

## COUNTY COUNCIL

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



# Sussex County

DELAWARE  
sussexcountyde.gov  
(302) 855-7743

## SUSSEX COUNTY COUNCIL

### AGENDA

July 30, 2024

**1:00 P.M.**

#### Call to Order

#### Approval of Agenda

#### Approval of Minutes - July 16, 2024

[Draft Minutes 071624](#)

#### Reading of Correspondence

#### Public Comments

#### Consent Agenda

1. **Use of Existing Wastewater Infrastructure Agreement – IUA-1112  
Mitchells Corner, West Rehoboth Area**  
[Consent Agenda Mitchell's Corner](#)
2. **Use of Existing Wastewater Infrastructure Agreement – IUA-1230  
Mulberry Knoll Store, West Rehoboth Area**  
[Consent Agenda Mulberry Knoll Store](#)

#### Todd Lawson, County Administrator

1. **Recognition of Retiree – Hans Medlarz**
2. **Review of 2024 Legislative Session**
3. **Administrator's Report**



**Karen Brewington, Human Resources Director**

1. **Second Quarter Shining Star Awards**

**Mike Harmer, County Engineer**

1. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,236,846 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE NORTH ELLENDALE SEWER FLOW DIVERSION PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

[North Ellendale Proposed Ord](#)

**Patrick Brown, Project Engineer III**

1. **James Farm Ecological Preserve, Project C23-21**

**A. Change Order No. 2**

[James Farm CO No. 2](#)

**Grant Requests**

1. **Town of Blades for Community Outreach Programs**  
[Town of Blades](#)
2. **Urban Youth Program Association for their Sussex County expansion**  
[Urban Youth Golf Program Association](#)
3. **Lewes Lions Foundation, Inc. for their Beach Bash**  
[Lewes Lions Foundation Inc.](#)
4. **Lewes Public Library for their Spoken Word Society Fall 2024 Performance Series**  
[Lewes Public Library](#)
5. **Town of Millsboro for Police Department Basketball Court fencing**  
[Town of Millsboro](#)
6. **Greater Millsboro Chamber of Commerce for upgrades to their website and visitor center**  
[Greater Millsboro Chamber of Commerce](#)

**Introduction of Proposed Zoning Ordinances**

[Ord Intos CU2438 CU2450](#)

**Council Members' Comments**

**Executive Session - Land Acquisition pursuant to 29 Del.C.§10004(b)**

**Possible action on Executive Session Items**

**1:30 P.M. Public Hearings**

1. **[Conditional Use No. 2416 filed on behalf of Over the Hill Holdings, LLC](#)**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS” (property lying on the northeast corner of the intersection of Parker Road [S.C.R. 415] and Line Road [S.C.R. 419]) (911 Address: 38531 Parker Road, Millsboro) (Tax Map Parcel: 333-15.00-20.00)**

**[CU2416](#)**

2. **[Conditional Use No. 2417 filed on behalf of White House Beach, Inc.](#)**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS” (property lying on the south side of Long Neck Road [Route 23], approximately 2.53 miles southeast of the intersection of Long Neck Road [Route 23] and School Lane [S.C.R. 298] within the White House Beach Manufactured Home Park) (911 Address: N/A) (Tax Map Parcel: 234-30.00-6.00 [p/o])**

**[CU2417](#)**

3. **[Conditional Use No. 2515 filed on behalf of Renewable Redevelopment, LLC](#)**

**“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS” (property lying on the northwest side of Gate A Road, located off Iron Branch Road [S.C.R. 331]) (911 Address: N/A) (Tax Map Parcel: 233-2.00-2.01)**

**[CU2515](#)**

**Adjourn**

**-MEETING DETAILS-**

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on July 23, 2024 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 may be considered out of sequence.

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

The County provides a dial-in number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.**

Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

**Conference Number: 1-302-394-5036**

**Conference Code: 570176**

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JULY 16, 2024**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, July 16, 2024, at 1:00 p.m., in Council Chambers, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>John L. Rieley</b>	<b>Vice President</b>
<b>Cynthia C. Green</b>	<b>Councilwoman</b>
<b>Douglas B. Hudson</b>	<b>Councilman</b>
<b>Mark G. Schaeffer</b>	<b>Councilman</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore, Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

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

**M 365 24  
Approve  
Agenda**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to approve the agenda as presented.**

**Motion Adopted: 5 Yeas**

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

**Minutes**

**The minutes of June 25, 2024, were approved by consent.**

**Correspond-  
ence**

**Mr. Moore reported that correspondence was received from Southern Delaware Therapeutic Riding and Parkinson's Education and Support Group of Sussex County thanking Council for their donation.**

**Public  
Comments**

**Public comments were heard.**

**Mr. Keith Parsell spoke about the Wolfe Runne project.**

**Retirement**

**Denise Burns and Thomas Jefferson, Jr. were recognized for their upcoming retirement.**

**Adminis-  
trator's  
Report**

**Mrs. Jennings read the following information for the Administrator's Report:**

**1. Projects Receiving Substantial Completion**

**Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: East Gate – Phase 1**

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

**(Construction Record) effective June 17<sup>th</sup>, Headwater Cove – Phase 5  
(Construction Record) effective June 20<sup>th</sup>, Peninsula Lakes – Phase 14  
(Construction Record) effective June 21<sup>st</sup>, and Heritage Shores – Villas  
at Bridgeville – Phase 5C (Construction Record) effective June 25<sup>th</sup>.**

**2. Betty Littleton**

**It is with great sadness that we inform you that pensioner, Betty Littleton passed away on Monday, June 24, 2024. Ms. Littleton began her career with Sussex County in 1995 where she worked until September 2011 for a total of 16 years of service. Her last position with the County was Utility Construction Technician I. We would like to extend our condolences to the Littleton family.**

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

**Federal  
Payment in  
Lieu of  
Taxes**

**Andrea Wall, Manager of Accounting reported that a check in the amount of \$38,898.00 has been received from the United States Department of Interior, Fish and Wildlife Service, as a federal payment in lieu of taxes for the Prime Hook National Wildlife Refuge. This check represents payments under the Refuge Revenue Sharing Act covering Fiscal Year 2023. The amount is calculated by the U.S. Fish and Wildlife Service by prorating the total funds available for payment. This check is funded through revenues generated from the Prime Hook National Wildlife Refuge and from a supplemental congressional appropriation. Sussex County may use these funds for any governmental purpose. Mrs. Wall advised that the recommendation is to allocate the funds in the same percentage as other County tax collections, as the County has done in the past.**

**M 366 24  
Approve  
Federal  
Payment**

**A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved that the Sussex County Council approve the Accounting Department's recommended distribution of the Refuge Revenue Sharing Funds, as follows: Milford School District - \$7,549.88, Cape Henlopen School District - \$24,455.00; Sussex Technical School District - \$3,471.17; Sussex County - \$3,062.84; and Sussex County Libraries - \$359.11.**

**Motion Adopted: 5 Yeas**

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

**Wolfe  
Runne**

**Hans Medlarz, County Engineer, Ret. presented a recommendation to reject all bids for Wolfe Runne, project S20-13 for Council's consideration.**

**M 367 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, be it moved, based upon the recommendation of the Sussex County Engineering and Finance Departments, that bids for contract S20-13, Wolfe Runne sewer expansion be rejected.**  
**Approve**  
**Rejection of**  
**Bids/Wolfe**  
**Runne**

**Motion Adopted:      5 Yeas**

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

**IBRWF**      **Hans Medlarz, County Engineer, Ret. presented engineer of record**  
**Phase      2 designation for the IBRWF phase 2 project, selection of the IBRWF phase 2**  
**project/      project implementation method and GHD, Inc. – amendment 26 for**  
**Amendment      Council’s consideration.**  
**No. 26**

**M 368 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved**  
**Engineer of      based upon the recommendation of the Sussex County Engineering**  
**Record      Department, that Council approve the reaffirmation of GHD, Inc., of Bowie,**  
**Designation      MD, as “Engineer of Record” for the County’s wastewater treatment process**  
**related projects at all facilities, extending the existing base agreement for an**  
**additional five-year period through June 30, 2029.**

**Motion Adopted:      5 Yeas**

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

**M 369 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved**  
**Selection of      based upon the recommendation of the Sussex County Finance &**  
**IBRWF      Engineering Departments, that County Council approve a staged**  
**Method      construction implementation process of the Inland Bays RTF phase 2 project**  
**with M.F. Ronca & Sons, Inc. and B.W. Electric, Inc. under a series of change**  
**orders based on critical path implementation.**

**Motion Adopted:      5 Yeas**

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

**M 370 24**      **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, be it moved**  
**Approve      based upon the recommendation of the Sussex County Engineering**  
**Amendment      Department, that Amendment No. 26 to the base engineering contract with**  
**26      GHD, Inc. be approved in the amount not to exceed \$5,000,000.00 for**  
**engineering services associated with the Inland Bays phase 2 project.**

**Motion Adopted: 5 Yeas**

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

**SCWRF & RBWTP/CO No. 35** Hans Medlarz, County Engineer, Ret. presented change order 35, general construction for South Coastal WRF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program, phase 2 for Council's consideration.

**M 371 24** A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department, that change order no. 35 for contract C19-11, South Coastal WRF treatment process upgrade no. 3 & Rehoboth Beach WTP capital improvement program, phase 2 – general construction, be approved increasing the contract amount by \$121,235.07.

**Motion Adopted: 5 Yeas**

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

**Delivery of Seed & Chemical** Hans Medlarz, County Engineer, Ret. presented a motion clarification for delivery of seed and chemicals for Council's consideration.

**M 372 24** A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer, that be it moved based upon the recommendation of the Sussex County Engineering Department, that Council approve this modified motion of award to Growmark FS, LLC for bid schedules A & B in the combined annual, not to exceed amount of \$420,845.50 for calendar years 2023 and 2024.

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

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

**Starlight Meadows** Mark Parker, Assistant County Engineer presented a substantial completion and balancing change order for Starlight Meadows Road Improvements, project T24-07 for Council's consideration.

**M 373 24** A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that be it moved based upon the recommendation of the Sussex County Engineering Department that substantial completion be granted for the Starlight Completion

**& Balancing  
CO Meadows Road Improvements project T24-07, and that the final balancing change order be approved reflecting a project credit amount of \$16,459.22.**

**Motion Adopted: 5 Yeas**

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

**Grant**

**Requests**

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

**M 374 24 A Motion was made by Mr. Hudson, seconded by Mr. Rieley to give \$1,000  
Off Street (\$1,000 from Mr. Hudson's Councilmanic Grant Account) to Off Street  
Sports Sports Performance, Inc. for their off street sports performance program.**

**Performan-  
ce, Inc.**

**Motion Adopted: 5 Yeas**

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

**M 375 24 A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$2,600  
Harry K (\$1,000 from Mr. Schaeffer's Councilmanic Grant Account, \$500 from Mr.  
Foundation Hudson Councilmanic Grant Account, \$500 from Mr. Rieley's Councilmanic  
Grant Account, \$100 from Mr. Vincent's Councilmanic Grant Account and  
\$500 from Mrs. Green's Councilmanic Grant Account) to Harry K  
Foundation for their Desert Oasis Feeding program.**

**Motion Adopted: 5 Yeas**

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

**M 376 24 A Motion was made by Mr. Schaeffer, seconded by Mrs. Green to give \$1,000  
Mispillion (\$500 from Mr. Schaeffer's Councilmanic Grant Account and \$500 from  
Performan- Mrs. Green's Councilmanic Grant Account) to Mispillion Performance  
ce Series Series for their concert series.**

**Motion Adopted: 5 Yeas**

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

**M 377 24 A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$1,000  
(\$200 from all Members Councilmanic Grant Accounts) to Autism Delaware,  
Inc. for their Snowflake Soiree event.**

**Autism Delaware, Inc.**      **Motion Adopted: 5 Yeas**  
**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea**

**M 378 24**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to give \$3,000**  
**Town of Delmar (\$3,000 from Mr. Vincent’s Councilmanic Grant Account) to the Town of Delmar for their State Street park shade project.**

**Motion Adopted: 5 Yeas**  
**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea**

**M 379 24**      **A Motion was made by Mrs. Green, seconded by Mr. Hudson to give \$1,000**  
**Chamber of Commerce for Greater Milford, Inc. (\$1,000 from Mrs. Green’s Councilmanic Grant Account) to the Chamber of Commerce for Greater Milford, Inc. for their Riverwalk Freedom festival.**

**Motion Adopted: 5 Yeas**  
**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea**

**Proposed Ordinance Introductions**      **Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A DIESEL MECHANIC, PARTS SHOP, AND TRUCK PARKING TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 5.46 ACRES, MORE OR LESS” filed on behalf of BCB Management, LLC.**

**Mrs. Green introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE EXPANSION OF UTILITY OPERATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 9.85 ACRES, MORE OR LESS” filed on behalf of Delaware Electric Cooperative.**

**Mr. Hudson introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ON-PREMISE ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO**

**Proposed**

**Ordinance Introductions**      **HUNDRED, SUSSEX COUNTY, CONTAINING 19.30 ACRES, MORE OR LESS” filed on behalf of High Tide Church, Inc.**

**(continued)**      **Mr. Rieley introduced a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 3.080 ACRES, MORE OR LESS” filed on behalf of ACR Auto Center, LLC.**

**CC Member Comments**      **There were no Council Member comments.**

**Public Hearing/ Jefferson Lodge Annexation into SCUSSD**      **A Public Hearing was held for the Jefferson Lodge Annexation of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area).**

**John Ashman, Director of Utility Planning & Design reported that County Council granted approval to prepare and post notices for the public hearing on May 14, 2024, for the expansion. The Engineering Department received a request from Baird, Mandalas, Brockstedt & Federico, LLC on behalf of their client Jefferson Lodge #15 (Masonic Hall of Lewes DE) in connection with its initiative to relocate to parcel 334-4.00-28.02 on Sweetbriar Road. The project is proposed as a new Masonic Lodge. The Engineering Department requested to include the adjacent County owned parcel 334-4.00-28.01. The project will be responsible for System Connection charges of \$7,700.00 per EDU based on current rates. Public hearing notices were posted on July 3<sup>rd</sup>, placed on the County website and advertised the weeks of July 3<sup>rd</sup> and 10<sup>th</sup>. To date, there has been no correspondence received in support or in opposition to this proposed annexation.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 380 24 Adopt Resolution No. R 013 24/ Jefferson Lodge Annexation into SCUSSD**      **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Resolution No. R 013 24 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD), TO INCLUDE THE JEFFERSON LODGE ON THE WEST SIDE OF SWEETBRIAR ROAD THE PARCEL IS LOCATED IN THE LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted:      5 Yeas.**

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

**Public  
Hearing/  
Bayard  
Commons**

**A Public Hearing was held for the Bayard Commons Annexation of the Sussex County Unified Sanitary Sewer District (Miller Creek Area).**

**John Ashman, Director of Utility Planning & Design reported that County Council granted approval to prepare and post notices for the public hearing on May 14, 2024, for the proposed expansion. The Engineering Department received a request from George, Miles & Buhr, LLC on behalf of their client Bayard Commons, LLC, the owners/developers of a project known as Bayard Commons for parcel 134-19.00-22.00.**

**The proposed site will consist of a 3,000 square feet strip mall on 3.00 acres within the B-2 Zoning District. The project will be responsible for System Connection charges in place at the time. Public Hearing notices were posted on July 3<sup>rd</sup>, placed on the County website and advertised the week of July 3<sup>rd</sup> and July 10<sup>th</sup>. To date, there has been no correspondence received in favor or in opposition to this proposed annexation.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 381 24  
Adopt  
Resolution  
No. R 014 24/  
Bayard  
Commons  
Annexation  
into SCUSD**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley to Adopt Resolution No. R 014 24 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLER CREEK AREA, TO INCLUDE PARCEL 134-19.00-22.00 ON BOTH SIDES OF DOUBLE BRIDGES ROAD LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Marvel  
Minor  
Subdivision  
Annexation  
into  
SCUSSD**

**A Public Hearing was held for the Marvel Minor Subdivision Annexation of the Sussex County Unified Sanitary Sewer District (Holts Landing Area).**

**John Ashman, Director of Utility Planning & Design reported that County Council granted approval to prepare and post notices for the public hearing on June 11, 2024, for the proposed expansion. The Engineering Department received a request from Foxlane Homes, the developers of a project to be known as Marvel Minor Subdivision. The request include parcels 134-7.00-162.00 & 162.01 and is proposed at 3 lots. The project will be responsible for System Connection charges in place at the time of connection. Public Hearing notices were posted on July 3<sup>rd</sup> and placed on the County website. To date,**

**there has been no correspondence received in support or opposition of the proposed annexation.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 382 24  
Adopt  
Resolution  
No. R 015 24/  
Marvel  
Minor  
Subdivision  
Annexation  
into  
SCUSSD**      **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Resolution No. R 015 24 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) HOLTS LANDING AREA, TO INCLUDE THE PROPOSED THE MARVEL MINOR SUBDIVISION, LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.**

**Motion Adopted:      5 Yeas**

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

**Rules**      **Mr. Moore read the rules and procedures for Public Hearings.**

**Public  
Hearing/  
CU2427**      **A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.51 ACRES, MORE OR LESS” (property lying at the end of Alma’s Way, approximately 0.25 mile east of Wil King Road [S.C.R. 288]) (911 Address: N/A) (Tax Map Parcel: 234-6.00-66.00) filed on behalf of Joshua L. Wharton.**

**The Planning & Zoning Commission held a Public Hearing on the application on June 5, 2024. At the meeting of June 26, 2024, the Planning & Zoning Commission recommended approval of the application for the 5 reasons stated and subject to the 12 recommended conditions as outlined.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Council found that Mr. Joshua Wharton, the Applicant, spoke on behalf of the application; that he operates a landscape business; that this is where he stores his trucks; that the main business is in Rehoboth at Wharton’s garden center & landscaping; that he does not enough room on that property to keep his trucks; that his employees will come to the property to get their trucks, load it and leave; that there are materials stored on the site such as pavers and deliveries are made to this location; that all of the retail takes**

place at the Rehoboth location.

There were no public comments.

The Public Hearing and public record were closed.

**M 383 24  
Adopt  
Ordinance  
No. 3028/  
CU2427**

**A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to Adopt Ordinance No. 3028 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 8.51 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:**

- 1. The site is located within the Coastal Area according to the Sussex County Comprehensive Plan. This use is appropriate within this Area.**
- 2. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business is consistent with the underlying agricultural zoning of the property.**
- 3. The use will not adversely affect area roadways or neighboring properties.**
- 4. A landscaping company provides a service to a wide variety of Sussex County residents and businesses, and it has a public or semi-public character that will benefit the residents and businesses of Sussex County.**
- 5. There was no opposition to this application.**
- 6. This recommendation is subject to the following conditions:**
  - a. This use shall be limited to a landscaping business.**
  - b. No manufacturing shall occur on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.**
  - c. As stated by the Applicant, there shall not be any retail sales occurring from the site.**
  - d. One lighted sign, not to exceed 32 square feet per side, shall be permitted.**
  - e. The hours of operation shall be limited to 7:00 a.m. through 5:00 p.m., Monday through Friday, and from 7:00 a.m. until 3:00 p.m. on Saturdays. There shall not be any Sunday hours. The Applicant shall be able to operate beyond these hours on an as-needed basis for limited situations such as snow removal, storm damage cleanup, and similar events.**
  - f. Any areas to be used for the storage of dirt, topsoil, mulch, stone**

**M 383 24  
Adopt  
Ordinance  
No. 3028/  
CU2427  
(continued)**

- or similar shall be shown on the Final Site Plan with the type of containment used to keep them in place.
- g. Any lighting on the site shall be screened so that it does not shine on neighboring properties or roadways.
- h. Any dumpsters on the site shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- i. The applicant shall comply with all DeIDOT requirements, including any entrance or roadway improvements.
- j. The Final Site Plan shall clearly show all areas for vehicle and equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property’s setbacks.
- k. Failure to comply with any of these conditions may be grounds for termination of the Conditional Use approval.
- l. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU2418**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODIFICATION OF CONDITIONS OF APPROVAL RELATING TO CONDITIONAL USE NO. 1018 TO MODIFY BUILDING SIZE LIMITATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.915 ACRE MORE OR LESS” (property lying on the south side of John J. Williams Highway [Rt. 24] approximately 200 ft. west of Layton Davis Road [S.C.R. 312A]) (911 Address: 27073 John J. Williams Highway, Millsboro) (Tax Map Parcel: 234-29.00-53.00) filed on behalf of Nanticoke Indian Association.**

**The Planning & Zoning Commission held a Public Hearing on the application on June 5, 2024. At the meeting of June 5, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 1 recommended condition revision as outlined.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Council found that Mr. David Hutt, Esq., of Morris James, spoke on behalf of the Applicant, Nanticoke Indian Association; that Chief Avery Johnson and Mr. Mark Davidson, Principal Land Associate with Pennoni**

**Public  
Hearing/  
CU2418  
(continued)**

Associates were also present; in regard to the Conditional Use for the property at about 200 feet West of the intersection of Layton Davis Rd. and Route 24; that the property contains a little less than an acre about 9/10 of an acre and it will be reduced a little further as part of this process, should this be favorably acted upon by County Council as DelDOT is receiving a dedication of some additional right of way; that in 1929, Isaac and Vina Harmon conveyed the property to the Indian River School District for the descendants of the Nanticoke Tribe of Indians; that in 2006 the Indian River School District for the descendants of the Nanticoke Tribe of Indians conveyed the property to the Nanticoke Indian Association; that the deed has a possibility of reversion, what that means in the context of this property is that the property will revert to the Indian River School District in the event that the property ceases to be used by the Nanticoke Indian Association as a social or cultural center for the advancement of history, culture and tribal heritage of the Nanticoke Indians; that the cultural community center on that parcel houses the Tribal Affairs Office which provides programs and services that include a food bank, Community Center, community dinners, cultural arts and crafts lessons, native drum and dance lessons, educational programs, heritage and cultural activities, youth and senior programs, elder programs, healthcare services and mental health and domestic violence services; that the property is zoned AR-1 and in 1992 an Ordinance was passed by County Council Ordinance No. 859 as part of C/U1018 and that Conditional Use was for an Indian Center Tribal Office and meeting place; that in 2018, the Ordinance was amended by C/U2115, when County Council adopted Ordinance No. 2554 to allow for an electronic message center sign on the property to replace the prior sign that was destroyed by a car; that the Conditional Use and Ordinance is within the project book materials, and it had five conditions; that the application seeks to amend the first condition regarding the size of the building; that the zoning map shows a mixture of zoning classifications with areas of agricultural, residential and commercial all within a small distance of the property; that there are nine approved Conditional Uses within a mile of the property; that this property resides in a Level 2 area on the state strategies map and according to the state and the Office of State Planning Coordination, Level 2 areas of the state investments and policy should support and encourage a wide range of uses and densities, promote other transportation options, foster efficient use of existing public and private investments, and enhance community identity and integrity; that this application certainly helps to support the community identity of Sussex County and particularly in this area of Sussex County; that there are no wetlands located on the property, water is provided by Tidewater Utilities, sanitary sewer is through an on-site wastewater disposal system; that the property is within a tier one level within the Sussex County Unified Sanitary Sewer District and the Sussex County Engineering Department indicated that there is capacity for the Cultural Community Center to become part of and connect it to county sewer if the easements are granted; that a SLER was filed with DelDOT who responded that pursuant to the terms of its Memorandum of Understanding with Sussex County, the traffic impact for the expansion of the Community Center would be negligible; that means that

**Public  
Hearing/  
CU2418  
(continued)**

it anticipates less than 50 vehicle trips per hour and less than 500 vehicle trips per day; that there is a letter of no objection to recordation from DelDOT, State Fire Marshall approval and approval from the Sussex Conservation District and entrance approval from DelDOT; that this application is asking to amend the existing conditions in C/U1018; that the first condition says the conditional use shall be limited to a 20 foot by 50 foot addition to the existing structure; that when the Association acquired this property there was a 1,250 square foot 25 by 50 building on it and then there was an addition of 20 feet by 50 feet made to that which added another 1,000 square feet to this so that the building was allowed to be under that conditional use of 2,250 square feet; that the proposed addition involves additional structures on both sides with the combined square footage of those two parts of the building additions would be 2,613 square feet, bringing the total building to 4,859 square feet; that the request is to amend square footage of the building to 5,000 square feet; that the Planning Commission recommended that Condition No. 1 be deleted; that the Nanticoke Indian Association supports the recommendation; that the purpose of the addition is to double the size of the existing Community Center and allow it to accommodate new restrooms, an food bank, expanded food bank, flex space for children's area and classroom, additional meeting, arts and craft room and to extensively renovate the entire exterior with a new roof, new siding, etc.; that they added parking areas, walkways, native artwork, new lighting and landscaping for the property; that the support that this project has been received throughout, including financial support from the State Legislature and our federal government, there was support for a bond bill and funding through the bond bill, and signatures of many area residents for this Cultural Center; that this property meets the general purpose of the zoning ordinance, and specifically as it's a Conditional Use, Section 115-171, as it is a public Community Center use that is essential and desirable for the general convenience and welfare, orderly growth, prosperity and welfare of Sussex County.

There were no public comments.

The Public Hearing and public record were closed.

**M 384 24  
Adopt  
Ordinance  
No. 3029/  
CU2418**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 3029 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MODIFICATION OF CONDITIONS OF APPROVAL RELATING TO CONDITIONAL USE NO. 1018 TO MODIFY BUILDING SIZE LIMITATIONS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.915 ACRE MORE OR LESS" for the reasons that includes removal of Condition No. 1 of CU1018 given by the Planning & Zoning Commission as follows:

1. Nanticoke Indian Association operates its Nanticoke Indian Cultural Community Center at the location. The center offers a variety of

**M 384 24  
Adopt  
Ordinance  
No. 3029/  
CU2418  
(continued)**

- services to the association and the community in general, including a food bank and Community Center, heritage and cultural activities.
2. This use was approved by C/U1018 in 1992, but with condition #1, which stated that it shall be limited to a 20 by 50-foot addition to the existing structure.
  3. The center exists in a building that is about 75 years old and has served the Association well, but an update in renovation of the building at its site is needed.
  4. The 75 years this building has been in use and in the 30 years since C/U1018 was approved, much has changed in this area since this county, for instance, there are now several businesses in the area and there are multiple different residential business and commercial zoning districts in the area. Also, DelDOT is now designated Route 24 as a major collector road it is also now in the coastal area under the county's Comprehensive Land Use Plan. Under all these circumstances, condition number one of C/U1018 is no longer necessary or appropriate.
  5. With the elimination of this condition, the Association will be able to renovate and expand its existing building to enable it to install new restrooms, new food bank, flex space for children's areas, classrooms, a new commercial kitchen, are renovated office and community computer workspace areas.
  6. DelDOT stated that the expansion of the building will have a negligible impact on traffic in the area.
  7. There was no opposition to this application and eight condition number one of C/U1018 should be deleted in its entirety. There is no need for a limitation on the building size, it will still be governed by the relevant parking, stormwater management access and set back requirements that will govern the site and the new building. Additionally, any new building will be subject to site plan review and approval by the Planning and Zoning Commission.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU2422**

**A Public Hearing was held on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO MODIFY CONDITIONAL USE NO. 1094 (ORDINANCE 998) TO ALLOW FOR THE ADDITION OF TWO WAREHOUSES, IN ADDITION TO THE RETAIL SALE OF WHOLESALE NURSERY PRODUCTS, FARM**

**Public  
Hearing/  
CU2422  
(continued)**

**PRODUCTS, FERTILIZERS, POTS, GARDENING EQUIPMENT, ETC., TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.01 ACRES, MORE OR LESS” (property lying on south side of Seashore Highway [Rt. 18], approximately 0.83 mile northwest of State Forest Rd. [S.C.R.579]) (911 Address: 13418 Seashore Highway, Georgetown) (Tax Map Parcel: 231-6.00-24.02) filed on behalf of Garden Estates, Inc.**

**The Planning & Zoning Commission held a Public Hearing on the application on June 5, 2024. At the meeting of June 5, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 1 recommended condition revision as outlined.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Council found that Ms. Shannon Carmen Burton Esq., of Sergovic, Carmean, Weidman, McCartney, and Owens, spoke on behalf of the Applicant, in regards to an Ordinance to amend Condition No. 6 of existing C/U 1094, Ordinance No. 998 which is requesting to add two 9,000 square foot warehouses on a property in an AR-1 zoned parcel; that the property located at 13418 Seashore Hwy. Georgetown DE and is approximately 5 acres of land; that this property received a C/U in December of 1994 for retail and wholesale of nursery products, farm products, fertilizers, pots, gardening equipment, etc.; that the C/U approval was subject to six conditions, being the site plan was subject to review and approval by the Planning and Zoning Commission, all appropriate agency approvals and permits shall be submitted with the final site plan, all buildings shall be set back a minimum of 150 feet from the front property line, no parking shall be permitted within 40 feet of the right of way of Route 18, one sign not exceeding 32 square feet on both sides may be permitted and items for sales shall be limited to nursery stock, produce and farm products, fertilizer, pots and related gardening and landscaping equipment and items; that the applicant is seeking to add the warehouse and storage use as a permitted use; that the property is currently utilized by the applicants tenant plant retrievers for those purposes that are permitted under the existing conditional use; that there is currently a 1 story building located on the property surrounded by a large gravel lot used for display of items and materials to be sold; that the amendment to the existing C/U is to allow for the warehouse use that would enable the existing tenant as well as the applicant to expand operations to meet the needs of the expanding population in the county and to provide storage space for the tenant or third parties such as contractors to store equipment and materials onsite.**

**Mr. Tom Schrier, a registered landscaper spoke on behalf of the application; that the applicant is looking to construct two 9,000-square-foot warehouses for purposes of storage for the current tenant as well as third parties; that the warehouse will be placed in the rear of the property over top of existing impervious areas; that there will be approximately 60 feet between the**

**Public  
Hearing/  
CU2422  
(continued)**

warehouses; that the garage doors to the warehouses will be facing each other; that there will be appropriate access ways for the tenants as well as emergency vehicles.

Ms. Burton stated that the property is located in the AR-1 zoning district and adjoining parcels to the North-South, East-West are also zoned AR-1; that the purpose of the AR-1 zoning district is to provide for a full range of agricultural activities and to protect agricultural lands as one of the county's most valuable natural resources; that C/U allowed within AR-1 district are agricultural related industries, residential business, commercial or industrial uses, when the purposes of the chapter are more fully met by issuing the conditional use permit; that including the existing conditional use, there are 8 conditional uses that have been approved within a one mile radius of the property; that the 2018 Sussex County Comprehensive Plan update Future Land Use Map is along with adjoining parcels to the North-South and East-West; that low density area is a rural area where the county envisions a predominantly rural landscape where farming coexists with appropriate residential uses and permanently preserve prop. 30 in the comprehensive plan; that the primary uses envisioned in the low density areas include agricultural related activities and residential uses; that business development should be confined to businesses that address the needs of agricultural or residential uses; that the Comprehensive Plan provides that Industrial and Ag business uses that support or depend on agriculture, should be permitted, and the focus of retail and office uses in low density areas should be providing convenience goods and services to nearby residents; that the current use and the proposed warehouse use are for agricultural related activities that service residents and businesses nearby and throughout the county is appropriate and compatible with the goals of the Comprehensive Plan; that the proposed warehouse use will not have an adverse impact on the neighboring properties as the buildings will be located at the rear of the property with a mature buffer trees; that the use is of a public or semipublic character and is desirable for the general convenience and welfare of neighboring properties and uses in the area; that it will have no significant impact on traffic, DelDOT said that it was negligible and did not require or recommend that a traffic impact study be performed for the proposed use for the reasons presented.

There were no public comments.

The Public Hearing and public record were closed.

**M 385 24  
Adopt  
Ordinance  
No. 3030/  
CU2422**

**A Motion was made by Mrs. Green, seconded by Mr. Hudson to Adopt Ordinance No. 3030 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO MODIFY CONDITIONAL USE NO. 1094 (ORDINANCE 998) TO ALLOW FOR THE ADDITION OF TWO WAREHOUSES, IN ADDITION TO THE RETAIL SALE OF WHOLESALE NURSERY PRODUCTS, FARM PRODUCTS, FERTILIZERS, POTS, GARDENING EQUIPMENT, ETC., TO BE**

**M 385 24  
Adopt  
Ordinance  
No. 3030/  
CU2422  
(continued)**

**LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 5.01 ACRES, MORE OR LESS” for the reasons that includes modification of Condition No. 6 of CU1094 given by the Planning & Zoning Commission as follows:**

- 1. Under C/U1094, a wholesale and retail facility for the sale of nursery products, is permitted to this location and has been utilized that way for years.**
- 2. This application seeks to add the ability to install warehousing in the form of two new warehouse buildings at the rear of the property. The current conditions of C/U 1094 do not permit warehousing.**
- 3. In the 30 years since C/U 1094 was approved, much has changed in this area. Sussex County, for instance, there are now several businesses in the area, including eight other conditional uses within one mile of the location. The addition of existing warehousing on this site is appropriate at this location.**
- 4. The applicant has stated that the warehousing may be used by the existing landscaping business or by third parties.**
- 5. DelDOT stated that expansion will have a negligible impact on traffic in the area.**
- 6. There was no opposition to this application.**
- 7. Condition number six of C/U 1094 should be amended to add warehousing as a permitted use. It will still be governed by the relevant parking, stormwater management access and set back requirements that will govern the site and the new building, as well as all agency approvals. Additionally, any new building will still be subject to site plan review and approval by the planning and zoning commission. There should not be any new office space within the warehouse, uses in the building shall be limited to storage and warehousing only.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU2414**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES MORE OR LESS” (property lying on the east side of Millsboro Highway [Rt. 30], approximately 0.89 mile south**

**Public  
Hearing/  
CU2414  
(continued)**

**of Laurel Road [Rt. 24]) (911 Address: 32605 Millsboro Highway, Millsboro) (Tax Map Parcel: 233-13.00-1.04) filed on behalf of Justice Boyz Properties, LLC.**

**The Planning & Zoning Commission held a Public Hearing on the application on June 5, 2024. At the meeting of June 26, 2024, the Planning & Zoning Commission recommended approval of the application for the 6 reasons stated and subject to the 13 recommended conditions as outlined.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Council found that Mr. Travis Justice, owner of Justice Boyz Properties, LLC., spoke on behalf of his application; that he submitted a Final Site Plan as requested by the Planning & Zoning Commission; that parking was added to the back of the property as requested by the buyer; that the oil reserve tank is noted on the site plan.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 386 24  
Adopt  
Ordinance  
No. 3031/  
CU2414**

**A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Ordinance No. 3031 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONTRACTOR OFFICE AND STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 4.72 ACRES MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:**

- 1. The site is located along Route 30, approximately a mile from its intersection with Route 24. This use is appropriate for this location.**
- 2. The Applicant has stated that the contractors using the site may include landscaping businesses. That is also an appropriate use at this location.**
- 3. Traffic generated by the proposed use will be minimal and will not have a negative impact on the neighboring properties or roadways.**
- 4. The use is of a public or semi-public character that is desirable for the general convenience and welfare of the area and the County. It is also a location along Route 30 that is convenient for small businesses.**
- 5. No parties appeared in opposition to the application, and the next-door neighbor appeared in favor of it.**
- 6. This recommendation is subject to the following conditions:**

**M 386 24  
Adopt  
Ordinance  
No. 3031/  
CU2414  
(continued)**

- a. The project shall be used for a contractor’s office with storage. This may include a landscaping contractor. The office shall be located within the dwelling that currently exists on the site.
- b. There shall be no retail sales from the property.
- c. No vehicle repair or fueling operations shall be performed on site.
- d. There shall be no manufacturing on the site. This prohibition includes the shredding or grinding of any materials and also includes the dyeing of mulch or similar materials.
- e. Any areas to be used for the storage of dirt, topsoil, mulch, stone or similar items shall be shown on the Final Site Plan with the type of containment used to keep them in place.
- f. All lighting on the site shall be downward screened so that it does not shine on neighboring properties or roadways.
- g. Any dumpsters on the site are to be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- h. The applicant shall comply with all DelDOT requirements for entrance and roadway improvements.
- i. The hours of operation shall be from 7:00 a.m. until 5:00 p.m., Monday through Friday, and between 8:00 a.m. and 12:00 p.m. on Saturdays. No Sunday hours are permitted.
- j. The parking areas shall be clearly shown on the Final Site Plan and on the site itself. No parking shall be located within the site’s front-yard setbacks.
- k. One lighted sign shall be permitted. It shall not be larger than 32 square feet per side.
- l. Failure to comply with these conditions of approval may result in this Conditional Use becoming null and void.
- m. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU2463**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A 5.0 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 140.12 ACRES, MORE OR LESS” (property lying on the east side of Jestice Farm Road [S.C.R.**

**Public  
Hearing/  
CU2463  
(continued)**

**449A), approximately 0.25 mile north of Laurel Road [Rt. 24]) (911 Address: 32099 Justice Farm Road, Laurel) (Tax Map Parcel: 232-19.00-45.00 [p/o]) filed on behalf of Chickberry Farms Events, LLC.**

**The Planning & Zoning Commission held a Public Hearing on the application on May 22, 2024. At the meeting of June 5, 2024, the Planning & Zoning Commission recommended approval of the Application for the 6 reasons stated and subject to the 6 recommended conditions as outlined.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Council found that Ms. Melinda Bonniwell, owner of Chickberry Farms, spoke on behalf of herself in regard to the application; that she has lived at Chickberry Farms her entire life and bought the business from the family in 2014; that there are not many people on her road so the traffic is limited; that they have signs showing people where to park; that they are approved by the Fire Marshall; that they have lighting around the building and in the areas that guests walk around; that reviews and recommendations that were given by clients were shown; that her family are the ones who work the events; that the family has five poultry houses that she also helps with along with this business; that the hours of operation are by appointment only in terms of scheduling events; that the Fire Marshall approved them for over 200 guests but they feel that 130 guests can fit in their venue comfortable; that noise complaints are limited as the closest neighbors are approximately ¼ acre away and they are all family; that they do have animals on the property such as goats; that they are running 4H programs during the week through the business in which they are teaching kids about agriculture, animals and completing projects that get submitted to the Delaware State Fair.**

**There were no public comments.**

**The Public Hearing and public record were closed.**

**M 387 24  
Adopt  
Ordinance  
No. 3032/  
CU2463**

**A Motion was made by Mr. Schaeffer, seconded by Mr. Rieley to Adopt Ordinance No. 3032 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A 5.0 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 140.12 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:**

- 1. The use will occur within a 140.12-acre parcel that is also used as a farm. Chickberry Farms has been used for a variety of events including children’s birthday parties, school trips, dances and**

**M 387 24  
Adopt  
Ordinance  
No. 3032/  
CU2463  
(continued)**

weddings for decades. This application simply seeks to confirm the long-standing use of the property with improvements proposed by the Applicants.

2. This use is an extension of ongoing agricultural use of the property and agricultural uses that occur on the surrounding farmland. The use can also be considered as “agritourism” that promotes the agricultural industry in Sussex County.
3. The Applicant intends to hold events that include weddings, birthday parties, 4H events, educational evens, parties, and similar functions with limited hours.
4. The site will have sufficient areas for parking.
5. With the conditions and limitations placed upon this Conditional Use, it will not adversely affect neighboring properties or area roadways.
6. No parties appeared in opposition to the Application.
7. This recommendation is subject to the following conditions:
  - a. The area shall be an events venue for weddings, benefits, 4H and educational events, dinners, festivals, parties, and similar activities.
  - b. The area set aside for conditional use, including all areas to be used for parking, shall be clearly shown on the Final Site Plan.
  - c. The consumption of alcoholic beverages shall be permitted during events on the site subject to the approval from the Delaware Office of the Alcoholic Beverage Control Commissioner.
  - d. All parking areas shall be shown on the Final Site Plan and clearly marked on the site itself. The interior driveways and parking areas shall contain sufficient space for vehicles and shuttle buses to turn around completely on the site.
  - e. All activities on the premises shall comply with Fire Marshal, parking capacity and general permitting requirements.
  - f. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
CU2431**

**A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS”**

**Public  
Hearing/  
CU2431  
(continued)**

**(property lying on the east side of Savannah Road [Rt. 9] at the intersection of Savannah Road [Rt. 9] and Quaker Road, approximately 0.33-mile northeast of Westcoats Road [Rt. 12]) (911 Address: 1510 Savannah Road, Lewes) (Tax Map Parcel: 335-12.06-10.00) filed on behalf of Play It Safe, LLC.**

**The Planning & Zoning Commission held a Public Hearing on the application on May 22, 2024. At the meeting of June 5, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 12 recommended conditions as outlined.**

**Jamie Whitehouse, Planning & Zoning Director presented the application.**

**The Council found that Ms. Mackenzie Peet, Esq., from the law firm of Saul Ewing, spoke on behalf of Dr. Mary Vaughn the applicant/owner of Play It Safe, LLC.; that they are seeking a conditional use of land in an AR-1 district for the operation of a professional office; that Dr. Vaughn is a licensed psychologist who holds a doctorate in clinical psychology, works with children, adolescents, adults, and families in various settings; that her practice focuses on difficulties related to depression, anxiety, relationship issues, anger problems, personality disorders, trauma, grief and behavioral difficulties; that Dr. Vaughn also provides psychological evaluations for the courts and offers services such as parent coordination, reunification, therapeutic visitation and custody evaluation; that in 2023, Dr. Vaughn submitted her application with the Planning & Zoning office along with a number of exhibits; that on May 10, 2024, the applicant filed its supplemental exhibit booklet, which included an updated Conditional Use plan that showed additional parking spaces in the rear yard; that on May 22, 2024, the Commission reviewed the application and at their meeting on June 5, 2024, the Commission recommended approval subject to 7 reasons and subject to 12 recommended conditions; that on July 5, 2024, Ms. Peet filed a supplemental exhibit packet including a parking exhibit, updated letter of no impact from DelDOT and site photograph; that the site is located at 1510 Savannah Rd., outside the City of Lewes, Tax Map Parcel No. 335-12.06-10.00; that 14 conditional uses have been sought within a one mile radius, 13 of them being approved, nine of those uses are office related, indicating a demand for offices in this area; that this suggests that the site is located in area experiencing growth and development, especially in terms of office space; that currently Dr. Vaughn is operating in an office space at 1518 Savannah Rd and she is in need of an upgraded space to better serve her clients and team; that currently her office serves approximately 1,000 patients and hopes to continue to support their existing and growing client base; that Dr. Vaughn's use is semipublic and character is consistent with other existing businesses in the area where office type and residential uses coexist along Savannah Rd.; that this use is certainly and can be consistent with zoning district and Future Land Use Map, and will offer the residents of Sussex County much needed psychology services; that Dr. Vaughn is proposing an office space in what was a residential home; that after that, it**

**Public  
Hearing/  
CU2431  
(continued)**

was a daycare business known as Child's Play; that this space has been improved and just received a Certificate of Occupancy on July 9, 2024; that copy of the CO was submitted into the record; that there has been some interest with neighbors about Dr. Vaughn's decision to proceed with construction prior to obtaining her use approvals; that Dr. Vaughn decided to proceed with construction all of which is permitted by Sussex County under a permit issued by the Building and Licensing department; that the decision was driven by limited alternate options for office space in the area and the termination of her lease this summer; that Dr. Vaughn has taken great care to design a building that blends in with residential care of the community; that the only exterior changes to the building will be primarily landscaping; that there is currently a violation that was issued by DelDOT on July 11, 2024; that access will be provided off of Quaker Road into the site and then exit only onto Savannah Road as dictated by DelDOT; that the parking spaces were labeled due to confusion; that there are 9 spaces in the front and 2 additional spaces in the back; that there is a required strip approximately 4 feet wide that has to be maintained; that the applicant laid clam shells that has encroached into an area; that to bring the property back into compliance, the clam shells have to be pulled back and a grass buffer strip has to be established; that it is scheduled for work this week; that DelDOT has requested a grass strip; that correspondence with Mr. Smith from DelDOT was submitted; that Mr. Smith confirmed that the clam shells have to be pulled back and the grass buffer strip needs to be established; that the applicant will be posting signs along the grass area if permitted by DelDOT to state no parking; that the recommended hours are 7:00 a.m. until 8:00 p.m. Monday through Friday and 8:00 a.m. until 4:00 p.m. on Saturdays; that the hours are consistent with Dr. Vaughn's current business and surrounding businesses; that the applicant has engaged with neighbors in regards to their concerns and maintains open communication; that a summary of the outreach efforts was provided into the record at the Commission hearing; that the letter was included along with a list of neighbors that it was mailed to and it welcomed any of them to reach out with questions or concerns; that primarily communication was with Mr. David Green, the immediate adjacent neighbor behind the property; that in July 2023, Ms. Peet met with Mr. Green and Dr. Vaughn on site; that on July 24, a plan was provided to Mr. Green and the application was shared with him on July 25, 2023; that an amended plan showing the spaces in the rear yard was provided on September 1, 2023 and the final plan was filed with the County on May 10 and posted to the docket on that day; that there is a tree dispute between Mr. Green's property that is documented which is not relevant to this current request; that the parties hope for resolution in the near future; that there were comments that Dr. Vaughn had not shared an outreach letter with all neighbors on Quaker Road; that the neighbors that were determined to be most impacted by the use were identified; that opposition letters do not oppose the business itself; that her client is willing to meet with neighbors and have an open dialogue; that the hours of operation will not create any excessive noise that differs from nearby uses; that the nearby

**Public  
Hearing/  
CU2431  
(continued)**

**backyard will be used for staff to enjoy their lunch on nice days and parking purposes; that the applicant proposes to keep the fence that is located between the site and Mr. Green's property and replace it between her property and Mr. Green's property if that becomes necessary; that positive responses were received from the Sussex Conservation District and State Fire Marshal approving the plan; that there is a request to amend Condition F; that Condition F concerns signage that the Commission put into a condition for signage to be placed along Savannah Road and Quaker Road in terms of parking and entrance requirements; that it is proposed to be clarified that the signage has to be permitted by DelDOT; that it is next to a public road; that Mr. Moore questioned if it would be ok with the client to add in Condition E that parking bumpers along any grass strip shall be placed if permitted by DelDOT; that Ms. Peet questioned what the actual barrier would look like and if it could be a vegetative buffer rather than concrete; that the project meets the site requirements for office use and addresses the high demand for psychology services and is consistent with this business like neighborhood district; that the building has been designed to blend in with the community and the applicant has taken steps to minimize traffic and parking concerns; that the applicant has consulted with DelDOT to provide more onsite parking than the prior use and to address any offsite issues; that the utilities are in place and hours of operation will not disrupt the neighborhood; that all necessary approvals from agencies have been obtained; that the DelDOT violation will be resolved; that for all of these reasons, the applicant seeks approval of the Conditional Use request.**

**Public comments were heard.**

**Mr. David Green spoke in opposition of the application; that he lives in the property that is adjacent to 1510 Savannah Road; that the fence separates the properties; that the site plan that was referenced today with the two parking spaces in the back he believes is not the plan approved by DelDOT; that the site plan that was approved by DelDOT was on 6/18/24; that it did not show two spots in the back; that it showed one along Quaker and one in the back; that during the PZ testimony, that was intentional so that there was not a second spot up against his fence; that during the PZ hearing, the parking spots were discussed during the meeting during minutes 45-50; that the plan dated June 18, 2024 was shown; that the neighbors are very concerned about safety, emergency vehicles being able to get in and out and noise; that the previous owner of the daycare business is still the owner of the property; that there is a vested interest since it become a busy business; that the residents are worried about cars backing in and out; that he has almost been hit by a vehicle; that there is a grandfather that brings this grandkids down the street which was submitted in the comments yesterday; that one of the things that DelDOT suggested during his discussions was to run vegetation; that the grass area is to remain as discussed; that DelDOT has suggested making some kind of barrier to help with the safety, traffic and noise issues; that Savannah Road is very busy; that in the testimony**

**Public  
Hearing/  
CU2431  
(continued)**

during the PZ hearing, Mr. Mears and Mr. Robertson stated that they have never seen three entrances for an AR home; that it was questioned and discussed where the three entrances were located.

Ms. Peet stated that the only difference between the two site plans presented is that the parking spots were labeled that was submitted July 5. As she previously stated, they sought clarification from DelDOT as there was confusion about where the entrance and parking spaces were located at the PZ Commission meeting. After that meeting, an update of no impact was issued by DelDOT based on the plan that was submitted. It was pointed out that one was an entrance, and one is an exit.

Mr. Green stated that the information from DelDOT states that the plan that shows the new parking was revised on June 20, 2024; two days after the letter of impact was issued; that the two spaces on the back are not part of the site plan.

It was discussed that there is one exit on Savannah Road and there is one entrance on Quaker Road.

Mr. Green stated that the white space between the edge of the road and the property line in the grass area is outside of the limit of disturbance; that he requested that the area have some type of vegetation or barrier so that cars are not using it to go in and out; that he requested that there be a certain number of parking spaces listed so that it does not grow.

Mr. Whitehouse explained that if this application is approved, it would still have to go through the Planning & Zoning Commission for final site plan approval. The applicant would then be required to comply with that site plan and any revisions would trigger further review.

Mr. Green questioned why the spaces in the front aren't being used rather than putting spaces in the back.

The Public Hearing and public record were closed.

**M 388 24  
Defer  
Action/  
CU2431**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to defer action on a Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.26 ACRE, MORE OR LESS" to be able to review the evidence received today.

**Motion Adopted: 5 Yeas.**

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

**Mr. Hudson, Yea; Mr. Rieley, Yea;  
Mr. Vincent, Yea**

**M 389 24  
Adjourn**

**A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to adjourn at  
3:23 p.m.**

**Motion Adopted: 5 Yeas.**

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

**Respectfully submitted,**

**Tracy N. Torbert  
Clerk of the Council**

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

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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# Sussex County

DELAWARE  
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MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

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

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement  
Mitchells Corner  
File: OM 9.01*

DATE: July 30, 2024

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **Mitchells Corner, LLC** for **Michells Corner** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Mitchells Corner** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **Mitchells Corner, LLC** will contribute **\$325,015.00** for the financial catch-up contribution of the existing infrastructure to serve **265.00** Equivalent Dwelling Units. Payments of the contribution will be required prior to beneficial acceptance of the projects on-site collection system.



**EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

**Mitchells Corner – IUA-1112**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_ 2024, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**MITCHELLS CORNER, LLC**, a Delaware Limited Liability Company and developer of a project known as Mitchells Corner, hereinafter called the “Developer.”

**WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcel 335-8.00-37.00 to be known as **Mitchells Corner** (“Project”) and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Snssex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **265.00** additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$325,015.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to beneficial acceptance of the on-site collection system.**
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is **4750 Owings Mill Blvd, Owings Mill MD 21117.**

IN WITNESS, WHEREOF, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

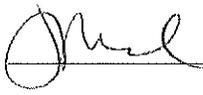
By: \_\_\_\_\_  
(President - Sussex County Council)  
\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR MITCHELLS CORNER, LLC**

By:  \_\_\_\_\_ (Seal)  
Jon Hoffman  
06/19/2024 (DATE)

WITNESS:  \_\_\_\_\_

## ENGINEERING DEPARTMENT

JOHN J. ASHMAN  
DIRECTOR OF UTILITY PLANNING & DESIGN REVIEW

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# Sussex County

DELAWARE  
sussexcountype.gov

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

### Memorandum

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

FROM: John J. Ashman   
Director of Utility Planning & Design Review

RE: *Existing Wastewater Infrastructure Use Agreement  
Mulberry Knoll Store IUA 1230  
File: OM 9.01*

DATE: July 30, 2024

The Existing Wastewater Infrastructure Use Agreement is an arrangement that collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the existing wastewater infrastructure use with **WitSil Mulberry Associates, LLC** for **Mulberry Knoll Store** project in the **West Rehoboth Area**. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Mulberry Knoll Store** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **WitSil Mulberry Associates, LLC** will contribute **\$59,509.00** for the financial catch-up contribution of the existing infrastructure to serve **7.50** Equivalent Dwelling Units. Payments of the contribution will be required prior to receiving a connection permit.



**REVISED - EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT**

**Mulberry Knoll Store – IUA 1230**

THIS AGREEMENT (“Agreement”), made this \_\_\_\_\_ day of \_\_\_\_\_ 2024, by and between:

**SUSSEX COUNTY**, a political subdivision of the State of Delaware, hereinafter called the “County,” and;

**WITSIL MULBERRY ASSOCIATES, LLC** a Limited Liability Company and developer of a project known as **Mulberry Knoll Store**, hereinafter called the “Developer.”

**WITNESSETH:**

**WHEREAS**, Developer is developing a tract of land identified as Tax Map parcel 334-12.00-108.00 to be known as **Mulberry Knoll Store** (“Project”) and;

**WHEREAS**, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Western Rehoboth Area) and;

**WHEREAS**, the Project will utilize available capacity in existing wastewater infrastructure previously funded by Sussex County.

**NOW THEREFORE**, in consideration of the mutual covenants and conditions contained herein, which is hereby acknowledged by both parties as sufficient consideration, the parties hereby agree as follows:

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 7.50 additional equivalent dwelling units to County’s existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$59,509.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving connection permit.**

- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 3304 Old Capitol Trail, Wilmington Delaware 19808.

**IN WITNESS, WHEREOF**, the respective parties hereto have affixed their hands and seals the day and year aforesaid.

**FOR THE COUNTY:**

{Seal}

By: \_\_\_\_\_  
(President - Sussex County Council)

\_\_\_\_\_ (DATE)

ATTEST:

\_\_\_\_\_  
Tracy Torbert  
Clerk of the County Council

**FOR WITSIL MULBERRY ASSOCIATES, LLC**

By: \_\_\_\_\_ (Seal)  
Robert G. Wittig

7/9/24 \_\_\_\_\_ (DATE)

WITNESS:

Ray Malcolm

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

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# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

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

**FROM:** Mike Harmer, P.E., County Engineer  
Gina A. Jennings, MPA, MBA, Finance Director  
John J. Ashman, Director of Utility Planning & Design Review

**DATE:** July 30, 2024

**RE:** *North Ellendale Flow Diversion Project*  
*Introduction of Ordinance*

The Engineering Department identified transmission limitation in the Ellendale Sewer District Area. This is in addition to the limited treatment capacity of the Town of Georgetown which receives the area flow. The combination of these two issues significantly limits the ability of the Town of Ellendale to accept future development projects within the town limits. The Engineering Department examined potential alternate options and concluded that the diversion of the North Ellendale sewer flow to the Artesian Wastewater Management, Inc. SRRF facility would alleviate capacity issues at the Georgetown treatment facility as well as eliminating a transmission bottleneck. This approach enables both Ellendale and Georgetown to accept new projects, the County to collect the sewer connection charges while at the same time provide treatment services via flow exchange with Artesian Wastewater Management, Inc. versus cash payment to Georgetown.

The proposed project would provide improvements to two pumpstations, install 3,500 feet of 6-inch forcemain (FM) extension from pumpstation #91 west and manifold with the existing 6-inch FM coming from pumpstation #92. We will reverse the flow in this FM and convey all effluent from pumpstation #91 to the gravity infrastructure in New Market Village. Pumpstation #92, located within New Market Village, will be rebuilt and 16,500 feet of new 8-inch FM will be installed from #92 along Reynolds Pond Road to Isaacs Road. The FM will extend south on Isaacs Road to the Artesian Wastewater Management, Inc. (AWMI) owned and operated SRRF facility for treatment and disposal. Depending on the timing of the project the forcemain could manifold to the FM coming from Slaughter Beach.



Based on the current agreement with Artesian, Sussex County submitted a Notice of Intent to the Delaware Water Pollution Control Revolving Loan Fund (WPCRF) for consideration on the 2023 Intended Use Plan in the amount of \$4,239,236.00. Prior to making application we reviewed recent bids received for other projects and determined the request for funding needed to be increased. In May of 2023, the Engineering Department finalized the Preliminary Engineering Report and the Environmental Information Documents required for submittal of the funding application to Delaware State Revolving Fund (SRF). These documents were combined with the overall funding application prepared by the Finance Department and filed with DNREC on June 16, 2023, for \$9,236,846.00. On July 3, 2024, the County received the Binding Commitment Letter from DNREC Environmental Finance, and the County accepted the offer on that same day. The obligating documents associated identify a loan amount of \$9,236,846.00 with the County paying semi-annual interest payments during construction. Upon completion of the project the outstanding balance will be amortized over 25 years at 2% interest and will require semi-annual principal and interest payments.

The Finance and Engineering Departments now recommend introduction and approval of the associated debt ordinance authorizing the issuance of up to \$9,236,846.00 of general obligation bonds of Sussex County in connection with the construction and equipping of the North Ellendale Flow Diversion Project.

ORDINANCE NO. [ \_\_\_\_\_ ]

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$9,236,846 OF  
GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH  
THE N ELLENDALE SEWER FLOW DIVERSION PROJECT AND AUTHORIZING  
ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**

WHEREAS, pursuant to Title 9, Delaware Code, Section 7001(a) Sussex County (the “County”) has “all powers which, under the Constitution of the State, it would be competent for the General Assembly to grant by specific enumeration, and which are not denied by statute” (the “Home Rule Power”);

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the N Ellendale Sewer Flow Diversion Project, which will finance the upgrades and renovations to pump stations 91 and 92, and the installation of approximately 14,000 linear feet of six- and eight-inch diameter force main (collectively, the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bonds and to pledge its full faith and credit thereto, to finance the cost of any object, program or purpose for which the County is authorized to raise, appropriate or expend money under Chapter 67 of Title 9; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the costs of the Project and for the other purposes described herein.

NOW THEREFORE THE COUNTY OF SUSSEX HEREBY ORDAINS (AT LEAST FOUR FIFTHS OF THE MEMBERS OF COUNCIL CONCURRING HEREIN):

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$9,236,846 (the “Bonds”) to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

The monies raised from the sale of the Bonds (including the investment earnings thereon) after the payment of the costs of issuance, shall be held in one or more Project accounts and shall be expended only for the purposes authorized herein or as may otherwise be authorized by subsequent action by County Council. Authorized purposes include the costs of planning, constructing, acquiring and equipping the Project or any portion thereof; interest on the Bonds and any interim financing during the construction period and for a period of up to one year following the estimated date of completion; the reasonable costs of issuance of the Bonds and any interim financing; the repayment of temporary loans incurred with respect to the Project; and the reimbursement of authorized costs previously expended by the County from other funds.

Section 2. Security for the Bonds. The principal, interest and premium, if any, on the Bonds may be paid by ad valorem taxes on all real property subject to taxation by the County without limitation as to rate or amount, except as limited by Title 9, Delaware Code Section 8002 (c). Pursuant to Title 9, Delaware Code, Section 6706, the full faith and credit of the County is pledged to such payment. The Bonds shall contain a recital that they are issued pursuant to Title 9, Delaware Code, Chapter 67, which recital shall be conclusive evidence of their validity and of the regularity of their issuance. The Bonds are backed by the County's full faith and credit.

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding twenty-five (25) years from the date of completion of the Project, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources and Environmental Control) (or any successor agency).

Section 5. Details of the Bonds. The County Administrator is authorized to determine the details of the Bonds including the following: the date or dates of the Bonds; provisions for either serial or term bonds; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bonds; the denominations and designations of the Bonds; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bonds; provisions for the replacement of lost, stolen, mutilated or destroyed Bonds; and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bonds shall be executed by the manual or facsimile signature of the County Administrator, shall contain an impression of the County seal or a facsimile thereof and shall be attested by the manual signature of the County Clerk. The County Administrator shall determine the form of the Bonds.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bonds is within the legal debt limit of the County.

Section 7. Further Action. The President of the County Council, the County Administrator, the Finance Director and the County Clerk are authorized and directed to take such other action on behalf of the County, as may be necessary or desirable to effect the adoption of this Ordinance and the issuance and sale of the Bonds and to provide for their security and to carry out the intent of this Ordinance, including the publication of notices and advertisements and the execution and delivery of customary closing certificates.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage.

The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

ADOPTED this \_\_\_\_ day of July, 2024.

SUSSEX COUNTY, DELAWARE

---

Tracy Torbert  
Clerk of the Council

SYNOPSIS: This Ordinance provides for the issuance of up to \$9,236,846 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the N Ellendale Sewer Flow Diversion Project, which will finance the upgrades and renovations to pump stations 91 and 92, and the installation of approximately 14,000 linear feet of six- and eight-inch diameter force main (collectively, the “Project”).

## ENGINEERING DEPARTMENT

MIKE HARMER, P.E.  
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

(302) 854-5391 F

mike.harmer@sussexcountyde.gov



# Sussex County

DELAWARE  
sussexcountyde.gov

## Memorandum

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

FROM: Patrick Brown, Project Engineer.

RE: ***JAMES FARM ECOLOGICAL PRESERVE, PROJECT C23-21***  
***A. CHANGE ORDER No. 2***

DATE: July 30, 2024

Sussex County and the Delaware Center for Inland Bays (CIB) have a long-standing relationship of operations at the James Farm Ecological Preserve, beginning in 1998 with the first occupancy lease agreement. On September 19, 2017, Council granted a 20-year extension to the original agreement.

Several Phases of recreational, educational and preservation improvements were outlined by the Master Plan completed in 2016. Since then, various grants and funding sources provided for design and construction of the Cedar Neck Road entrance and parking lot followed later by a new restroom facility with connection to public sewer. Updates to the Master Plan then occurred in advance of the primary goal, a realization of new education and maintenance buildings.

Over recent years, design and permitting of these buildings occurred concurrently with the CIB's work to secure funding. The Engineering Department assisted the CIB and their architectural team with final efforts, culminating in contract documents for Sussex County Project C23-21: Proposed Campus at James Farm Ecological Preserve. The Project was publicly advertised with three (3) bids received by the deadline of Friday, December 15, 2023.

On March 5, 2024, Council awarded the James Farm Campus Project to Bancroft Construction Co, of Wilmington, Delaware, in the contract amount of \$2,090,500.00. The amount reflected the total base bid less the alternate deduct value related to a wood pressure-treatment modification, as recommended by the Engineering Department.



Project funding sources were reviewed by the CIB and County Finance Department. The Finance Department confirmed \$100,000.00 of County funds remained budgeted under a DNREC ORPT grant matching dollar commitment. The CIB affirmed several sources of grant monies and provided the balance of project funding by escrow deposit.

Notice to proceed was given effective May 1, 2024, and the campus project commenced with the Engineering Department providing in-house contract administration.

On April 30, 2024, the Engineering Department presented to Council an alternative delivery method for procurement of the General Construction work proposed by Project S24-10 at the Wolfe Neck Regional Wastewater Facility. On June 11, 2024, Council heard the results of four competitive proposals and authorized James Farm Campus Project, Change Order No. 1, in an amount of \$1,376,000.00 with Bancroft Construction providing separate accounting and schedule of values for all work associated with Project S24-10.

During the administrative start-up of the James Farm Campus Project, Bancroft notified the Engineering Department of cost and procurement concerns for the Builder's Risk insurance requirements specified. Best-available policy information and pricing were submitted for Sussex County to review. It was determined the County would directly procure a Builder's Risk policy for the project and receive a credit from Bancroft. After the start of construction, the shop-drawing process resulted in the CIB's project architect requesting a change to rain-barrel sizing. The recommendation for larger barrels would have resulted in a cost increase. Since rain harvesting was optional to the project a solution was developed by the team for using larger sized barrels in less quantity, and with a modified rain-barrel base. Bancroft concurred with the approach resulting in a project credit. During recent installation of site utilities, the CIB identified a need and submitted a request for power outlets to be provided at the proposed central platform. The timing and scope of the request allowed the electrical provisions to be incorporated into the project. Change order No. 2 serves to reconcile these miscellaneous changes to the contract.

The Engineering Department requests Council approval of Change Order No. 2, applicable to the James Farm Campus Project, in the credit amount of \$2,249.28.



**SUSSEX COUNTY  
CHANGE ORDER REQUEST**

**A. ADMINISTRATIVE:**

1. Project Name: **PROPOSED CAMPUS AT JAMES FARM ECOLOGICAL PRESERVE**
2. Sussex County Project No. C23-21
3. Change Order No. 2 – Misc. Changes to Contract
4. Date Change Order Initiated - 7/30/2024
5. Status **C23-21** **S24-10 (GC)**
  - a. Original Contract Sum \$ 2,090,500.00 \$ 0
  - b. Net Change by Previous Change Orders \$ 0 \$ 0
  - c. Contract Sum Prior to Change Order \$ 2,090,500.00 \$ N/A
  - d. Requested Change \$ (\$2,249.28) \$1,376,000.00
  - e. Net Change (No. of days) N/A 300
  - f. New Contract Amount **\$ 2,088,250.72** **\$1,376,000.00**
6. Contact Person: Hans Medlarz, P.E.  
Telephone No. (302) 855-7718

**B. REASON FOR CHANGE ORDER (CHECK ONE)**

1. Differing Site Conditions
2. Errors and Omissions in Construction Drawings and Specifications
3. Changes Instituted by Regulatory Requirements
4. Design Change
5. Overrun/Underrun in Quantity
6. Factors Affecting Time of Completion
7. Other (explain below):

**C. BRIEF DESCRIPTION OF CHANGE ORDER:**

Change Order 2 reconciles several minor contract modifications. Sussex County secured the Builder's Risk Insurance policy after a review of options obtainable by the Contractor, resulting in a small credit. Upon request of the Preserve's operating partner, DE Center for Inland Bays, additional electrical provisions were incorporated to provide outlets at the central platform. And after review of rain barrels specified for the proposed campus buildings, an alternative approach was developed by all parties to adjust the size, quantity and layout of barrels to best serve the project.

**D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?**

Yes   X   No \_\_\_\_\_

**E. APPROVALS**

1. Bancroft Construction, Contractor

\_\_\_\_\_  
Signature Date

\_\_\_\_\_  
Representative's Name in Block Letters

2. Sussex County Engineer

\_\_\_\_\_  
Signature Date

3. Sussex County Council President

\_\_\_\_\_  
Signature Date



Bancroft Construction
2324 W Zion Rd, Suite 108
Salisbury, Maryland 21801
Phone: (410) 844-8080

Project: CSED0002 - James Farm Eco Preserve
30048 Cedar Neck Rd
Ocean View, Delaware 19970

DRAFT

Prime Contract Potential Change Order #002: CE #010 - Changes to Contract

Table with 4 columns: Field Name, Value 1, Field Name, Value 2. Includes fields like TO, FROM, PCO NUMBER/REVISION, CONTRACT, REQUEST RECEIVED FROM, CREATED BY, STATUS, CREATED DATE, REFERENCE, PRIME CONTRACT CHANGE ORDER, FIELD CHANGE, LOCATION, ACCOUNTING METHOD, SCHEDULE IMPACT, PAID IN FULL, TOTAL AMOUNT.

POTENTIAL CHANGE ORDER TITLE: CE #010 - Changes to Contract

CHANGE REASON: Construction Change

POTENTIAL CHANGE ORDER DESCRIPTION: (The Contract Is Changed As Follows)

CE #010 - Changes to Contract Per Meetings

- 1. Credit for County securing Builder's Risk Insurance
2. Change of Rain Barrels; from 4 - 90gal to 2- 300gal rain barrels
3. Credit for not building rain barrel stands

CE #011 - Power at Central Platform

Add 4 receptacles on 2 20a circuits from maintenance building at central platform.

- 1. Install 2 3/4" conduit
2. Install 4 weather tight boxes
3. Install 4 GFCI protected receptacles
4. Install 4 weather tight bubble covers
5. Add 2 20a circuit breakers to MDP in maintenance building

ATTACHMENTS:

- Screenshot\_18-6-2024\_85222\_www.amazon.com.jpeg
240100229\_TRAN\_7\_20240618120043.pdf
Conest Summary.pdf
240100229\_RFC\_2\_20240618120044.pdf
Bancroft(ml)\_JFEP-Benches\_\$\$Quo2135959\_20240520.pdf
Invoice\_24143\_from\_Texas\_Metal\_Tanks.pdf

Table with 5 columns: #, Cost Code, Description, Type, Amount. Includes line items for Builders Risk Insurance, rain barrels, and electrical work, plus subtotal and overhead/bond/PFO charges.





**Bancroft Construction**  
 2324 W Zion Rd, Suite 108  
 Salisbury, Maryland 21801  
 P: (410) 844-8080

**Project: CSED0002 - James Farm Eco Preserve**  
 30048 Cedar Neck Rd  
 Ocean View, Delaware 19970

## CHANGE EVENT #010 - Changes to Contract Per Meetings

**Origin:**

**Date Created:** 6/17/2024      **Created By:** John Sauter  
**Status:** Open      **Scope:** In Scope  
**Type:** Owner Change      **Change Reason:** Construction Change

**Description:**  
 1. Credit for County securing Builder's Risk Insurance  
 2. Change of Rain Barrels; from 4 - 90gal to 2- 300gal rain barrels  
 3. Credit for not building rain barrel stands

**Attachments:** [Bancroft\(ml\)\\_JFEP-Benches\\_\\$\\$Quo2135959\\_20240520.pdf](#), [Invoice\\_24143\\_from\\_Texas\\_Metal\\_Tanks.pdf](#)

### CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	UOM	Revenue					Cost					Over/Under	Budget Mod.	
			QTY	Unit Cost	ROM	Prime	PCO	Latest Price	QTY	Unit Cost	ROM	RFQ			Commit.
01-142.07 Builders Risk Insurance.Other Description: Credit for County securing	Bancroft Construction Company	ls	1.0	(\$4,400.00)	(\$4,400.00)	(\$4,400.00)	(\$4,400.00)		\$	\$0.00			\$0.00	(\$4,400.00)	
13-450.06 Rain Barrels Description: Credit for not building rain barrel stands	Lezzer Lumber Company CSED0002-012	ls	1.0	(\$306.00)	(\$306.00)	(\$306.00)	(\$306.00)		\$	\$0.00			\$0.00	(\$306.00)	
13-450.06 Rain Barrels Description: Credit 4 - gal rain barrels	Texas Metal Tanks CSED0002-006	ls	1.0	(\$5,977.68)	(\$5,977.68)	(\$5,977.68)	(\$5,977.68)		\$	\$0.00			\$0.00	(\$5,977.68)	
13-450.06 Rain Barrels Description: Add 2 - 300gal rain barrels	Texas Metal Tanks CSED0002-006	ls	1.0	\$5,846.90	\$5,846.90	\$5,846.90	\$5,846.90		\$	\$0.00			\$0.00	\$5,846.90	
06-100.06 Rough Carpentry.Subcontract Description: Not building 4 rain barrel stands	Above All Construction, LLC CSED0002-008	ls	1.0	(\$1,529.60)	(\$1,529.60)	(\$1,529.60)	(\$1,529.60)		\$	\$0.00			\$0.00	(\$1,529.60)	

Budget Code	Vendor / Contract	UOM	Revenue				Cost				Over/ Under	Budget Mod.			
			QTY	Unit Cost	ROM	Prime PCO	Latest Price	QTY	Unit Cost	ROM			RFQ	Commit.	Latest Cost
1-515.02 Project Manager.Regular Labor					(\$318.32)	(\$318.32)	(\$318.32)					\$0.00	(\$318.32)		
01-141.07 Bonding.Other					(\$63.66)	(\$63.66)	(\$63.66)					\$0.00	(\$63.66)		
90-999.10 Fee.Fee & Field Cost					(\$318.32)	(\$318.32)	(\$318.32)					\$0.00	(\$318.32)		
<b>Grand Totals</b>					<b>(\$7,066.68)</b>	<b>(\$7,066.68)</b>	<b>(\$7,066.68)</b>			<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>(\$7,066.68)</b>	<b>\$0.00</b>



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<b>Corporate Headquarters: 332 Schofield Street, PO Box 217, Curwensville, PA 16833</b>					
<b>Lezzer Truss</b> Curwensville (814) 236-0975		<b>Lezzer Commercial Sales</b> Curwensville (814) 236-0220 Manheim (717) 665-3592 Butler (724) 282-3100		<b>Lezzer Commercial Doors</b> Williamsport (570) 323-9889 State College (814) 237-3511 Curwensville (814) 236-0220 Lancaster (717) 735-0650	

TRANSACTION TYPE		# X PRTD	O/S#	PAGE	LOCATION
21 QUOTE/EST	E	1	913	1	21 LANCASTER

<b>BILL TO:</b> BANCROFT CONSTRUCTION CO 1300 N GRANT AVE, STE 101  WILMINGTON, DE 19806	<b>SHIP TO:</b> BANCROFT CONSTRUCTION CO JAMES FARM ECO PRESERVE 30048 CEDAR NECK RD. OCEAN VIEW, DE 19970	 2135959 302-254-4016
--	--	--

CUSTOMER CODE	DATE	TRANSACTION NUMBER	TIME	CUSTOMER PO NUMBER	DATE DELVD	LOADER	CHK'D BY
M2544016	05/20/24	2135959	11:14	QUOTE			
ORDER/QUOTE NO.	SALESPERSON	TID	JOB INFO	TRUCK NO.	DRIVER		
2135959	898 Jeff Foose		JFEP BENCHES				

ITEM	ORD QTY	SHIP QTY	DESCRIPTION	SPECIAL ORDER ID	PRICE/UNIT	EXTENSION
**PRICES ARE SUBJECT TO CHANGE 5 DAYS WITHOUT NOTICE FROM DATE OF ESTIMATE. LEZZER LUMBER CO. ASSUMES NO RESPONSIBILITY FOR ACCURACY OF TAKE-OFFS FROM DRAWING OR BLUE PRINTS OR THAT THE PRODUCTS LISTED WILL BE SUFFICIENT TO COMPLETE CUSTOMERS INTENDED PROJECT. CUSTOMERS SHOULD HAVE A QUALIFIED ENGINEER OR ARCHITECT REVIEW ALL QUANTITIES.**						
			06110 WOOD PRESERVE TREATMENT BENCHES			
SO	43	43	CARR BOLT SS 1/2-13X10 5CT		51.690 EA	2222.67
SO	9	9	FLAT WASHERS SS 1/2" 50CT		15.050 EA	135.45
SO	5	5	HEX NUT SS 1/2-13 50CT		32.090 EA	160.45
2412T1	9	9	#1 TREATED 2X4-12'GROUND CONTACT		7.090 PC	63.81
2812T1	18	18	#1 TREATED 2X8-12'GROUND CONTACT		13.950 PC	251.10
2812T1	18	18	#1 TREATED 2X8-12'GROUND CONTACT		13.950 PC	251.10
188T1	14	14	#1 TREATED 1X8-8FT ABOVE GROUND RAIN BARREL STANDS		11.750 PC	164.50
4412T1	8	8	#1 TREATED 4X4-12' 1/4"RAD GROUN		22.500 PC	180.00
248T1	8	8	#1 TREATED 2X4-8' GROUND CONTACT		5.250 PC	42.00
248T1	16	16	#1 TREATED 2X4-8' GROUND CONTACT		5.250 PC	84.00
EXCLUDES: STEEL BRACKETS						
Total Ship Units: 0.000 EA 3254.782 LB						
***** CUSTOM ORDERS ARE NOT RETURNABLE *****						

WE WILL BE GLAD TO ASSIST IN LOADING YOUR ORDER. HOWEVER, WE ARE NOT LIABLE FOR IMPROPER LOADING DAMAGE.

PRICES ON THIS INVOICE ARE GUARANTEED ONLY IF MATERIAL IS PICKED UP WITHIN 10 DAYS OF INVOICE DATE. All merchandise must be checked when received. No claims for shortages will be allowed after 24 hours of delivery. Material returned in good condition will be credited, but subject to a 20% charge to cover cost of handling. NO MATERIAL MAY BE RETURNED AFTER 30 DAYS. Parties receiving a quote or estimate should examine it carefully as we agree to furnish only the articles herein. Errors in extensions, omissions and footings are subject to correction. A finance charge of 1 1/2% PER MONTH - APR 18% will be added to any unpaid balance past 30 days.

PA Home Improvement License: PA081199 Lezzer Lumber

REMIT TO: P.O. Box 217, Curwensville, PA 16833

M2544016  
11424220

SUBTOTAL	MISC CHG	FREIGHT	SALES TAX	INV TOTAL	DEPOSIT
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					AMT DUE





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http://www.TexasMetalTanks.com

## INVOICE

**BILL TO**

Bancroft Construction  
2324 W Zion Rd, Suite 108  
Salisbury, MD 21801

**SHIP TO**

James Farm Eco Preserve  
30048 Cedar Neck Rd  
Ocean View, Delaware  
19970  
Shipping Contact:  
Jay Deputy  
Ph: 302-535-0157  
email:  
jdeputy@bancroftusa.com

**INVOICE #** 24-143**DATE** 04/25/2024**DUE DATE** 04/25/2024**TERMS** 50% Dep. Remainder upon pickup**SHIP VIA**

R + L Carriers

**P.O. NUMBER**

Project: CSED0002 - James Farm

ACTIVITY	QTY	RATE	AMOUNT
<b>3' X 5'8 SS Tank (300 gal)</b> 300 Gallon Stainless Steel Rainwater Cistern - 3/4" Bulkhead Outlet Included (6:00 location)	2	2,250.00	4,500.00
<b>Fittings:4 in Overflow</b> 4" PVC Overflow (12:00 location)	2	40.00	80.00
<b>Fittings:12 in Basket</b> 12" Basket Inlet	2	45.00	90.00
<b>Shipping Estimate</b> Estimated Shipping Cost to Ocean View, DE 19970	1	1,493.07	1,493.07

2 Payments Made:  
Date Amount applied  
04/25/2024 \$2,988.84  
04/25/2024 \$2,858.06

PAYMENT 5,846.90  
BALANCE DUE **\$316.17**



**Bancroft Construction**  
 2324 W Zion Rd, Suite 108  
 Salisbury, Maryland 21801  
 P: (410) 844-8080

**Project: CSED0002 - James Farm Eco Preserve**  
 30048 Cedar Neck Rd  
 Ocean View, Delaware 19970

## CHANGE EVENT #011 - Power at Central Platform

**Origin:**

**Date Created:** 6/19/2024 **Created By:** John Sauter  
**Status:** Open **Scope:** Out of Scope  
**Type:** Owner Change **Change Reason:** Construction Change

**Description:** Add 4 receptacles on 2 20a circuits from maintenance building at central platform.  
 1. Install 2 3/4" conduit  
 2. Install 4 weather tight boxes  
 3. Install 4 GFCI protected receptacles  
 4. Install 4 weather tight bubble covers  
 5. Add 2 20a circuit breakers to MDP in maintenance building

**Attachments:** [Screenshot\\_18-6-2024\\_85222\\_www.amazon.com.jpeg](#), [240100229\\_TRAN\\_7\\_20240618120043.pdf](#), [Conest Summary.pdf](#), [240100229\\_RFC\\_2\\_20240618120044.pdf](#)

### CHANGE EVENT LINE ITEMS

Budget Code	Vendor / Contract	UOM	Revenue					Cost					Over/Under	Budget Mod.	
			QTY	Unit Cost	ROM	Prime	PCO	Latest Price	QTY	Unit Cost	ROM	RFQ			Commit.
16-001.06 Electrical.Subcontract	Lywood Electric Inc. CSED0002-005	ls	1.0	\$4,340.00	\$4,340.00	\$4,340.00	\$4,340.00	1.0	\$4,340.00	\$4,340.00			\$4,340.00	\$0.00	
Description: Added circuits and receptacles at central platform															
1-515.02 Project Manager.Regular Labor					\$217.00	\$217.00	\$217.00						\$0.00	\$217.00	
01-141.07 Bonding.Other					\$43.40	\$43.40	\$43.40						\$0.00	\$43.40	
90-999.10 Fee.Fee & Field Cost					\$217.00	\$217.00	\$217.00						\$0.00	\$217.00	
<b>Grand Totals</b>					<b>\$4,817.40</b>	<b>\$4,817.40</b>	<b>\$4,817.40</b>			<b>\$4,340.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$4,340.00</b>	<b>\$477.40</b>	<b>\$0.00</b>



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Color: **Bronze**



Style: **Fixture Support Post: 26-Inch**

Fixture Support Post: 19.5-Inch

**Fixture Support Post: 26-Inch**

Brand	ARLINGTON
Color	Bronze
Material	Plastic
Style	Fixture Support Post: 26-Inch
Light fixture form	Path



# LYWOOD

ELECTRICAL - AUTOMATION - UTILITIES

<b>TO:</b>	BANCROFT CONSTRUCTION COMPANY  1300 N. GRANT AVENUE SUITE 101 WILMINGTON, DE 19806	<b>DATE:</b> 6/18/2024	<b>JOB:</b> James Farm Ecological Preserve
		<b>ATTENTION:</b> John Sauter	<b>TRANSMITTAL:</b> 7
		<b>RE:</b> BANCROFT CONSTRUCTION COMPANY	

<b>WE ARE SENDING YOU:</b>	<input type="checkbox"/> Attached <input type="checkbox"/> Under Separate Cover	<b>VIA:</b>	<input type="checkbox"/> U.S. Mail <input type="checkbox"/> Fax, Total No. of Pages: <input type="checkbox"/> Other																				
<b>THE FOLLOWING ITEMS:</b>	<table border="0"> <tr> <td><input type="checkbox"/> Submittal</td> <td><input type="checkbox"/> Request For Proposal</td> <td><input checked="" type="checkbox"/> Request For Change</td> <td><input type="checkbox"/> Request For Information</td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table>			<input type="checkbox"/> Submittal	<input type="checkbox"/> Request For Proposal	<input checked="" type="checkbox"/> Request For Change	<input type="checkbox"/> Request For Information	<input type="checkbox"/>															
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<b>WE ARE SENDING YOU:</b>	<input checked="" type="checkbox"/> For Approval <input checked="" type="checkbox"/> As Requested <input type="checkbox"/>	<input type="checkbox"/> For Your Use <input type="checkbox"/> For Review <input type="checkbox"/>	<input type="checkbox"/> Approved As Submitted <input type="checkbox"/> Revise And Resubmit <input type="checkbox"/>	<input type="checkbox"/> Approved As Noted <input type="checkbox"/> Rejected <input type="checkbox"/>
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**REMARKS**

<b>COPY TO:</b>	<b>SIGNED:</b>	<b>DATE:</b>
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# Lywood Electric Inc

102 Frank Adams Industrial Way  
Federalsburg, MD 21632

# Request for Change

RFC Number: 2  
Date: 06/18/2024

**Regarding:**

Installing conduit and wire for (2) circuits for (4) Weatherproof GFCI receptacles installed at the Central Platform. Circuits will be fed from Panel 2MP in the Maintenance Building. No specifications were provided so pricing was figured using (4) 26" Gard N Post assembly for installation.

**To:**

BANCROFT CONSTRUCTION COMPANY  
1300 N. GRANT AVENUE  
SUITE 101  
WILMINGTON, DE 19806

**Job Site:**

James Farm Ecological Preserve  
30048 Cedar Neck Road  
Ocean View, DE 19970

Requested By:	Phone:	E-mail:
RAY WANDS	(410) 754-8631	RWANDS@LYWOOD.COM

Recipients:	Phone:	E-mail:
John Sauter	(302) 255-5137	jsauter@bancroftusa.com
STEPHANIE WILLIS	(410) 754-8631	SWILLIS@LYWOODELECTRIC.COM
Jay Deputy		jdeputy@bancroftusa.com

Requested Change:	Change to Contract
	\$ 4340.00

**RFC Total**

**\$ 4340.00**

Please respond by: 07/05/2024

RAY WANDS  
LYWOOD ELECTRIC

John Sauter  
BANCROFT CONSTRUCTION COMPANY

Yes #11  
Vincent.

## Casey Hall

**From:** notifications@d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Wednesday, July 10, 2024 8:46 AM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

### Council Grant Form

<b>Legal Name of Agency/Organization</b>	Town of Blades. BLADES POLICE DEPT
<b>Project Name</b>	Community Outreach Program
<b>Federal Tax ID</b>	51-6001393
<b>Non-Profit</b>	Yes
<b>Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)</b>	No
<b>Organization's Mission</b>	Our mission this year is to feed the children of blades for Christmas by having a breakfast and give them gifts.
<b>Address</b>	20 WEST 4TH ST
<b>City</b>	BLADES
<b>State</b>	Delaware
<b>Zip Code</b>	19973
<b>Contact Person</b>	Lori Lynch

**Contact Title** ADMIN ASSISTANT FOR BLADES P

**Contact Phone Number** 3026297329

**Contact Email Address** [loretta.lynch@cj.state.de.us](mailto:loretta.lynch@cj.state.de.us)

**Total Funding Request**

1500.00  
\$750

**Has your organization received other grant funds from Sussex County Government in the last year?** Yes

**If YES, how much was received in the last 12 months?** 1300.00

**Are you seeking other sources of funding other than Sussex County Council?** No

**If YES, approximately what percentage of the project's funding does the Council grant represent?** N/A

**Program Category (choose all that apply)** Health and Human Services  
Other

**Program Category Other** event

<b>Primary Beneficiary Category</b>	Youth
<b>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</b>	1000
<b>Scope</b>	<p>the Blades PD will give the families of <sup>*</sup>Blades a free breakfast and have Santa will give out gifts to the children. Last year we had over 150 families. Expect more children and parents this year. Need funds for gifts for the children. We live off of donations and we know that the times are rough right now. But the children need to have a gift from Santa and a breakfast. thank you now for all of your support for the Blades Police Dept</p>
<b>Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)</b>	0.00
<b>Description</b>	operating costs
<b>Amount</b>	1,000.00
<b>Description</b>	food
<b>Amount</b>	300.00
<b>Description</b>	gifts for children
<b>Amount</b>	300.00

<b>TOTAL EXPENDITURES</b>	1,600.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-1,600.00
<b>Name of Organization</b>	BLADES POLICE DEPT
<b>Applicant/Authorized Official</b>	CHIEF MARTIN WILLEY
<b>Date</b>	07/10/2024
<b>Affidavit Acknowledgement</b>	Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

New Castle.  
based.

yes. 7/11  
Vincent.

**Casey Hall**

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Tuesday, July 2, 2024 3:25 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

**Council Grant Form**

**Legal Name of Agency/Organization**      ~~First Tee - Delaware~~      Urban Youth Golf Program Association.

**Project Name**      Sussex County Expansion

**Federal Tax ID**      33-1103722

**Non-Profit**      Yes

**Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)**      No

**Organization's Mission**      First Tee - Delaware is a nonprofit youth development organization that uses golf as the vehicle to teach life skills and character enhancing values to kids.

**Address**      PO Box 419

**City**      Rockland

**State**      DE

**Zip Code**      19732

**Contact Person** Scott Allen

**Contact Title** Director, Development & Programs

**Contact Phone Number** 7038619818

**Contact Email Address** [Scotttftde@gmail.com](mailto:Scotttftde@gmail.com)

**Total Funding Request**

3250

**Has your organization received other grant funds from Sussex County Government in the last year?**

Yes

**If YES, how much was received in the last 12 months?**

1625 ✓ 8/23.

**Are you seeking other sources of funding other than Sussex County Council?**

Yes

**If YES, approximately what percentage of the project's funding does the Council grant represent?**

3

**Program Category (choose all that apply)**

Health and Human Services

**Primary Beneficiary Category**

Youth

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program**

15000

**Scope**

First Tee - Delaware has been growing steadily in Sussex County over the past five years. We reached 15 kinds in our on-course program in 2019. We reached over 200 in 2023. We had 8 schools in our First Tee School program in Sussex County. We now have 18. Our state-wide operating budget in 2019 was approximately \$450,000 and only a fraction was dedicated to Sussex County. Our state-wide budget is now over \$600,000 and Sussex Count accounts for \$120,000 of that amount.

At First Tee we are working to fill the character gap. Character is what you bring to everything you do. It's what signifies to the world what's inside of you. It outlasts genius and talent, yet propels both. It's what we are admired for and remembered by. It's what transforms piercing words to inspire you forward rather than tear you down. And it's what allows you to walk away from failure determined, not defeated. Yet a new study between First Tee and Harris polls finds that character is a lost value driven by a lack of regular opportunities to cultivate it.

Parents are concerned about the next generation of character in America.

How do we fill the character gap? In a world where social pressures are always-on, where calm and confidence are hard to access, and where perseverance is a required superpower every day, our kids are growing in new environments that are demanding more from them, and therefore more from us.

Parents are looking to extracurricular activities to help build their child's confidence and character with 80% of parents agreeing participation in extracurricular activities is more

about development than recreation. The study goes on to show that sports is the number one extracurricular activity kids are involved in.

Youth sports – especially golf – create opportunities to cultivate well-being and character.

We are requesting \$3,250 to fund the creation of two new school or community programs in Sussex County. With regard to the question below "Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)," we are entering \$0 as these would be two additional school/community programs not currently in the budget. In this way we hope to continue working to fill the character gap.

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)**

0.00

**Description**

SNAG (Starting New at Golf Equipment

**Amount**

2,750.00

**Description**

Lifetime Training for PE Teachers and new Teachers

**Amount**

500.00

**TOTAL EXPENDITURES**

3,250.00

**TOTAL DEFICIT FOR PROJECT OR ORGANIZATION**

-3,250.00

**Name of Organization**

First Tee — Delaware

**Applicant/Authorized  
Official** Scott Allen

**Date** 07/02/2024

**Affidavit  
Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status.  
Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.

## Casey Hall

Vincent, Schaeffer, Green

**From:** Scott Allen <scotttftde@gmail.com>  
**Sent:** Wednesday, July 3, 2024 9:05 AM  
**To:** Casey Hall  
**Subject:** Re: Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

Thanks for getting back so quickly. We are looking to expand all of our programs in Sussex County. Specifically for this grant, we would be looking at the Seaford School District. We added our first school in that District recently (Frederick Douglas) and we'd like to add more schools or the Boys & Girls Club there. If there are specific regions with more or less funds available, we also hope to expand to the middle schools in the Cape School District in the next 12 months (we are already in the elementary schools there) or the Milford School District.

Thanks for your consideration,

Scott

Scott Allen, PGA  
First Tee – Delaware  
Director, Development & Programs  
PO Box 419  
Rockland, DE 19732  
[ScottTFTDE@gmail.com](mailto:ScottTFTDE@gmail.com)



#BuildingGameChangers

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**From:** Casey Hall <casey.hall@sussexcountyyde.gov>  
**Date:** Wednesday, July 3, 2024 at 8:15 AM  
**To:** "Scotttftde@gmail.com" <Scotttftde@gmail.com>  
**Subject:** RE: Form submission from: Council Grant Form

Good morning.

Sussex County has received your grant request. Can you give more detail on which parts of Sussex County you plan to expand to.

Thank you,

*Casey Hall*

Casey Hall, Administrative Secretary  
Sussex County Government  
P.O. Box 589 | 2 The Circle | Georgetown, DE 19947  
Tel: 302.855.7741 Fax: 302.855.7749

## Casey Hall

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**From:** Scott Allen <scotttftde@gmail.com>  
**Sent:** Wednesday, July 10, 2024 12:02 PM  
**To:** Casey Hall  
**Subject:** Re: Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

We've covered all of the elementary schools in the Cape District and a couple of community centers (B&G Club and YMCA). We'd like to add the middle schools in Cape but that was not included in the grant. We've also signed on several schools and community groups in the Indian River SD. One of our strongest school program partners is Laurel Elementary.

\* For this phase of expansion, we'd be looking at schools and community centers in the Seaford area. We've added Frederick Douglas Elementary already. We'd like to add two more with this grant. West Seaford Elementary and the Western Sussex B&G Clubs are our first target but Blades Elementary or Seaford Middle could also be considered as well.

Scott

Scott Allen, PGA  
First Tee – Delaware  
Director, Development & Programs  
PO Box 419  
Rockland, DE 19732  
[ScottTFTDE@gmail.com](mailto:ScottTFTDE@gmail.com)



#BuildingGameChangers

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**From:** Casey Hall <casey.hall@sussexcountyde.gov>  
**Date:** Tuesday, July 9, 2024 at 11:23 AM  
**To:** Scott Allen <scotttftde@gmail.com>  
**Subject:** RE: Form submission from: Council Grant Form

Thank you for your response. We noticed that Council gave \$1,625 to the Sussex County expansion project back in August. Can you detail which areas funds were used to expand in Sussex County? And which areas you are already established in Sussex. Would this be Fredrick Douglas?

Regards,

*Casey Hall*

Casey Hall, Administrative Secretary  
Sussex County Government

# Section 1: Applicant Information

## Legal Name of Agency/Organization \*

Lewes Lions Club Foundation, Inc. ✓

## Project Name \*

The Beach Bowl

## Federal Tax ID \*

30-1246144 ✓

## Non-Profit \*

Yes ✓

## Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.) \*

No ✓

## Organization's Mission \*

To empower volunteers to serve communities, meet humanitarian needs, encourage peace and promote international understanding through Lions Clubs

## Address \*

P. O. Box 791

## Address 2

## City \*

Lewes

## State \*

DE

## Zip Code \*

19958

## Contact Person \*

Ray Quillen

## Contact Title

Director with the Lewes Lions Club

## Contact Phone Number \*

302-236-2313

## Contact Email Address \*

leweslionsclub@gmail.com or rayquillen@comcast.net

Total Funding Request \*

\$4,100

but we would be appreciative of any amount.

Has your organization received other grant funds from Sussex County Government in the last year? \*

No

Are you seeking other sources of funding other than Sussex County Council? \*

Yes

If YES, approximately what percentage of the project's funding does the Council grant represent?

5 %

Only enter valid numeric values

## Section 2: Program Description

Program Category (choose all that apply)

- Cultural
- Educational
- Fair Housing
- Health and Human Services
- Infrastructure [1]
- Other

Program Category Other

public safety

[1] Infrastructure could include roadway construction, trash disposal, well and septic repair, public water and sewer hookup, street lighting, and construction for accessibility purposes.

Primary Beneficiary Category \*

- Disability & Special Needs
- Elderly Persons (62 +)
- Homeless
- Low to Moderate Income [2]
- Minority
- Victims of Domestic Violence
- Youth
- Other

Primary Beneficiary Category Other

Lewes residents/visitors

[2] To qualify as low to moderate income, the project must benefit households that have less than 80% of AMI for Sussex County which is defined annually by the U.S. Department of Housing & Urban Development. For 2020, 80% of AMI for a household of one is \$42,500.

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program \*

Only enter valid numeric values

## Section 3: Program Scope

A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.\*

The Beach Bowl at Lefty's Alley and Eats on 9-12th to help raise money for this truck. We are asking area businesses, civic organizations and churches for Sponsorships, and Ads for our Program/Ad Book. We are also recruiting participants to raise money and pledges and we will give them a free night of bowling, pizza, soda and an event t-shirt for their help. We hope to raise \$20,000 or more from all of the above. All of the money raised will go to the fire department for this truck. The Lewes Lions Club are only asking for a grant for our expenses of the Beach Bowl.

**B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.**

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

If your organization has a religious affiliation, please submit proof with this application that there is separate accounting for non-religious activities. After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

N/A

## Section 4: Budget

### REVENUE

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) \*

\$ 0.00

### EXPENDITURES

Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing, telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal.

Description	Amount
Event t-shirts for participants and volunteers. \$2,500	\$ 2,500
Pizza, soda and shoe rental for 80 bowlers. \$1,000	\$ 1,000
Program/Ad Books 125 x \$3 = \$375	\$ 375
Event Posters 3 x \$25= \$75	\$ 75
Trophies \$150	\$ 150

\$

\$

\$

TOTAL EXPENDITURES \$

\$ 4,100

\*TOTAL DEFICIT FOR PROJECT OR ORGANIZATION \$

\$ 4,100

\*The project will not be eligible for a grant unless there is a deficit.

### Section 5: Statement of Assurances

If this grant application is awarded funding,

**Name of Organization \***

Lewes Lions Club

agrees that:

1. For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
2. For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
3. No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.
4. All information and statements made in this application are accurate and complete to the best of my information and belief.
5. All funding will benefit only Sussex County residents.
6. All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
7. All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
8. **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

**Applicant/Authorized Official \***

Ray Quillen

**Date**

7-1-2024

**Affidavit Acknowledgment \***

I acknowledge and represent on behalf of the application organization that I have read and understand the Grant Program Guidelines and Affidavit of Understanding.

Submit Application



**SUSSEX COUNTY GOVERNMENT**  
GRANT APPLICATION

Schaeffer

**SECTION 1 APPLICANT INFORMATION**

ORGANIZATION NAME: Lewes Public Library

PROJECT NAME: Spoken Word Society Fall 2024 Performance Series

FEDERAL TAX ID: 51350650 NON-PROFIT:  YES  NO

DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?

YES  NO \*IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The Lewes Public Library anticipates the needs of the community and adapts, creates and supports classes and programs for all ages that encourage a love of reading, exploration and discovery. The Library provides access for a wide variety of educational, informational and recreational materials to all members of the community through traditional resources and emerging technologies.

ADDRESS: 111 Adams Avenue

Lewes DE 19958  
(CITY) (STATE) (ZIP)

CONTACT PERSON: Rebecca Lowe

TITLE: Adult Program Coordinator/Development Director

PHONE: 302-645-2733 EMAIL: rebecca.lowe@lib.de.us

**TOTAL FUNDING REQUEST: 5000**

Has your organization received other grant funds from Sussex County Government in the last year?  YES  NO

If YES, how much was received in the last 12 months? \_\_\_\_\_

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

Are you seeking other sources of funding other than Sussex County Council?  YES  NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 22

**SECTION 2: PROGRAM DESCRIPTION**

**PROGRAM CATEGORY (choose all that apply)**

- Fair Housing
- Infrastructure<sup>1</sup>
- Health and Human Services
- Other \_\_\_\_\_
- Cultural
- Educational

**BENEFICIARY CATEGORY**

- Disability & Special Needs
- Elderly Persons
- Minority
- Victims of Domestic Violence
- Low to Moderate Income<sup>2</sup>
- Other \_\_\_\_\_
- Homeless
- Youth

**BENEFICIARY NUMBER**

Approximately the total number of Sussex County Beneficiaries served annually by this program:

2200

**SECTION 3: PROGRAM GOALS**

A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

The library's Spoken Word Society (SWS) is an outgrowth of our Shakespeare Festival, with a goal of celebrating the tradition and artistry of oral storytelling through a variety of media, offered throughout the year in a non-traditional performance setting (a public library) in a geographic region with limited access to high quality, free arts programming. A unique quality of SWS is the non-traditional setting, requiring performances with minimal staging (no elaborate sets, few props, limited costuming, no special lighting or music). Performances rely heavily on the text used and ability of the actors. This also serves to distinguish SWS offerings from those provided by local theatre companies, eliminating competition for audiences reducing the overall cost of the performance.

The SWS will offer a Fall 2024 series consisting of nine performances, two lectures, and one film screening. Some of the proposed performances are collaborations with Delaware Shakespeare, Delaware Symphony Orchestra, and Coastal Concerts, and include original works developed for the SWS. The proposed offerings are:

Banned Books/Silenced Voices: A Celebration of Banned Books Week

Delaware Shakespeare Presents The Winter's Tale

Buried in Violets: Depicting Death in Victorian Art | lecture by Kristen Matulewicz

Gerald Dickens Presents "Silkes and Nancy" and "Captain Murderer" (2 performances)

Halloween Stories With Strings Attached

Mending Wall: An Evening of Robert Frost

Truman Capote's "The Thanksgiving Visitor"

Truman Capote's "A Christmas Memory"

"Darkness is cheap, and Scrooge liked it": Where Victorian Ghost Stories and Film Analysis Meet | lecture by Kristen Matulewicz

Film Screening of "Disney's A Christmas Carol"

Gerald Dickens Presents "A Christmas Carol"

2024 -25 marks the LPL's fourth year offering fall and spring performance series. Some performances have become annual traditions, with audiences anticipating them, leading to full houses and long wait lists (Gerald Dickens' "A Christmas Carol" and both Capote performances). SWS actively seeks to engage artists who not only have powerful pieces to share, but who have an interest in working collaboratively in developing future projects for presentation in the community. SWS also seeks to elevate diverse and under-represented voices and talents, and pull in community members who have not traditionally attended SWS events.

The geographic distance of Lewes and Sussex County from major art centers, theatre companies, and museums makes local arts programs extremely important. Access to free arts programming is rare. SWS brings quality programming to an area with limited access to these types of offerings. All SWS events are free of charge, ensuring no financial barriers to anyone who wishes to attend.

The library will use the funds from this grant program to help cover the cost of performer fees as well as publicity for the series.

**B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.**

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

**SECTION 4 BUDGET**

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	7,875.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Performer fees	-\$ 14,100.00
Performer travel expenses	-\$ 700.00
Venue expenses (chair rental/AV staff fees)	-\$ 1,700.00
Advertising and printing	-\$ 1,500.00
Personnel	-\$ 5,000.00
<b>TOTAL EXPENDITURES</b>	-\$ 23,000.00
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	-\$ 15,125.00

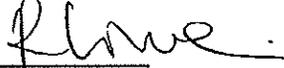
**SECTION 5 STATEMENT OF ASSURANCE**

If this grant application is awarded funding, the Lewes Public Library agrees that:  
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5 STATEMENT OF ASSURANCE (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

<u>Rebecca Lowe</u> 	<u>7/15/24</u>
Applicant/Authorized Official Signature	Date
<u>Gracey Ellison</u> 	<u>7/15/24</u>
Witness Signature	Date

Completed application can be submitted by:

Email: [casey.hall@sussexcountyde.gov](mailto:casey.hall@sussexcountyde.gov)

Mail: Sussex County Government  
Attention: Casey Hall  
PO Box 589  
Georgetown, DE 19947

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Rebecca Lowe Khome  
Applicant/Authorized Official Signature

Adult Program Coordinator

Title

Gmin Eliza  
Witness Signature

7/5/24

Date



**SUSSEX COUNTY GOVERNMENT**  
GRANT APPLICATION

Rieley

**SECTION 1 APPLICANT INFORMATION**

ORGANIZATION NAME: Town of Millsboro  
PROJECT NAME: Police Department Basketball Court Fencing  
FEDERAL TAX ID: NON-PROFIT:  YES  NO  
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?  
 YES  NO \*IF YES, FILL OUT SECTION 3B.  
ORGANIZATION'S MISSION:  
ADDRESS: 120 W. Railroad Avenue Ext.  
Millsboro DE 1996  
(CITY) (STATE) (ZIP)  
CONTACT PERSON: Ashleigh Sander  
TITLE: Assistant Town Manager  
PHONE: 9348171 EMAIL: ashleighs@millsboro.org

**TOTAL FUNDING REQUEST:** 5000.00

Has your organization received other grant funds from Sussex County Government in the last year?  YES  NO

If YES, how much was received in the last 12 months? 5,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?  YES  NO

Are you seeking other sources of funding other than Sussex County Council?  YES  NO

If YES, approximately what percentage of the project's funding does the Council grant represent? 42%

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

- |   |   |                                      |
|---|---|--------------------------------------|
| <input type="checkbox"/> Fair Housing                           | <input checked="" type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural    |
| <input checked="" type="checkbox"/> Infrastructure <sup>1</sup> | <input checked="" type="checkbox"/> Other Safety              | <input type="checkbox"/> Educational |

### BENEFICIARY CATEGORY

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence                   | <input type="checkbox"/> Homeless         |
| <input type="checkbox"/> Elderly Persons            | <input checked="" type="checkbox"/> Low to Moderate Income <sup>2</sup> | <input checked="" type="checkbox"/> Youth |
| <input type="checkbox"/> Minority                   | <input type="checkbox"/> Other  |   |

### BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:  
500

## SECTION 3: PROGRAM SCOPE

- A. Briefly describe the program for which funds are being requested. The narrative should include the need or problem to be addressed in relation to the population to be served or the area to benefit.

A community basketball court has been constructed at the new<sup>\*</sup> Millsboro Police Department for the public to use. Fencing around the court was not built in to the design plan, but we are realizing is a safety necessity that needs to be remedied.

This safety necessity is not only for those who are playing basketball (to not run into the street to retrieve the ball), but also for the safety of the passerby's who may potentially get hit with the ball.

The basketball court just opened in recent weeks and is being utilized by youth in the community more often than not. The court is walking distance from many low income housing areas in the town, which is helpful for those who may not have means of transportation to outdoor recreational programs such as this.

B. IF RELIGIOUS AFFILIATION WAS CONFIRMED ABOVE IN SECTION 1, PLEASE FILL OUT THE FOLLOWING SECTION. IF RELIGIOUS AFFILIATION WAS NOT CHECKED IN SECTION 1, THIS SECTION MAY BE LEFT BLANK.

A faith-based nonprofit organization is eligible to receive and apply for a grant on the same basis as other nonprofit organizations, with respect to programs which are eligible. In the selection of grantees, the County will not discriminate for or against an organization on the basis of the organization's religious characterization or affiliation. However, certain requests to utilize funding for programs with religious purposes may not be eligible due to constitutional principles of the United States and/or the State of Delaware.

Briefly describe the components of the program that involve religious purposes and the components that involve secular purposes, or non-religious purposes. If both non-religious and religious purposes are involved in the program, this narrative must include the specific actions that will be implemented in order to ensure that the funding is solely used for non-religious purposes and will not be used to advance or inhibit religious or faith-based activities.

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits; OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Materials, Permits and Installation of fencing	\$ 11,669.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 11,669.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 11,669.00</b>

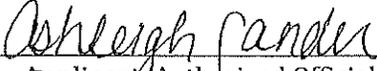
### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Town of Millsboro agrees that:  
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
- 2) For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

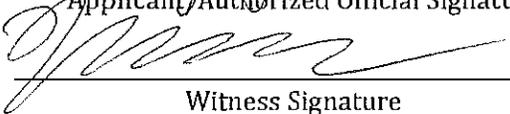
**SECTION 5: STATEMENT OF ASSURANCES (continued)**

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- 7) All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) **In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.**

  
\_\_\_\_\_  
Applicant/Authorized Official Signature

6/28/2024

Date

  
\_\_\_\_\_  
Witness Signature

6/28/2024

Date

Completed application can be submitted by:

Email: gjennings@sussexcountype.gov

Mail: Sussex County Government  
Attention: Gina Jennings  
PO Box 589  
Georgetown, DE 19947

**SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM**  
**GUIDELINES FOR SUBMITTAL AND AFFIDAVIT OF UNDERSTANDING**

The Sussex County Council makes available a limited amount of funding to non-profit organizations that serve the citizens of Sussex County. Each application for funding shall be evaluated by Sussex County administrative staff and shall be subject to final approval from Sussex County Council.

In the attached application, each organization must outline its intended uses for the awarded funding and provide a detailed breakdown of the expenses and costs for such uses. Any funding awarded to the organization must be used in substantial conformity with anticipated expenditures of the submitted application.

All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before funding is released. Grant is relinquished if supporting documentation is not provided within one year of County Council award.

Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious activities.

In the event that such funding is used in violation of the requirements and assurances contained in this grant application, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.

Ashleigh Fander  
Applicant/Authorized Official Signature  
[Signature]  
Witness Signature

Assistant Town Manager  
Title  
6/28/2024  
Date

**Casey Hall**

Rieley.

**From:** notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE  
<notifications@d3forms.com>  
**Sent:** Monday, July 8, 2024 12:21 PM  
**To:** Casey Hall  
**Subject:** Form submission from: Council Grant Form

**CAUTION:** This email originated from outside of the organization. Do not click links, open attachments, or reply unless you recognize the sender and know the content is safe. Contact the IT Helpdesk if you need assistance.

***Council Grant Form***

**Legal Name of Agency/Organization** Greater Millsboro Chamber of Commerce, Inc. ✓

**Project Name** Greater Millsboro Chamber of Commerce

**Federal Tax ID** 51-0270976 ✓

**Non-Profit** Yes

**Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)** No

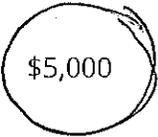
**Organization's Mission** The mission of the GMCC is to improve member business success through networking, promotion, advocacy, education, and through collaboration with local towns.

**Address** 203 Main Street

**Address 2** P.O. Box 187

**City** MILLSBORO

**State** Delaware

<b>Zip Code</b>	19966
<b>Contact Person</b>	Anne Angel
<b>Contact Title</b>	Executive Director
<b>Contact Phone Number</b>	3029346777
<b>Contact Email Address</b>	<a href="mailto:info@millsborochamber.com">info@millsborochamber.com</a>
<b>Total Funding Request</b>	 \$5,000
<b>Has your organization received other grant funds from Sussex County Government in the last year?</b>	No
<b>If YES, how much was received in the last 12 months?</b>	N/A
<b>Are you seeking other sources of funding other than Sussex County Council?</b>	No
<b>If YES, approximately what percentage of the project's funding does the Council grant represent?</b>	N/A
<b>Program Category (choose all that apply)</b>	Educational Other

**Program Category** Business Community  
**Other**

**Primary Beneficiary Category** Other

**Beneficiary Category** Business  
**Other**

**Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program** 250

**Scope**

The Chamber of Commerce receives income from membership dues, large events and grants. Our membership dues are low and range from \$200 to \$650 annually and membership dues alone do not pay the salary of the Executive Director, rent or utilities. We have had 2 large events in 2024. One was a Casino Night to benefit the Little League. In total, the chamber made \$3,000 and paid \$1,000 to the Little League. The community annual event, Stars and Stripes, should have made \$40,000 but it was cancelled last year due to rain and all sponsorships were honored this year. In total, we made \$10,000 which is significantly lower than we expected. We are having a Golf Tournament to benefit Habitat for Humanity and Grass Roots Rescue on October 15, 2024. The shortfall in the profit from large events leaves us short of budget. We also paid \$29,350 to have a Visitors Guide/Membership Directory done in 2024. It had not been done since 2018. We did not make any money off of this guide. Ad sales paid for the guide, both in print and online.

*updates*

\* We need to redo our website since it is supported by a very old program called Joomla. We would eventually like to be a visitors center which would require furnitue and equipment such as an additional computer, phone, reception desk,

chair, seating for guests and displays for member business cards and brochures.

**Religious Components** N/A

**Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)** 0.00

**Description** Personnel - Membership Director

**Amount** 15,000.00

**Description** Operating Costs - rent, equipment, supplies

**Amount** 10,000.00

**TOTAL EXPENDITURES** 25,000.00

**TOTAL DEFICIT FOR PROJECT OR ORGANIZATION** -25,000.00

**Name of Organization** Greater Millsboro Chamber of Commerce

**Applicant/Authorized Official** Anne Angel

**Date** 07/08/2024

**Affidavit Acknowledgement** Yes

If you feel this is not a valid submission please log into D3Forms to update this submissions status. Please feel free to email [clientservices@d3corp.com](mailto:clientservices@d3corp.com) with any questions.



To Be Introduced: 7/30/24

Council District 4: Mr. Hudson  
Tax I.D. No.: 533-18.00-68.00  
911 Address: 33142 Lighthouse Road, Selbyville

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PROFESSIONAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.99 ACRE, MORE OR LESS**

WHEREAS, on the 6<sup>th</sup> day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2438 was filed on behalf of Robert Frey (Sandy Hill Acre, LLC); and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, 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. 2438 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2438 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Lighthouse Road (Rt. 54) approximately 525 ft. east of Dickerson Road (S.C.R. 389) and being more particularly described in the attached legal description prepared by Scott & Schuman, P.A., said parcel containing 0.99 acre, more or less.

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

To Be Introduced: 7/30/24

Council District 3: Mr. Schaeffer  
Tax I.D. No.: 334-13.20-27.00 & 27.01  
911 Address 37411 & 37417 Malloy Street, Rehoboth Beach

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR A BUSINESS OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.27 ACRE MORE OR LESS**

WHEREAS, on the 19<sup>th</sup> day of May, 2023, a conditional use application, denominated Conditional Use No. 2450 was filed on behalf of GGA Construction; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, 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. 2450 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2450 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Malloy Street approximately 100 feet southeast of Central Avenue and being more particularly described in the attached legal description prepared by Foresight Services. said parcels containing 0.27 ac., more or less.

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



## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: July 25, 2024

RE: County Council Report for C/U 2416 filed on behalf of Over the Hill Holdings, LLC

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The Planning and Zoning Department received an application (C/U 2416 filed on behalf of Over the Hill Holdings, LLC) for a Conditional Use for an indoor and outdoor shooting/archery range in an AR-1 Agricultural Residential Zoning District, to be located at Tax Parcel 333-15.00-20.00. The property is located at 38531 Parker Road, Millsboro. The parcel size is 10.55 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 24, 2024, the Planning & Zoning Commission recommended a partial approval/partial denial of the application for the 11 reasons stated and subject to the 8 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of June 26, 2024, and July 24, 2024.

Minutes of the June 26, 2024, Planning & Zoning Commission Meeting

### **C/U 2416 Over The Hill Holdings, LLC**

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS.** The property is lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419). 911 Address: 38531 Parker Road, Millsboro. Tax Map Parcel: 333-15.00-20.00.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicant's



exhibit booklet, a copy of the applicant site plan, a copy of the DelDOT SLER, a copy of the written comments received from the Sussex County Engineering Department City Planning division, a copy of the property deed, a copy of the staff analysis and zero public comments.

Mr. Mike Smith, Esq., with the Smith Firm, represented the Applicant, Over The Hill Holdings, LLC; that in attendance with him are the owners, Mr. Lloyd Bainey and his two sons, Jeff and Chad; that the Board of Adjustment approved a special use exception through case number 12083 on January 8th, 2018, with the approval being granted at that time for an indoor shooting and archery range; that the approval being given on March 6, 2018; that at that time the Board of Adjustment found that there was no evidence presented that would have suggested that the facility would have a substantial adverse effect on any of the neighboring properties; that at that the approval was good for five years; that the operation has been a huge asset to the community for all the reasons that I'll discuss and there has been a harmonious working relationships with neighboring properties; that there's been no material adverse effect on them and the facility has operated in an extremely clean and safe manner; that the part of the parcel in the application is essentially showing is the rural nature of the area surrounding the property; that given the nature of this use of a rural setting is probably the best location for this type of application and type of use; that there are no known tax stitches or wetlands on the site; that the counties future land use map has this parcel in a low density area and in the future land use and comp plan, the low density areas are noted as being used for businesses that support agricultural activities; that the facility provides training for hunting related education and firearm carrying; that has a direct correlation to the agricultural business operations in the area given wildlife management and hunting activities that occur quite frequently in this area; that the DelDOT SLER was submitted and the traffic impact was noted as being negligible; that in the original special use exception, there was a site development plan that was done and prepared for the indoor facility located on the southern portion of the site; that the property extends back to the outdoor shooting facility and the improvements that are shown on this plan are the same as those that exist today; that the overall building area that's noted on this plan for the site is approximately 13.2964 that's going to include everything that's on that property; that the required parking spaces on the original was 40 and there are 43 space available, but any final site plan for the overall site would comply with whatever parking requirements were needed; that one note is there is a 25,000 gallon sprinkler system tank that they had to install as part of the facility as a measure of security in the sense that it has a fire suppression system with a standalone 25,000 gallon tank in case it were ever to discharge; that there is a Western dirt berm for the outdoor range plus a vegetated buffer which includes some green giant trees and some natural vegetation between the outdoor range and the homes along Parker Rd.; that the building that's constructed 53 feet, 10 inches wide by 41 feet 4 inches deep or 2225.11 square feet; that the building is open on the backside to the firing lanes down the range; that there is an anticipated need for 12 parking spaces, but again the applicant will comply with whatever requirements are put in place on this building; that there is an intercom system, so if somebody were to come to the range and want to shoot, they would have to either have somebody present or use that intercom system before entering the building, which would be locked at that point; that there is always a range officer present and those are qualified individuals who are monitoring any shooters that may be present at that point in time; that the shooting at this outdoor range is restricted in the sense that there are no rounds permitted that will fire over 3,000 feet per second and they do not allow any home loaded ammunition; that the earthen berms are around 150 feet wide as far around the shooting facility and the sides are around 330 feet long, plus or minus, they were constructed 22 feet tall; that the berms are a U shape essentially, with the building being in the opening of that U and it being encapsulated for everything beyond that point; that a conditional use application is more about the nature of the use and the property and a little bit less about the details of the use, but given the nature of the use that we're applying for, we

felt like this sophistication of the facility and the cleanliness of it was worthwhile to produce; that there's some firearms used or available for renting for training purposes, but there is a vault that is locked and secured for those to be stored overnight; that this is a secured facility which is alarmed and monitored by a very elaborate camera system that applies for both the indoor and outdoor facilities; that there is a specialty cleaning company that comes in and handles the cleaning of lead or metal that may go downrange after firing; that the company range cleaners is going to monitor the outdoor facility, at least on an annual basis, and they're going to clean it on an as needed basis, the assumption is that the outdoor facility will need cleaning less frequently than the indoor, which is done on an annual basis; that there is an indoor facility currently housing 2 classrooms that can be used by range customers to be rented or in particular, used by area police departments for training; that they're also utilized by the range time staff to teach Stop the Bleed training which is first aid training, CPR training and a master hunters education class; that there are 7 current employees at range time that are USCA certified instructors, the United States Concealed Carry Association, one of the largest associations that exist for that type of use and a lot of them, instruct these types of classes; that Lewis, Milton, S Bethany and Dagsboro police departments are all training there and municipal police departments do not have internally the same facilities to train as the state police do; that they are not permitted the same uses of the state police facilities that the state police force are; that there is an extreme limitation of where they can go and how they can qualify for their shooting; that there are some letters from police departments that are anticipated to use the facility in this calendar year, including Bethany, the Delaware police sort team which is equivalent to a SWAT team for Delaware, Dewey Beach, Ocean View and Selbyville; that the facility currently is open Tuesday to Sunday, to the public, it is closed to the public on Mondays with the express intention that it only be used for law enforcement on that day; that they are closing their facility down, not making the same income and are allowing a reservation system for these police agencies to come in; that the public shouldn't be seeing the training of police officers, nor should they be engaged in that same practice so they're reserving it; that the police departments come in with a master range officer, some of the municipalities don't have one, but they're coordinating with each other to have that person present when they come into the facility; that they are coordinating their training scenarios with the range time folks, which is going to be Jeff or Chad, and once that's greenlit and they say it's safe for the facility, the police departments are then going to take over the facility from that point forward and conduct their training exercises; that no public is permitted to be present on those days; that there are letters of recommendation from 3 Departments, including Lewes Police Department, S. Bethany Police Department and Milton Police Department; that the facility operates with all required licensing in place; that a sound test was done as noise may be an issue or concern for people; that for the shooting portions of the test they used a firearm that would be used by law enforcement and the ammunition that is highest velocity usable; that the first two sound testing's are sort of setting a control; that the first one being a conversation between Jeff and Chad and that was 70 to 73 decibels on talking at normal levels; that the next one would be taken with Jeff holding the equipment at about 6 foot height and 10 feet away from a 37.4 horsepower tractor with a six-inch mower attached to it; that they used that to cut the grass at the facility to gauge what noise levels you would hear on a normal basis and that was 77 to 79 decibels; that with the PTO engaged in the mower running with the 2100 RPMS to actually cut it was a cap of 111 decibels; that the fourth reading, is where Chad would have been firing that firearm from the shooting benches at the outdoor range and Jeff was standing with the meter 5 feet behind him inside the building; that the noise capped at 116 decibels; that once outside that facility, all those sound deadening rubber mats and the concrete walls are dropping that noise level down to below what the level of normal conversation would be which is 63 to 70 decibels; that the 6th reading was taken at the edge of the berm which was 76 to 79 decibels; that the next readings were done on the westerly boundary edge of the property closer to the houses on Parker Road, the reading #8, which is more

directly in line with the shooter to the West was below a conversation, at 58 to 62 decibels, the one taken at the back of the property, the northerly side in the northwest corner was 61 to 65 decibels; that there are no restrictions as far as Delaware statutes on the proximity of discharging a firearm, aside from those that apply typically for hunting scenarios; that Title 7 Section. 719A of the Delaware Code says that you cannot discharge a firearm within 15 yards of a public roadway, the second code section is title 166902 says you can't discharge in, on or into any public right of way all of which they are abiding by; that you cannot discharge a firearm in proximity to an occupied dwelling that is within 100 yards; that the current facilities are compliant with that, all more than 100 yards away from any dwelling or any other outbuilding; that this code provision does specify that it applies while hunting or trapping, but logically speaking, it makes sense that it would apply to this facility as well, so we are compliant with that also; that archery is 50 yards from any dwelling which is in compliance; that The General Assembly made a decision to provide a higher level of protection for shooting ranges, that once a shooting range has been in operation for more than a year it is by law given protections from nuisance suits, and this is just that heightened protection that is given at that point in time; that County Code section 115-22 would be the permitted conditional uses within an AR-1 zoning of residential business, commercial and industrial uses are permitted when they satisfy the purposes of the chapter and more fully meet the conditions of issuing a conditional use; that the 115171 is a general purpose section for conditional uses which based on all the reasons that stated, the use being proposed is of a public character, essential and desirable for the general convenience and welfare of the residents of Sussex County; that it will not have a materially adverse effect on neighboring properties, it complies with the with the comp plan and it is in keeping with orderly growth in the area; that the hours of operation would be 8:00AM to 10:00PM seven days a week, but within the conditions they are seeking to have the range open to the public 8:00AM – 7:00PM Tuesday through Sunday and 8:00AM to 10:00PM on Mondays; that Monday's would be strictly for police trainings and they need to be able to train in low light to no light and that is why the hours would be extended on Monday's

Mr. Robertson asked Mr. Whitehouse if there have been any complaints or violations from the property and they have been in full compliance with their special use exception for the time they have been there.

Mr. Whitehouse stated that there are no complaints or violations on file and there was a question on the building permit and the issuance of the building permit, which was expedited, but there were no violations.

Ms. Librada Farmiglietti spoke in opposition to the application due to the outdoor range right in the back of her house; that she spoke with the applicants about the outdoor range and the concern of the amount of noise produced from the firing of guns; that they assured her that the noise was not going to be a problem for the homeowners; that the noise is a problem when she is in her home and when she is in her yard; that with the range being open everyday that it disrupts her time home and the ability to enjoy her property; that even with her doors and windows closed the amount of noise from the some of the guns is overwhelming.

Mr. Smith responded that the noise readings that were presented are the information that we have available to us and the best information that we believe exists today; that there are constitutional protections for the possession of a firearm and what we are proposing here is safer than what a person is permitted to do on an agricultural residential parcel without an approval; that if these gentlemen own this parcel and it's not developed for commercial use they could fire 10,000 rounds a day within

that compliance, and that's technically permitted; that the discharge of firearms in Sussex County happens particularly during hunting seasons, but these guys are trying to be as respectful as possible and make sure that the sound resonates to the maximum extent possible to the East of this parcel; that the berm on the West hand side of the outdoor firing range was intentionally constructed higher so that sound would take the path of least resistance and go towards the East at that point.

Mr. Behney responded that our left berm on the West side is about 15 feet taller than the right side on the East side of the property; that when the shooter is 16 feet inside the building it shoots off the left side of the berm and moves its way to the right side of the berm towards Mr. Glen Moore's property; that we designed it that way because we're trying to be polite as possible to the neighbors on the West; that with the nature of the range and with the readings that we had, we have done a really good part of that with the vegetation that's being planted around the property around their houses; that those evergreens grow about 14 to 15 inches a year and they're a year and a half old and already over 4 feet tall and will get taller; that they're trying to be as polite as possible when it comes to sound as guns are loud and we understand that and just try to be as nice as possible towards the neighbors.

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

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2416 Over The Hill Holdings, LLC. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Mears and carried unanimously. Motion carried 5-0.

#### Minutes of the July 24, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since June 26, 2024.

Mr. Robertson read Mr. Mears' prepared motion per Mr. Mears' request.

Mr. Mears moved that the Commission recommend a PARTIAL APPROVAL, and a PARTIAL DENIAL of Conditional Use No. 2416 for OVER THE HILL HOLDINGS, LLC for an indoor and outdoor shooting/archery range. Specifically, this motion is to approve the conditional use for the indoor shooting range and deny the conditional use for the outdoor shooting range based upon the record made during the public hearing and for the following reasons:

1. The use as an indoor shooting range was approved in 2018 as Case No. 12083 by the Sussex County Board of Adjustment. I have no objection to the continued use of the indoor shooting range under that approval. Also, Sussex County certainly respects the need for firearm practice and training by our residents and law enforcement agencies. However, this Application is a zoning issue, and the fundamental question is whether this is an appropriate location for this type of use – in this case particularly the outdoor shooting range. I do not believe that this is the most appropriate location for this proposed use as an outdoor shooting range.
2. During the Board of Adjustment hearing on Case No. 12083 for an indoor range, the Applicant specifically stated that they were not seeking approval for an outdoor shooting range, and that "The Environmental Protection Agency discourages the practice of commercial outdoor firing ranges." After the Board of Adjustment approved the indoor

range, the Applicant sought approval of a change in zone for the property. That change in zone did not occur. Despite the Applicant's knowledge and involvement with Sussex County's land use process, and despite the Applicant's contrary statements to the Board of Adjustment that it was not seeking an outdoor shooting range, an outdoor shooting range was nevertheless constructed on the property without any zoning permits or approvals for the use.

3. There are homes in close proximity to the site. There was opposition testimony from one of the owners of a home adjacent to this site that the outdoor range would be noisy and would interfere with her quiet enjoyment of her property. I believe these concerns are legitimate and apply equally to all of the houses that are adjacent to, or near this property. I also believe that it is reasonable to conclude that the outdoor shooting range and noise generated by it will adversely affect the values and marketability of the nearby residential properties.
4. Although the Applicant provided evidence suggesting that the noise generated by the outdoor shooting range will be minimal, I am not satisfied that this evidence accurately reflects how the outdoor range will be used. The noise testimony was based upon the discharge of a single firearm. However, from the photographs in the record it appears that there will be 8 shooting positions or stalls allowing at least 8 firearms to be discharged simultaneously or in rapid succession. As a result, the actual noise will be much louder and more prolonged than the single firearm that was tested and presented as noise evidence by the Applicant.
5. I am not satisfied that the outdoor range and particularly the down-range portion of it has been constructed in a way that mitigates the noise generated by the outdoor use to the fullest extent possible. It may be possible that the Applicant can provide additional protections against the noise disturbance from this facility on the neighboring properties during the County Council hearing. But I am not satisfied that the evidence presented to the Commission sufficiently addresses this concern.
6. While there is definitely a need for indoor and outdoor shooting ranges in Sussex County, particularly so that law enforcement and police agencies can use them for training, there are other more appropriate locations for them that are not so close to existing homes.
7. It is unfortunate that the Applicant constructed the outdoor shooting range without the appropriate approvals for the use. They did so contrary to their own statements that such a range would not be built. They constructed the range at their own peril, without approvals, and with the risk that the use would not be approved. As a result, the existence of the outdoor range cannot be used in support of the conditional use.
8. For all of these reasons and based on the record before the Commission which may be supplemented during the Council hearing, I move that the Commission recommend a denial of the outdoor shooting range portion of this Conditional Use.
9. The indoor shooting range was approved by the Board of Adjustment as a special exception in Case No. 12083 decided in 2018. It is appropriate to confirm the indoor shooting range through this conditional use, and the indoor shooting range shall be permitted to include sales of guns, rifles and equipment in a manner that is accessory to the primary use as an indoor shooting range.
10. The indoor shooting range is entirely self-contained with noise-deadening and safety features built into it. There is no evidence that the indoor shooting range will adversely affect neighboring properties or roadways.
11. The indoor shooting range provides a needed venue for shooting and target practice for residents of Sussex County, law enforcement agencies and police departments. As a result, it has a public or semi-public character.
12. This recommendation for approval of only the indoor shooting range is subject to the following conditions:

- A. The permitted use shall only include the indoor shooting range. This may include limited retail sales including sales of guns, rifles, ammunition and equipment in a manner that is accessory to the primary use as an indoor shooting range.
- B. The Applicant must comply with all Federal and State licenses and regulations for the use, including compliance with all federal and state requirements for the recovery and disposal of used ammunition.
- C. The use of the indoor range facilities shall occur between the hours of 8:00 am and 10:00 pm.
- D. All dumpsters shall be screened from the view of neighboring properties and roadways. The dumpster locations shall be shown on the Final Site Plan.
- E. Parking shall be prohibited on any area roadways. All on-site parking areas shall be shown on the Final Site Plan and clearly marked on the site itself.
- F. All lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
- G. One lighted sign, no larger than 32 square feet in size, shall be permitted.
- H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Mr. Collins to recommend partial approval and partial denial of C/U 2416 OVER THE HILL HOLDINGS, LLC for the reasons and the conditions stated in the motion. Motion carried 3-2 by roll call vote.

Vote by roll call: Mr. Mears – yea, Ms. Wingate – no, Mr. Collins – yea, Mr. Butler – no, Chairman Wheatley - yea

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
J. BRUCE MEARS  
GREGORY SCOTT COLLINS  
BRIAN BUTLER



**Sussex County**

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JAMIE WHITEHOUSE, AICP MRTPI  
PLANNING & ZONING DIRECTOR

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: June 26<sup>th</sup>, 2024

Application: C/U 2416 Over the Hill Holdings, LLC

Applicant: Over the Hill Holdings, LLC

Owner: Over the Hill Holdings, LLC

Site Location: The property is lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419)

Current Zoning: AR-1 (Agricultural Residential)

Proposed Use: Indoor and Outdoor Shooting/Archery Range

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: District 1 – Mr. Michael Vincent

School District: Indian River School District

Fire District: Gumboro Fire Company

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 10.55 acres +/-

Tax Map ID.: 333-15.00-20.00



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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Mrs. Christin Scott, Planner II  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: June 18, 2024  
RE: Staff Analysis for C/U 2416 Over the Hill Holdings, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2416 Over the Hill Holdings, LLC to be reviewed during the June 26<sup>th</sup>, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

**Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 333-15.00-20.00

**Proposal:** The request is for a Conditional Use for Tax Parcel 333-15.00-20.00 for an indoor and outdoor shooting/archery range. The property is lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419). The Conditional Use is proposed to be on a property that consists of 10.55 acres +/-.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the north, south, east, and west of the subject Parcel are also zoned Agricultural Residential (AR-1) District.

**Future Land Use Map Designation w/in Comprehensive Plan:** The subject property is located within the “Low Density” are as outlined in the Sussex County’s 2018 Comprehensive Plan.

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Future Land Use designation of “Low Density.” The properties to the north, south, east, and west also have a Future Land Use designation of “Low Density.”

As outlined in the 2018 Sussex County Comprehensive Plan, Low Density Areas are areas that the County envisions as “a predominantly rural landscape where farming co-exists with appropriate residential uses and permanently preserved property” (Sussex County Comprehensive Plan, 4-18). The Plan also notes that commercial uses “should be limited in their location, size and hours of



operation” and “more intense commercial uses should be avoided” and commercial uses “may be appropriate depending on surrounding uses” (Sussex County Comprehensive Plan, 4-19).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District is an applicable Zoning District within the “Low Density” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

**Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that are actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is not located within any established Flood Zone.

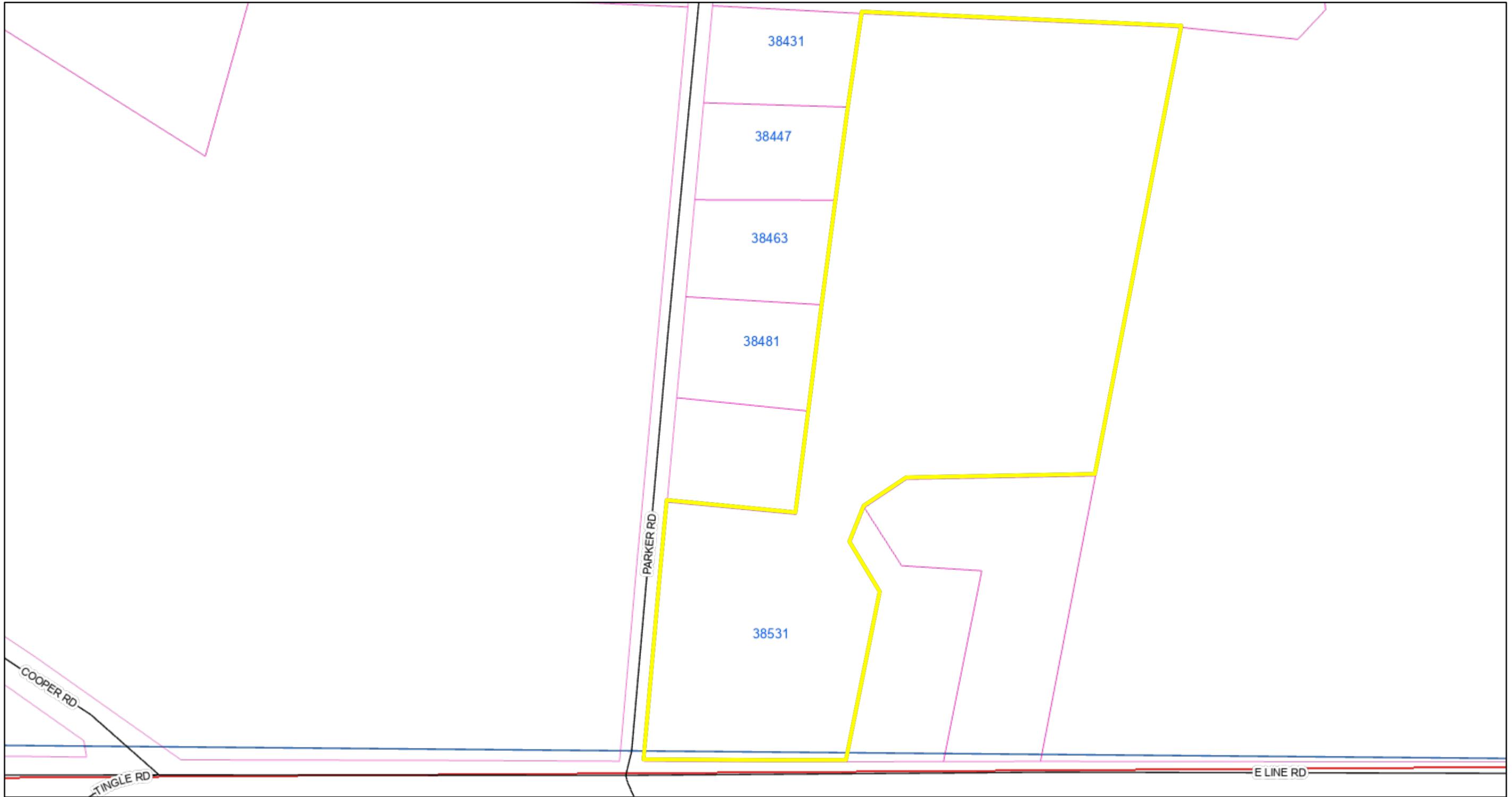
The property does not lie within any established Tax Ditch Areas. Additionally, the County’s Online Mapping System indicates that there are no Well Head Protection Areas present on the site and that the property is located within an area of “Good/Fair” Groundwater Recharge Potential.

**Existing Conditional Uses within the Vicinity of the Subject Site:** A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications, since 2011, that are within a 1.0-mile distance from the subject site.

<b>Conditional Use Applications</b> <b>(Within a 1-mile radius of the subject site)</b>						
<b>Application Number</b> <b>CU #</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Use</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
1925	Piedmont Leasing	AR-1	Office & Trucking Company for Truck Storage	Approved	4/3/2012	2248

Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for an indoor and outdoor shooting/archery range, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

# Sussex County



May 23, 2024

polygonLayer

Override 1

Override 2

Tax Parcels

911 Address

Streets

County Boundaries

Fire Districts

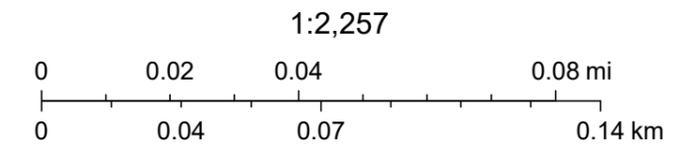
DOE School Districts

layer50

Red: Band\_1

Green: Band\_2

Blue: Band\_3



# Sussex County

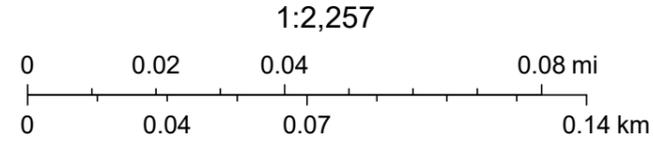


May 23, 2024

- polygonLayer  
 Override 1  
 Override 2  
 Tax Parcels
- 911 Address  
 Streets  
 County Boundaries  
 Fire Districts

- DOE School Districts  
 World Imagery  
 Low Resolution 15m Imagery  
 High Resolution 60cm Imagery

- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



Delaware Department of Education, Maxar, Microsoft, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Introduced: 9/12/23

Council District 1: Mr. Vincent  
Tax I.D. No.: 333-15.00-20.00  
911 Address: 38531 Parker Road, Millsboro

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN INDOOR AND OUTDOOR SHOOTING/ARCHERY RANGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GUMBORO HUNDRED, SUSSEX COUNTY, CONTAINING 10.55 ACRES MORE OR LESS**

WHEREAS, on the 15<sup>th</sup> day of December 2022, a conditional use application, denominated Conditional Use No. 2416 was filed on behalf of Over the Hill Holdings, LLC; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, 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. 2416 be \_\_\_\_\_; and

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

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

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2416 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcels of land lying and being situate in Gumboro Hundred, Sussex County, Delaware, and lying on the northeast corner of the intersection of Parker Road (S.C.R. 415) and Line Road (S.C.R. 419) and being more particularly described in the attached legal description prepared by The Smith Firm, LLC said parcels containing 10.55 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.

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
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**Sussex County**

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## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: July 26, 2024

RE: County Council Report for C/U 2417 filed on behalf of White House Beach, LLC

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The Planning and Zoning Department received an application (C/U 2417 filed on behalf of White House Beach, LLC) for a Conditional Use for the addition of 8 lots into the White House Beach Manufactured Home Park in an AR-1 Agricultural Residential Zoning District, to be located at Tax Parcel 234-30.00-6.00. The property is located on the south side of Long Neck Road (Rt. 23) and School Lane (S.C.R 298). The parcel size is 324.18 acres +/-, with the application site being a 1.04 acre portion of the parcel.

The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 5 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of June 26, 2024, and July 10, 2024.

Minutes of the June 26, 2024, Planning & Zoning Commission Meeting

### C/U 2417 White House Beach, Inc.

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS.** The property is lying on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route



23) and School Lane (S.C.R. 298) within the White House Beach Manufactured Home Park. 911 Address: N/A. Tax Map Parcel: 234-30.00-6.00 (p/o).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the applicant's conceptual conditional use site plan, a copy of the staff analysis, a copy of a letter from the Sussex County Engineering Department Utility Planning Division, a copy of the Minutes of the Sussex County Council meeting of March 9, 1971 and the meeting of September 26, 1972, a copy of the minutes from the County Council meeting of November 16th, 1976, a copy of the DelDOT SLER and zero comments.

Mr. John Roach, Esq., spoke on behalf of the applicant, White House Beach; that White House Beach has been in existence for about four generations located off of Rolling Neck Rd.; that they would like to expand the park and found that there was an area on the entrance side of that park, which allowed us to put in about 8 lots; that the park is serviced by a sewer system that runs down E. Harbour Rd. and a central water system available also for this part; that there has been a lot of inquiries about expansion, open lots and doing a lot of looking around and trying to use some of the existing lots, they're pretty small and they're a little hard to fit manufacture homes in and we felt this was a better alternative; that they are now going to better meet the requirements and setbacks; that a wetland study was done by Ian Kaufman about three years ago and they were able to identify wetland areas and we plotted that out with the lots and they did not coincide so there's no interference there.

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

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2417 White House Beach, Inc. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

#### Minutes of the July 10, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since June 26, 2024.

Ms. Wingate moved that the Commission recommend approval of C/U #2417 for WHITE HOUSE BEACH, INC. for 8 additional lots within the existing manufactured home community based upon the record made during the public hearing and for the following reasons:

1. White House Beach was originally established in 1956 and is a legally nonconforming manufactured home park with the AR-1 Zoning District. The legal existence of the park was first confirmed by Conditional Use #2 in 1971 and there have been several subsequent conditional uses to create additional lots. This application seeks to add 8 additional lots within a formerly undeveloped area of the community.
2. The current layout of the community is generally shown on a plan dated January 24, 2011. However, given the age and evolution of this community there is not a clear record of the number, location, and type of lots within it. For this reason, there is a condition of approval requiring a new “master-plan”-type drawing showing the entire community and showing the general layout and location of the lots and the type of each lot.

3. In addition to the existing lots within White House Beach that surround these 8 new lots, the community is also in an area where C-1 Zoning exists along with townhomes and other manufactured home parks. These 8 lots will be consistent with the existing uses that are in the area.
4. White House Beach is located within the Coastal Area according to the current Sussex County Future Land Use Map. This 8-lot expansion of the White House Beach community is appropriate in this Area according to the Comprehensive Plan and the Future Land Use Map.
5. DelDOT has determined that the traffic impact from these 8 new lots will be “diminutive”.
6. The community and these 8 new lots will be served by central water and connected to the Sussex County sewer system.
7. The additional 8 lots will not adversely affect nearby properties or area roadways.
8. No parties appeared in opposition to this application.
9. This recommendation is subject to the following conditions:
  - A. No more than 8 new lots shall be added to the existing, approved White House Beach Manufactured Home Park.
  - B. The additional 8 lots shall conform to the current requirements for a manufactured home park as set forth in the Sussex County Zoning Code as to size, setbacks, parking and other dimensional requirements.
  - C. The area where the 8 new lots are to be located shall meet or exceed the stormwater management requirements of the State and County and the Final Site Plan shall contain the approval of the Sussex Conservation District.
  - D. The addressing for these 8 new lots shall be established by the Sussex County Geographical Information Office.
  - E. A Final Site Plan depicting the area of these 8 new lots shall be reviewed and approved by the Sussex County Planning & Zoning Commission. This Final Site Plan shall also depict the proximity of any of these 8 lots to the nearest State or Federal Wetlands. In addition, at the same time that a Final Site Plan is submitted for approval, the Applicant shall submit a revised “Master Plan” of the entire White House Beach Community identifying all lot locations by number, and further identifying lots that are set aside for tent camping, RV camping and manufactured homes. This Master Plan does not need to comply with the level of detail required of a Final Site Plan for the entire community; it shall be sufficient, subject to staff’s approval, to generally depict the layout of the community.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2417 White House Beach, Inc. for the reasons and the conditions stated in the motion. Motion carried 5-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – yea, Mr. Collins – yea, Mr. Butler – yea, Chairman Wheatley - yea

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
HOLLY J. WINGATE, VICE-CHAIRMAN  
SCOTT COLLINS  
J. BRUCE MEARS  
BRIAN BUTLER



**Sussex County**

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JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**  
Planning Commission Public Hearing Date: May 22<sup>nd</sup>, 2024

Application: C/U 2417 White House Beach, Inc.

Applicant: Ms. Lisa Moore – White House Beach, Inc.  
35266 Fisherman’s Road  
Millsboro, DE 19966

Owner: Ms. Lisa Moore – White House Beach, Inc.  
35266 Fisherman’s Road  
Millsboro, DE 19966

Site Location: Located on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route 23) and School Lane (S.C.R. 298) within the White House Beach Manufactured Home Park.

Current Zoning: Agricultural Residential (AR-1) District

Proposed Use: Addition of eight (8) further lots into the existing White House Beach Manufactured Home Park.

Comprehensive Land Use Plan Reference: Coastal Area

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Company

Sewer: Sussex County

Water: Long Neck Water

Site Area: 1.04 acre +/- portion of a 324.18-acre Parcel

Tax Map ID.: 234-30.00-6.00 (p/o)



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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Ms. Lauren DeVore, AICP, Planner III  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: April 29<sup>th</sup>, 2024  
RE: Staff Analysis for C/U 2417 White House Beach, Inc.

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This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2417 White House Beach, Inc. to be reviewed during the June 26<sup>th</sup>, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

**Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 234-30.00-6.00

**Proposal:** The request is for a Conditional Use for Tax Parcel 234-30.00-6.00 add eight (8) further manufactured home units (as proposed Lots 234 through 241) to be located on the north side of East Harbor Drive within the existing White House Beach Manufactured Home Park. The property is lying on the north side of East Harbor Drive within the existing White House Beach Manufactured Home Park and consists of 1.04 acres +/- . The White House Beach Manufactured Home Park consists of 324.18 acres +/- and is located on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route 23) and School Lane (S.C.R. 298) in Millsboro, Delaware.

**Application History/Background:** White House Beach is a previously approved Manufactured Home Park that, according to County records has been established since 1956, has existed for over 60 years and consists of a total of 450 homesites based on a selection of address datapoints available through the County's Online Mapping System. The original Manufactured Home Park is legally non-conforming and existed prior to the establishment of the Sussex County Code on January 1st, 1971. It is an older Manufactured Home Park with 5-ft setbacks all the way around the leased lot areas (5-ft front yards, 5-ft side yards and 5-ft rear yards.)

Though 300 lots were legally non-conforming, already in use and established prior to the Code, the official use of the property as a Manufactured Home Park was established through the original Conditional Use on the property, Conditional Use No. 2 White House Beach, Inc. This Application was for the expansion (the 11<sup>th</sup> addition) of the Manufactured Home Park to accommodate 27 additional lots to the 300 (for a total of 327 lots) which was approved by the Sussex County Council at their meeting of Tuesday, March 9<sup>th</sup>, 1971.



There was a second Application on the property for an expansion (the 12<sup>th</sup> addition) of the existing and previously approved Manufactured Home Park to accommodate 42 additional lots to the 327 (for a total of 369 lots) through Conditional Use No. 81. This Application was approved by the Sussex County Council at their meeting of Tuesday, September 26<sup>th</sup>, 1972.

Furthermore, there was a third Application on the property for an expansion (the 13<sup>th</sup> addition) of the existing and previously approved Manufactured Home Park to accommodate 61 additional lots to the 369 (for a total of 430 lots) through Conditional Use No. 385. This Application was approved by the Sussex County Council at their meeting of Tuesday, November 16<sup>th</sup>, 1976.

**Zoning:** The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent Parcels to the east and west of the subject Parcel are also zoned Agricultural Residential (AR-1) District. There is one property to the north that is zoned General Commercial (C-1) District to include the Paradise Grill restaurant and Fairfield at Long Neck private townhome community. The Mariner's Cove Manufactured Home Park is located to the north on the opposite side of Long Neck Road (Route 23) and is zoned Vacation-Retirement-Residential-Park District (VRP).

**Future Land Use Map Designation w/in Comprehensive Plan:** The subject property is located within the "Coastal Area" as outlined in the Sussex County's 2018 Comprehensive Plan.

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Growth Area Future Land Use designation of "Coastal Area." The properties to north (on the opposite side of Long Neck Road (Route 23), east, and west also have a Future Land Use designation of "Coastal Area." The Indian River Inlet is located along the south side of the property.

As outlined in the 2018 Sussex County Comprehensive Plan, the "Coastal Area" are areas that "contain ecologically important and sensitive characteristics" and are "areas that can accommodate development provided special environmental concerns are addressed" (2018 Sussex County Comprehensive Plan, 4-15). The Plan further notes that, "a range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units" (2018 Sussex County Comprehensive Plan, 4-15). Furthermore, the Plan notes, "Medium and higher density could be supported in areas where there is central water and sewer" of which this property has sewer connectivity available (2018 Sussex County Comprehensive Plan, 4-16).

Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories" in the 2018 Sussex County Comprehensive Plan notes that the existing Agricultural Residential (AR-1) District is an applicable Zoning District within the "Coastal Area" Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

**Further Site Considerations:**

- **Density:** The proposed density of 8 manufactured homesites within the 1.04-acre portion of the property is approximately 7.69 du/acre within the new homesite area which achieves Code requirements which allow up to 12 du/acre for Conditional Uses within the Agricultural Residential (AR-1) District. The overall project density of 458 homesites on

324.18 acres yields a density of 1.41 du/acre which also achieves the abovementioned density requirements. **(PLEASE NOTE: This calculation does not exclude any tidal wetlands which may be present on the property, which may impact the overall density of this project under §115-15.1 of the Sussex County Code.)**

- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity (approximately 0.75 miles) of lands that appear to be actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts.

Staff further note that the Delaware Department of Transportation (DelDOT) has indicated in their Service Level Evaluation Response (SLER) that the development's traffic impact is anticipated to be "diminutive" in the context of the "Sussex County/Delaware Department of Transportation Memorandum of Understanding (MOU) for Land Development Coordination."

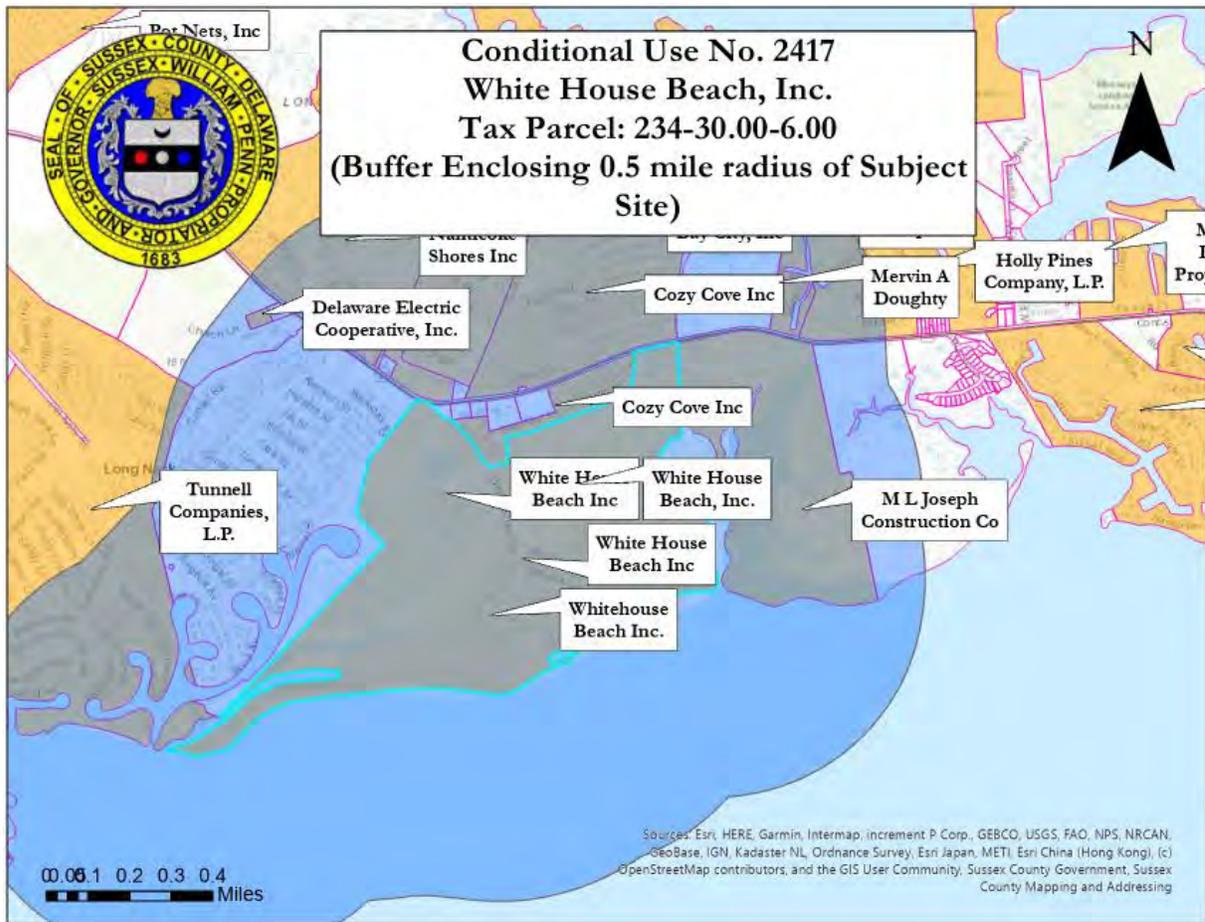
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** The County's Online Mapping System indicates areas of tidal wetlands surrounding the subject Parcel. Specifically, the County's Online Mapping System notes the presence of lotic wetlands (ie: wetlands that are adjacent to or in the active floodplain of a stream or river and are perennial in nature) and terrene wetlands (ie: relatively isolated wetlands and not connected to adjacent wetlands or waterbodies by surface water or overflow) on the north side of the proposed homesites.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone "AE" – Areas inundated by the 1% annual chance flood and "X" – Areas subject to inundation from the 0.2% annual chance Flood Zone. DNREC's Flood Planning Tool notes that the property is located within the Indian River Bay Watershed and the Indian River Bay – Indian River Inlet Subwatershed. The Flood Planning Tool also notes that the approximate Ground Elevation Height at the Parcel is 1 to 15-ft with the approximate BFE Range at the Parcel being anywhere from 6 to 10-ft.

The property does not lie within any established Tax Ditch Areas. Additionally, the County's Online Mapping System indicates that there are no Well Head Protection Areas present on the site and that the property is located within an area of "Fair" Groundwater Recharge Potential.



**Existing Conditional Uses within the Vicinity of the Subject Site:** A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are within a 0.5-mile distance from the subject site.

Conditional Use Applications (w/in a 0.5-mile radius of the Application Site)								
Application Number	Applicant Name	Zoning	Proposed Use	P&Z Date	P&Z Recommendation	CC Date	CC Decision	Ordinance No.
C/U 17	Delaware Electric Co-Op	GR	Substation	N/A	N/A	7/27/1971	Approved	N/A
C/U 63	Cozy Cove, Inc.	AR-1	Manufactured Home Park	N/A	N/A	6/20/1972	Approved	N/A
C/U 109	John R. Hitchens	AR-1	Extend Manufactured Home Park	N/A	N/A	3/6/1973	Approved	N/A
C/U 134	Nanticoke Shores, Inc.	AR-1	Extend Manufactured Home Park	N/A	N/A	6/26/1973	Denied	N/A
C/U 197	Nanticoke Shores, Inc.	AR-1	Extend Manufactured Home Park	N/A	N/A	3/26/1974	Approved	N/A
C/U 234	Cozy Cove, Inc.	AR-1	Private Airstrip	N/A	N/A	10/1/1974	Approved	N/A
C/U 482	Mervin A. Doughty	AR-1	Boat & Ramp Rental, Bair & Tackle Shop	N/A	N/A	8/1/1978	Approved	N/A
C/U 596	Holly Pines Company, L.P.	AR-1	Addition to Existing Manufactured Home Park	N/A	N/A	9/20/1980	Approved	N/A
C/U 612	Bay City, Inc	AR-1	Extension of an Existing Manufactured Home Park	N/A	N/A	1/27/1981	Approved	N/A
C/U 662	John R. Hitchens	AR-1	Addition to Manufactured Home Park	5/27/1982	Recommended Approval	6/1/1982	Approved	N/A
C/U 824	Tunnell Companies, L.P.	AR-1	Manufactured Home Park Addition	5/16/1985	Recommended Approval	6/4/1985	Approved	261
C/U 1022	Mid-Atlantic Realty Management	AR-1	Manufactured Home for Sales and Display	11/19/1992	Recommended Approval	12/8/1992	Approved	868
C/U 1256	Delaware Electric Cooperative, Inc.	AR-1	Expansion of existing Electrical Substation	8/27/1998	Recommended Approval	9/15/1998	Approved	1261
C/U 1686	Malone Enterprises	AR-1	Multi-family	5/16/2007	Recommended Approval	7/24/2007	Approved	1912
C/U 1862	Nanticoke Shores, Inc.	AR-1	Campground/367 Seasonal RV/Camper Sites & 260 Manufactured Home Lots	3/24/2011	Recommended Denial	6/21/2011	Approved	2204
C/U 1926	Nanticoke Shores, Inc.	AR-1	Ordinance to amend Condition No. 8 of Ordinance No. 2204 (CU #1862) - Earthen Berms around RV park	4/12/2012	Recommended Approval	4/17/2012	Approved	2251



Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for the expansion of the existing and previously approved White House Beach Manufactured Home Park through the addition of eight (8) homesites and associated site improvements, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

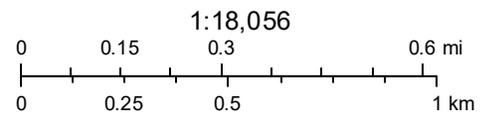


# Sussex County



<b>PIN:</b>	234-30.00-6.00
<b>Owner Name</b>	WHITE HOUSE BEACH INC
<b>Book</b>	0
<b>Mailing Address</b>	35266 FISHERMANS RD UNIT 2
<b>City</b>	MILLSBORO
<b>State</b>	DE
<b>Description</b>	GIS TIEBACK
<b>Description 2</b>	DUMMY ACCOUNT
<b>Description 3</b>	
<b>Land Code</b>	

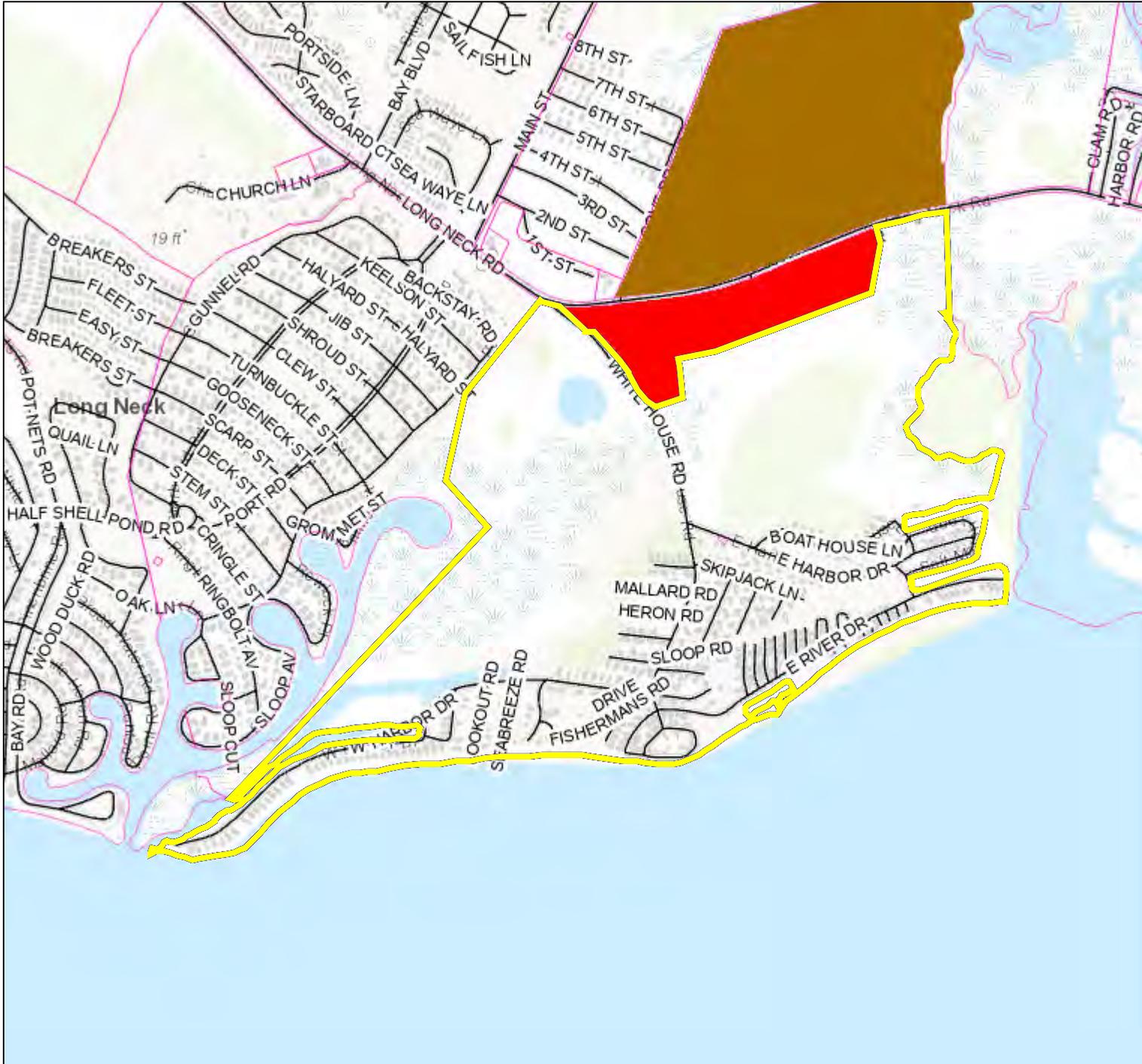
-  Tax Parcels
-  Streets
-  County Boundaries
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 4.8m Resolution Metadata





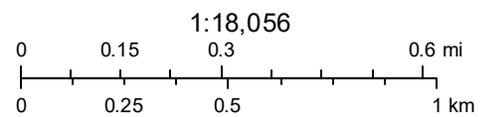


# Sussex County



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<b>Description 3</b>	
<b>Land Code</b>	

-  Tax Parcels
-  Streets
-  County Boundaries



**Introduced: 9/12/23**

**Council District 4: Mr. Hudson  
Tax I.D. No.: 234-30.00-6.00 (portion of)  
911 Address: N/A**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR THE ADDITION OF EIGHT (8) LOTS INTO THE WHITE HOUSE BEACH MANUFACTURED HOME PARK AND BEING ON A 1.04 ACRE PORTION, MORE OR LESS, OF A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 324.18 ACRES MORE OR LESS**

**WHEREAS, on the 19<sup>th</sup> day of December 2022, a Conditional Use Application, denominated Conditional Use No. 2417 was filed on behalf of White House Beach Inc.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, 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. 2417 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2023, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2417 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcels of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of Long Neck Road (Route 23), approximately 2.53 miles southeast of the intersection of Long Neck Road (Route 23) and School Lane (S.C.R. 298) within the White House Beach Manufactured Home Park and being more particularly described in the attached legal descriptions prepared by John B. Roach Engineering, LLC, said parcels containing 1.04 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.**

JAMIE WHITEHOUSE, AICP  
DIRECTOR OF PLANNING & ZONING  
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**Sussex County**

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## Memorandum

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

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: July 26, 2024

RE: County Council Report for C/U 2515 filed on behalf of Renewable Redevelopment, LLC

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The Planning and Zoning Department received an application (C/U 2515 filed on behalf of Renewable Redevelopment, LLC) for a Conditional Use for an electric substation in a HI-1 Heavy Industrial Zoning District, to be located at Tax Parcel 233-2.00-2.01. The property is located at Gate A Road, located off Iron Branch Road, S.C.R 331. The parcel size is 140.25 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on June 26, 2024. At the meeting of July 10, 2024, the Planning & Zoning Commission recommended approval of the application for the 7 reasons stated and subject to the 7 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meetings of June 26, 2024, and July 10, 2024.

Minutes of the June 26, 2024, Planning & Zoning Commission Meeting

### C/U 2515 Renewable Redevelopment, LLC

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS.** The property is lying on the northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331). 911 Address: N/A. Tax Map Parcel: 233-2.00-2.01.

Mr. Whitehouse advised the Commission that submitted into record were a copy of the applicant conceptual site plan, a copy of a letter received from the applicant, a copy of the DelDOT SLER, a



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GEORGETOWN, DELAWARE

copy of the staff analysis, a copy of comments received from the Sussex County Engineering Department Utility Planning Division, a copy of the property deed and two comments.

Mr. Jim Fuquay, Esq., spoke on behalf of the Applicant, that the applicant is seeking a conditional use approval for an electrical substation on a portion of 140 acre parcel of land located on the northwest side of Gate A Rd.; that the land was purchased from Indian River Power, LLC in December of 2023 and the land was part of the Indian River Power Plant property near Millsboro; that the purpose of today's hearing is to consider a Conditional Use application for an electrical substation on a portion of the 140 acre property; that today's hearing is not about the development of offshore wind energy projects or the federal and state permitting process that authorizes that development; that the purpose of today's P&Z hearing is very specific, that is the applicants site an appropriate location for an electrical substation under the applicable Sussex County land use regulations; that the applicants conditional use application contains 140 acres consisting of 71.42 acres of mostly wooded wetlands and 68.89 acres of most mostly wooded uplands; that the substation site itself will require the removal of approximately 21.89 acres of upland woodlands and the remaining upland woodlands and wetlands will remain undisturbed to the greatest extent possible; that of the 140 acre site, approximately 23.59 acres will be disturbed during the location of the underground cable vaults that contain the incoming transmission lines and then the site of the actual substation itself which will utilize 13.32 acres of the property; that to the East of the site is the Indian River Power plant which generates electricity and continues to be transmitted to the DP&L electrical substation on Gate A Rd.; that the site is immediately adjacent to and contiguous with the site of the proposed substation; that the Renewable Development site surrounds the DP&L substation on three sides; that an electrical substation is a critical component of an electrical generating transmission and distribution system; that an electrical substation changes the high transmission voltage from the generating source to a lower distributing voltage, which can then be transmitted to the electric grid and ultimately delivered to the user; that the substation is a combination of various components of equipment used to accomplish the voltage change and to ensure safety of the operation; that the main pieces of equipment in a substation are the transformers, which actually change the voltage, the circuit breakers, isolators, surge arrestors, capacitor banks, voltage regulators and cooling equipment; that there are control buildings which house the control and monitoring systems that manage the operation of the substation; that the substation and control buildings are unmanned and all that operation takes place remotely; that the traffic generated by the substation after construction, the will be minimal, as there are no regular employees; that any traffic would be related to the maintenance, inspection and repair of the equipment when that is required and in addition there would be ground maintenance and periodic security inspections; that the location of the substation is approximately 1 mile North East of Iron Branch Road and approximately 1700 feet from the closest off site dwelling; that the 13 acre substation itself is surrounded by the remainder of the 140 acre. parcel and is buffered by a significant natural barrier of existing mature trees; that the only sounds associated with the substation are a low hum or a buzz from the transformers and other equipment, a clicking from circuit breakers, relays and switches and the sound of the cooling fans and pumps; that there's no noticeable odors from the operation; that there is a grounding system comprised of ground wires and rods that would dissipate electricity from lightning into the ground to prevent damage to the equipment and ensure safety; that the site lighting at the substation will be similar to the lighting at the existing DPL substation; that there is no waste, trash or other byproducts produced; that there's no plan for any sewer or domestic water connection proposed for the site; that the substation design will be reviewed and comply with requirements of the state fire Marshall's office, stormwater management will be designed and constructed in compliance with the state and county requirements; that the design will utilize a subgrade stormwater containment to manage the quality and quantity of discharge; that the

containment is anticipated to be a multilayer aggregate base across the entire stone surface of the substation area which would have to be approved by a soil conservation; that the substation itself will maintain a 50 foot buffer from any wetland area; that a portion of the substation area is located within the 100 year floodplain as that is designated on the FEMA maps; that the entire substation pad area and all critical equipment will be constructed at a height to avoid potential flood impact that will exceed FEMA elevation requirements; that the entire substation area will be enclosed by a security fence, which will be finalized as part of the final site plan approval; that a fence would be 7 feet high chain link fence and it would have a 45° angle topping course of barbed wire; that the gate to the facility will have the appropriate ability for emergency vehicle access; that the fence signage would provide the site name, the owner, contact information and appropriate warnings about safety and unauthorized entry onto the property; that the substation will be designed in conformity with all applicable county, state and federal standards and codes, as well as in compliance with DP&L's requirements for the interconnect utility for the connection to the electric grid; that this substation will be connecting into DP&L on the adjacent property and then from there into the electrical grid; that all the impacts I just discussed are similar to impacts and operations of the adjacent DP&L substation that has been operating safely at that location without negative impact for decades; that as the applicable land use regulations, the entire 140 acre site is currently zoned HI-1 heavy industrial, as is all of the adjacent power plant property; that the HI-1 district also authorizes as a conditional use public utilities, including buildings of regulator stations and substations; that the zoning ordinance describes a conditional use as a use that is generally of a public or semipublic character and is essential and desirable for the general convenience and welfare; that conditional uses require the exercise of planning judgment as to location and site plan because of the nature of the use and the importance of the relationship of the use to the comprehensive plan; that the entire 140 acre site and the power plant property are designated as being in the industrial area as shown on the comprehensive plans future land use map; that the comprehensive plan states that the county recognizes that the availability of public services and infrastructure is necessary in order to spur industrial growth; that the county supports efforts by utility providers to extend service areas; that the comp plan discusses the importance of renewable energy sources, including emerging technologies such as offshore wind energy for utility scale electricity, and encourages renewable energy sources.

Mr. Butler asked if there would be any storage of lithium batteries within the confines of the substation.

Mr. Matthew Filippelli, technical director stated that there is no large commercial scale battery storage at this facility at this time.

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

At the conclusion of the public hearing the Commission discussed the Application.

In relation to C/U 2515 Renewable Redevelopment, LLC. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 5-0.

Minutes of the July 10, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since June 26, 2024.

Ms. Wingate moved that the Commission recommend approval of C/U 2515 for RENEWABLE REDEVELOPMENT, LLC for an electrical substation based on the record and for the following reasons:

1. The proposed substation is located on land that is zoned HI-1 Heavy Industrial. The purpose of the HI-1 District is to provide for a variety of industrial operations as well as uses permitted in the LI-1 and LI-2 zoning districts. This conditional use is appropriate in the HI-1 District.
2. The location of the facility is designated as being in the “Industrial Area” under the Comprehensive Plan’s Future Land Use Map. “Industrial Areas” are areas devoted to concentrations of larger industrial uses including heavy industry.
3. The proposed facility is on land that was part of the Indian River Power Plant (in operation at this location since the 1950s) and it is adjacent to the existing DP&L electrical substations which have been in operation for decades. This conditional use is a reasonable and appropriate extension of the long-established land use at this location.
4. The proposed facility will not result in any significant increase in traffic on area roadways since there will be no full-time employees at the site, only periodic visits for inspections, repair and maintenance of the facility.
5. The proposed site is located a considerable distance from other properties and residences and the facility will be buffered by a significant natural barrier of existing mature trees.
6. The construction and use of an electrical substation on this site will not adversely affect neighboring properties or roadways.
7. No parties appeared in opposition to this application.
8. This Conditional Use is subject to the following conditions:
  - A. The Final Site Plan shall clearly show the limits of the electrical substation conditional use area as well as the remaining acreage.
  - B. The perimeter of the substation shall be fenced.
  - C. Two signs shall be required on the fencing around the property to identify the site and emergency contact information.
  - D. The plot indicates that only 23.59 acres of the 140.25 acre site will be disturbed. Forested areas outside of the disturbed area shall be preserved to the greatest extent possible and shown on the Final Site Plan.
  - E. Any security lighting shall be downward screened.
  - F. All stormwater management and erosion and sedimentation control facilities shall comply with applicable state and county requirements. These facilities shall be operated using Best Management Practices.
  - G. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend approval of C/U 2515 Renewable Redevelopment, LLC for the reasons and the conditions stated in the motion. Motion carried 5-0.

**PLANNING & ZONING COMMISSION**

ROBERT C. WHEATLEY, CHAIRMAN  
KIM HOEY STEVENSON, VICE-CHAIRMAN  
R. KELLER HOPKINS  
J. BRUCE MEARS  
HOLLY J. WINGATE



**Sussex County**

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JAMIE WHITEHOUSE, MRTPI, AICP  
DIRECTOR OF PLANNING & ZONING

**PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET**

Planning Commission Public Hearing Date: June 26<sup>th</sup>, 2024

Application: C/U 2515 Renewable Redevelopment, LLC

Applicant: Renewable Redevelopment, LLC (c/o Gener Gotiangco)

Owner: Renewable Redevelopment, LLC (c/o Jeffrey Grybowski)

Site Location: The property is lying on the northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331)

Current Zoning: HI-I (Heavy Industrial)

Proposed Use: An electric substation and utility uses

Comprehensive Land Use Plan Reference: Industrial

Councilmanic District: District 4 – Mr. Doug Hudson

School District: Indian River School District

Fire District: 73 – Dagsboro Volunteer Fire Company

Sewer: N/A

Water: N/A

Site Area: 140.25 acres +/-

Tax Map ID.: 233-2.00-2.01



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PLANNING & ZONING DIRECTOR  
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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Mrs. Christin Scott, Planner II  
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant  
Date: June 17, 2024  
RE: Staff Analysis for C/U 2515 Renewable Development, LLC

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This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2515 Renewable Development, LLC. to be reviewed during the June 26<sup>th</sup>, 2024, Planning Commission Meeting. This analysis should be included in the record of this Application and is subject to comments and information that may be presented during the Public Hearing.

**Please note that the following Staff Analysis is for informational purposes only and does not prejudice any decision that the Sussex County Planning & Zoning Commission or Sussex County Council may wish to make as part of any Application submitted to the Department.**

**Tax Parcel ID:** 233-2.00-2.01

**Proposal:** The request is for a Conditional Use for Tax Parcel 233-2.00-2.01 for an electric substation and utility uses. The property is lying on the northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331), Dagsboro, Delaware. The Conditional Use is proposed to be on a property that consists of 140.25 acres +/-.

**Zoning:** The Parcel is zoned Heavy Industrial (HI-1) District. The adjacent Parcels to the south of the subject Parcel are also zoned Heavy Industrial (HI-1) District. The north and east sides of the parcel are adjacent to the Indian River. Properties to the west are zoned Agricultural Residential (AR-1) Zoning District.

**Future Land Use Map Designation w/in Comprehensive Plan:** The subject property is located within the "Industrial Area" as outlined in the Sussex County's 2018 Comprehensive Plan.

**Applicability to Comprehensive Plan:** The 2018 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan, a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use Map in the Plan indicates that the subject property has a Future Land Use designation of "Industrial." The properties to the south also have a Future Land Use designation of "Industrial." Properties located outside of the "Industrial" Area are designated as within the "Coastal Area."

As outlined in the 2018 Sussex County Comprehensive Plan, Industrial Areas are lands devoted to concentrations of larger industrial uses including heavier industry, light industry, warehousing, and



flex space. Appropriate development in these areas could take the form of conventional industrial parks or planned business parks with a unified design that incorporate a combination of light industry and other business uses. Large, more intensive stand-alone industrial uses should also be directed to these areas (Sussex County Comprehensive Plan, 4-17).

Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories” in the 2018 Sussex County Comprehensive Plan notes that the existing Heavy Industrial (HI-1) District is an applicable Zoning District within the “Industrial” Future Land Use Map Designation (2018 Sussex County Comprehensive Plan, 4-25).

**Further Site Considerations:**

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Staff note that the Site is located within the vicinity of lands that are actively farmed.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The Parcel is not located within any established Transportation Improvement Districts.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** Adjacent to Indian River at the rear. Tidal & Regulated Wetlands are located on the site.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within an “AE” Flood Zone.

The property does not lie within any established Tax Ditch Areas. Additionally, the County’s Online Mapping System indicates that there are no Well Head Protection Areas present on the site and that the property is located within an area of “Excellent” Groundwater Recharge Potential. The Applicant will have to abide by the requirements set forth in Chapter 89 Source Water Protection of the Sussex County Code.

**Existing Conditional Uses within the Vicinity of the Subject Site:** A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications, since 2011, that are within a 1.0-mile distance from the subject site.

<b>Conditional Use Applications</b>						
<b>(Within a 1-mile radius of the subject site)</b>						
<b>Application Number CU #</b>	<b>Application Name</b>	<b>Zoning District</b>	<b>Proposed Use</b>	<b>CC Decision</b>	<b>CC Decision Date</b>	<b>Ordinance Number</b>
2405	Elk Development, LLC	GR	Solar Farm	Approved	2/20/2024	2989
1972	Harry G. Miller	GR	Auto Repair Shop	Approved	12/3/2013	2330
1887	Mayola A. Clark	AR-1	Monument/sales/display	Approved	5/3/2011	2189

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

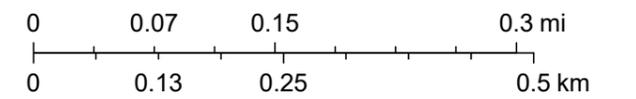
# Sussex County



May 23, 2024

- Override 1
- Override 1
- Tax Parcels
- Streets
- County Boundaries

1:9,028



Sussex County, Sussex County Government, Esri Community Maps Contributors, Delaware FirstMap, VGIN, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA, USFWS

# Sussex County



May 23, 2024

polygonLayer

 Override 1

 Override 2

Zoning

 Medium Residential - MR

 General Residential - GR

 Heavy Industrial - HI-1

 Tax Parcels

 Streets

 County Boundaries

World Imagery

Low Resolution 15m Imagery

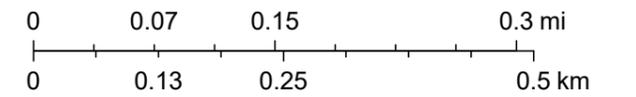
High Resolution 60cm Imagery

High Resolution 30cm Imagery

Citations

2.4m Resolution Metadata

1:9,028



Sussex County Government, Maxar

Layers Search Basemaps Select Area Eagleview Print



Eagleview Search Results

Selected Features: Parcels (1)

1) 233-2.00-2.01 Zoom

BOOK	6027
PAGE	214
FULLNAME	RENEWABLE REDEVELOPMENT LLC
Second_Owner_Name	
MAILINGADDRESS	401 E PRATT ST
CITY	BALTIMORE
STATE	MD
a_account	
DESCRIPTION	I R PLANT #1 2 3 W199
DESCRIPTION2	LOT 1
DESCRIPTION3	
LUC	999
SCHOOL	
MUNI	00
CAP	0
APRBLDG	
APRLAND	259700
PINWASSEMENTUNIT	233-2.00-2.01
PIN	233-2.00-2.01

Navigation icons: back, forward, home, search, refresh, zoom in, zoom out

Selected Features (1)

Clear Selected

**Introduced: 06/04/2024**

**Council District 4: Mr. Hudson  
Tax I.D. No.: 233-2.00-2.01  
911 Address: N/A**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A HI-1 HEAVY INDUSTRIAL DISTRICT FOR AN ELECTRIC SUBSTATION AND UTILITY USES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 140.25 ACRES, MORE OR LESS**

**WHEREAS, on the 29<sup>th</sup> day of February 2024, a Conditional Use application, denominated Conditional Use No. 2515 was filed on behalf of Renewable Redevelopment, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, 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. 2515 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2024, 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 XV, Subsections 115-113, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2515 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece, or parcel of land, lying and being situate in Dagsboro Hundred, Sussex County, Delaware, and lying on the northwest side of Gate A Road, located off Iron Branch Road (S.C.R. 331), and being more particularly described in the attached legal description prepared by Wendie C. Stabler, Esq. said parcel containing 140.25 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.**