simple property for the pump station.

Assumption: This proposal assumes the County will be responsible for all plat/deed research and that the fee simple acquisition for the Boathole Pump Station and forcemain easements to get to Love Creek Woods will be provided by the developer.

PART C: SUBSURFACE INVESTIGATION

1. Determine boring locations. Two borings will be taken at the proposed pumping station location and five (5) additional borings will be taken along the pipeline alignments.
2. Write performance specifications for boring subcontractor. Solicit and review bids from three boring subcontractors and make recommendation to Sussex County for approval.
3. Administer contract with boring subcontractor and coordinate activities.
4. Review soil borings for determination of soil types, depth to ground water, dewatering suitability of soils for backfill material, and geotechnical recommendations.

PART D: FINAL DESIGN PUMP STATIONS

1. Perform preliminary hydraulics. Perform preliminary hydraulics for the pumping station after final force main alignment has been determined.
2. Prepare 60% contract documents (plans and specifications). Plans will include preliminary electrical and mechanical layouts. Submit to Sussex County for review.
3. Incorporate Sussex County 60% review comments. Prepare 90% contract documents.
4. Incorporate Sussex County 90% review comments. Prepare final contract documents.

Assumption: Pump stations will be the County standard submersible station with small pre-manufactured pump station superstructure with pre-cast concrete wetwell and valve vault.

PART E: FINAL DESIGN PIPELINES

1. Prepare 30% plans. Plans will include preliminary pipeline alignments. Submit to Sussex County for review.
2. Prepare 60% contract documents (plans and specifications). Plans will include gravity sewer and forcemain plan and profile. Submit to Sussex County for review.
3. Incorporate Sussex County 60% review comments. Prepare 90% contract documents.
4. Incorporate Sussex County 90% review comments. Prepare final contract documents.

PART F: PERMITTING

1. Permits will be prepared for submission by the Sussex County Engineering Department. The following permit applications will be prepared:
 - a. DNREC Construction permit
 - b. Sediment and Erosion Control permit
 - c. Stormwater (SWM) Management Waiver Request
 - d. DelDOT Construction Permits
2. Perform non-tidal wetlands delineation within pipeline corridors and on pump station sites and prepare Joint Permit Application.

Assumptions:

- *No threatened or endangered species impacts.*
- *No stormwater management required.*
- *All fees associated with permits to be paid for by the County.*

PART G: ADVERTISE/BIDDING SERVICES

The following items will be performed during the Advertise and Bidding Phase, assumed to be bid as one contract:

1. Reproduce contract documents for bidding. Reproduction costs for all bidders will be included in the sale of the plans and specifications.
2. Attend pre-bid meeting.
3. Prepare Addendum based on questions from Contractors. It is assumed that only one addendum will be required per contract.

4. Maintain bidders list.
5. Review bids and make recommendations to Sussex County for award of bid.

PART H: ARCHEOLOGICAL/HISTORICAL SURVEYS

Whitman Requardt and Associates, LLP will:

1. Prepare 1" = 400' plan depicting pipeline alignments, pumping station locations, and roads constructed to state and local standards for the County's Historic Preservation Planner.
2. Administer the Archeological Contract. WR&A will coordinate all contractual efforts with the subconsultant.

The County's Historic Preservation Planner will:

- a. Prepare archaeological sensitivity maps for the Delaware State Historic Preservation Office, Sussex County Engineering Department, Delaware Parks and Recreation and Whitman, Requardt and Associates, LLP.
- b. Review and monitor field work.
- c. Review products produced as a result of field work.

Assumptions:

- *Approximately 50% of the project area will not require archeological testing, for various reasons.*
- *The determination of where archeological survey takes place is based on a field view with the project team, County and State agencies.*
- *There is no historical architectural evaluation or assessment required.*
- *A Phase I archaeological survey will only be required (essentially determining presence or absence of archaeological materials). Evaluation of National Register eligibility will not be required.*
- *Archeology services will be limited tasks necessary to complete a Phase I survey to DE State standards. Tasks include background research, field survey, artifact analysis and cataloging, report preparation, and contract administration.*

PART I – Preliminary Engineering Report and Environmental Assessment

1. **Background Data Collection** – WR&A will conduct a collection of background environmental data required for the environmental assessment.
2. **Purpose and Need/Alternatives Definition** – WR&A will assess and define the purpose and need of the proposed expansion and provide various alternatives for its completion.

3. **Inter-agency Correspondence** – WR&A will prepare correspondence on behalf of Sussex County for inter-agency review.
4. **USDA Environmental Assessment Forms** – WR&A will complete the required forms for the environmental assessment on behalf the County. This includes the environmental screening checklist.
5. **Environmental Impacts Analysis** – WR&A will investigate the impacts of the proposed expansion on the surrounding environment.
6. **Categorical Exclusion Report Documentation** – This effort will involve development of the low-level Environmental Assessment documentation to reflect the potential environmental impacts of the proposed action. Documents will be developed in a format consistent with USDA National Environmental Policy Act (NEPA) guidelines, and will include documentation of potential impacts, support maps, and inter-agency correspondence.
7. **Preliminary Engineering Report and Environmental Assessment**. Prepare Preliminary Engineering Report and combine with Environmental Assessment (Part I) for submission to RUS and/or DNREC.

Assumptions:

- *Field studies and survey services are not required. There are no historical/archeological resources, coastal zone consistency, floodplain, or rare, threatened or endangered species concerns.*
- *The activity will require the level of documentation appropriate for a finding of no significant impact.*

ATTACHMENT B
GOSLEE CREEK SANITARY SEWER DISTRICT (GCSSD)
REGIONAL COLLECTION AND CONVEYANCE SYSTEM

LIST OF DRAWINGS

<u>Sheet No.</u>	<u>Title</u>
G-1	Title Sheet / Location Plan
G-2	Legend and Notes
G-3	Project Key Sheet
C-1 through C-5	Gravity Sewer and Force Main Plans
C-6 through C-10	Gravity Sewer and Force Main Profiles
DT-1 through DT-5	Utility Details
SC-1 through SC-3	Erosion and Sediment Control Notes and Details
SV-1	Survey Controls and Utility Coordinates and Manhole Keysheet

Pump Stations

C-11 through C-12	PS Utility Plan/Grading Plan and Details
M-1	Mechanical System Characteristics and Details
M-2	Plan and Sections
M-3	HVAC schedules and details
A-1	Control Building Architecture Plan
S-1 through S-2	Structural Plans, Notes and Details
E-1	Electrical Legend and Abbreviations
E-2	Electrical PS Site Plan
E-3	One-Line Diagram and Conduit Schedule
E-4	Grade Level Plan-Power and Lighting
E-5 through E-6	Grounding and Lightning Protection Plans
E-7 through E-8	Electrical Details
E-9	Panelboard Schedule
I-1	Instrumentation Legend and Abbreviations
I-2 through 3	Pump Station Control Panel Elementary Diagram
!-4	Grade Level Plan

		PROJECT NAME:	Goslee Creek Sanitary Sewer District Regional Design
TASK	Project Budget Input Form		Total
	SUMMARY		
			Dollars
Phase A - Project Management			\$15,768
Phase B - Surveys			\$22,486
Phase C - Subsurface Investigation			\$15,999
Phase D - Final Design Pump Station			\$70,093
Phase E - Final Design Pipelines			\$81,918
Phase F - Permits			\$10,087
Phase G - Advertise-Bidding Services			\$5,577
Phase H - Archeological/Historical Surveys			\$12,186
Phase I - Preliminary Engineering Report and Environmental Assessment			\$21,418
PROJECT TOTAL			\$255,532

Subcontractors included in above project total

Archeology (John Milner)	\$10,000
Surveying (Adams-Kemp)	\$20,000
Environmental (ERI)	\$3,000
Borings (TBD)	\$11,000
Total	\$44,000

Redden Ridge Area Annexation
West Rehoboth Expansion
of the
Dewey Beach Sanitary Sewer District

- The Engineering Department is requesting permission to prepare and post public hearing notices for an annexation of parcels of land into the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District.
- The proposed annexation area is south of Warrington Road, and west of Old Landing Road. The area is shown crosshatched on the attached map.
- The area is in Mr. Cole's Councilmatic District.
- The area includes the proposed Redden Ridge subdivision and 4 additional parcels.

Redden Ridge Area Annexation
West Rehoboth Expansion of the
Dewey Beach Sanitary Sewer District



July 15, 2014



Annexation Area



WRXDBSSD



Not To Scale

**The Estates
of Sea Chase**

Breezewood

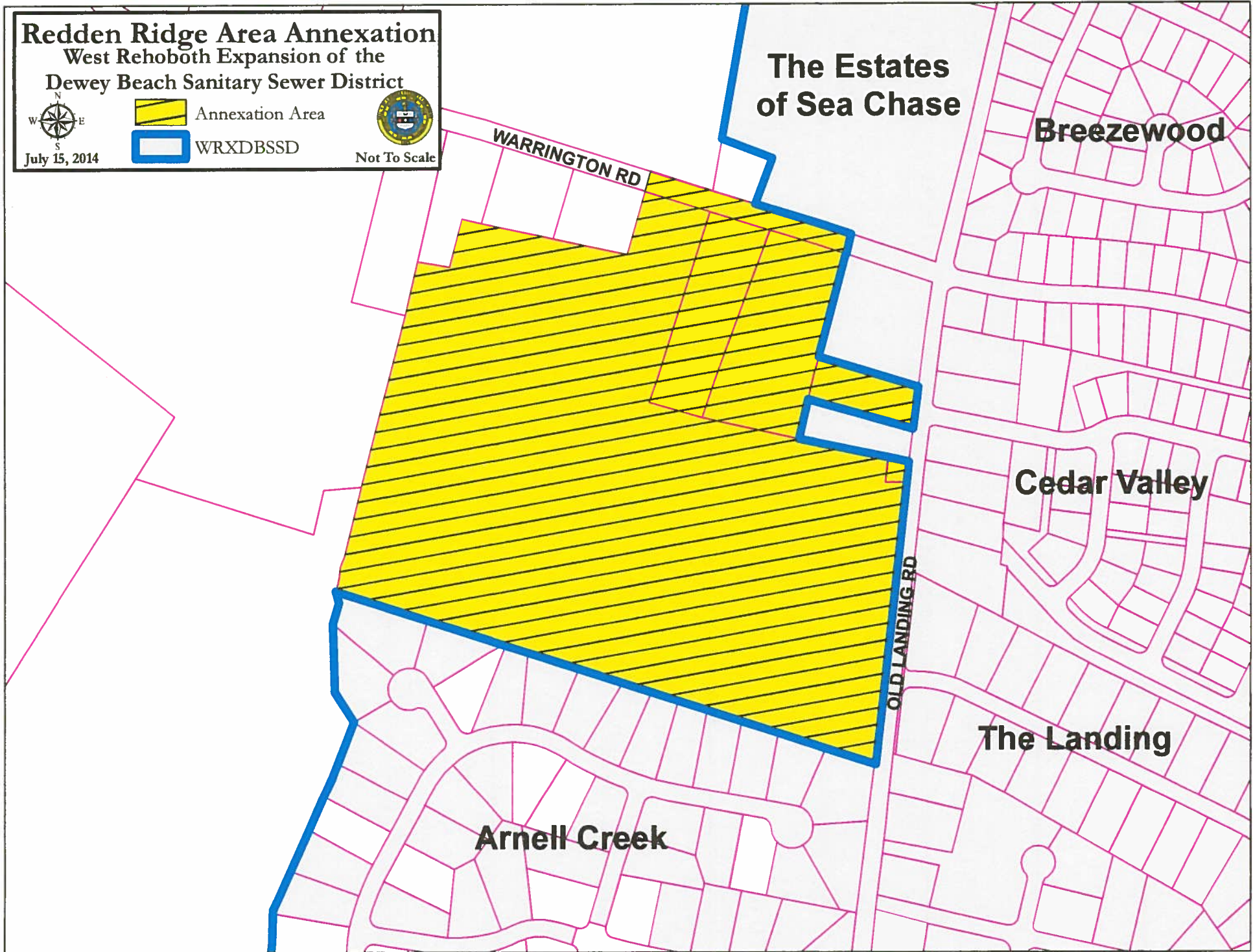
WARRINGTON RD

Cedar Valley

OLD LANDING RD

The Landing

Arnell Creek



February 20, 2014

Michael R. Wigley, AIA, LEED AP
Randy B. Duplechain, P.E.
Charles R. Woodward, Jr., LS
W. Zachary Crouch, P.E.
Michael E. Wheedleton, AIA
Jason P. Loar, P.E.
Gerald G. Friedel, P.E.

Rob Davis
Utility Planning Division
Sussex County Engineering Department
2 The Circle, Box 589
Georgetown, Delaware 19947

RE: Redden Ridge Subdivision
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District
Goslee Creek Planning Area
Tax Map #: 3-34-12.00-122.03
DBF# 2261A006.I01

Dear Mr. Davis,

On behalf of our client, Jack Lingo Asset Management, LLC, we are hereby requesting the Sussex County Council to consider extending the West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District boundaries. The purpose of this extension of boundaries would be to provide sanitary sewer service to the parcel of land referenced by Sussex County Tax Map Parcel Number 3-34-12.00-122.03.

The application fee in the amount of \$1,500.00 (Check #1139) is enclosed as well as a copy of the deed for the property which provides a metes and bounds description.

We thank you for your assistance in this matter. If you should have any questions of concerns please contact me at 424-1441.

Sincerely,
Davis, Bowen & Friedel, Inc.



Ring W. Lardner, P.E.
Associate

P:\JG Townsend\2261A006 Redden Farm\Documents\Redden Ridge - Sewer District Annexation Request.doc

Enc.

PROPOSED MOTION

BE IT MOVED BY THE SUSSEX COUNTY COUNCIL THAT THE SUSSEX COUNTY ENGINEERING DEPARTMENT IS AUTHORIZED TO PREPARE AND POST NOTICES FOR THE EXTENSION OF THE WEST REHOBOTH EXPANSION OF THE DEWEY BEACH SANITARY SEWER DISTRICT BOUNDARY TO INCLUDE THE REDDEN RIDGE AREA, AS PRESENTED ON JULY 15, 2014.

ROB DAVIS
FILE: O&M-9.13-AK
JULY 15, 2014

MILTON CHAMBER OF COMMERCE
P.O. Box 61 - Milton, DE 19966
302-684-1101 – chamber@historicismilton.com
www.historicismilton.com



June 13, 2014

Dear Chamber Member;

Planning has already begun for **Bargain\$ on the Broadkill & Great Duck Race**, scheduled for Saturday, August 23, 2014 in Milton's Memorial Park. This popular, annual event is organized by and benefits the Milton Chamber of Commerce, and along with the Broadkill River Canoe & Kayak Race held the same day, it attracts hundreds and hundreds of people to the Town of Milton.

Last year, the Great Duck Race was the most successful ever with over 500 ducks being sold at \$5 each, and a total of \$2,000 in cash prizes being awarded. We are hoping to make this year's event even more exciting and successful.

As we did last year, in addition to the 1st Place Grand Prize of \$500 that the Chamber sponsors, we would like to award additional cash prizes for those "lucky ducks" finishing in top form. We invite your business to be a sponsor of one of these awards. We will be pleased to name you as a sponsor in our marketing materials, and we will announce your support at the ceremony following the race.

Through the development of special events like **Bargain\$ on the Broadkill & the Great Duck Race**, the Milton Chamber promotes and markets the Town of Milton as an exciting destination. We hope that you will support us and be a part of the Chamber's efforts. Thank you for your consideration.

Sincerely,

Lisa Sumstine
Executive Director

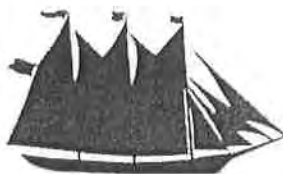


Vicki Sammons
Race Director

We, _____
would like to Sponsor the following Cash Prize

Awards:
\$250 _____; \$150 _____; \$100 _____; \$75 _____; \$50 _____; \$25 _____

(Please make checks payable to: **Milton Chamber of Commerce** and mail to: **PO BOX 61, Milton, DE 19968**)



June 26, 2014

Mrs. Joan R. Deaver, Councilwoman
Sussex County Council
2 The Circle
P. O. Box 589
Georgetown, DE., 19947

Dear Councilwoman Deaver,

Greetings from the Milton Historical Society & Museum! This year we will be holding our 9th Annual *Best of Milton Auction* on Saturday, September 6th 2014 and hoping to make it the best year yet. This year our theme is "The Best of Milton Auction...Goes 1920s!" in honor of our new exhibit focusing on Prohibition in Milton. Last year we had our most successful Auction to date and the funds raised from it supported the museum's programs, walking tours, lectures, new exhibitions and a wide variety of educational programs for local children.

The MHS would be honored if you would support our event once again through a donation of \$1000.00. Your contribution will assist our efforts to collect, preserve, and interpret the history of Milton and the Broadkill Hundred for our growing community.

If you have questions, feel free to call the museum at 302-684-1010 or send an email at info@historicmilton.org. All donations will be acknowledged with a receipt. The MHS is a 501(c)(3) non-profit charitable organization and our tax ID number is 23-7158119.

We thank you for your consideration of this request and hope to see you at the event!

Sincerely,

A handwritten signature in cursive script that reads "Allison Schell".

Allison Schell, *Director*

The Milton Historical Society is a 501 c3 non-profit organization. All donations are tax-deductible in accordance with IRS regulations.

Frankford Town Council

5 Main St., P.O. Box 550
Frankford, Delaware 19945
(302) 732-9424

June 23, 2014

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

Dear Mr. Phillips, *Vance*

On behalf of the Town of Frankford I would like to request your consideration in making a donation/ grant in the amount of \$750.00 for use at our Town Park. Over the past three years we have worked to make substantial improvements to our small park. Your donation would be used to complement this project by sponsoring new picnic tables.

Thank you in advance to your consideration and I look forward to your reply.

Respectfully,



Terry H. Truitt
Town Administrator
Town of Frankford

Ladies Auxiliary of the Georgetown Fire Co., Inc.
P.O. Box 576
Georgetown, Delaware 19947



Sussex County Council
PO Box 589
Georgetown, DE 19947
Attn: Administration Office

June 13, 2014

Dear Council Members:

The Georgetown Fire Company has recently completed a major renovation and project on the fire hall. This project included expanding and renovating the existing kitchen to nearly double the original size. After working in the new kitchen for a couple of events, we are finding a need to acquire some new equipment to better utilize the expanded space. The equipment includes but is not limited to: Pots, serving utensils, floor mats, stools, aprons, warming trays, beverage containers, etc. The Georgetown Fire Company and Ladies Auxiliary hosts several county wide events throughout the year, such as Caroling on the Circle, Sussex County Return Day and many county wide fire service meetings and trainings. The Ladies Auxiliary of the Georgetown Fire Company would like to request your assistance in funding some of these needs. We would like to request a grant of \$2000.00.

Thank you for your time and consideration of this grant.

Sincerely,

Regina Headley Marvel
Past President

Wendy Ward
President



Administration: (302) 629-7329
Fax: (302) 629-7870



20 West 4th Street
Blades, Delaware 19972

POLICE DEPARTMENT

June 2, 2014

Councilman Michael Vincent
Sussex County Council
P.O. Box 589
Georgetown, DE 19974

**Subject: Blades 9th Annual
National Community Night Out**

Dear Councilman Michael Vincent,

Blades Police Department is hosting our ninth annual National Night Out community event on Tuesday, August 5, 2014, (6pm – 8:30pm) in the Blades Public Park. I have reached out to a number of local businesses in the community for their support to help make this community function a huge success ...and the response has been great. I'm inviting the Sussex County Council membership to attend and asking the organization to lend any financial support they can.

Our cost to host this community event comes in the manner of refreshments, hot dogs, hotdog rolls, cookies, bags of charcoal, tent rentals, parking signs, entertainment and the like. Come out and help us celebrate our ninth annual National Night Out and thanks for your support.

Respectfully,

Edwin Cooke

Edwin Cooke
Chief of Police

LAUREL SCHOOL DISTRICT

District Office

1160 S. Central Avenue

Laurel, Delaware 19956 · (302) 875-6100 Fax (302) 875-6106



Excellence: Believe It ... Achieve It!

June 16, 2014

Sussex County Council

2 The Circle, P.O. Box 589

Georgetown, DE 19947

Dear President Vincent,

I am writing on behalf of the Laurel Senior High School Varsity Softball Team in an attempt to try and raise money to purchase state championship jackets. In order for us to celebrate the success of these girls, we could use your financial support. The girls on the 2014 Laurel Varsity Softball Team are the first girls in the history of the Laurel School District to bring home back to back state titles. We would like to honor these girls with something special to celebrate their accomplishment and I would appreciate any financial assistance you can offer.

We are appreciative that you will consider our request by supporting our two time State Softball Championship team. We are indeed fortunate to have such a supportive and caring community. On behalf of all the players who will benefit from your generous donation, I offer our most sincere thanks.

Checks could be made out to Laurel High School with softball in the memo and could be mailed to my school address: Mrs. Jodi Green

North Laurel Elementary School

300 Wilson Street

Laurel, DE 19956

Respectfully yours,

A handwritten signature in cursive script that reads "Jodi Green". The signature is written in black ink and is positioned above the printed name.

Jodi Green

Laurel High School Softball Coach

(443) 880-3609

Greater Seaford Chamber of Commerce
304 A High Strret
Seaford, DE19973
June 14, 2014

Sussex County Council
Attn: The Honorable Michael Vincent
2 The Circle P.O. Box 589
Georgetown, DE 19947

Dear President Michael Vincent,

The Greater Seaford Chamber of Commerce is working this year with the Woodland Ferry Association and preparing to put on its 18th Woodland Ferry Festival, Saturday, September 13, 2014. The Association was established in 1993 to celebrate the 200th anniversary of the historic Woodland Ferry. Over the course of the last twenty-one years, the festival has become our official fundraiser with the proceeds used to promote the ferry, the historic community of Woodland and maintain the two small parks alongside the ferry slips on the Seaford and Bethel-Laurel sides. When funds permit, we award scholarships to deserving local students. The festival also serves to showcase this historic area to those unfamiliar with it.

When the former ferry, the "Virginia C" was retired and the "Tina Fallon" was being constructed, the festival was unable to be held for three years (2010-2012). Last year the association decided to bring back the festival, and work with the Greater Seaford Chamber of Commerce.

This year we are requesting a grant from the Sussex County Council to help defray our expenses which are increasing. One expense in particular is a result of the need to change our Handicapped parking area which has been located in the parking lot of the Woodland UM Church. Accessing the lot requires allowing vehicular traffic to pass through the event site, a section of the Woodland Ferry and Woodland Church roads along the banks of the Nanticoke River. This has proven to be a safety hazard. Our solution is to change the parking area and provide handicapped access to the festival site through the use of Golf carts. The rental and delivery cost for two (2) six (6) passenger gasoline -powered carts is \$678.00. A grant to cover or reduce this expense would be most appreciated.

Sincerely,
Lynn Brocato
Executive Director
Greater Seaford Chamber of Commerce



FOR THE NEXT
50 YEARS
C A M P A I G N

111 Adams Avenue
Lewes, Delaware 199
302-645-27
www.leweslibrary.org

Michael J. Raw
Campaign Manager
302-644-011

May 19, 2014

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

Dear Councilwoman Deaver:

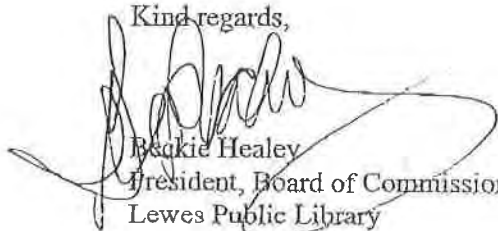
Thank you for your interest in the Lewes Public Library Capital Campaign. As our service area's population has grown, there have been increased demands for library services. While our present building has served us well, it is now too small to accommodate current needs, let alone the expected level of growth anticipated for our area. Since our building cannot be feasibly expanded, we are building a new library on land adjacent to the existing library.

Enclosed please find a case for support, outlining the plans for the new library and how it will meet our community's needs for the next fifty years. At 28,500 square feet, the new library will be almost double the current size, with three times as much parking. It will be in a park-like setting where it will be the nexus for an emerging rail-trail system to and from Rehoboth Beach and west toward central Sussex County. This state-of-the-art facility will offer expanded services for children and adults, additional programming and training, and increased access to technology.

To help finance this project, we are requesting \$20,000 in Councilmanic grants to be distributed over the next three years, beginning in June 2014. These funds will help the library complete its building project -- a new library for the greater Lewes area.

The Council supported the library in 2013 with a grant of \$12,500 to help fund the start up of the Capital Campaign, for which we were very thankful. Additional support will make it possible for us to build a library that will serve our community into the mid-21st century. We hope you will consider this request for \$20,000 favorably. Thank you very much for your hard work and dedication to your constituents. As always, your support it is deeply appreciated.

Kind regards,


Reekie Healey
President, Board of Commissioners
Lewes Public Library



Laurel American Legion, Post 19

P.O. Box 329 — Laurel, Delaware 19956-0329

June 15, 2014

Sussex County Council

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

Dear Council Members,

The Laurel American Legion Post 19 is happy to announce we are in the process of planning the second annual Veterans Day Parade in Laurel, Delaware. This years parade will be held on Saturday, November 8th at 11 am. This parade is held to honor all that has served in the military forces. We were very pleased with our first parade last year. We were honored with participants from Sussex County, Kent County and Maryland. A special honor was to have The United States Air Force Honor Guard lead the parade and the participation of the Korean War Veterans Association from Kent and Sussex Counties.

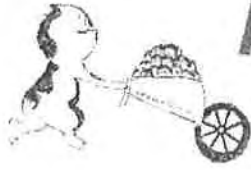
We are working to expand the parade this year. We are please to have a volunteer offer her publicity experience to help get the word out to the public. We are also attempting to include more school bands and floats in this years parade. Many school bands and ROTC Units are unable to participant in events due to travel cost. This year we are hoping to assist with some of these costs and possibly make this a judged event. It is our hope to grow this parade to be a Eastern Shore event.

This special event would not of been possible without the generous grant from the Sussex County Council last year. We are respectfully requesting your financial support for the parade again this year. We hope that you will also support our efforts to grow this event. We would like to request \$2,500 to help with funding local high school bands, assist with the cost of judging and to help with promotion of this event.

Your continued assistance would be greatly appreciated.

Thank You,

Donald L. Gootee
Commander
Laurel American Legion Post 19
302-875-5688
Sussexvetday@gmail.com



Apple-Scrapple Festival, Inc.

P. O. BOX 206,
Bridgeville, DE 19933



Dear Friends:

This letter is being sent to you as an invitation to become an official sponsor of the largest festival this side of the Chesapeake Bay! Once again, it is time to think about the 23rd Annual Apple-Scrapple Festival. The festival will take place on the second weekend of October, the 10th & 11th, 2014.

The festival, organized in 1992, is held annually to help promote western Sussex County and actively involve all community organizations, help elevate awareness of agriculture, and is one of the most important fundraisers for many of our local non-profit organizations. The festival is run completely by an all-volunteer committee for the benefit of the surrounding community. There is a website, www.applescrapple.com, dedicated to the festival where you can check for the latest information. Attendance in past years has been in excess of 25,000 people.

Advertising plays a large role in the overall success of the festival. Monies raised through advertising provide funds for the expenses of the festival including entertainment, publicity, printing, crowd control, sanitation, rentals, transportation and awards. **Your advertisement is placed in over 20,000 Official Festival Booklets which are printed and inserted in newspapers throughout the surrounding area.** In addition, these booklets are distributed to restaurants and several local events prior to the festival, giving our advertisers optimum exposure for their ads. In addition, we offer a link from our website to the website of anyone who is a \$1000 sponsor. New this year, we will have an online version of the sponsorship book that will be on our webpage and a link that you can share on your webpage. With all of the new residents locating in the surrounding areas; sponsorship is a great way to introduce your goods and services to these new community members!

Listed on the attached page you will find sponsorship packages available to you and your business. Please select the package best suited for you and return it to the committee with your check made payable to APPLE-SCRAPPLE FESTIVAL **no later than July 1, 2014.**

The Official Apple Scrapple Festival Booklet is the only form of sponsorship that benefits the Apple Scrapple Festival.

Festival Sponsor & Program Book Chairman
Shelly McCarron



www.autismdelaware.org

June 17, 2014
Council Members

Sussex County Council
2 The Circle, PO Box 589
Georgetown, DE 19947

Dear Council Members,

On Saturday, September 20, 2014, Autism Delaware will host the renowned Blue Jean Ball at the Rehoboth Beach Convention Center. This event has quickly become the event to be and be seen in Sussex County. The evening will consist of appetizing hors d'oeuvres, dancing and a fabulous auction! We'll revel to the sounds of Love Seed Mama Jump, get decked out in sparkling yet casual attire, enjoy specialty cocktails, beer and wine – all while raising money to support families with autism! Tickets are \$85 each or can be purchased as part of a sponsorship package. Ticket price will increase to \$100 on September 6th so get yours today! Tickets and sponsorships can be purchased online at www.BidPal.net/BlueJeanBall or by calling the Lewes office at (302) 644-3410.

We would like to invite you to join us as we support Autism Delaware's vocational, public awareness, advocacy and other programs by attending this special event as a sponsor!

Autism Delaware serves individuals and families affected by autism throughout Delaware. The Lewes office provides services not only for children with autism, but has added services for adults with autism through Productive Opportunities for Work & Recreation or POW&R for short. As the mother of an adult son of autism, I understand firsthand the critical nature of these services. POW&R is currently assisting our family as my son transitions from high school to the working world. POW&R will help him find and maintain a job supporting him in his journey the entire way. The unique feature of POW&R is that it includes the social and recreational piece of this puzzle that is so needed with adults on the spectrum. The POW&R program is a huge advancement in services that is unique to Delaware.

Supporting this event will not only ensure the continuation and growth of the services provided by Autism Delaware but gain market awareness, reinforce loyalty to current customers and find new customers among our high-end consumers. Your sponsorship is an investment in Delaware families and your own business.

We truly hope you will join us in supporting the Blue Jean Ball this year. To purchase a sponsorship, please visit our web site at BidPal.net/BlueJeanBall. There you will also be able to choose the sponsorship level that best you're your needs, preview and even pre-bid on our auction items and purchase raffle tickets.

We hope you will join us!

Sincerely,

Dorian Rowe Kleinstuber
Co-Chair, Blue Jean Ball Committee and Autism Delaware Board member

South Bethany Historical Society
Town of South Bethany
402 Evergreen Road
South Bethany DE 19930



Do not
cover over
"Note" for
Council
packet

June 19, 2014

Note: The check will be made payable to the "Town of South Bethany" who is a nonprofit as a municipality.

The Honorable Vance Phillips
Sussex County Council
Administrative Office Building
2 The Circle, P.O. Box 589
Georgetown, DE 19947

Dear Councilman Phillips:

This letter is in response to the letter sent to the Town of South Bethany regarding funding for what the Town feels is a worthy organization. We, The South Bethany Historical Society organization, have worked very hard at preserving the history of our Town and could benefit greatly from such funds. The SBHS has been in existence about four years and has accomplished an amazing amount in that period of time. For example, we have recently published a book about the history of South Bethany entitled, *The Best Little Beach in Delaware*.

Funding is needed for two purposes. First, SBHS needs a fireproof four drawer file cabinet with a lock to use for storage of historical materials that have been preserved using appropriate archival methods and materials. We have had an agreement with Salisbury University which provided for storage of historic materials in the University vault in the library. The agreement has expired and any future agreement is contingent in SBHS transferring ownership of the materials to the University which was not acceptable to the SBHS. A fireproof file cabinet will cost about \$710.

Second, SBHS needs funding for the purchase of archival preservation materials in order to properly preserve recently donated documents. We also need funding to pay for a consultant to help with the proper preservation of the documents. Materials needed would cost \$225 and the consultant costs are estimated at \$175 totaling \$400 for preservation.

Total funding needed is: file cabinet - \$710; preservation - \$400 with a total request of \$1110.

SBHS is currently not a 501 (c) (3) organization. However, the Town of South Bethany has accepted funding from the Delaware Humanities Forum (DHF) on behalf of the SBHS and is prepared to do so with any funding that Sussex County can provide.

The Honorable Vance Phillips

Page 2

June 19, 2014

Thank you for thinking of South Bethany organizations as potential benefactors of funding available through Sussex County. Please let me know if you need additional information or have questions regarding this request.

Sincerely,

A handwritten signature in cursive script that reads "Maria Johansen".

Maria Johansen

Pres. South Bethany Historical Society

cc Pat Voveris, Mayor
Melvin Cusick, Town Manager



DELAWARE POLICE CHIEFS' COUNCIL, INC.

400 SOUTH QUEEN STREET, DOVER, DELAWARE 19904



Telephone: (302) 739-5411 Fax: (302) 736-7146

OFFICERS 2014-2015

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Georgetown

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Chief William Bryson
Camden

2nd Vice Chairman

Chief Jeffrey Horvath
Lewes

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DNREC, Parks & Recreation

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Chief Brian Hill
Clayton

Chief James F. Deloach
South Bethany

Chief Patrick Ogden
University of Delaware

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Chief Jeffrey Horvath
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Chief Michael Capriglione
Newport

STAFF

Martin W. Johnson, III
Coordinator

Donna M. Mills
Executive Assistant

John F. Brady, Esq.
Legal Advisor

June 18, 2014

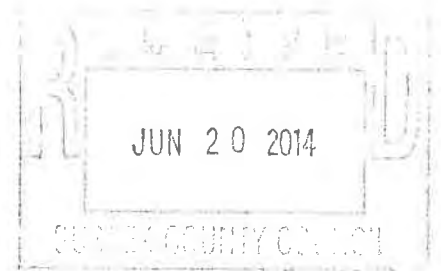
Mr. Michael Vincent, President
Sussex County Council
PO Box 589
Georgetown, DE 19947

Dear Mr. Vincent:

This is a request for your assistance in providing partial reimbursement for expenses to permit Mr. Martin Johnson our Local Police Coordinator, for attending a meeting of the Committee of Executive Directors, International Association of Chiefs of Police Training Conference in Orlando, Florida, from October 25 through October 28, 2014. The directors' meeting is held in conjunction with the State Association of Chiefs of Police (SACOP).

The Delaware Police Chiefs' Council is assisting local departments in meeting professional policing standards to qualify them for state accreditation. Accreditation, in addition to a wealth of other workshops on innovations in policing and management of state associations, will be discussed and promoted at this meeting. A key to attending is being able to first hand identify those issues and trainers we should bring to Delaware.

SACOP has a very exciting and informative meeting planned. They will be holding training sessions on grant funding, police consolidation, and holding a special Sunday afternoon session on addressing the unique challenges facing smaller departments and building a policy platform that will allow SACOP and the IACP to meet their needs.



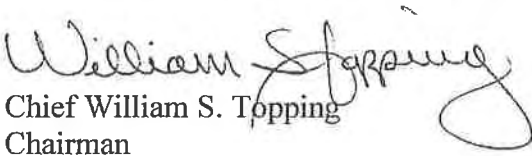
Sussex County Council
Assistance request for SACOP
June 18, 2014
Page 2


The General Assembly appropriation for local police coordination falls short of providing full funding for our operations which in part, provides technical and management assistance of Sussex County police departments. 25 of the 43 departments consist of less than 15 officers; and 18 of these departments are within Sussex County. The bulk of Martin's time is spent on behalf of small departments.

Attendance at out-of-state training programs is difficult without supplemental funding. Your assistance in helping by providing \$500.00 of the anticipated costs would be extremely helpful in meeting our objectives of maximizing the effectiveness of local departments.

Thank you for your consideration in this matter.

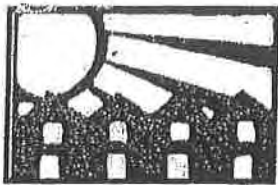
Sincerely,


Chief William S. Topping
Chairman


Martin W. Johnson, III
Executive Director/Coordinator

WST: dmm

Cc: ✓ Mr. Todd Lawson
County Administrator



FirstState
COMMUNITY ACTION AGENCY
People Helping People Build Community

June 4, 2014

Councilman Sam Wilson
 2 The Circle
 P.O. Box 589
 Georgetown, DE 19947

RE: Walker's Mill Civic Association

Dear Councilman Wilson:

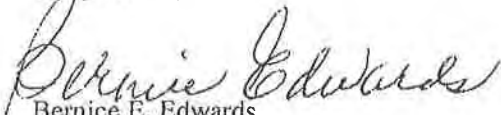
Walker's Mill Civic Association's mission is to "bring the community together in order to provide a safe and healthy environment for the children and families of the community". Our organization is designed to provide and sustain youth initiative programs and help them improve the appearance of their community.

Walker's Mill Civic Association in partnership with First State Community Action Agency will be hosting a Block Party on June 28, 2014 in the community for the families. This event will include vendors who will provide healthy and educational items to the families of Walker's Mill. We are requesting a monetary gift of \$500.00. Your donation will be utilized to purchase the following items:

- Entertainment**
- Food**
- Paper Products**

Ms. Martina Duffy, Community Development Specialist, First State Community Action Agency will provide technical assistance for the event. If you have any questions, please feel free to contact Ms. Duffy at 302-856-7761 ext. 110 or Ms. Tanya Mann at 302-430-4268. We thank you and appreciate any assistance you can give us for this event.

Respectfully,


 Bernice E. Edwards
 Executive Director

Stanford L. Bratton Building
 P. O. Box 877
 308 N. Railroad Avenue
 Georgetown, Delaware 19947
 Email: firststatecan.org

Phone: 302 - 856 - 7761
 800 - 372 - 2240
 Fax: 302 - 856 - 2599

Blue Hen Corporate Center
 655 S. Bay Road, Suite 41
 Dover, Delaware 19901

Phone: 302 - 674 - 1355
 Fax: 302 - 674 - 5229

Rose Hill Community Center
 19 Lambson Lane, Suite 8
 New Castle, Delaware 19720

Phone: 302 - 498 - 0454
 Fax: 302 - 575 - 1409

Board of Directors

Sussex County
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 Eugene Dvornick
 Pastor Woodrow Evans
 Kim Klabe
 Thomas Sturgis
 Brad Whaley
 Evelyn Wilson
 Rev. Max Wolf

Kent County
 Albert Biddle
 Nelson Driggus
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 Sandra C. Sutton, Ed.D
 Rev. Winton M. Hill III

New Castle County
 Gwendoline B. Angalet, Ph.D
 Beryl Baltimore
 Timothy Crum-Bey
 Anne M. Farley, Ph.D
 Marcus A. Henry
 Jawanna Saunders
 Peggy Strine

Executive Director
 Bernice Edwards



Member of
 Community Action Partnership

Town of Dagsboro

33134 Main Street
P.O. Box 420
Dagsboro, Delaware 19939
Phone (302) 732-3777
Fax (302) 732-3907

June 30, 2014

Vance Phillips, District 5 Councilman
Sussex County Council
P.O. Box 589
Georgetown, DE 19947

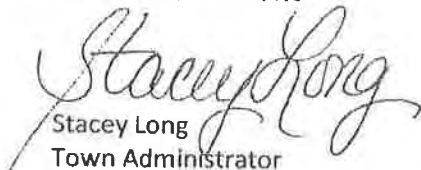
RE: Councilmanic Grant Program

Dear Councilman Phillips,

The Town of Dagsboro will be hosting its first Annual Christmas Parade on December 11, 2014. The Town's residents and Council members are really excited to begin this new tradition and continue it for many years to come. We believe that with your financial assistance, this will be a great success. Since this is a new venture for the Town there will be some upfront expenses involved and the Town is requesting \$1,200 in financial assistance from the Councilmanic Grant Funds. This is a wonderful community event and it brings the community together in the spirit of the holidays. If you have any questions, please contact me at Town Hall at (302)732-3777. Thank you for your consideration.

Sincerely,

TOWN OF DAGSBORO


Stacey Long
Town Administrator



GEORGETOWN HISTORICAL SOCIETY

510 S. Bedford St.
Georgetown, DE 19947

June 18, 2014

The Honorable Sam Wilson, Councilman
c/o Sussex County Council
The Circle
Georgetown, Delaware 19947

Re: Nutter D./ Marvel Carriage Museum
Carriage Barn

Dear Mr. Wilson:

I am writing to you to ask for financial help building the Carriage Barn on the Museum complex. We all are familiar with Return Day; what many are not aware of is that the Marvel Museum and the Historical Society Board of Directors are charged with maintaining and housing the carriages used in the Return Day Parade. The carriages are showing their age. Repair and upkeep is quite costly; moving them from building to building is not always easy. With your help we can maintain and display the carriages as they should be.

To date we have spent over \$12,000.00 on permits, engineering, studies, applications and drawings, and have not yet broken ground. Our goal is to have the barn up, ready and functioning before Return Day 2014.

Please call me if you would like to discuss our request further.

Very truly yours,

A handwritten signature in cursive script that reads "James E. Bowden, Jr." The signature is written in dark ink and is positioned above the printed name.

James E. Bowden, Jr.
President, GHS

JEB/sm



**Coverdale Crossroads
Community Council, Inc.**

COVERDALE CROSSROADS

P O Box 646
11575 Fisher Circle
Bridgecille, DE 19933

Phone: 302-337-7179

President: Evelyn Wilson

Vice President/Treasurer:
Woodrow Evans

Secretary: Mary Lingered

Chaplain/Sergeant at Arms:
James Wilson

June 03, 2014

Samuel Wilson, Councilman
Sussex County Council
Administrative Office Building
2 The Circle
PO Box 589

Georgetown, DE 19947

Dear Mr. Wilson

I am writing this letter on the be-half of the Coverdale Crossroads community. On June 02, 2014 at our community meeting, the residents agreed that our play ground need an upgrade. We decided that it would be better to replace the wooden play ground set located at community center. for the safety of the children, The old one needs to be torn down because it is unsafe, so, we would like to beautify our community by replacing the old set with a new affordable commercial play ground set.

Our youth need a safe play to play; matter of fact, this playground set will be beneficial and available for our residents. On the other hand, this project will improve the appearance of the exterior of the community center; plus, it will serve as testament of what we stand for. In order to improve the quality of life, we should make things better.

We feel as though, our youth have earned and deserve a new play ground set. For the past ten years, since I have been working with our youth, I have seen them grow by participating in our youth programs. We have had great attendance, good grades and honor students; above all, our youth also volunteer when needed. As a result, many of our students have become productive citizens. We have several in college, in the military or have obtain jobs. But, these young men and women have not forgotten where they came from; occasionally, our graduates will pay a visit to either check on our program youth, volunteer their time or inform us of their success.

Our youth have ask time after time when are we going get new play ground equipment; this project will make an big impact on our community. Everyone involved have become inspired because we have form a work group to remove the old set and to paint all of the other equipment.

As a result , we have partnered with First State Community Action Agency to complete this project. We have \$14,000; but, the playground set cost \$ 15, 715. So, we are requesting \$1, 715 from your councilmatic funds to assist the Coverdale Crossroads community with this project because we are a low-income community trying to improve the quality of life for our residents.

We are very grateful for your support.

Sincerely,

Evelyn Wilson, President

Encl: invoice and picture/description of Commercial Playground Set

Encl: Picture of playground set/invoice

Bridgeville Historical Society

*P. O. Box 306
Bridgeville, DE 19933*

July 1, 2014

Mr. Sam Wilson
15376 Wilson Hill
Georgetown, DE 19947

Dear Sam,

As per your request from our conversation Monday, June 23, 2014, I am sending this letter from the Bridgeville Historical Society asking for some financial support regarding the restoration of a Dearborn horse-drawn wagon made in Bridgeville about 1913 by J. E. Harris, a Bridgeville blacksmith and wagon-maker.

This wagon, better known as a "durbin," was typical of farm wagons in this area during the 19th and early 20th centuries and the Society wishes to preserve this example of early rural transportation. We plan to have this project completed in time to display it at the Apple-Scrapple Festival in October of this year.

We are a tax-exempt non-profit 501©3 corporation. Our E. I. number is 51-0201413. Any assistance you can offer would be greatly appreciated. The members of the Bridgeville Historical Society wish to thank you for your interest.

Sincerely,



Howard E. Hardesty

President, Bridgeville Historical Society

PUBLIC HEARINGS
July 15, 2014

This is to certify that on May 8, 2014 the Sussex County Planning and Zoning Commission conducted public hearings on the below listed application for Conditional Use and Change of Zoning. At the conclusion of the public hearing, the Commission moved and passed that this application 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 hearing are findings of the Planning and Zoning Commission based on a summary of comments read into the record, and comments stated by interested parties during the public hearing.

Conditional Use #1987 – Brian and Kelly DeLeon

Application of **BRIAN AND KELLY DELEON** to consider the Conditional Use of land in an AR-1 Agricultural Residential District for a cross fit training gym to be located on a certain parcel of land lying and being in Indian River Hundred, Sussex County, containing 8.50 acres, more or less, land lying southwest of Route 30 (Gravel Hill Road) 1,605 feet southeast of Route 47 (Springfield Road) (Tax Map I.D. # 2-34-8.00-51.00).

The Commission found that the Applicants submitted surveys and site plans with their request for Conditional Use.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on January 29, 2014 which reference that a traffic impact study was not recommended and that the current Level of Service “B” of Route 30 will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on May 1, 2014 which reference that the site is not located in a proposed or current County operated and maintained sanitary sewer and/or water district; that the site is located in the North Coastal Planning Area; that an on-site septic system is proposed to be utilized; that conformity to the North Coastal Planning Study will be required; that the proposed project is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on May 5, 2014 which reference that there are two soil types; that the Applicants will need to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that the project should not necessitate any off-site drainage improvements; that it is not likely that the project should require any on-site drainage improvements; and that no tax ditches are affected.

The Commission found that Brian DeLeon was present and stated in his presentation and in response to questions raised by the Commission that he originally started out as a home occupation instructing one client at a time and that the business has grown; that he is open for his clients seven (7) days per week with hours Monday through Thursday from 5:30 a.m. to 7:00 p.m. Fridays from 8:00 a.m. to 6:00 p.m., Saturdays from 8:30 a.m. to 9:30 a.m. and Sundays from 10:00 a.m. to 11:00 a.m.; that he has three (3) other trainers that assist him and are paid in membership hours to use the facility; that he would like to be able to erect a lighted sign; that he has motion lights on the building for security; that he resides in the dwelling on the premise; that an on-site septic system exists for the dwelling and a porta-toilet is available for the clients; that he does sell t-shirts and sports drinks at the facility; that he hopes to average 60 to 65 clients per day with a maximum of 5 to 15 clients per hour; that the facility is located within the pole barn; that he would have no objection to reducing the size of the requested area of the Conditional Use; that the only outdoors activity is an occasional running or jogging out to the entrance and back to the facility; that his father and mother-in-law are neighbors; and that he has spoken to James Wilson at Wilson's Store and heard no objections.

The Commission found that there were no parties present in support of or in opposition to this application.

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

On May 8, 2014 there was a motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On May 22, 2014 the Commission discussed this application under Old Business.

Mr. Smith stated that he would move that the Commission recommend approval of Conditional Use No. 1987 for Brain and Kelly DeLeon for a Conditional Use to operate a Cross Fit Training Gym based upon the record made during the public hearing and for the following reasons:

- 1) This use originally started out as a home occupation with no employees. It has grown over time to include several trainers besides the Applicant. The number of clients has increased as well. Still, it primarily remains a home-based business.
- 2) While much of the property will be used for outdoor training purposes at times, the bulk of the use is limited to a pole barn which is on the property.
- 3) The Applicant resides on the property and will continue to reside there throughout the use. The property is also surrounded by members of the Applicant's family.
- 4) The use is limited in scope and will have little or no impact on neighboring properties, traffic, roadways or community facilities.

- 5) The use promotes the health, safety, welfare and general convenience of Sussex County and its residents.
- 6) There were no parties that appeared in opposition to the Application.
- 7) This recommendation is subject to the following conditions:
 - a. The use shall be limited to the hours of 5:30 a.m. to 7:00 p.m. Monday through Friday, and 8:30 a.m. to noon on Saturday and Sunday.
 - b. One lighted sign not to exceed 32 square feet per side shall be permitted.
 - c. Any security lights shall be downward screened so that they do not shine on neighboring properties or communities.
 - d. Parking shall comply with Sussex County parking regulations. All parking spaces shall be clearly marked on the Final Site Plan as well as the site itself.
 - e. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Smith, seconded by Mr. Burton, and carried with four (4) votes, 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 4 – 0. Mr. Johnson abstained.

Change of Zone #1748 – CMF Bayside, LLC

Application of **CMF BAYSIDE, LLC** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural 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 27.896 acres, more or less, land lying southwest of Sand Cove Road (Road 394) 1,800 feet southeast of Route 54 (Lighthouse Road) and northeast of Williamsville Road (Road 395) 2,000 feet southeast of Route 54 (Lighthouse Road) (Tax Map #5-33-19.00-287.00).

The Commission found that the Applicants submitted surveys and site plans with their application on January 29, 2014, and that the Applicants submitted Exhibit Booklets for consideration on April 25, 2014. The Exhibit Booklets contain a cover letter, the application form, site plans and aerial photographs depicting the site plan; a letter addressed to the Commission on the Environmental Assessment and Public Facilities Evaluation; a copy of the PLUS (Preliminary Land Use Service) application, dated July 19, 2013; a copy of the PLUS comments, dated September 25, 2013; a copy of the Responses to the PLUS comments, dated January 15, 2014; references to the surrounding area and zoning, by copies of a series of maps from the Comprehensive Land Use Plan and Zoning Map, and aerial photographs; a copy of the deed to the property; a summation of a Pre-Design Meeting with the Sussex Conservation District; a letter of No Objection to Recordation; a willing and able to serve letter from Artesian Resources; and an approved concept plan approval from the County Engineering Department.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on May 2, 2014 which reference that the site is located in the Bayview Estates Sanitary Sewer District; that wastewater capacity is available; that Ordinance 38 construction will be required; that the current System Connection Charge Rate

is \$6,489.00; that the proposed project will connect to an existing manhole at Williamsville Road, in accordance with the approved sanitary sewer concept plan; that conformity to the South Coastal Planning Study, 2005 Update, will be required; that connection to the sewer system is mandatory; that the proposed project is within planning study and system design assumptions for sewer service and there will be adequate capacity for the project as proposed; that the Engineering Department has no objection to the proposed development as long as sewer service is in accordance with the sanitary sewer concept plan that was approved on November 13, 2013; that the County requires design and construction of the collection and transmission system to meet County Engineering Department standards and procedures; that the County Engineer must approve the connection point; that all costs associated with extending sewer service will be the sole responsibility of the developer; that proper disconnection of the existing dwelling on the parcel is required prior to commencement of site work, issuance of a building permit or prior to demolishing the dwelling; that a proper disconnection requires a disconnection permit issued to a Sussex County licensed plumber and inspection by County personnel; and that a concept plan is required.

The Commission found that TAC (Technical Advisory Committee) agencies providing comments include DelDOT, DNREC Wastewater and Hazardous Substances/SIRS, DNREC Tank Management Section, Department of Agriculture Forest Service, the Office of the State Fire Marshal, DNREC Wetlands and Subaqueous Lands Section and Wetlands/Soil Assessment Branch, the Natural Resources Conservation Service, the County Engineering Public Works Division, and the Sussex Conservation District.

The Commission found that Vincent Robertson, Assistant County Attorney, reviewed the record for the application and commented that this is an application for a MR-RPC; that it will be incorporated into the existing Americana Bayside Development; that, as such, it is presumed that it will be governed by the existing and recorded Bayside governing documents or an amendment to them; that maintenance of the streets and roadways must be provided in the recorded governing documents for this expansion of the Bayside development; that maintenance of the common areas, the storm water management areas, surface drainage facilities, erosion and sedimentation control facilities and buffer areas must be provided in the recorded governing documents for this expansion of the Bayside development; and because there appears to be wetlands on this site, the governing documents must contain the wetlands notice required by 99-6(H) of the County Subdivision Code.

The Commission found that James Fuqua, Esquire of Fuqua, Yori & Willard, P.A., Stephen Marsh, Professional Engineer from GMB George Miles and Buhr, and Ed Launay, Soil Scientist from Environmental Resources, Inc. were present on behalf of this application and stated in their presentations and in response to questions raised by the Commission that they are proposing an expansion to the existing Americana Bayside Residential Planned Community; that the original application (C/Z #1393) was approved in 2001 for 1,700 residential units with a mix of single family detached dwellings, townhouses, multi-family dwelling structures, commercial areas, open space, and a public golf course; that in 2011 the project was expanded (C/Z #1701) to add an additional 55 units; that to date approximately 700 residential units have been constructed; that this site is across from Phase 6 of the project and adjacent to Sea Country Estates, a recorded subdivision; that they are proposing to develop 93 units (30 single family lots to the west and

east sides, 30 duplex units, and 33 townhouse units”; that access is proposed from both Sand Cove Road and Williamsville Road; that a wetlands delineation has been completed and that they found 0.2 acres of regulated Federal wetlands on the property; that the wetlands are not intended to be disturbed; that central water will be provided by Artesian Resources; that public sewer will be provided by Sussex County; that DelDOT has approved the entrance locations; that the project is in accordance with the Comprehensive Land Use Plan (Plan); that the project is located in an Environmentally Sensitive Developing Area, a growth area; that the Plan references that housing in an Environmentally Sensitive Developing Area could be single family detached dwellings, multi-family dwelling structures, and townhouses; that the MR Medium Density Residential zoning requested is an appropriate zoning since it is consistent with the trend of development in the area; that residents of the project will be members of Americana Bayside and will be able to use all of the open space facilities available within Americana Bayside; that the project is proposed to have a loop road with single family dwellings on the outside edges and multi-family units and townhouses internally; that the project is proposed to be similar to the recently approved phase “Sea Grass Bend” within the existing Americana Bayside; that the site is approximately 0.25 mile from the existing pool and tennis facilities within Americana Bayside; that a 20-foot wooded buffer is proposed along the Sea Country Estates subdivision; that their suggested Findings of Fact and Conditions of Approval are similar to the conditions of the previous expansion; that the application is an appropriate extension to the Americana Bayside project and is encouraged by both the Plan and the Zoning Ordinance; that DelDOT required them to do a smaller traffic study since a Traffic Impact Study had previously been performed for the Americana Bayside applications; that pedestrians and cyclists could access any portion of the entire Americana Bayside project from this site through existing streets; that they have met with the Sussex Conservation District about stormwater management issues and erosion and sedimentation control; that the site drains from natural ditches into a tax ditch; that homes and roads will be designed to not be impacted by storm events; that the homes will not have basements; that most of the requirements from DelDOT have already been completed; that most of the amenities facilities within the Americana Bayside have already been completed; that MR zoning at 4 units per acre is an appropriate density for the general area; that the project will comply with flood regulations; that no additional amenities are proposed in this phase, except for sidewalks; that the ditch between this site and the Sea Country Estates subdivision is a private ditch that exists on both sides of the ditch; that the ditch drains into a tax ditch that drains into Maryland; that maintenance of that tax ditch may improve drainage; and that the ditches are considered regulated waters according to Federal regulations.

Mr. Fuqua submitted suggested proposed Findings of Fact and suggested proposed Conditions of Approval for consideration.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Mr. Smith stated that he would move that the Commission recommend approval of C/Z #1748 for CMF Bayside, LLC for a change of zone from AR-1 Agricultural Residential to MR-RPC

Medium Density Residential – Residential Planned Community based upon the record made at the public hearings and for the following reasons:

- 1) The site is generally surrounded on three (3) sides by residential development and it is an appropriate extension of the existing Bayside development.
- 2) The proposed development will have sewer service provided by Sussex County and water provided by Tidewater Utilities.
- 3) The proposed rezoning to an MR-RPC is in compliance with the goals and objectives of the Sussex County Comprehensive Land Use Plan. It is also in the Environmentally Sensitive Developing Area, and MR zoning is appropriate in this Area.
- 4) The proposed development is in conformity with the surrounding developing and zoning, and will not adversely impact neighboring properties, traffic, or the environment.
- 5) No parties appeared in opposition to the application.
- 6) This recommendation is subject to the following conditions:
 - a. The maximum number of residential dwelling units shall be 93, consisting of 33 townhouses, 30 duplexes, and 30 single family homes.
 - b. The development shall be served as part of a Sussex County Sanitary Sewer District.
 - c. The Developer shall comply with all requirements and specifications of the County Engineering Department.
 - d. The RPC shall be served by central water.
 - e. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with all applicable State and County requirements. These facilities shall be operated in a manner consistent with Best Management Practices.
 - f. The Final Site Plan for each phase of the development shall contain the approval of the Sussex Conservation District upon it.
 - g. The project will be incorporated as part of the existing Americana Bayside MR-RPC (C/Z #1393) and shall be subject to, and benefited by, the conditions imposed upon that development, except as modified herein.
 - h. All entrance, roadway, intersection, and multi-modal improvements required by DelDOT shall be completed in accordance with DelDOT's standard determinations.
 - i. The interior street design and parking areas shall meet or exceed Sussex County street design specifications and requirements.
 - j. The Applicant shall form a Condominium Association to be responsible for the maintenance of streets, roadways, buffers, stormwater management areas and community areas.
 - k. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
 - l. The Final Site Plan shall include a landscape plan for all the buffer areas, showing all the landscaping and vegetation to be included in those areas.
 - 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 the application be approved for the reasons and with the conditions stated. Motion carried 4 – 0.

Change of Zone #1749 – Bruce and Cathy King

Application of **BRUCE AND CATHY KING** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 22,024 square feet, more or less, land lying southwest of Nassau Road (Road 266B) 200 feet northwest of Railroad and 70 feet northwest of New Road (Road 266) (Tax Map I.D. #3-34-5.00-73.00).

The Commission found that the Applicants submitted a survey/site plan with their application.

The Commission found that DelDOT provided comments in the form of a letter and Support Facilities Report on January 29, 2014 which reference that a traffic impact study was not recommended and that the current Level of Service “A” of Nassau Road may change to a Level of Service “B”; that they presently cannot predict the site’s trip generation with enough accuracy to make a traffic impact study useful; and that they recommend that the rezoning application be considered without a traffic impact study and that the need for a traffic impact study be evaluated when a subdivision or land development plan is proposed.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on May 2, 2014 which reference that the site is located in the West Rehoboth Expansion Area; that the sewer design assumption is 1.0 EDU for an AR-1 zoned lot of less than 1.0 acre; that the parcel has been provided with a sanitary sewer lateral along the parcel’s frontage on Nassau Road; that conformity to the North Coastal Area Planning Study will be required; that the proposed CR-1 zoning is not located on residential lands previously identified for commercial use by the Planning and Zoning Department; that the Engineering Department has concerns that the rezoning will result in a potential increase of wastewater flow from the parcel in the future; that a capacity evaluation, at the developers expense, may be required to determine what upgrades would be required to serve a future use; that required upgrades would be completed by the developer, at the developer’s expense; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on May 5, 2014 which reference that there is soil type on the site is Evesboro loamy sand; that the Applicants will need to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that it is not likely that off-site drainage improvements will be necessary; that it is possible that on-site drainage improvements will be necessary; and that no tax ditches are affected.

The Commission found that Cathy King was present with Cathy Ford, Realtor, and Chris Carpenter, a cross-fit trainer, and that they stated in the presentation and in response to questions raised by the Commission that they are proposing to establish a cross-fit gym on the site; that there is a standard setback from the railroad on the rear; that there are several commercial properties in close proximity to this site, and referenced Best machinery, a mill property, a survey office, warehousing, a repair shop/garage, and others; that the existing structures on the

site will be removed through a controlled burn; and that the trend in this area between Route One and Nassau Road is for commercial development.

The Commission found that there were no parties present in support of or in opposition to this application.

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

Mr. Burton stated that he would move that the Commission recommend approval of C/Z #1749 For Bruce and Cathy King for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) The project is located in the Environmentally Sensitive Developing area. CR-1 is appropriate zoning in this area.
- 2) CR-1 zoning is appropriate at this location. There are other commercial zoning and uses in the immediate area of this parcel. It is also surrounded by Nassau Road, Coastal Highway, and a railroad.
- 3) The rezoning will not adversely affect neighboring properties, roadways, or community facilities.
- 4) The rezoning is consistent with the purposes of the CR-1 Zone in the County Code.
- 5) No parties appeared in opposition to this application.
- 6) Any redevelopment of this property will require site plan approval by the Planning and Zoning Commission along with other agency approvals.

Motion by Mr. Burton, seconded by Mr. Smith, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons stated. Motion carried 4 – 0.

Change of zone #1750 – BLN, LLC

Application of **BLN, LLC** to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a CR-1 Commercial Residential District to be located on a certain parcel of land lying and being in Georgetown Hundred, Sussex County, containing 14,400 square feet, more or less, land lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) (Tax Map I.D. #1-35-15.00-83.00).

The Commission found that the Applicants submitted a survey/site plan with their application.

The Commission found that DelDOT provided comments in the form of a Support Facilities Report on January 29, 2014 which reference that a traffic impact study was not recommended and that the current Level of Service “E” of Route 9 (Lewes Georgetown Highway) will not change as a result of this application.

The Commission found that the County Engineering Department Utility Planning Division provided comments in the form of a memorandum on May 2, 2014 which reference that the site is not located in a proposed or current County operated and maintained sanitary sewer and/or

water district; that the site is located in the North Coastal Planning Area; that an individual on-site septic system is proposed to be utilized; that conformity to the North Coastal Planning Study will be required; that the proposed use is not in an area where the County currently has a schedule to provide sewer service; and that a concept plan is not required.

The Commission found that the Sussex Conservation District provided comments in the form of a memorandum on May 5, 2014 which reference that the soil type on the site is Hammonton loamy sand; that the Applicants will need to follow recommended erosion and sediment control practices during any construction and to maintain vegetation; that no storm flood hazard areas are affected; that the project should not necessitate any off-site drainage improvements; that it is possible that the project could require on-site drainage improvements; and that no tax ditches are affected.

The Commission found that Leon Ware of BLN, LLC was present with Barrett Edwards, Esquire of Hudson, Jones, Jaywork & Fisher, LLC and that they stated in their presentation and in response to questions raised by the Commission that the site has been used for several businesses; that the site is adjacent to the Sports at the Beach facility and is three (3) doors down from a copy machine repair facility; that historically the site has been used for a gas station, general convenience store, realty offices, and a radio, TV, and electronics repair shop; that rezoning of the property is more logical than repeated applications for Conditional Use; that there will not be any increase in traffic due to the size of the building and limited size of the parcel; that the underground tanks were removed prior to 1998; that they purchased the site in 1998; and that they do not have a current contract for the sale of the property.

The Commission found that there were no parties present in support of or in opposition to this application.

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

On May 8, 2014 there was a motion by Mr. Smith, seconded by Mr. Burton, and carried unanimously to defer action for further consideration. Motion carried 4 – 0.

On May 22, 2014 the Commission discussed this application under Old Business.

Mr. Johnson stated that he would be abstaining.

Mr. Smith stated that he would move that the Commission recommend denial of Change of Zone No. 1750 for BLN, LLC for a change in zone from AR-1 Agricultural Residential to CR-1 Commercial Residential based upon the record made during the public hearing and for the following reasons:

- 1) The Applicant has stated that there are no specific plans for the use of the property that would require a CR-1 zoning. Instead, the sole reason for the rezoning appears to be to sell the property and maximize the return. This is not a sound basis for a rezoning.
- 2) I am concerned that the rezoning will have an adverse effect on neighboring and adjacent properties. With the exception of Sports at the Beach to the rear, the property is surrounded by residential uses along Route 9. While there are some commercial and

business zonings and uses along Route 9, they are separated from this site by residential properties. As a result, the rezoning to CR-1 would create a standalone parcel that is not compatible with the adjacent properties. Also, Sports at the Beach is a Conditional Use limited to a sports facility and not all of the permitted uses in a CR-1 Commercial Residential District.

- 3) I am not satisfied that the Applicant established a record sufficient to support the rezoning to CR-1. Although the property is small in size, there are many diverse and intensive commercial uses that could occur on the property. They could include a small car sales lot, fast food restaurant, car wash or other potential uses. These uses that are permitted under CR-1 are not compatible with the existing residential uses on adjacent properties.
- 4) I am not satisfied that this standalone 14,400 square foot parcel is appropriate to be rezoned to CR-1. Such a small parcel would not conform to the purpose of a CR-1 zoned property as providing “Sufficient space and appropriate locations for a wide variety of commercial and miscellaneous service activities generally serving a wide area...”
- 5) In summary, I am not satisfied that the Applicant has made an adequate record to support a change in zone from AR-1 to CR-1 for this 14,400 square foot parcel of property.

Motion by Mr. Smith, seconded by Mr. Ross, and carried with four (4) votes to forward this application to the Sussex County Council with the recommendation that this application be denied for the reasons stated. Motion carried 4 – 0. Mr. Johnson abstained.

911 Address: 22326 Gravel Hill Road, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CROSS FIT TRAINING GYM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.50 ACRES, MORE OR LESS (Tax Map I.D. 234-8.00-51.00)

WHEREAS, on the 26th day of February 2014, a conditional use application, denominated Conditional Use No. 1987 was filed on behalf of Brian and Kelly DeLeon; 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. 1987 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.

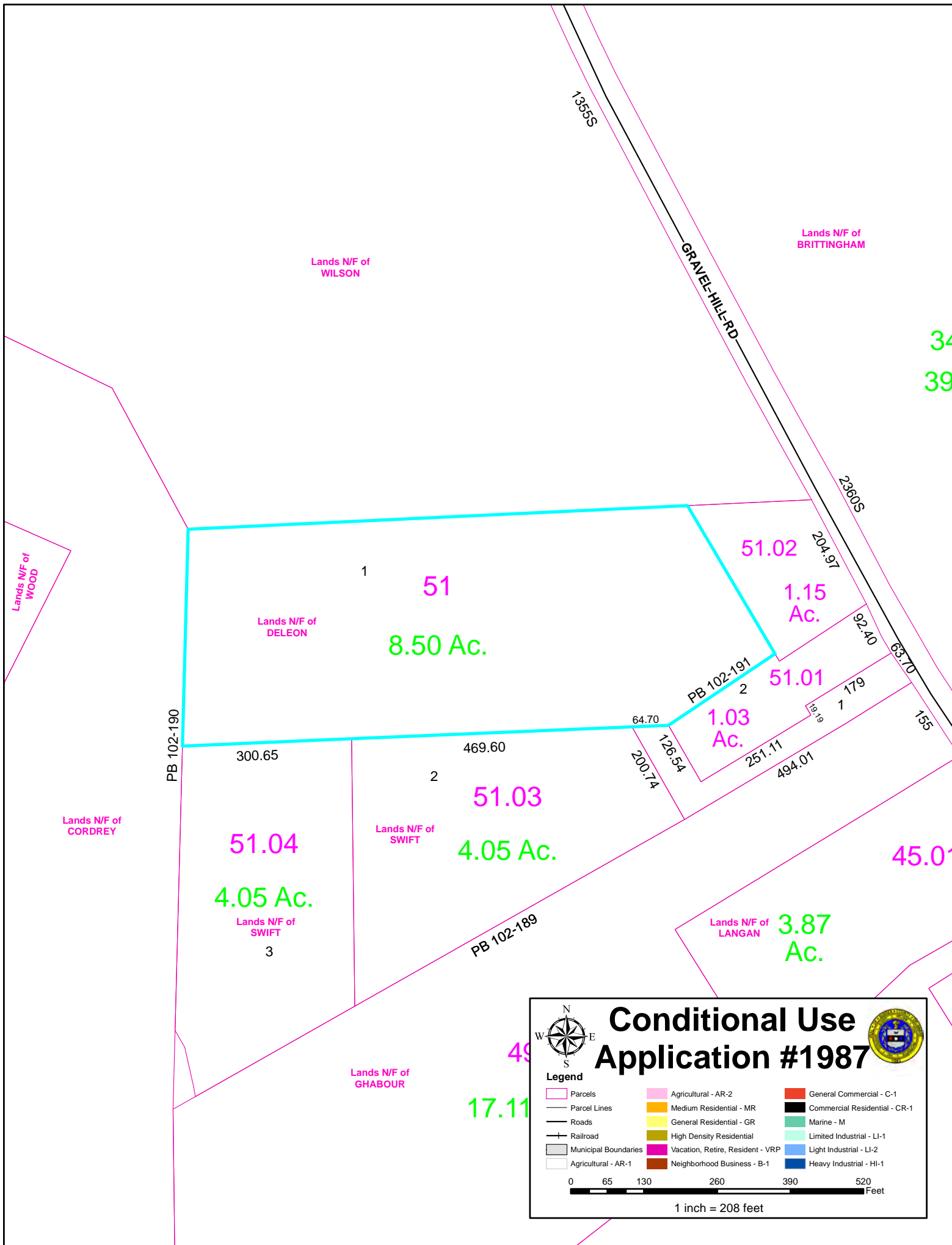
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 1987 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 southwest of Route 30 (Gravel Hill Road) 1,605 feet southeast of Route 47 (Springfield Road) and being more particularly described in Deed Book 3282, Page 82, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 8.50 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.



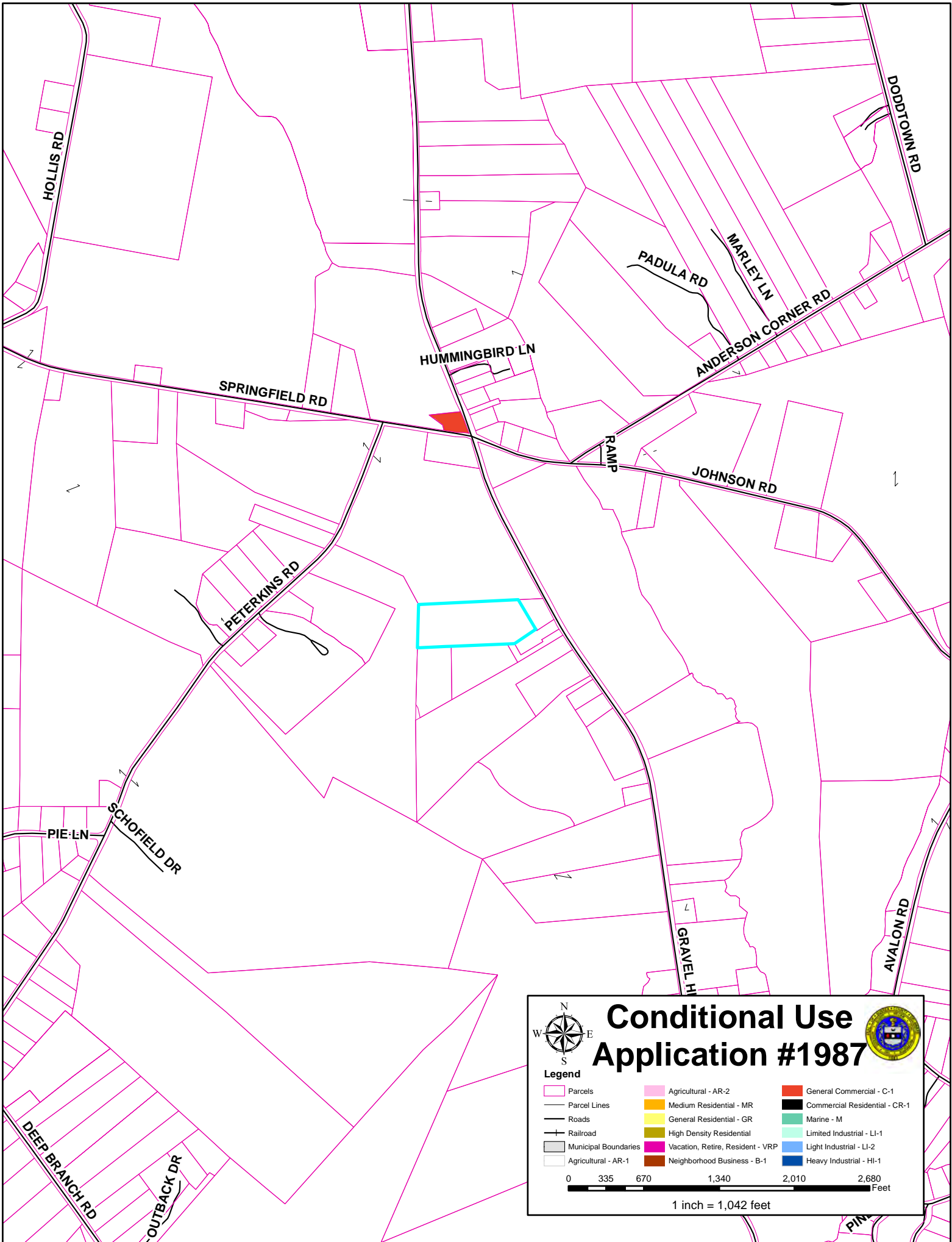
Conditional Use Application #1987

Legend


<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 65 130 260 390 520 Feet


1 inch = 208 feet



Conditional Use Application #1987



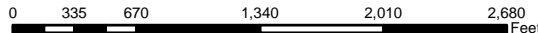
W N
S E



Legend

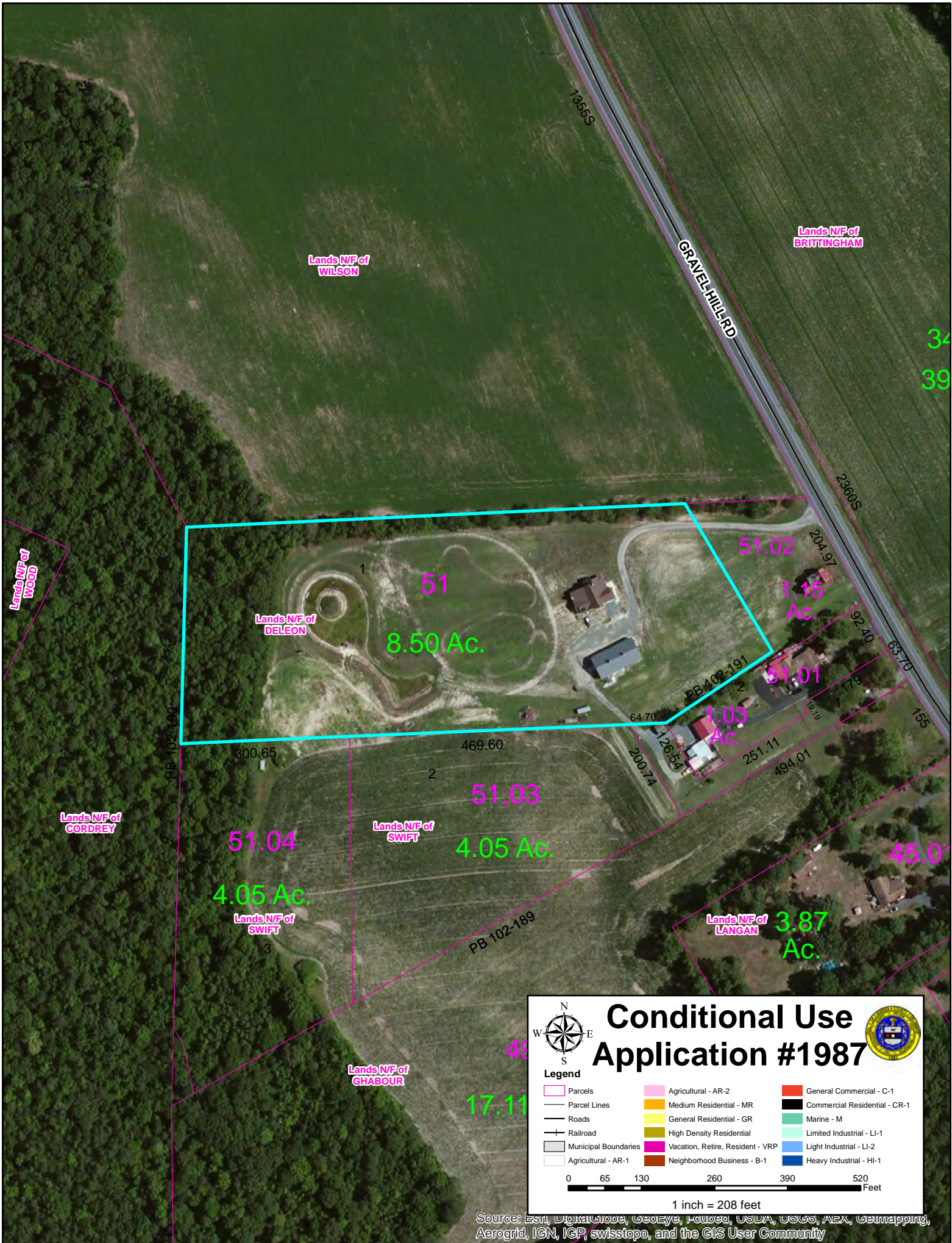
<ul style="list-style-type: none"> Parcels Parcel Lines Roads Railroad Municipal Boundaries Agricultural - AR-1 	<ul style="list-style-type: none"> Agricultural - AR-2 Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 335 670 1,340 2,010 2,680



Feet

1 inch = 1,042 feet



Lands N/F of WILSON

Lands N/F of BRITTINGHAM

Lands N/F of WOOD

Lands N/F of DELEON

Lands N/F of CORDREY

Lands N/F of SWIFT

Lands N/F of SWIFT

Lands N/F of GHABOUR

Lands N/F of LANGAN

1355S

GRAVEL HILLED

2360S

PB 102-100

300.65

469.60

64.70

126.54

200.74

51.02

204.97

1.15

Ac.

51.01

PB 102-191

1.03

Ac.

92.40

179

155

251.11

494.01

63.70

45.0

51.04

4.05

Ac.

51.03

4.05

Ac.

17.11



Conditional Use Application #1987



Legend

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

0 65 130 260 390 520 Feet

1 inch = 208 feet

Source: Esri, DigitalGlobe, GeoEye, iSat, USIA, USGS, AEX, GeoMapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 27.896 ACRES, MORE OR LESS (Tax Map I.D. No. 533-19.00-287.00)

WHEREAS, on the 29th day of January 2014, a zoning application, denominated Change of Zone No. 1748 was filed on behalf of CMF Bayside, 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. 1748 be _____; and

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

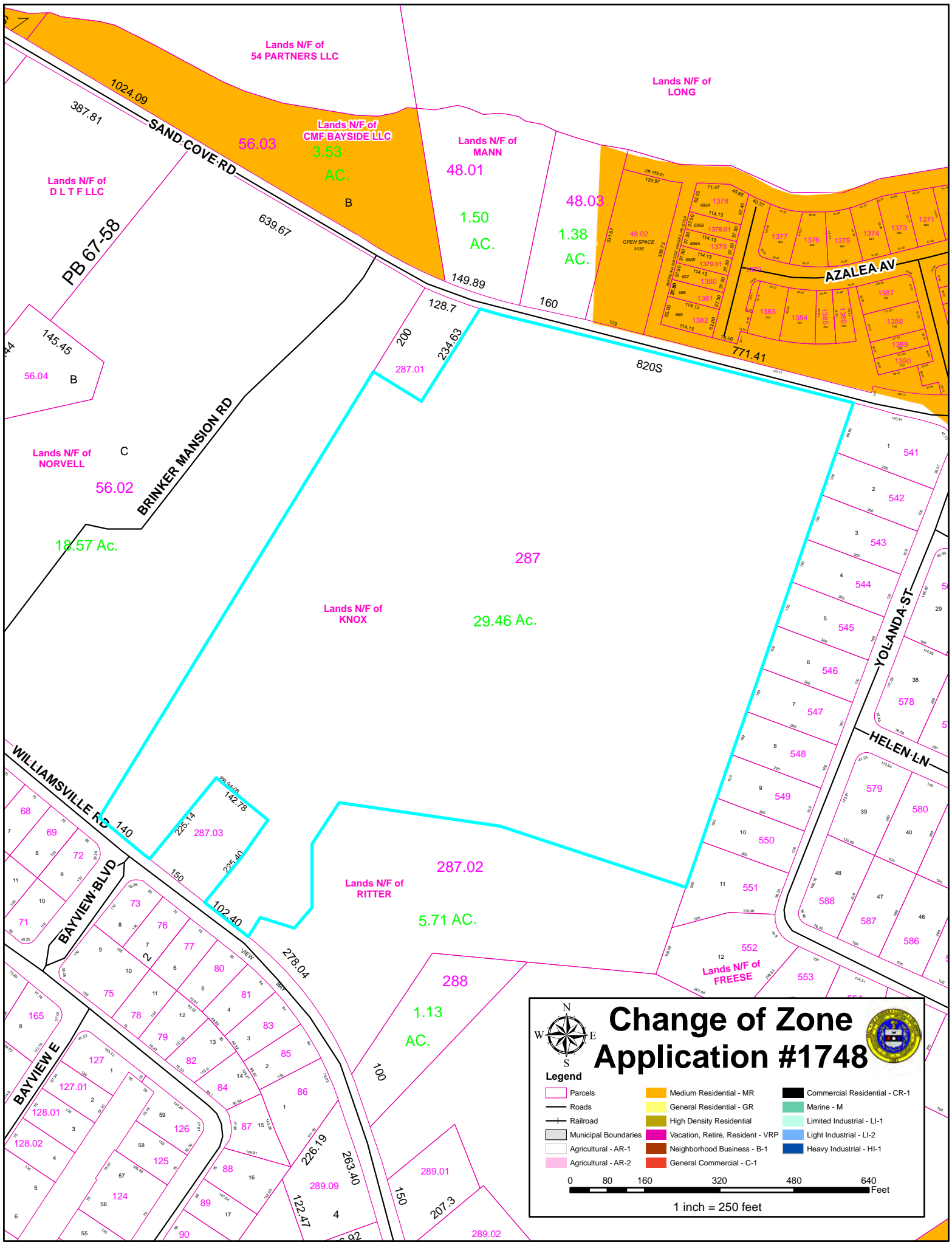
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of 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 southwest of Sand Cove Road (Road 394) 1,800 feet southeast of Route 54 (Lighthouse Road) and northeast of Williamsville Road (Road 395) 2,000 feet southeast of Route 54 (Lighthouse Road) and being more particularly described in Deed Book 4192, Page 131, in the Office of the Recorder of Deeds in and for Sussex County and containing 27.896 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.



Change of Zone Application #1748

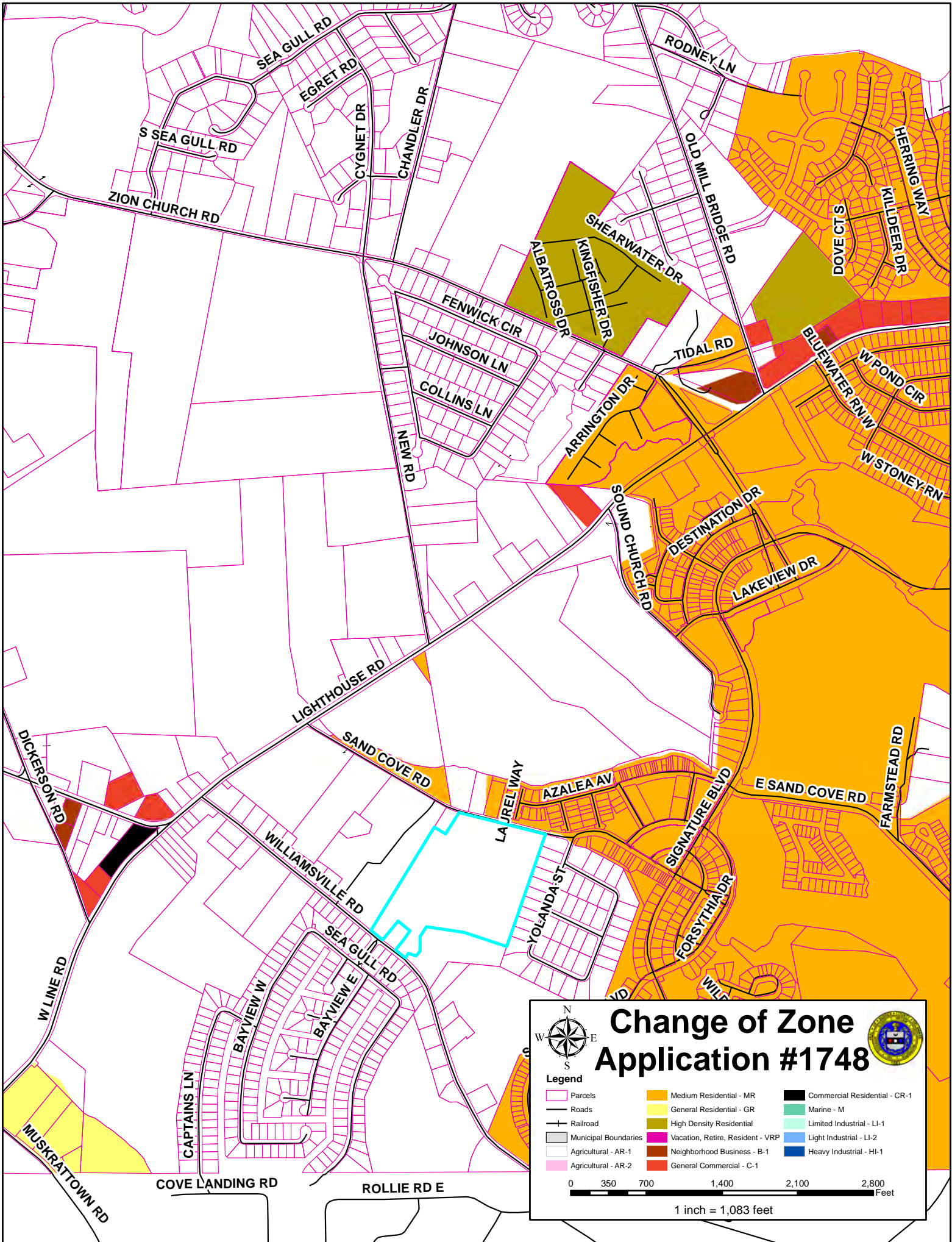


Legend

- 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 80 160 320 480 640
 Feet

1 inch = 250 feet

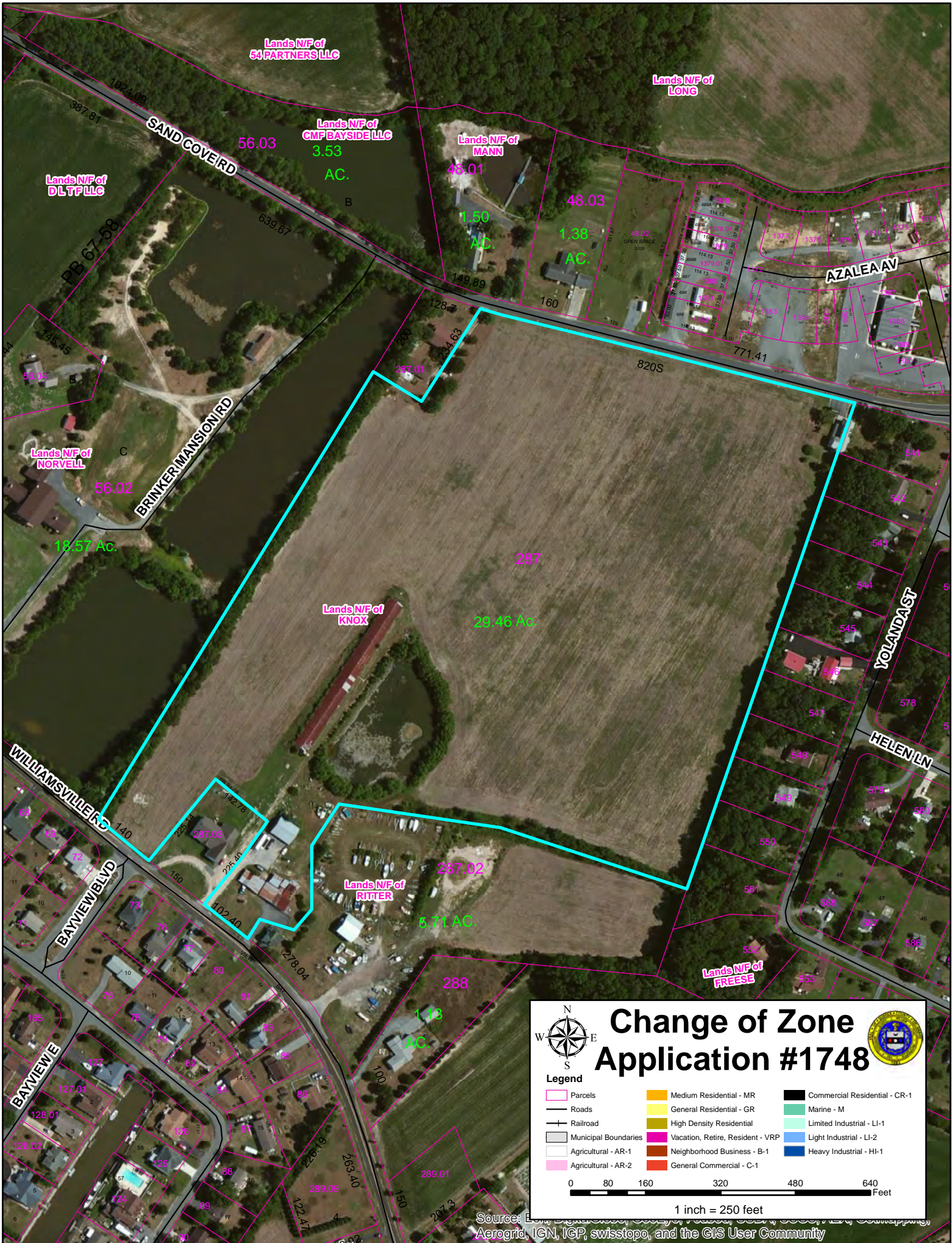


Change of Zone Application #1748

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	

1 inch = 1,083 feet



Change of Zone Application #1748

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 80 160 320 480 640 Feet

1 inch = 250 feet

Source: Esri, DigitalGlobe, GeoEye, IGN, IGP, swisstopo, and the GIS User Community

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 22,024 SQUARE FEET, MORE OR LESS (Tax Map I.D. No. 334-5.00-73.00)

WHEREAS, on the 4th day of March 2014, a zoning application, denominated Change of Zone No. 1749 was filed on behalf of Bruce and Cathy King; 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. 1749 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying southwest of Nassau Road (Road 266B) 200 feet northwest of Railroad and 70 feet northwest of New Road (Road 266) and being more particularly described in Deed Book 3131, Page 147, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 22,024 square feet, more or less.

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

15.32 Ac.

1.08 Ac.

80.01

760.94

Lands N/F of KNAPP

NASSAU RD

75

730 S

Lands N/F of KNAPP

Lands N/F of MITCHELL

NEW RD

50 10

294

Lands N/F of KNAPP

100.10

312

Lands N/F of WILMINGTON

121

74

121

225

16.5

215

105

266.5

Lands N/F of BEST

300 S

87

Lands N/F of BEST

3.25 Ac.

88

Lands N/F of DIMMICK

COASTAL HWY

460 S

475 S

Lands N/F of LEWIS

243 S



Change of Zone Application #1749



Legend

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

0 40 80 160 240 320 Feet

1 inch = 125 feet

Lands N/F of SPARE

Lands N/F of MILES

Lands N/F of SCOTT

Lands N/F of MCKENNA

Lands N/F of JOHNS

Lands N/F of ADAMS

Lands N/F of LEMUS

Lands N/F of LEWIS

Lands N/F of ABATE

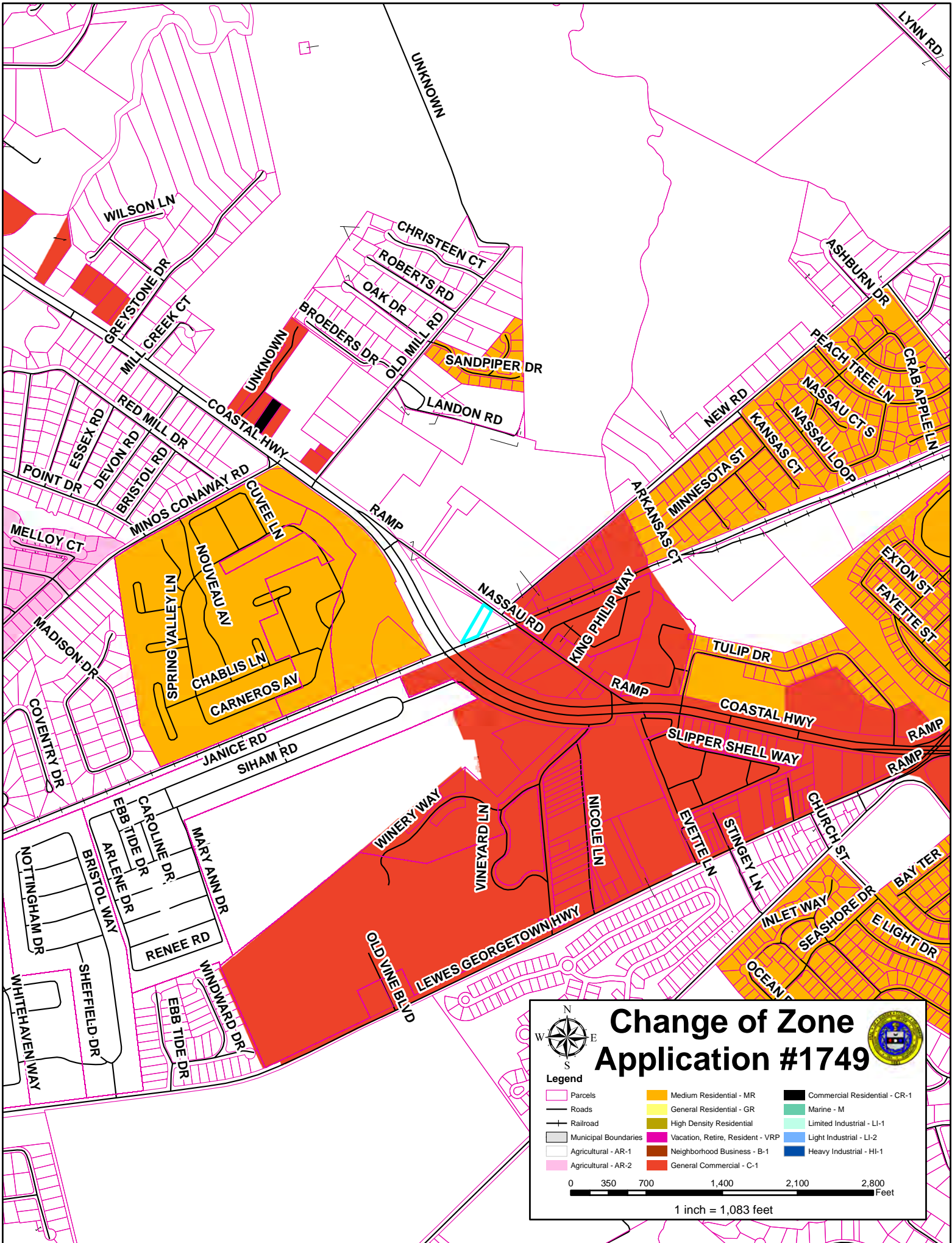
3.02

30 S

4

3.3

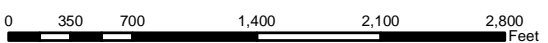
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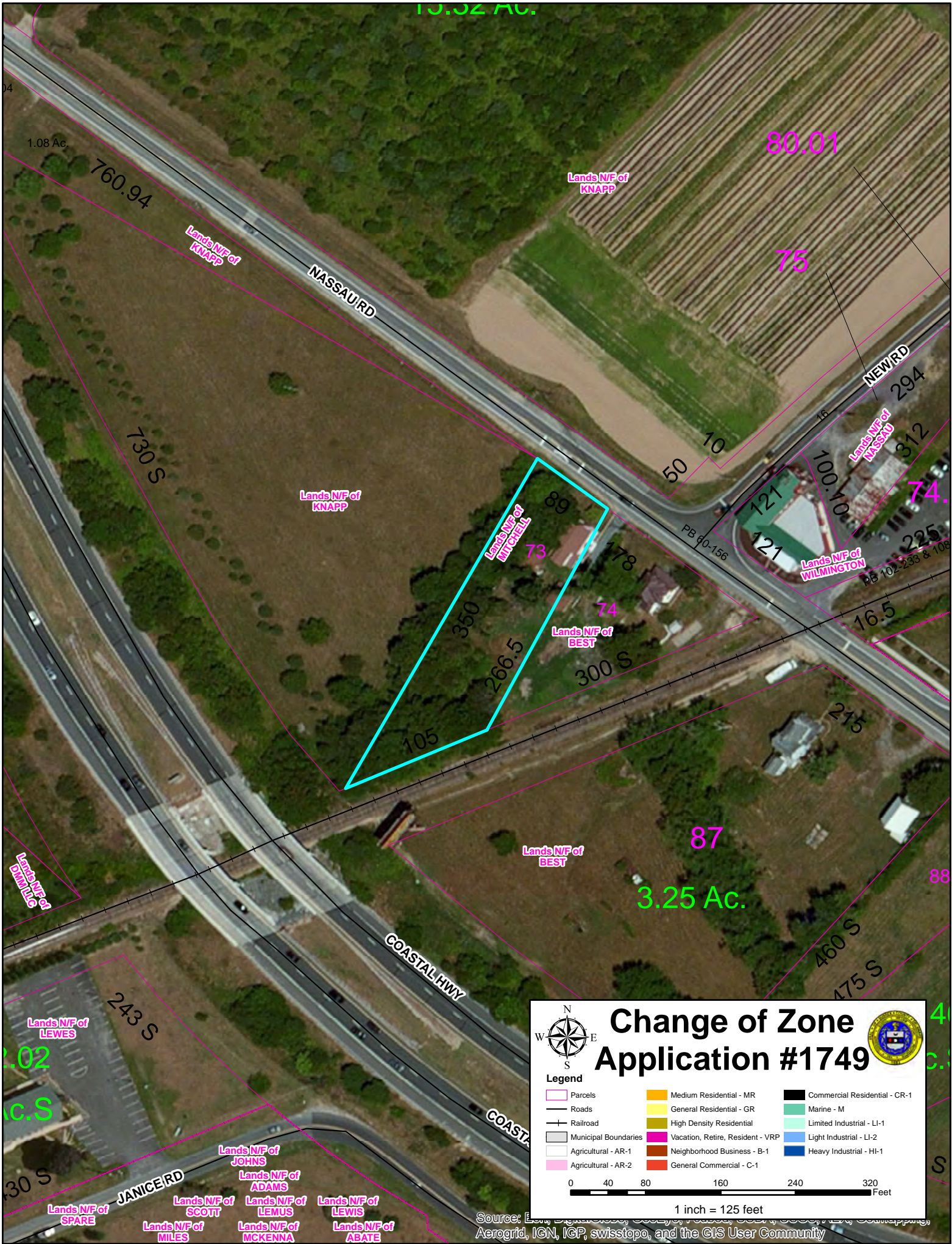


Change of Zone Application #1749



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





13.32 Ac.

1.08 Ac.

80.01

760.94

Lands N/F of KNAPP

NASSAURD

Lands N/F of KNAPP

75

NEW RD

730 S

Lands N/F of KNAPP

Lands N/F of WINGFIELD

89

73

Lands N/F of MCKENNA

74

105

350

266.5

Lands N/F of BEST

178

74

Lands N/F of WILMINGTON

16.5

Lands N/F of BEST

87

3.25 Ac.

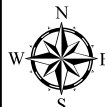
Lands N/F of DUMMIG

COASTAL HWY

215

Lands N/F of LEWIS

243 S



Change of Zone Application #1749



Legend

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

0 40 80 160 240 320 Feet

1 inch = 125 feet

Source: Esri, DeLorme, GeoEye, IGN, IPC, swisstopo, and the GIS User Community

911 Address: 22440 Lewes Georgetown Highway, Georgetown

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 14,400 SQUARE FEET, MORE OR LESS (Tax Map I.D. No. 135-15.00-83.00)

WHEREAS, on the 11th day of March 2014, a zoning application, denominated Change of Zone No. 1750 was filed on behalf of BLN, 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. 1750 be _____; and

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

NOW, THEREFORE,

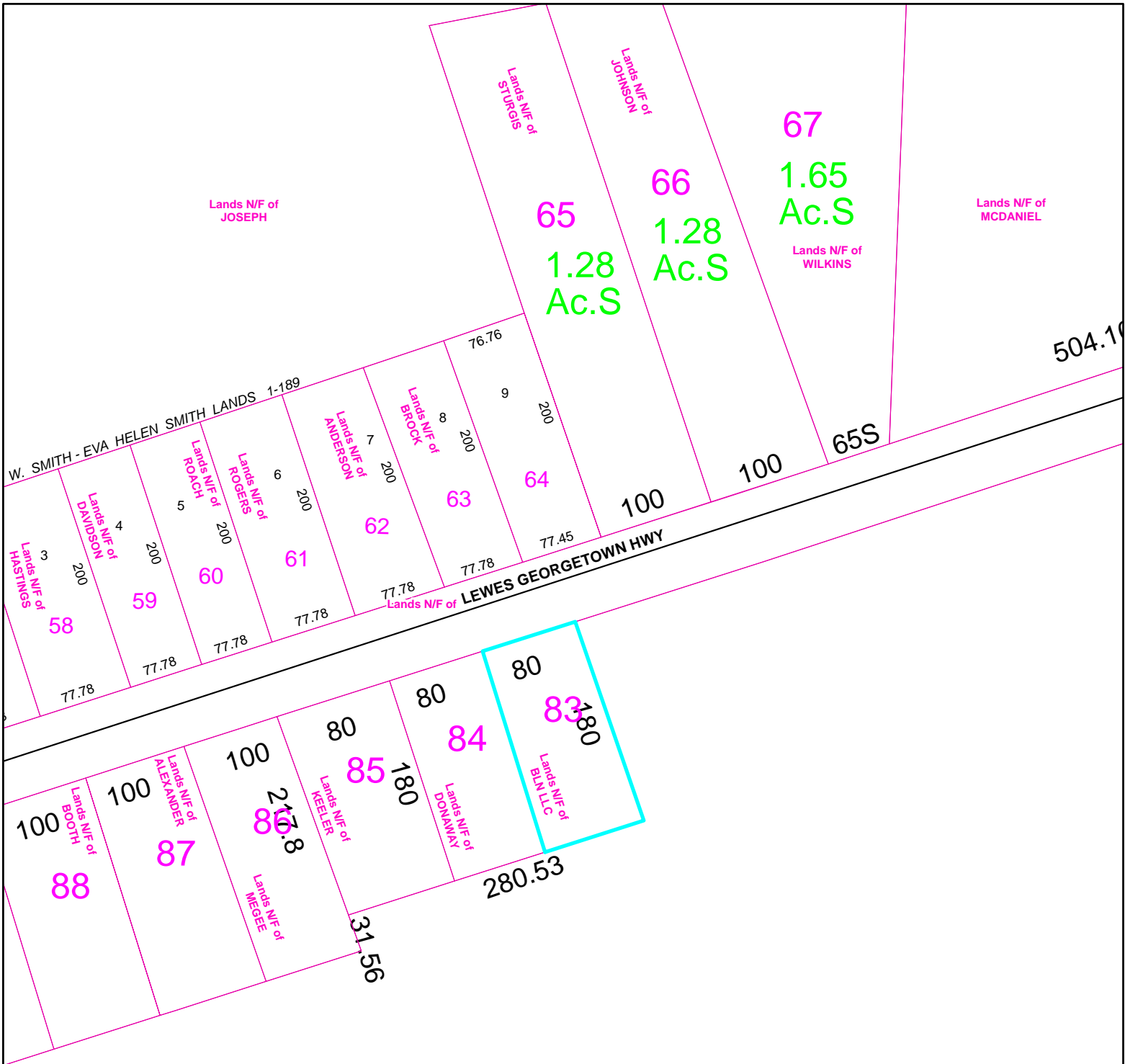
THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:



ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying southeast of Route 9 (Lewes Georgetown Highway) 0.6 mile west of Road 321 (Park Avenue) and being more particularly described in Deed Book 3726, Page 301, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 14,400 square feet, more or less.

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



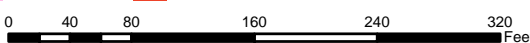
Lands N/F of SOFTBALL WORLD

Change of Zone Application #1750

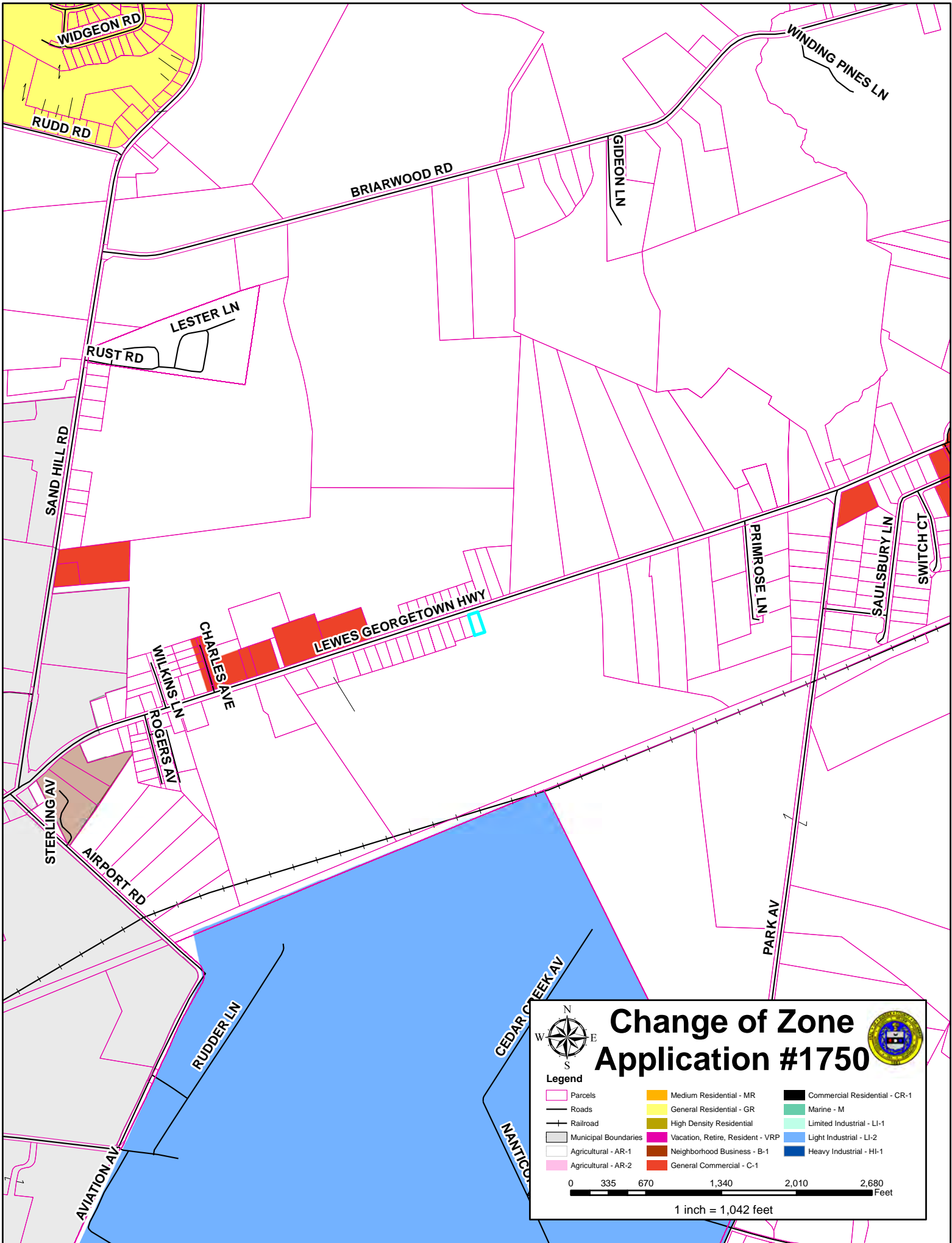
Legend

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 40 80 160 240 320 Feet

1 inch = 125 feet



Change of Zone Application #1750

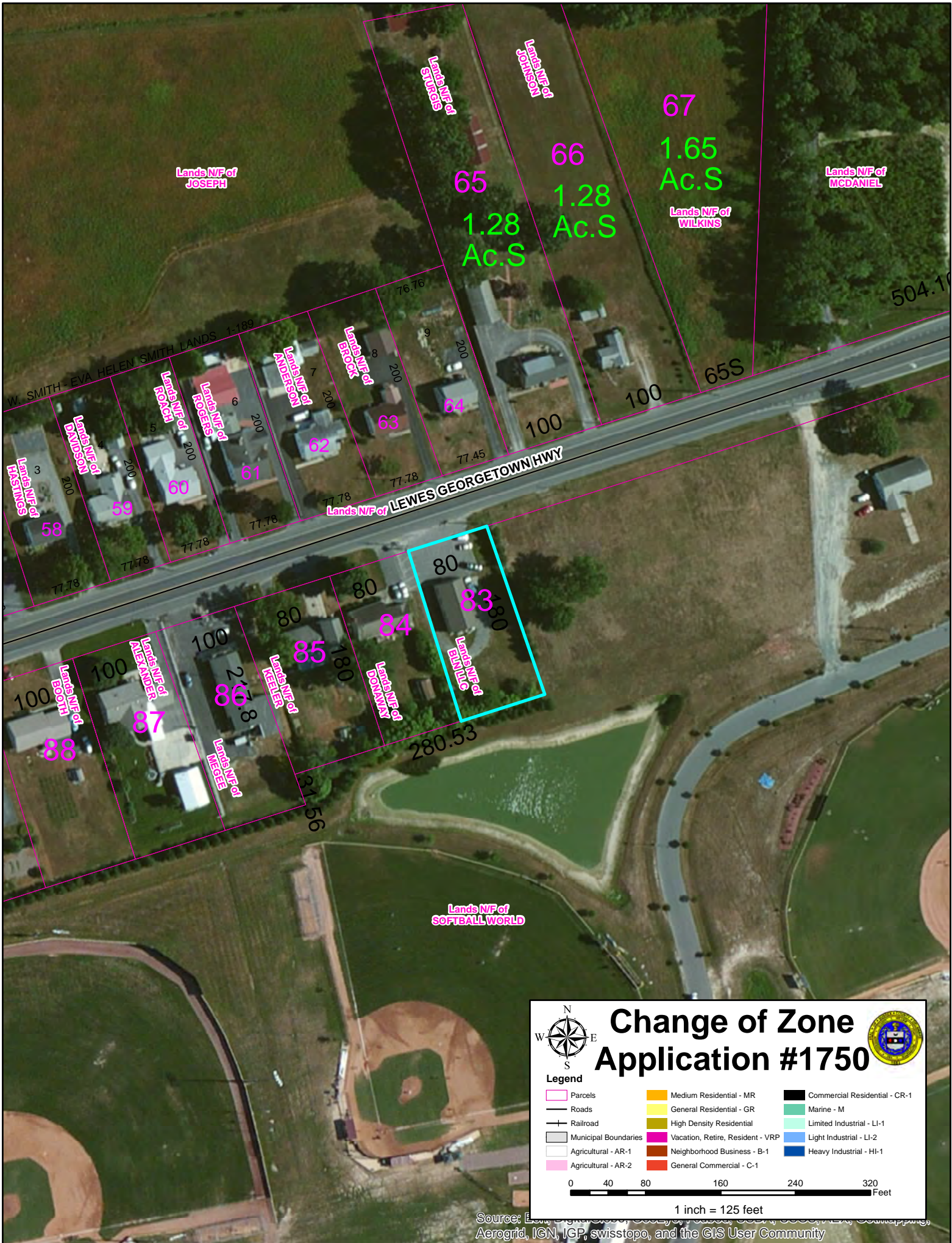


Legend

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

0 335 670 1,340 2,010 2,680 Feet

1 inch = 1,042 feet



Lands N/F of JOSEPH

65
1.28
Ac.S

66
1.28
Ac.S

67
1.65
Ac.S
Lands N/F of WILKINS

Lands N/F of MCDANIEL

W. SMITH - EVA HELEN SMITH LANDS 1-189

Lands N/F of HASTINGS
58

Lands N/F of FORD
59

Lands N/F of ROBERTS
60

Lands N/F of ANNESTOWN
61

Lands N/F of BROOK
62

Lands N/F of
63

Lands N/F of
64

Lands N/F of BOOTH
88

Lands N/F of ALEXANDER
87

Lands N/F of KEETER
86

Lands N/F of KEETER
85

Lands N/F of DONOVAN
84

80
Lands N/F of BENTON
83

Lands N/F of SOFTBALL WORLD

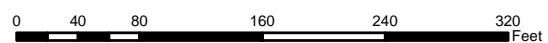


Change of Zone Application #1750



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	



1 inch = 125 feet

Source: Esri, DigitalGlobe, GeoEye, IGN, GeoEye, CNES, USDA, USDA, USDA, USDA, USDA, USDA, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community