

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

March 12, 2024

1:00 P.M.

Call to Order

Approval of Agenda

Approval of Minutes - March 5, 2024

[Draft Minutes 030524](#)

Reading of Correspondence

Public Comments

Consent Agenda

1. **Use of Existing Infrastructure Agreement – IUA-1049-1
Spring Lake Condominiums, Dewey Beach Area**
[Consent Agenda Spring Lakes](#)

Todd Lawson, County Administrator

1. **Recognition of Retiree – Patricia Faucett**
2. **Administrator's Report**



Hans Medlarz, County Engineer, Ret.

1. **Western Sussex Unified Sewer District: Contract 5A, Project S19-29**

A. Change Order No. 1 – Approval

[Western Sussex Change Order No. 1](#)

2. **FY 2022 General Labor & Equipment Contract, Project S22-01**

A. George & Lynch, Inc. FY 24 Change Order No. 1

[General Labor & Equipment CO No. 1](#)

Grant Requests

1. **Little League Baseball (Nanticoke) for new pitching machines**
[Little League - Nanticoke](#)
2. **Big Brothers Big Sisters of Delaware Inc. for group mentoring program at the Stevenson House**
[Big Brothers Big Sister of Delaware](#)
3. **Milton Little League for concession stand upgrades**
[Milton Little League](#)
4. **Sussex Technical High School for their Journal Club research on Acute Myeloid Leukemia**
[Sussex Technical High School](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2487 CU2443](#)

Council Members' Comments

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

Possible action on Executive Session Items

1:30 p.m. Public Hearings

1. **“AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,797,264 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WESTERN SUSSEX REGIONAL SANITARY SEWER DISTRICT PROJECT AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**
[Public Hearing General Bond Western Sussex](#)

2. [Conditional Use No. 2406 filed on behalf of Monish Malhotra](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR VEHICLE STORAGE, MAINTENANCE, AND REPAIRS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 0.43 ACRES MORE OR LESS” (property lying on the west side of Collins Street, within the Collins Russell Subdivision and is accessed from the North side of Milton Ellendale Highway [Rt. 16], approximately 0.5 mile West of Mulberry Street) (911 Address: 14400 Collins Street, Milton) (Tax Map Parcel: 235-14.00-43.01)

3. [Conditional Use No. 2407 filed on behalf of Lori & Jose Solis Marin](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS” (property lying on the southwest side of Whispering Wind Land and on the north side of Hollyville Road [S.C.R. 305], approximately 0.50 mile south of Lawson Road [S.C.R. 296]) (911 Address: 25709 Whispering Wind Lane, Millsboro) (Tax Map Parcel: 234-21.00-140.01)

[Public Hearing CU2407 Lori & Jose Solis Marin](#)

4. [Conditional Use No. 2408 filed on behalf of Efren Fernando Acevedo](#)

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CAR DEALERSHIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES MORE OR LESS” (property lying on the west side of Bi State Boulevard [Rt. 13A], approximately 0.32 mile south of Dorothy Road [Rt. 64]) (911 Address: 34900 Bi State Boulevard, Delmar) (Tax Map Parcel: 532-6.00-42.00)

[Public Hearing CU2408 Efren Fernando Acevedo](#)

5. [Change of Zone No. 2006 filed on behalf of Mahmut Yilmaz](#)

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.7 ACRES, MORE OR LESS” (property lying on the northeast side of John J. Williams Highway [Rt. 24] and the north side of Oak Orchard Road [Rt. 5] at the intersection of John J. Williams Highway [Rt. 24] and Oak Orchard Road [Rt. 5]) (911 Address is 31507 Oak Orchard Road, Millsboro) (Tax Map Parcel: 234-29.00-263.12 [p/o])

[Public Hearing CZ2006 Mahmut Yilmaz](#)

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on March 5, 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, MARCH 5, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, March 5, 2024, at 10:00 a.m., in Council Chambers, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
Gina Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 118 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 from February 27, 2024, were approved by consensus.

**Corre-
spondence**

Mr. Moore reported that there was no correspondence.

Public comments were heard.

**Public
Comments**

Ms. Judy Rose Siebert spoke about how Introduction of Proposed Ordinances is listed on the agenda and requested that any hearings that have large interest be moved to a large venue.

Recognition

The Sussex Central High School Wrestling Division I State Championship team was recognized for their accomplishment.

**Adminis-
trator's
Report**

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

1. Project Receiving Substantial Completion

Per the attached Engineering Department Fact Sheet, Newdale Acres

– Pump Station – Phase 1B received Substantial Completion effective February 22nd.

[Attachments to the Administrator’s Report are not attached to the minutes.]

**MOU
Amendment
DSP**

Gina Jennings, Finance Director presented an amendment to the Memorandum of Understanding with the Delaware Department of Safety and Homeland Security, Division of State Police for Council’s consideration.

Mrs. Jennings reported that the County has had an arrangement with the State of Delaware to provide additional troopers over the State’s base allocation to Sussex County since 1994. The current arrangement is 44 troopers added to the State’s base allocation for a total of 187 troopers allocated to Sussex. Twenty-two troopers are paid by the State and 22 are paid by the County.

As approved in the FY 2024 budget, the County, with the State’s concurrence, have agreed to pay for six additional troopers over the next three years. The MOU amendment finalizes this agreement. The amendment has both the County and the State paying for one additional trooper for the next three years. This amendment brings the new allocation after three years to 193. The FY 2024 budget has \$4.1 million to support this new agreement.

Colonel Melissa A. Zebley, Delaware State Police thanked the Council for the support given and adding more troopers.

**M 119 24
Approve
MOU
Amendment
DSP**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, that be it moved that the Sussex County Council approve the MOU amendment with the State of Delaware Division of State Police to add six new troopers over the next three years whereas the County pays for three of the six troopers.

Motion Adopted: 5 Yeas

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

**Pension
Committee
Appoint-
ments**

Gina Jennings, Finance Director presented pension committee appointments for Council’s consideration. She requested approval to appoint two members to the pension committee; one is a new appointment, and one is a reappointment. Ms. Kathy Roth is the reappointment who currently serves on the committee as a current employee.

The second appointment to be filled is one of the two community member seats. Mrs. Jennings reported that she is recommending Lance Rogers. Mr.

Rogers is a Financial Advisor with Edward Jones Investments. He has 9 years of investment experience which includes portfolio reviews and managing over \$100 million in assets. His strong investment background will make him valuable to the committee.

**M 120 24
Approve
Pension
Committee
Appoint-
ments**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved that the Sussex County Council appoint Kathy Roth and Lance Rogers to a 4-year term on the Pension Committee.

Motion Adopted: 5 Yeas

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

**Discussion
of PLUS
MOU**

Vince Robertson, Assistant County Attorney presented a Memorandum of Understanding with PLUS for Council's consideration. Mr. Roberston reported that there has been a MOU in effective since about 2003. He explained that this takes care of the standard land use development process. In addition, it deals with amendments to the Future Land Use Map. Mr. Robertson stated that this is an improvement to this process. This will allow the party who is requesting the land use map amendment to participate as a party to the PLUS process. It also establishes that the PLUS process does not happen until after the Planning & Zoning Commission has had their public hearing. Previously, the Office of State Planning Coordination required just the County to go in front of the Office of State Planning Coordination for PLUS review on a Future Land Use Amendment. However, the County did not know anything about the amendment because it was the first process. With this MOU, the hearing process would occur at P&Z, goes to PLUS and then would come to County Council with a PLUS report. Mr. Robertson added that the final decision on all land use matters and specifically, the final decision of the adoption of the Comprehensive Plan is that of the County.

**M 121 24
Approve
PLUS MOU**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer that be it moved that the Sussex County Council adopt the Amended Memorandum of Understanding between Sussex County, Delaware and the Delaware Office of State Planning Coordination with regard to the State PLUS process and coordination with the Office of State Planning Coordination.

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/
Tax Exempt**

A Public Hearing was held for a Proposed Resolution entitled "A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, FOR THE PURPOSE OF SATISFYING SECTION 147(F)

**Bond/
Imperium,
Inc.**

OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPROVING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 OF BONDS TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SIERRA VISTA”.

Mr. Moore stated that now is the time set for the public hearing to be conducted pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (referred to hereafter as the “Code”), on the plan for The Industrial Development Authority of the City of Sierra Vista (referred to hereafter as the “Issuer”), to issue its revenue notes, bonds or other obligations in one or more series from time to time pursuant to a plan of financing, in an amount not to exceed \$80,000,000 (referred to hereafter as the “Bonds”), a portion of which in an amount not to exceed \$6,000,000 will be allocated to and used in Sussex County, Delaware (the “Sussex County Portion”) for the purpose of loaning the Sussex County Portion to Imperium, Inc., a Pennsylvania nonprofit corporation and an organization described in Section 501(c)(3) of the Internal Revenue Code (together with its affiliates or assigns, the “Borrower”), and used to pay all or a portion of the costs of (i) financing or refinancing the acquisition, construction, improvement, and or equipping of healthcare facilities and other related property located at various locations within Sussex County, Delaware, as described on Exhibit A, attached to the Notice of Public Hearing published on the County’s website (the “Bond-Financed Facilities”); (ii) funding any required reserve funds, including a deposit to the debt service reserve fund, and (iii) paying certain issuance expenses related to the Bonds (collectively, the “Project”). The Bond-Financed Facilities will be owned and/or operated by the Borrower or one of its affiliates, each of which is an organization described in 501(c)(3) of the Code.

Mr. Moore stated that members of the public are invited to comment with respect to the proposed issuance of the Bonds, the plan of financing, the nature of the Bond-Financed Facilities to be financed, and the Project, generally.

Mrs. Jennings stated that Imperium is a non-profit healthcare organization that operates in Sussex. In order for them to qualify for the non-tax-exempt status, they do have to hold a public hearing where they provide the services. These bonds are an obligation of the non-profit organization not Sussex County Government. This is just a platform for them to have the public hearing today.

Public comments were heard.

Mr. Gawan Curtis came forward to speak. He stated that he believes there should be more oversight and that a lot of agencies have not been regulated properly. He added that he believes that the public should have more oversight.

The Public Hearing and public record were closed.

**M 122 24
Adopt
Resolution
No. R 004 24**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson to Adopt Resolution No. R 004 24 entitled “A RESOLUTION OF THE COUNTY COUNCIL OF SUSSEX COUNTY, DELAWARE, FOR THE PURPOSE OF SATISFYING SECTION 147(F) OF THE INTERNAL REVENUE CODE OF 1986, AS AMENDED, APPROVING THE ISSUANCE OF NOT TO EXCEED \$80,000,000 OF BONDS TO BE ISSUED BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF SIERRA VISTA”.

Motion Adopted: 5 Years

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

**Public
Hearing/
Beaver Dam
Road
Annexation
into
SCUSSD**

A Public Hearing was held for the Beaver Dam Road Annexation of the Sussex County Unified Sanitary Sewer District (Millville Area).

John Ashman, Director of Utility Planning & Design reported that this project was discussed in 2011 and was deferred by County Council indefinitely.

In 2015, the subject area again was evaluated, and it was discovered that DelDOT had just paved Beaver Dam Road and there was a 5-year moratorium on any project impacting the roadway. Recent interest in central sewer for the area prompted the department to distribute a new polling letter based on potential change of ownership since the original meeting and hearings. That polling consisted of 23 properties of those, 11 were in favor and 3 were opposed to the annexation. County Council granted permission to prepare and post notices for a public hearing on the annexation on January 9, 2024. The Engineering Department added the project to the website and posted notices on February 8, 2024, and advertised the week of February 21st and 28th. To date, there has been no correspondence either in support or opposition to the annexation.

Public comments were heard.

Mr. Jeremy Rohrer came forward to speak; that he has owned the land since 2004 and built a house in 2006; that currently he has a 2,800-gallon holding tank; that he voted in favor back about 10 years ago; that he wants the public sewer there; that he currently lives in PA; that his goal is to move down here as a permanent resident in the next few years; that he is in support of this moving forward.

Mr. Paul DuVillis said that he wanted to know what it will cost; that he questioned the timing and the fees; that he has a working and functional septic system on his property; that he would like to know more information on how it would affect him; that he supports the environment and making things better.

Mr. Richard Rohrer said that he has a tank; that he was told that there was planning in motion to have sewer in the area; that they bought and built thinking they would soon get the services; that there is sewer on all of the properties around them; that there is a real need for this; that septic systems are only good for so long.

The Public Hearing and public record were closed.

**M 123 24
Adopt
Resolution
No. R 005 24** **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Resolution No. R 005 24 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) MILLVILLE AREA, TO INCLUDE THE PENN DEL ACRES SUBDIVISION AND SEVERAL PARCELS ALONG BEAVER DAM ROAD AND SUBSTATION 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**

**Cannon
Road/CO
No. 4** **Hans Medlarz, County Engineer, Ret. presented change order no. 4 for Cannon Road – Inland Bays Road Drainage Improvements and Constructed Wetlands, project S22-05 for Council’s consideration.**

**M 124 24
Approve CO
No. 4/
Cannon
Road** **A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that be it moved based upon the recommendation of the Sussex County Engineering Department that change order no. 4a and 4b for contract 22-05, Cannon Road & Inland Bays Road drainage improvements and constructed wetlands be approved increasing the contract amount by \$116,691.37 and not to exceed amount of \$95,800.00 respectively.**

Motion Adopted: 5 Yeas

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

**James Farm
Award** **Patrick Brown, Project Engineer III presented a recommendation to award for James Farm Ecological preserve for Council’s consideration. Mr. Brown reported that the project was advertised and there were three bids received.**

**M 125 24
Approve
Recommen-** **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 contract C23-21 for the proposed campus of James Farm**

**dition to
Award/
James Farm**

Ecological Preserve be awarded to Bancroft Construction in the their lowest base bid amount less alternate deduct for a total of \$2,090,500.00, contingent upon the Sussex County Finance Department's receipt of project funding.

Motion Adopted: 5 Yeas

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

**Old
Business/
CZ1998**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-2 NEIGHBORHOOD COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS" filed on behalf of Louis, Janet & William Melton.

The County Council held a Public Hearing on the application at its meeting on February 20, 2024. At the conclusion of the Public Hearing, the Council deferred action on the application for further consideration.

**M 126 24
Approve
CZ1998/
DENIED**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley to approve a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR GENERAL RESIDENTIAL DISTRICT TO A B-2 NEIGHBORHOOD COMMUNITY DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 2.11 ACRES, MORE OR LESS" for the reasons given by Planning & Zoning 1-7.

Motion DENIED: 5 Nays

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

Mr. Hudson voted no for the following reasons:

- 1. I have considered this application a lot. Although the Commission recommended approval of this Conditional Use, I have real concerns about it. The property is only 2.11 acres, which seems very small for a standalone B-2 zoning and the possible uses that could occur there.**
- 2. The immediate area is entirely residential in character. This small, standalone parcel of B-2 Zoned land would not be consistent with the**

neighborhood.

**M 126 24
Approve
CZ1998/
DENIED
(continued)**

- 3. Although the Applicant stated that there are other commercial and business uses and zoning districts in the area, they are all located along the Route 26 corridor or oriented to that roadway. There are not any business or commercial uses in this neighborhood.**
- 4. Old Mill Road is a narrow, two-lane road with no shoulders, bike paths or sidewalks. It is very dangerous where it crosses over White's Creek east of this location. The narrow area roadways are not suitable for the increased truck and vehicle traffic that would be generated by having B-2 property at this location. There should not be any business or commercial zoning located in this area along Old Mill Road.**
- 5. There was testimony in the record that there are currently several vacancies within existing commercial properties along Route 26. As a result, there is not an immediate need for more business or commercially-zoned property in the area, and particularly here on a standalone property on Old Mill Road.**
- 6. B-2 Zoning would permit uses like hotels and motels, convenience stores and restaurants, which are all fairly intensive uses. Once rezoned, any of these uses would be permitted on this site. These more intensive uses are not appropriate at this location on these small roads.**
- 7. In addition to being relatively small at 2.11 acres, the property has a narrow triangular shape. Its size and shape is not suitable for B-2 zoning and all of the permitted uses that could occur on it – particularly after the DelDOT, stormwater and parking requirements are taken into consideration.**
- 8. For these reasons, I am not satisfied that the proposed use will promote the health, safety, and welfare of inhabitants of Sussex County, and particularly this neighborhood.**
- 9. For all of these reasons, the rezoning from GR-1 to B-2 for this property should be denied.**

**Old
Business/
Ord. 23-09**

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE SUSSEX COUNTY SEWER TIER MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL 533-11.00-23.02".

The County Council held a Public Hearing on the potential amendment at its meeting of November 14, 2023. As the PLUS response from the State of Delaware was not available at the time of the County Council hearing, the Council deferred action on the application and let the record open to

receive PLUS comments from the Office of State Planning and Coordination.

The announcement was made of receipt of PLUS comments and there will be 30 days for comments.

Old
Business/
CU2389

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A COMMERCIAL STORAGE FACILITY INCLUDING RV/BOAT STORAGE, THE STORAGE OF COMMERCIAL VEHICLES, AND AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.95 ACRES, MORE OR LESS” filed on behalf of AWH Properties, LLC.

The County Council held a Public Hearing on the application at its meeting on November 14, 2023. At the conclusion of the Public Hearing, Council closed the Public Record and deferred action on the application for further consideration.

The announcement was made of receipt of PLUS comments and there will be 30 days for comments.

Old
Business/
CZ1993

Under Old Business, Jamie Whitehouse, Planning & Zoning Director presented 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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 64.85 ACRES, MORE OR LESS” filed on behalf of Ocean One Holdings, LLC.

The County Council held a Public Hearing on the application at its meeting on February 20, 2024. At the conclusion of the Public Hearing, the Council closed the Public Record, and action on the application was deferred for further consideration.

M 127 24
Adopt
Ordinance
No. 2994/
CZ1993

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson to Adopt Ordinance No. 2994 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 PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 64.85 ACRES, MORE OR LESS” for the reasons given by the Planning & Zoning Commission as follows:

1. C-3 Heavy Commercial Zoning is designed to allow auto-oriented retail and service businesses that serve local and regional residents. Permitted Uses include retail uses, restaurants, offices, and vehicle

**M 127 24
Adopt
Ordinance
No. 2994/
CZ1993
(continued)**

- service stations.
2. The site has frontage along Route 1 and Route 16 at the intersection of those two significant roadways. Route One is identified as an “Other Principal Arterial” by DelDOT and a “Major Arterial Roadway” in the Sussex County Code. DelDOT identifies Route 16 as a “Major Collector”. This location is appropriate for C-3 zoning.
 3. This site is the location of a grade-separated intersection (or overpass) that is being constructed by DelDOT with on-ramps and off-ramps. DelDOT and this developer have coordinated throughout the intersection design process about the design of this site and its access including an internal service road. This coordination has taken into account the possibility that this property would be rezoned to C-3. For all of these reasons, C-3 Zoning is appropriate for this property.
 4. A Traffic Impact Study was required for this site by DelDOT, and DelDOT issued its Review Letter of that study on December 26, 2023. That Review Letter clarified the maintenance of the proposed service road and on-and off-ramps to the site. After taking into account the development of the entire property, DelDOT confirmed the proposed off-site road improvements will include, but not be limited to (1) typical entrance and frontage improvements; (2) design and construction of a service road between Route 16 and the southerly limits of the property; (3) design and construction of a dual-lane roundabout for the property’s access to Route 16 and an on-ramp to Route One; (4) design and construction of an on/off ramp to Route One; (5) construction of an all-way stop intersection where the service road intersects the Route One ramps; (6) traffic signal installation and agreements at two intersections created by the new Route One overpass; (7) closure of medians within Route One near the overpass; and (8) typical bicycle, pedestrian and transit improvements within the property and off-site.
 5. The site will be served by central water and sewer.
 6. Sussex County has anticipated the development of this particular site based upon the investment that DelDOT is making in the intersection there. According to the current Sussex County Comprehensive Plan, this site is designated as being in the “Developing Area” which is a “Growth Area”. It is one of the few areas in this part of Route One that anticipates a more intensive use while protecting the eastern side of Route One from more intensive development. This planning suggests that development beyond the current AR-1 zoning can occur in this specific location and C-3 zoning is appropriate here.
 7. This application received support from several sources, including the Milton Chamber of Commerce, the Kent Sussex Leadership Alliance, Southern Delaware Tourism, the Southern Delaware Economic Development Action Committee, and State Representative Parker Selby. The theme of this support was summarized best by Representative Parker Selby, who stated that this is “a project that looks like smart growth with safety and the economy in mind.”
 8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity, and

welfare of the County.

**M 127 24
Adopt
Ordinance
No. 2994/
CZ1993
(continued)**

9. Any future use of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.

10. For all of these reasons, it is appropriate to recommend approval of this Change in Zone from AR-1 to C-3 at this location.

Motion Adopted: 5 Yeas

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

**Ordinance
Introduct-
ions**

Mr. Vincent introduced a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL BUILDING FOR OUTPATIENT SERVICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 2.24 ACRES, MORE OR LESS” filed on behalf of Eric Johnson.

Mr. Hudson 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 B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.50 ACRE, MORE OR LESS” filed on behalf of DTN Properties, LLC.

**CC Member
Comments**

There were no Council Member comments.

**M 128 24
Go Into
Executive
Session**

At 10:59 a.m., a Motion was made by Mr. Hudson, seconded by Mr. Rieley to go into Executive Session for the purpose of discussing matters related to land acquisition & pending & potential litigation.

Motion Adopted: 5 Yeas

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

**Executive
Session**

At 11:01 a.m., an Executive Session of the Sussex County Council was held in the Council Chambers to discuss matters related to pending & potential litigation & land acquisition. The Executive Session concluded at 12:00 p.m.

**M 129 24
Reconvene**

At 12:01 p.m., a Motion was made by Mr. Rieley, seconded Mr. Schaeffer to come out of Executive Session back into Regular Session.

Motion Adopted: 5 Yeas

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

E/S Action There was no action related to Executive Session matters.

M 130 24 A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to adjourn at
Adjourn 12:01 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.}

Consent Agenda 03-12-2024

**Spring Lake Condominiums- IUA-1049-1
Existing Wastewater Infrastructure Use Agreement
SLTH Development, LLC to pay \$75,638.00 for 85.00 EDUs.
Dewey Beach Area**

ENGINEERING DEPARTMENT

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



Sussex County


DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

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
Spring Lake Condominiums IUA 1049-1
File: OM 9.01***

DATE: March 12, 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 **SLTH Development, LLC** for **Spring Lake Condominiums** project in the **Dewey Beach 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, **Spring Lake Condominiums** project will connect to the existing County owned wastewater infrastructure. In return for utilization of said **SLTH Development, LLC** will contribute **\$75,638.00** for the financial catch-up contribution of the existing infrastructure to serve **85.00** Equivalent Dwelling Units. Payments of the contribution will be submitted prior to substantial completion of the on-site collection system.



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Spring Lake Condominiums – IUA 1049-1

THIS AGREEMENT (“Agreement”), made this 28th day of February 2024, by and between:

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

SLTH DEVELOPMENT, LLC, a Delaware Limited Liability Company and developer of a project known as Spring Lake Condominium, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 334-20.00-1.05 to be known as Spring Lake Condominium (“Project”) and;

WHEREAS, the Project is within the boundary of the Sussex County Unified Sanitary Sewer District (Dewey Beach 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 **85.00** 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 **\$75,638.00** 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 **28855 Lewes Georgetown Highway, Lewes Delaware 19958.**

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 SLTH DEVELOPMENT, LLC

By:  _____ (Seal)
Joseph Reed - Authorized Signatory

2/28/24 (DATE)

WITNESS:



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 C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

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

RE: *Western Sussex Unified Sewer District:
Contract 5A, Project S19-29
A. Change Order No. 1 - Approval*

DATE: March 12, 2024

In February 2017, the municipal councils of Bridgeville and Greenwood requested investigation of an alternate County Sewer District based scenario. Upon review of the findings both municipal Councils requested formation of a County sewer district pursuant to Title 9 Del. Code § 6501, and on August 22, 2017, County Council adopted a resolution establishing the Western Sussex Area of the Unified Sanitary Sewer District.

The County requested funding consideration under the Clean Water State Revolving Fund and on August 14, 2018, the State issued a binding commitment offer in the overall amount of \$16,634,748 to be repaid within 30-years with 2.5% interest. On November 27, 2018, Council accepted the offer and approved the associated borrowing ordinance. After project completion, \$3,200,000 will be applied in principle forgiveness.

On May 15, 2020 the County filed a supplemental CWSRF funding request in the amount of \$850,000 to cover unanticipated change orders associated with the DelDOT restoration on RT-13. On October 27, 2023 the County filed the second supplemental funding request in the amount of \$1,947,264.00 associated with various bid overruns.

On December 15, 2023 DNREC notified the County that the aggregate Supplemental Loan had been authorized in the amount of \$2,797,264 for the existing term of the original loan. This loan will be used to finance the increased costs in the project which include various change orders and inflationary and supply chain issues associated with a four-year long project occurring during a pandemic. After project completion \$2,797,264 of principal forgiveness will be applied, collectively \$5,997,264 from the original terms.



The project has three components; transmission under Contracts 1-4, treatment plant demolition/system rehabilitation Contract 5, maintenance garage under Contract 6 and a Bridgeville Branch restoration project spearheaded by the Sussex Conservation District.

The construction of the transmission project was further broken down in the following four (4) individual contracts based on DelDOT's schedule requirements:

- Contract No.1 to A-Del Construction Co, Inc. in the amount of \$3,224,820.00, for the force main work in the RT-13 rights-of-way. Awarded by Council on May 14, 2019.
- Contract No.2 to Pact One LLC in the amount of \$2,063,255.00, for the gravity sewer upgrades. Awarded by Council on May 14, 2019.
- Contract No.3 to A-Del Construction Co, Inc. in the amount of \$2,980,602.00, for the force main work in the RT-13 Alternate and Herring Road rights-of-way. Awarded by Council on January 7, 2020.
- Contract No.4 to Zack's Excavating, Inc. in the amount of \$3,236,939.00, for gravity sewer equalization chambers and two (2) pump stations. Awarded by Council on November 12, 2019.
- Contract No. 6 to GGI, Inc. in the amount of \$410,525.00, for construction of a new Office/Garage Building. Awarded by Council on June 23, 2020.

During the construction of Contract No.1 awarded to A-Del Construction Co, Inc., DelDOT did not allow the reuse of most of the excavated trench material and required Type C Borrow instead. Therefore, this unit price item went considerably above the bid quantity. In addition, a wider concrete base course was encountered under the Cannon Road crossing. Rather than using hot-mix for restoration, DelDOT required reinstallation of the concrete base course adding 25% to the cost of this lump sum item. On February 4, 2020, Council approved the associated Change Order No.1 in the amount of \$254,188.92. During the final restoration phase DelDOT required additional matting and utility adjustments resulting in a final balancing Change Order No. 2 in the amount of \$26,486.65. Council issued Change Order No.2 and granted final project completion on June 2, 2020.

The award of Contract No.2 to Pact One, LLC included the base bid and two alternate bid items. At the time of award, the Alternate Bid Item D5 was not awarded due its significantly higher than anticipated cost. In subsequent discussions, Pact One LLC realized they had misinterpreted the scope for Item D5 and submitted an alternate proposal at approximately 16% of the original bid. On September 10, 2019 Council awarded Change Order No. 1 in the amount of \$96,840.00 to cover item D5. On June 2, 2020 Council approved a final balancing Change Order No. 2 in the credit amount of (\$128,708.70) and granted final project completion.

Contract No.3 awarded to A-Del Construction Co, Inc. encountered no issues and on June 15, 2021 Council approved the balancing Change Order No. 1 in the credit amount of \$643,915.22 together with final project completion as of April 7, 2021.

During the construction of Contract No. 4 awarded to Zack's Excavating, Inc. a groundwater contamination was encountered, in addition to a construction sequencing issue at the Bridgeville site. In response, the Department developed a value engineering approach approved by Council on June 2, 2020 under Change Order No.1 in the amount of \$40,045.00. The north Seaford pump station included RT-13 entrance improvements which required a more substantial reconstruction due to lack of an existing base course as well as a compromised subbase. In response Council approved Change Order No. 2 in the amount of \$22,642.78 on July 28, 2020. On September 30, 2020 Zack's Excavating, Inc. encountered a previously unknown ductile iron water pipe within the area of the deep excavation of the Bridgeville pump station structures. On November 10, 2020 Council approved Change Order No. 3 in the total amount of \$32,644.19 for the time and material relocation effort.

On February 3, 2021, Delmarva Power and Light contacted Sussex County with an opportunity for net schedule and cost savings by adjusting the transformer type from pad mount to a pole mounted system. While this decreased the charges from Delmarva Power and Light, it increased Zack Excavating Inc.'s electrical subcontractor's scope by \$5,504.87. However, the coordination with DP&L did affect the critical schedule and caused a two-week delay. In addition, the Environmental Services team did additional assessments of the Heritage Shores Pump Station pre-existing conditions and recommended additional upgrades to the existing SCADA system to bring it up to the current county standard exceeding the stipulated contract allowance by \$16,000.00. On March 9, 2021 Council approved Change Order No. 4 in the amount of \$21,504.87 and the associated two-week contract time extension.

The final gravity sewer line to transferred to the new Bridgeville pump station had significant, previously unknown, infiltration. The Department requested a change order for the necessary repairs but Zack's Excavating, Inc. declined any further change orders. Subsequently, after receiving concurrence from the funding agency, the Engineering Department mobilized the County's General Labor & Equipment contractor to the site. Furthermore, the Department suggested to transition Zack's contract to a lump sum approach, requesting credit proposals for several remaining incidental work items and allowances. On May 25, 2022 Council issued the close out credit Change Order No. 5 in the amount of (\$92,704.30) as well as the granting of substantial project completion.

The Invitation to Bid for the last remaining Western Sussex Unified Sewer District, Contract 5, Project S19-29 was advertised in the local newspaper, available to view on the County website and directly forwarded to interested contractors. On February 9, 2022, seven (7) bids were received.

On February 22, 2022, Council made the following three awards 7 one rejection:

- Segment A to A-Del Construction Co., Inc. for \$427,000.00
- Segment B to Richard E. Pierson Construction Co., Inc. for \$920,800.00

- Segment D to Standard Pipe Services, LLC for \$525,100.00
- Segment C due to irregularities in the low bid, Council rejected all bids for Segment C and authorized an immediate re-bid.

On March 25, 2022, two (2) re-bids were received and on April 26, 2022 Council awarded Segment C to Zack's Excavating, Inc. in the amount of \$551,585.16.

Western Sussex Unified Sewer District Contract 5, Project S19-29 change order requests and substantial completion summary.

- Segment A was awarded to A-Del Construction Co, Inc for \$427,700.00. The contractor stated they were 'substantially complete' as of June 23, 2022, with the last remaining waste materials picked up from the Bridgeville Wastewater Treatment plant for disposal. Part of this last removal were some additional chemicals not in the original bid inventory sheets. The additional chemicals in Change Order No. 1 amounted to \$2,628.88 for a new contract amount of \$430,328.88. The substantial complete balancing Change Order No. 2 with consideration for less than anticipated removal of residual liquids, solids and sludger resulted in a surplus of \$216,097.35. On July 12, 2022, Council approved Change Order No. 1. On June 23, 2022 Council approved the balancing Change Order No. 2 and granted substantial completion.
- Segment B was awarded to Richard E. Pierson Construction Co., Inc. for \$920,800.00. In the process of demolition, Richard E. Pierson recognized that the existing water main crossing the site could not be sustained in its current location. Therefore, Richard E. Pierson Construction Co., Inc. proposed Change Order No. 1 for the relocation of the main in the amount of \$27,743.89 which was approved by Council on July 12, 2022. The project contained contingency items which were not all used and on October 18, 2022, Council approved the balancing Change Order No. 2 in a credit amount of \$177,857.89 as well as the granting substantial completion effective October 11, 2022.
- Segment C rebid was awarded to Zack's Excavating, Inc. for \$551,585.16. Zack's Excavating, Inc. requested a Change Order No.1 for additional unit price work at the Bridgeville Pump Station and the Engineering Department is requesting to uncouple the work at the heritage Shores Pump Station.
 - Bridgeville Pump Station repair with existing condition challenges relative to the position of the existing gravity sewer pipe and the existing inverts at the manholes required 62.75 feet of additional length to ensure adequate slope.
 - The railing system of the equalization chamber was damaged in a recent emergency response triggering an increase of the previously bid repair amount.
 - Heritage Shores Pump Station has new upgrade requirements for the pump station including access and odor control triggering another redesign.

On December 6, 2022 County Council approved Change Order No. 1 for Zack's Excavating, Inc. in the aggregate credit amount of (\$229,133.70).

- Segment D was awarded to Standard Pipe Services, LLC for \$525,100.00. Standard Pipe Services, LLC proposed Change Order No. 1 in the amount of \$52,500.00 for unit rates covering camera work beyond the main for locating, cleaning and televising laterals estimated and Change Order No. 2 in the amount of \$33,900.00 or contingent unit rates approval for heavy cleaning services prior to camera work. Council approved both change orders on July 12, 2022.

At the end of 2022 Standard Pipe Services, LLC proposed a no-cost extension of the contract timeline by 180-day due in part to:

- Equipment down time associated with the heavy cleaning effort.
- Delays associated with the consolidation, formatting, reviewing, and analysis of the videos from Standard Pipe Services and supplemental video support from the Sussex County team.
- Based on the video more lining work than the original bid quantities is proposed.

On December 6, 2022, County Council approved Standard Pipe Services, LLC's Change Order No. 3. for a 180-day no-cost extension from December 18, 2022, to June 23, 2023.

The Standard Pipe Services, LLC is now requesting Change Order No. 4 for repairs to additional compromised infrastructure discovered while completing the original scope within the Town of Bridgeville. In addition, the County camera crews have identified repairs, as they were mapping lateral connections to the mains. In total, these repairs are estimated using the unit prices bid, at approximately \$75,500.00. With the June 23rd contract completion date approaching, the Department is also proposing a four-week contract time extension to July 21st, 2023.

On June 20, 2023, Council approved Change Order No. 4 to Standard Pipe Services, LLC's contract in the not to exceed amount of \$75,500.00 for additional repair scope at the unit prices bid and a four (4) week contract extension associated with the scope expansion contingent upon SRF concurrence.

The Heritage Shores Pump Station scope was originally included in the Segment C rebid but Council removed it on December 6, 2022 via Change Order No. 1 from Zack's Excavating, Inc.'s contract. The Heritage Shores Pump Station upgrade requirements including access and odor control were redesigned and invitations to bid were advertised on May 17th and 24th in the local newspaper, and available to view on the County website. In addition, the information was directly forwarded to a number of contractors.

On June 14, 2023, three (3) bids were received and June 27, 2023 County Council awarded Contract 5A to Hopkins Construction, Inc. in the amount of \$786,810.00.

On January 3, 2024, the contractor extended the ventilation piping the odor control system to the equalization structure. In order to make the connections the structure had to be bypassed revealing significant concrete delamination of one of the four-foot segments. (See attached pictures). With wet well lining already part of the contract

with Hopkins, it was decided to obtain pricing on lining the interior of the equalization structure as well. The degradation of concrete was aggressive at the seams between the precast sections partially exposing and potentially compromising the seal between the pre-cast sections. That would result in significant infiltration based on known groundwater elevations.

In addition, it was determined that the development's curved access road creates a difficult turning movement for Environmental Services' trucks entering the pump station. In order to accommodate Environmental Service' specific equipment the paving widths were expanded, and additional areas cleared and stoned for parking and staging during future maintenance and repair functions.

Two thirds of Change Order No.1 were associated with the liner. This compares well with the bid price for the wet well in the original scope. Therefore, the Engineering Department recommends award of Change Order No.1 to the Western Sussex Contract 5A with Hopkins Construction, Inc. in the amount of \$221,735.00, subject to DNREC approval.

Date of Issuance: 3/06/24	Effective Date: 3/12/24
Owner: Sussex County	Owner's Contract No.: S19-29
Contractor: Hopkins Construction, Inc.	Contractor's Project No.:
Engineer: Davis, Bowen & Friedel, Inc.	Engineer's Project No.:
Project: Western Sussex Transmission Facilities: Part A Contract 5	Contract Name:

The Contract is modified as follows upon execution of this Change Order:
 Interior lining of equalization structure & site modifications for optimal access to regional pump station.
 Attachments:

CHANGE IN CONTRACT PRICE	CHANGE IN CONTRACT TIMES <i>[note changes in Milestones if applicable]</i>
Original Contract Price: \$ <u>786,810.00</u>	Original Contract Times: Substantial Completion: <u>June 3rd, 2024</u> Ready for Final Payment: _____ 210 calendar days
Increase from previously approved Change Orders No. to No.: \$ <u>0</u>	Increase from previously approved Change Orders No. to No. ____: Substantial Completion: _____ Ready for Final Payment: _____
Contract Price prior to this Change Order: \$ <u>786,810.00</u>	Contract Times prior to this Change Order: Substantial Completion: _____ Ready for Final Payment: _____
Increase of this Change Order: \$ <u>221,735.00</u>	[Increase] [Decrease] of this Change Order: <u>0</u> days Substantial Completion: _____ Ready for Final Payment: _____
Contract Price incorporating this Change Order: \$ <u>1,008,545</u>	Contract Times with all approved Change Orders: Substantial Completion: <u>06/03/2024</u> Ready for Final Payment: _____

RECOMMENDED:	ACCEPTED:	ACCEPTED:
By: <u>[Signature]</u> Engineer (if required)	By: _____ Owner (Authorized Signature)	By: <u>[Signature]</u> Contractor (Authorized Signature)
Title: <u>Proc. Eng. I</u>	Title: _____	Title: <u>Joann M. Hopkins, Pres./CEO</u>
Date: <u>3/7/2024</u>	Date: _____	Date: <u>3/4/2024</u>

Approved by Funding Agency (if applicable)

By: _____ Date: _____
 Title: _____



18904 Maranatha Way Bridgeville, DE 19933
Phone: 302-337-3366 Fax: 302-337-3317

Contract Change Order

Customer: Sussex County
Attention: Hans Medlarz
Address: 2 the circle
City: Georgetown
State: DE
Zip: 19947
Phone #: 302-855-7728

Job Number: 23-100.37
Western Sussex Unified Sewer
Job Name: **District: Contract 5A** Contract Amount: \$786,810.00

Change Order Number: 1

Description:

- Lining equalization tank, Replace existing 16" DI MJ Tee.
Repair leak in MH 2
Combination vac/ suction pipe in wetwell. (1) 6" PVC to Blower connection
- Steel frame on sides of new door opening
- Additional paving West side and north side
Extended parking to the east side of driveway
Install (2) additional ballards
- Additional fence to encompass the new area gate relocation

Change Order Value: \$ 221,735.00

Revised Contract Amount: \$1,008,545.00

HOPKINS CONSTRUCTION, INC.
Company

Devon Lones
Devon R Lones Signature (SL)

PM/ Estimator
Title

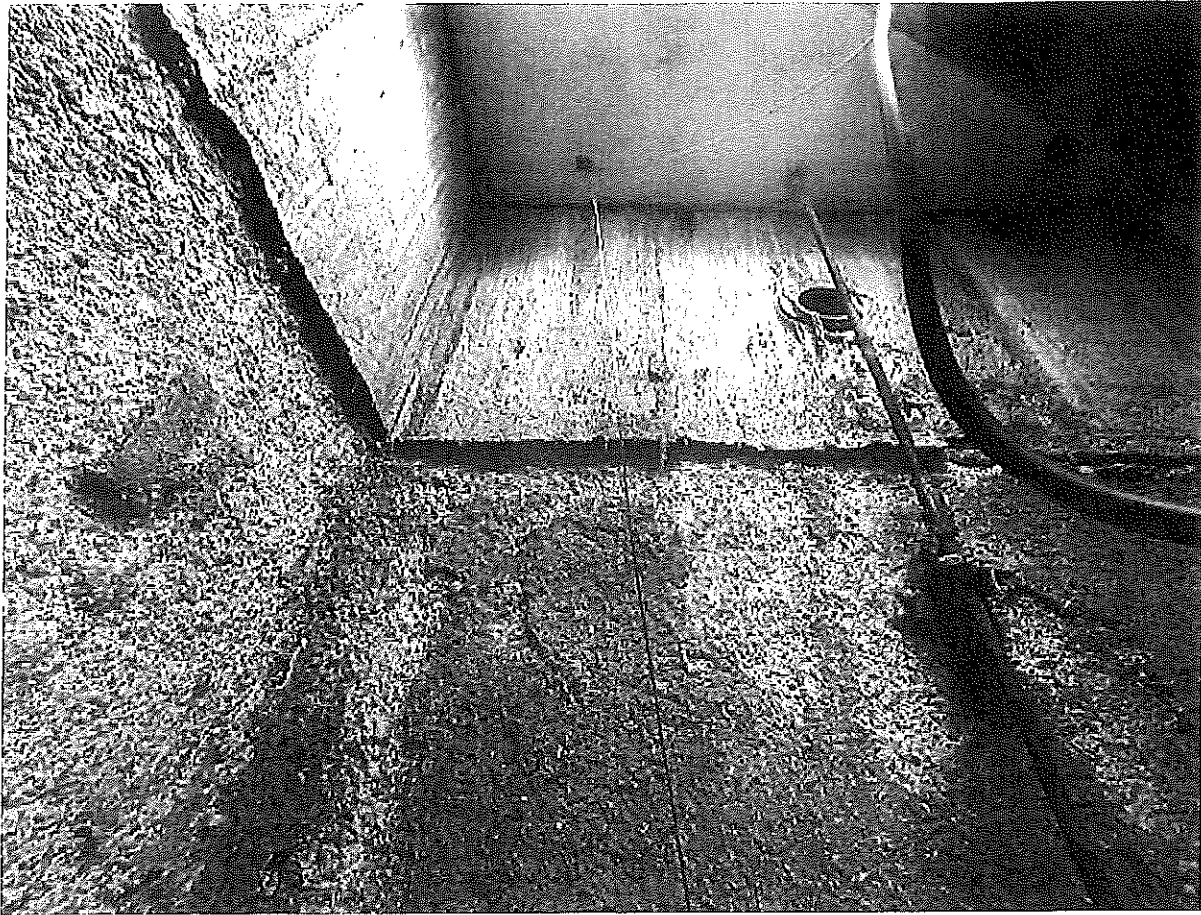
3/4/2024
Date

Sussex County
Company

Authorized Signature

Title

Date





ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T

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

RE: ***FY 2022 General Labor & Equipment Contract, Project 22-01***
A. George & Lynch, Inc. FY 24 Change Order No. 1

DATE: March 12, 2024

In FY17 The Engineering Department developed a competitively selected time and material, best value bid process. The first General Labor & Equipment Contract was awarded to George & Lynch, Inc., on June 21, 2016, and was renewed on June 13, 2017, for an additional one-year period based on performance. It was re-advertised in the spring of 2018 again using the “best value” approach and an option for two (2) additional one-year periods at the same unit prices. On April 24, 2018, Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc.; on June 11, 2019, Council approved the first one-year contract extension through June 30, 2020, and on May 19, 2020, Council exercised the final one-year extension option.

The bid schedule for the FY 2022 General Labor & Equipment Contract was structured on the actual hours spent on labor and equipment over the immediately preceding 12-months. The contract was publicly advertised using the “best value” approach and on May 13, 2021, three (3) bids were received.

During evaluation of the weighted factors, it was determined that some submission of the schedule and response times appeared to be not justifiable, and verification could pose liability exposure to the County. Hence, on May 25, 2021, County Council rejected all bids for the FY 2022 General Labor & Equipment Contract and authorized a rebid.

The Engineering Department broke the anticipated task list into two bid packages. Bid Package A contained the standard work items while Bid Package B contained the specialized drilling and boring items. The project was re-advertised and on July 2, 2021, bids were received from JJID, Inc. and George & Lynch, Inc.



On July 13, 2021, County Council awarded Bid Package B to George & Lynch, Inc. in the amount of \$1,140,617.00. The point spread was much closer for either an individual award of Bid Package A or a joint award of both packages with JJID, Inc. Therefore, County Council awarded 50% of the average Bid Package A, in the amount of \$2,250,000, to both companies.

In addition to a number of emergencies, Pump Station No.4 in Dewey Beach experienced significant equipment failures forcing an accelerated schedule. This is a major rebuilding effort of the oldest pump station in the system was expected to exceed \$2.0 million in total. Council approved increasing George & Lynch, Inc.'s award amount by \$1.75 million via Change Order No. 1 on March 29, 2022 and by another \$600,000.00 via Change Order No. 2 on May 24, 2022.

JJID, Inc. was mainly active in the 100+ acres agricultural "south" field regrading effort at the Inland Bays RWF with suitable material import exceeding \$700,000. Council approved increasing JJID, Inc.'s award amount by \$0.5 million via Change Order No. 1 on March 29, 2022 and by another \$650,000.00 via Change Order No. 2 on May 24, 2022.

Also on May 24, 2022, Council approved a one-year extension of Bid Package B to George & Lynch, Inc. in the amount of \$1,500,000.00 and a joint one-year extension of Bid Package A to JJID, Inc. and George & Lynch, Inc. in the amount of \$2,000,000.00 and 2,500,000.00 respectively for budgeted capital projects under the Environmental Services Division and the Coastal Airport through July 1, 2023. On February 21, 2023, Council approved FY23 Change Order No.1 for George & Lynch, Inc.'s Bid Package A in the amount of \$2,400,000.00.

The first, one year extension of George & Lynch, Inc.'s contract expired June 30, 2023 and on May 23, 2023 Council approved the second one-year extension in the budgeted amount of \$5,000,000 based on continued satisfactory performance.

The Engineering Department envisioned the FY24 effort to be concentrated on completion of the Oak Crest Farms & Chapel Green community system conversions and a series of pump station upgrades. The Oak Crest and Chapel Green capital project effort has been significant, accounting for \$1.1M spent through the contract to date with an estimated \$650k remaining for the balance of FY 24.

The FY 24 emergency repair work was the most significant expenditure, accounting for over \$1,000,000, related to the original 18-inch gravity sewer interceptor failure along Pennsylvania Ave. in Bethany Beach. It first showed up as a sink hole. Once the County's camera team inspected the location the full original pipe failure became apparent. In lieu of the significantly costlier pipe replacement alternative, the original 1970s pipe was supported with a liner. Since the failure spanned several blocks including Garfield Parkway an elaborate bypass pumping system had to be derived.

Based on the estimate of the currently open projects or anticipated to be completed in FY 24, an additional \$1.6M would be needed. However, this doesn't include any allowance for emergency or unanticipated work over the remaining contract period. Therefore, the Engineering Department is requesting Council's approval of Change Order No.1 in the not to exceed amount of \$1,900,000.00.



Garfield Parkway, Bethany Beach – Bypass Pumping Crossing



**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **FY 2022 G&L General Labor & Equipment Contract**
2. Sussex County Project No. 22-01
3. Change Order No. FY 24 1 – Bid Package A
4. Date Change Order Initiated - 3/4/24
5.
 - a. Original Contract Sum \$5,000,000.00
 - b. Net Change by Previous Change Orders \$ 0
 - c. Contract Sum Prior to Change Order \$5,000,000.00
 - d. Requested Change \$1,900,000.00
 - e. Net Change (No. of days) _____
 - f. New Contract Amount \$6,900,000.00
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
- X 7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

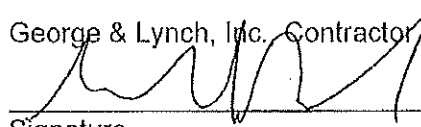
Funds for completion of current work and future emergency repairs to cover the remainder of FY 24.

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No


E. APPROVALS

1. George & Lynch, Inc. Contractor

 3/6/2024
Signature Date

Leonard J. Brooks, Jr.
Representative's Name in Block Letters

2. Sussex County Engineer

 3/7/2024
Signature Date

3. Sussex County Council President

Signature Date

Vincent.
yes. 2/29.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Tuesday, February 27, 2024 8:06 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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	Nanticoke Little League, Inc. ✓
Project Name	Pitching Machine Upgrades
Federal Tax ID	51-6017956 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Nanticoke Little League believes in the power of youth baseball and softball to teach life lessons that build stronger individuals and communities.
Address	101 Little League Drive
City	Seaford
State	Delaware
Zip Code	19973

Contact Person	Daniel Hamilton
Contact Title	Treasurer
Contact Phone Number	302-245-6902
Contact Email Address	nanticokedelittleleague@gmail.com
Total Funding Request	5,535.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
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)	Other
Program Category Other	Youth Sports

Primary Beneficiary Category	Youth
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	325
Scope	<p>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.</p> <p>Nanticoke Little League is requesting funds to purchase *three additional pitching machines for our baseball and softball programs. Currently, our league has one pitching machine for baseball and one machine for softball. Within our league, we have a dedicated Machine Pitch division for Baseball, and Softball, and they occupy the pitching machines daily, and which does not allow our other divisions to use the machines for practice. Additionally, the pitching machine in our softball division is in desperate need of repair. If awarded funds from this request, we would use the funds to purchase two pitching machines dedicated strictly for softball, and one dedicated for baseball.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	Softball Pitching Machine (x2)
Amount	3,690.00

Description	Baseball Pitching Machine
Amount	1,845.00
TOTAL EXPENDITURES	5,535.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-5,535.00 *
Name of Organization	Nanticoke Little League
Applicant/Authorized Official	Daniel Hamilton
Date	02/27/2024
Affidavit Acknowledgement	Yes

Schaeffer
Yes. 2/29.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Thursday, February 8, 2024 10:40 AM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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	Big Brothers Big Sisters of Delaware Inc ✓
Project Name	Group Mentoring for Stevenson House Detention Center
Federal Tax ID	51-6018399 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	Evidence-based mentoring is what makes Big Brothers Big Sisters of Delaware (BBBSDE) different from all other organizations. Our mission is to create and support mentoring relationships that ignite the power and promise of youth. Our vision is for all of Delaware's youth to achieve their full potential.
Address	1001 S Bradford St
Address 2	Suite 1
City	Dover

State	DE
Zip Code	19904
Contact Person	Anya Lindsey-Jenkins
Contact Title	Executive Director
Contact Phone Number	3029983577
Contact Email Address	anya@bbbsde.org
Total Funding Request	12,480.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
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?	26

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

**Primary Beneficiary
Category** Youth

**Approximately the
total number of
Sussex County
Beneficiaries served,
or expected to be
served, annually by
this program** 100

Scope

Big Brothers Big Sisters of Delaware requests funds to provide evidence-based group mentoring and social-emotional learning programming to youth detained at the * Stevenson House Detention Center. Services will provide * youth with the support and skills necessary to transition back into society after detainment and live productive and meaningful lives.

The Office of Juvenile Justice and Delinquency Prevention recognizes our mentoring services as an evidence-based model. Our program reduces recidivism and delinquency and increases self-esteem and academic achievement. We have had similar success with comparable programs in New Castle County through Ferris School and the Center for Justice.

Per the Delaware Department of Justice, there is an increased recidivism rate throughout the state, and our programming will play a significant role in providing youth with the skills, resources, and support necessary to deter youth from reoffending.

Sussex County funding, along with additional leveraged funding sources, will allow us to provide services for up to

one year and be conducted by our licensed social work/clinical staff.

Religious Components N/A

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 31,500.00

Description PERSONNEL

Amount 45,000.00

Description Program Supplies

Amount 500.00

Description equipment

Amount 2,500.00

TOTAL EXPENDITURES 48,000.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION -16,500.00

Name of Organization Big Brothers Big Sisters of Delaware Inc

Applicant/Authorized Official Anya LindseyJenkins

Date 02/08/2024

Affidavit

Yes

Acknowledgement

Casey Hall

From: Anya Lindsey-Jenkins <anya@bbbsde.org>
Sent: Friday, February 9, 2024 11:48 AM
To: Casey Hall
Subject: RE: Sussex County DE - Council Grant Form: Form has been submitted

Importance: High

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.

Good Morning Casey,

I hope this email finds you well. 80% of the funds that have already been confirmed are through New Castle County grant funds. The remainder 20% of funds already confirmed we have received from private donors located both in Kent and Sussex counties. We have requested funds from Sussex County to ensure that we are able to effectively service Sussex youth efficiently through our programming. We requested 12,480.00 and plan to fund raise to raise the additional 4k to meet the total need of the program. I hope this helps.

Best,

Anya

Anya Lindsey-Jenkins, MS, CHES

Executive Director

PRONOUNS: SHE, HER, HERS

1001 SOUTH BRADFORD STREET, SUITE 1

DOVER, DE 19904

O: 302.998.3577, ext. 101 | C: 215.240.2033 | F: 302.551.6940



@bbbsdelaaware | www.bbbsde.org | anya@bbbsde.org

BBBSDE is looking for Mentors to defend the potential of all Delaware youth.

Ask me how you can make a difference!



From: Casey Hall <casey.hall@sussexcountyde.gov>

Sent: Thursday, February 8, 2024 11:42 AM

GREEN.
YES. 2/29



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Milton Little League

PROJECT NAME: Concession Stand Upgrades

FEDERAL TAX ID: 51-0293060 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: Through effective leadership, enthusiasm, and commitment, Little League provides inclusive, enjoyable opportunities for any child and volunteer to participate in a community-based program that is distinctive, unique, and promotes life lessons beyond the field of play.

ADDRESS: P.O. Box 175

Milton Delaware 19968
(CITY) (STATE) (ZIP)

CONTACT PERSON: Robin Davis

TITLE: Vice-President

PHONE: 302-236-3683 EMAIL: rdavis110942@yahoo.com

TOTAL FUNDING REQUEST: \$2,550.00

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? _____

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? _____

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- | | | |
|------------------------------------------------------|---------------------------------------------------------|--------------------------------------|
| <input type="checkbox"/> Fair Housing | <input type="checkbox"/> Health and Human Services | <input type="checkbox"/> Cultural |
| <input type="checkbox"/> Infrastructure ¹ | <input checked="" type="checkbox"/> Other <u>Sports</u> | <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 type="checkbox"/> Low to Moderate Income ² | <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:

15000 player/spectator

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.

As a subsidiary of Little League International, the Milton Little League provides the youth of our community an opportunity to participate in a program that not only enhances their health through sport activities but promotes social interaction, inclusion, and sportsmanship. As a non-profit organization, revenue generating opportunities for our Little League are limited with a portion of our income received through business sponsorships, general donations, and sign-up fees charged to participating families. For many years, we have operated a concession stand, which is staffed by volunteers, as a additional source of income to help pay for any required expenses (utility bills, insurance, equipment, field * maintenance, etc.) and lessen the impact on the participating families. The maintenance and upkeep of the equipment required for the preparation of the food and the overall operation of our concession stand is of the utmost importance. From time to time the equipment becomes to cost prohibitive to maintain, is nearing or has exceeded its expected service life, or is completely inoperable and requires replacement. This is the case with a few of the items in our inventory. The Milton Little League Board of Directors feels that outsourcing our concession stand operation isn't a viable option. Managing concession stand activities in-house allows us to maintain control over pricing, hours, and administrative oversight. Our in-house operation allows the players, family members, umpires, and spectators the opportunity to purchase a meal at the ballpark which may not be possible when conflicts in game and work schedules arise and time restraints do not allow for the preparation of meals at home. The outright purchase of this equipment by our league would be an additional financial burden at this time. The utilization of funding opportunities is paramount to us as we seek ways to keep costs affordable while providing a valuable source of recreation for the youth of our community. The Milton Little League Board of Directors thanks you for your consideration in this matter.

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

REVENUE	0.00
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	2,550.00
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)	
Concession Stand Equipment	
Refrigerator	\$ 650.00
Food Warmer	\$ 400.00
Popcorn Machine	\$ 300.00
Pretzel Machine	\$ 900.00
Window Air Conditioner	\$ 300.00
TOTAL EXPENDITURES	\$ 2,550.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 2,550.00

op exp.

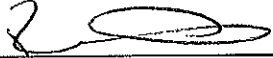
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Milton Little League 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)

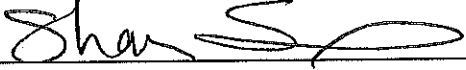
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom 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

02/16/24

Date



Witness Signature

02/16/24

Date

Completed application can be submitted by:

Email: 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.

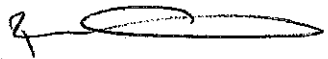
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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.

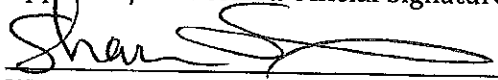
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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



Applicant/Authorized Official Signature



Witness Signature

Vice-President

Title

02/16/24

Date

Rieley
Yes 3/5/24

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Wednesday, January 3, 2024 6:47 PM
To: Casey Hall
Subject: Sussex County DE - Council Grant Form: Form has been submitted

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	Sussex technical High School
Project Name	High School Journal Club Presents Research on Acute Myeloid Leukemia
Federal Tax ID	51-6000279
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 high school journal club includes eight students at Sussex Technical High School who are interested in science and scientific research, hence they have joined the journal club. The High School Journal Club's Mission for 2024 is to work with Dr. Josh Jang to completely understand the surface antigens involved with acute myeloid leukemia and how these antigens are related to both cancerous cells and normal cells. Students will learn about the novel medicine azacitidine and understand how to use therapy to target the cells involved. After developing a deep understanding of this research published in the nature cancer journal in

2023, students will conduct their own independent research using the model organism, daphnia. Students will travel to the Van Andel Institute in March to attend the high school and official journal club in person.

Address 17099 County Seat Highway

Address 2 PO Box 351

City Georgetown

State DE

Zip Code 19947

Contact Person Michele Thomas

Contact Title Science Teacher, High School Journal Club Sponsor

Contact Phone Number 302-448-6369

Contact Email Address michele.thomas@sussexvt.k12.de.us

Total Funding Request 1000.00

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? 1000.00

Are you seeking other sources of funding Yes

other than Sussex
County Council?

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

19.5

Program Category
(choose all that
apply)

Educational

Primary Beneficiary
Category

Youth

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

9

Scope

The program that the funds will be used is to provide additional instruction and scientific research experience to ✦students at Sussex Technical High School. As scientific and medical research has been making huge strides in research to cure and treat various diseases, our science curriculum has not been updated to include much of this research. Topics, such as epigenetics, for example are not part of the curriculum. Students in the journal club have the opportunity to learn about these new research techniques and complete their own independent research with the assistance of scientists from the Van Andel Institute. ✦ Following a school year full of research, students will travel to the Van Andel Institute in Grand Rapids, Michigan to present their scientific research at the high school journal club. The population served through this are eight high school students who are very interested in medical research and want to learn more about this research.

Students will also benefit from the skills of creating and presenting scientific research.

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

0.00

Description

Model Organism - Daphnia

Amount

60.00

Description

Air Port Parking

Amount

18.00

Description

Flights to Grand Rapids

Amount

2,664.00

Description

Hotel Room at Grand Rapids

Amount

1,990.00

Description

Tranportation from Air Port to Hotel

Amount

400.00

TOTAL EXPENDITURES

5,132.00

TOTAL DEFICIT FOR PROJECT OR ORGANIZATION

-5,132.00

Name of Organization

Sussex Technical High School

**Applicant/Authorized
Official** Michele Thomas

Date 01/03/2024

**Affidavit
Acknowledgement** Yes

To Be Introduced: 3/12/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 334-5.00-208.00 & 208.01
911 Address: 32454 & 32462 Lewes Georgetown Hwy, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRONIC MESSAGE CENTER SIGN TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.69 ACRES, MORE OR LESS

WHEREAS, on the 13th day of October 2023, a Conditional Use application, denominated Conditional Use No. 2487 was filed on behalf of Jose Sandoval; 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. 2487 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, Subsections 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2487 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land, lying and being situate in Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Lewes Georgetown Highway (Rt. 9), approximately 0.27 mile southwest of the intersection of Lewes Georgetown Highway (Rt. 9) and Coastal Highway (Rt. 1), and being more particularly described in the attached legal description prepared by Sergovic Carmean Weidman McCartney & Owens, P.A., said parcel containing 0.69 acres, more or less.

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

To Be Introduced: 3/12/24

Council District 4: Mr. Hudson
Tax I.D. No.: 134-5.00-115.00
911 Address: 39578 Admiral Road, Bethany Beach

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (2 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 0.138 ACRE, MORE OR LESS

WHEREAS, on the 14th day of April 2023, a Conditional Use Application, denominated Conditional Use No. 2443 was filed on behalf of Coastal Bay Homes, 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. 2443 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2443 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 Admiral Road (Rt. 54) within the Tower Shores Subdivision and being more particularly described in the attached legal description prepared by The Smith Firm, LLC, said parcel containing 0.1378 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.

ENGINEERING DEPARTMENT

MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

(302) 855-7370 T
(302) 854-5391 F
mike.harmer@sussexcountyde.gov



Sussex County

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

RE: ***Western Sussex Unified Sewer District
A. Ordinance Approval Request***

DATE: March 12, 2024

In February 2017, the municipal councils of Bridgeville and Greenwood requested investigation of an alternate County Sewer District based scenario. Upon review of the findings both municipal Councils requested formation of a County sewer district pursuant to Title 9 Del. Code § 6501, and on August 22, 2017, County Council adopted a resolution establishing the Western Sussex Area of the Unified Sanitary Sewer District.

The County requested funding consideration under the Clean Water State Revolving Fund and on August 14, 2018, the State issued a binding commitment offer in the overall amount of \$16,634,748 to be repaid within 30-years with 2.5% interest. On November 27, 2018, Council accepted the offer and approved the associated borrowing ordinance. After project completion, \$3,200,000 will be applied in principle forgiveness.

On May 15, 2020 the County filed a supplemental CWSRF funding request in the amount of \$850,000 to cover unanticipated change orders associated with the DelDOT restoration on RT-13. On October 27, 2023 the County filed the second supplemental funding request in the amount of \$1,947,264.00 associated with various bid overruns.

On December 15, 2023 DNREC notified the County that the aggregate Supplemental Loan had been authorized in the amount of \$2,797,264 for the existing term of the original loan. This loan will be used to finance the increased costs in the project which include various change orders and inflationary and supply chain issues associated with a four-year long project occurring during a pandemic.



After project completion \$2,797,264 of principal forgiveness will be applied, collectively \$5,997,264 from the original terms. The remaining principal balance will be amortized over the remaining term of the original loan until September 1, 2050, such date being the final maturity date of the original loan.

However, the loan terms require interest during construction and issuance of an ordinance in the full amount. The associated ordinance was introduced on January 23, 2024. The Engineering and Finance Departments recommend approval of the ordinance.

ORDINANCE NO. [_____]

AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$2,797,264 OF GENERAL OBLIGATION BOND OF SUSSEX COUNTY IN CONNECTION WITH INCREASED COSTS ASSOCIATED WITH THE WESTERN SUSSEX REGIONAL SANITARY SEWER DISTRICT 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 Western Sussex Regional Sanitary Sewer District Project, consisting of the transfer of sewer flows from Bridgeville and Greenwood to the existing City of Seaford sewer system and wastewater treatment facility, utilizing existing and proposed infrastructure to be owned and maintained by the County to serve the Western Sussex Sewer District (the “Project”);

WHEREAS, pursuant to Title 9, Delaware Code, Section 6706, the County is authorized to issue its bond 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;

WHEREAS, pursuant to Ordinance No. 2617 adopted on November 27, 2018, the County authorized the issuance of its General Obligation Bond in the maximum principal amount of up to \$16,634,748 for the Project;

WHEREAS, the County previously issued its General Obligation Bond (Western Sussex Regional Sanitary Sewer District Project) Series 2019-SRF in the maximum aggregate principal amount of up to \$16,634,748 (the “2019 Bond”) on February 22, 2019 to secure a loan from the Delaware Water Pollution Control Revolving Fund (acting by and through the Delaware Department of Natural Resources & Environmental Control) (“DNREC”) to fund the Project;

WHEREAS, the County requires additional funding due to increased costs of the Project, which include various change orders and inflationary and supply chain issues associated with a four-year ten contract project occurring during a pandemic as well as unanticipated road restoration requirements imposed by DelDOT, and desires to accept a supplemental loan in the amount of \$2,797,264 from DNREC to fund the increased construction and design costs of the Project; and

WHEREAS, acting pursuant to the aforesaid authority, the County desires to authorize the issuance of general obligations of the County to finance the increased construction and design 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 Bond. 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 \$2,797,264 (the “Bond”) to finance or reimburse the County for a portion of the increased cost of the design, construction and equipping of the Project, with the expectation that up to \$2,797,264 of principal forgiveness will be applied to the Bond, resulting in a total forgiveness of \$5,997,264 with respect to the 2019 Bond and the Bond, to reduce the combined principal amount of the 2019 Bond and the Bond outstanding to \$13,434,748 upon Project completion.

The monies raised from the sale of the Bond (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 cost of funding of the construction budget shortfall and additional design services associated with the unexpected design changes required by DelDOT in the permitting process.

Section 2. Security for the Bond. The principal, interest and premium, if any, on the Bond 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 Bond shall contain a recital that it is 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. While the Bond is backed by the County’s full faith and credit, it is expected that the debt service will be paid from revenues of the subdivision.

Section 3. Terms of the Bond. The Bond shall be sold at such price 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 Bond shall bear interest at such rate and shall mature in such amount and at such time, but not later than September 1, 2050, such date being the final maturity date of the original loan, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bond. The Bond 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 Bond will be sold to the State of Delaware Water Pollution Control Revolving Fund (acting by and through DNREC) (or any successor agency).

Section 5. Details of the Bond. The County Administrator is authorized to determine the details of the Bond including the following: the date or dates of the Bond; provisions for either serial or term Bond; sinking fund or other reserve fund requirements; due dates of the interest thereon; the form of the Bond; the denomination and designation of the Bond; registration, conversion and transfer provisions; provisions for the receipt, deposit and investment of the proceeds of the Bond; provisions for the replacement of lost, stolen, mutilated or destroyed Bond;

and provisions for issuing uncertificated obligations and all procedures appropriate for the establishment of a system of issuing uncertificated debt. The Bond 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 Bond.

Section 6. Debt Limit. It is hereby determined and certified, as of the effective date hereof, that the issuance of the Bond 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 Bond and to provide for its 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.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

ADOPTED this ____ day of March, 2024.

SUSSEX COUNTY, DELAWARE

Attest:

Clerk
Sussex County Council

President
Sussex County Council

[SEAL]

APPROVED AS TO LEGALITY AND FORM:

County Attorney

SYNOPSIS: This Ordinance provides for the issuance of up to \$2,797,264 of Sussex County General Obligation Bond in order to finance or reimburse the County for a portion of the increased costs for the design, construction and equipping of the Western Sussex Regional Sanitary Sewer District Project, consisting of the transfer of sewer flows from Bridgeville and Greenwood to the existing City of Seaford sewer system and wastewater treatment facility, utilizing existing and proposed infrastructure to be owned and maintained by the County to serve the Western Sussex Sewer District (collectively, the “Project”), with the expectation that up to \$2,797,264 of principal forgiveness will be applied to the Bond, resulting in a total forgiveness of \$5,997,264 with respect to the 2019 Bond and the Bond, to reduce the combined principal amount of the 2019 Bond and the Bond outstanding to \$13,434,748 upon Project completion.



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: March 7, 2024

RE: County Council Report for C/U 2407 filed on behalf of Lori & Jose Solis Marin

The Planning and Zoning Department received an application (C/U 2407 filed on behalf of Lori & Jose Solis Marin) for an auto repair shop, to be located at Tax Parcel 234-21.00-140.01. The property is located 25709 Whispering Wind Lane, Millsboro. The parcel size is 3.5 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 7, 2024. At the meeting of February 7, 2024, the Planning & Zoning Commission recommended denial of the application for the 8 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of February 7, 2024.

Minutes of the February 7, 2024, Planning & Zoning Commission Meeting

C/U 2407 Lori & Jose Solis Marin

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS.

The property is lying on the southwest side of Whispering Wind Land and on the north side of Hollyville Road (S.C.R. 305), approximately 0.50 mile south of Lawson Road (S.C.R. 296). 911 Address: 25709 Whispering Wind Lane, Millsboro. Tax Map Parcel: 234-21.00-140.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Staff Analysis, the Applicant's Survey, the DelDOT Service Level Evaluation Response, and a letter received from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse stated that one



written comment had been received for the Application, and the letter had been included within the paperless packet.

The Commission found that Mr. Boris Berrera, Language Translator, spoke on behalf of the Applicants, Ms. Lori Solis Marin and Mr. Jose Solis Marin, who were also present on behalf of their application. Mr. Berrera stated, on behalf of Mr. Solis Marin, that the proposed business provides a service to the community; that his business does not bother or negatively affect anyone; that he and his business help the community as much as possible; that he and his wife pay taxes; that the complaint filed on them felt like harassment; that every time enforcement has visited the site, no violation was found; that if a violation is found, he will remedy the issue as soon as possible; that the proposed use is for an auto mechanic business, which includes oil changes, emission service, and vehicle towing; that the Applicants have never received a violation for any unsafe storage or disposal of chemicals or waste, and they are currently clearing trees in preparation to the place a house, which would not be related to the requested conditional use.

Ms. Solis Marin stated that they were requesting a Conditional Use to operate an auto mechanic and towing business from their property; that they operate Monday through Friday 8:00 AM – 5:00 PM and Saturdays 8:00 AM – 12:00 PM with the exception of towing calls which is a 24hr service and is occasionally required on Sundays; that they provide towing services to their shop, as well as other shops in the area as well; that they are not an impound lot; that there is no storage of vehicles except for the vehicles being worked on; that the mechanic work is performed inside the building; that if a vehicle is waiting for a required auto part, it is stored outside until the required part arrives; that there is approximately 20-25 cars on the property at any given time; that they do not perform painting, but do replace auto parts; that they have a company, Safety Clean, who handles all of their oil disposal; that all supplies are labeled and organized in their shop; that they are clearing the area of the back of the lot to build a home at some point; that they would use the front of the property for the conditional use of the mechanic shop, and they would like to split the property in half and use the front half for the business conditional use and the back half to remain strictly residential.

Ms. Wingate questioned what portions of the property would be used for the Conditional Use, and what portion of the property would be used for residential.

Mr. Berrera and Mr. Solis Marin pointed out the area of the requested Conditional Use for the Commission, which resulted in approximately half of the property.

Chairman Wheatley questioned if all the vehicles stored on the site were titled vehicles with current registrations.

Mr. Berrera stated yes; that all the vehicles stored on the site were titled vehicles with current registrations.

Mr. Mears questioned if the Applicants desired a sign for the business.

Ms. Solis Marin stated they do not currently have a sign and would like permission to have a sign.

Mr. Butler questioned if the oil filters, oil, and similar substances were being properly stored and disposed of and how scrap metal was handled and disposed of.

Mr. Solis Marin stated that they have private companies who come in and dispose of the oil and remnants and the scrap metal is stored in a metal dumpster until a separate company arrives to dispose of it.

Mr. Whitehouse stated within inspection notes there was mention of the external storage of tires; that he questioned if tire storage was proposed to continue; that the inspectors mentioned a conversation with the Applicants regarding existing structures that required permits; that he questioned if the Commission were to approve the application, would the Applicants be willing to abide by the stipulation of obtaining all building permits needed within six months of the date of approval.

Mr. Butler stated that DNREC will soon be requiring a limitation to the number of outside stored tires, being limited to 50 tires, due to mosquito issues.

Ms. Wingate stated that if the application was approved, she would desire that no outdoor tire storage be allowed, and she did not see any outside storage of tires when she visited the site.

Mr. Berrera stated, on behalf of Mr. Solis Marin that recently the inspectors were out and told them to remove the tires on the property, and they immediately handled the complaint; that anytime a complaint was filed they did what they needed to rectify the issue.

The Commission found that one person was present who wished to speak in support of the application and two people who wished to speak in opposition to the application.

Mr. John Mitchum spoke in support of the application. Mr. Mitchum stated that the Applicant's run a great business; that he has used their business for years; that the Applicants are passionate about what they do, and that they will help anyone in need no matter the time of day.

Mr. Tim Willard, Esq. with Fuqua, Willard & Schab, P.A. spoke on behalf of Ms. Judy King, an adjacent property owner to the site. Mr. Willard stated that when the applicants purchased their land the only access to it was through Whispering Lane; that Whispering Lane is on her property because DelDOT restricted their access to Whispering Lane; that over time the applicants have created a separate entrance to their property from Hollyville Rd and because of that, their access off of Whispering Lane should be dissolved by mutual consent; that there is no proof that this entrance onto Hollyville went through the proper DelDOT requirements; that putting this service in a low density, agricultural area, that shows no real demand and that is not fair to the neighbors around the business; that under the conditional use they ask that access from Whispering Lane be cut off, that a fence be put in place separating the properties, that signage for the business be placed to distinguish the business location, in an attempt to limit the number of vehicles accessing the property and to prohibit the use of a salvage yard.

Ms. Judy King spoke in opposition to the Application. Ms. King stated that she has lived at the adjacent property since 2015; that the access to the property was through Whispering Lane up until about two years ago; that the amount of cars and new buildings on the applicant's property has significantly increased since she purchased her property in 2015; that there are a lot of cars and trucks in and out of the property; that the Applicant has no signage to identify the business, so many people try to access the shop from Whispering Lane; that she has witnessed large fires and burning of things at the shop; that the applicants have been clearing all of the trees to the rear of the property and are burning the debris; that the Fire Marshal had been called about the fires numerous times; that her concern is that the Applicant is operating a business in an agricultural zone and the proposed use is bringing her home value down.

Chairman Wheatley asked the applicants if they received a permit from DelDOT to put the entrance in on Hollyville Rd.

Ms. Solis Marin stated that they just created the entrance on their own and did not go through DelDOT when doing so; that they received a notice that they needed to submit for street name; that they have complied with that and are awaiting a response.

Mr. Butler stated when looking at the aerial photo of the property, there appeared to be approximately 53 vehicles, between cars and trailers, on the site, and he did not have much concern about the burning of tree debris, as long as it was not burning of tires, chemicals etc.

Ms. Wingate stated it was not tree debris she smelled when visiting the site.

Mr. Berrera stated, on behalf of Mr. Solis Marin that the inspector was out after an anonymous complaint was filed to check on his heating system and the reasoning for the burning, and with every complaint filed they have made the corrections that were required for remediation, and that the applicants had obtained a permit for tree clearing but did not have it with them at that time.

Mr. Whitehouse asked about the foundations of the buildings on the property as they do not appear to be permitted and are located within the 15 ft. setback requirement for that parcel; that the buildings were constructed without going through proper channels and will need to be moved or a variance will need to be obtained to allow the structures to stay where they are currently located.

Mr. Robertson stated that the issue with the application is that the Applicant has already built multiple buildings without obtaining permits; that because of this, the buildings were never inspected by the County; that now the buildings are not in compliance with the required setbacks; that the Applicants have illegal buildings, that are illegally placed, and now the Applicants are requesting a Conditional Use, but the Applicants have not followed the proper steps to get their business where it is today; that the Commission cannot approve something that will place the Applicant in violation from the get go; that the Applicants do not have building permits, and they are in violation of the required setbacks; that they have more cars on the property than is stated in the application; that there is an access issue with the new road entrance and there has been tree clearing without proper permits; that the lack of building permits for the structures on the site is a fundamental issue, and all of the issues should have been taken care of prior to submitting an application for Conditional Use.

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

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

Mr. Robertson read Ms. Wingate's prepared motion per Ms. Wingate's request.

Ms. Wingate moved that the Commission recommend denial of C/U 2407 Lori & Jose Solis Marin for an auto repair shop located on land that is zoned AR-1 Agricultural Residential based upon the record made during the public hearing and for the following reasons:

1. The proposed use is not compatible with the surrounding properties as there are no other business uses in the area as this is a low-density area.
2. This use is developed without a multitude of approvals including building permits and it appears several structures are located within the setbacks which adversely affects the ability to conduct this business as proposed.

3. The current unpermitted use has adversely affected neighboring adjacent properties and approval of this conditional use would allow these existing problems to continue to adversely affect neighboring properties.
4. It is evident that the applicant has expanded upon properties of other ownership based upon photographs that were presented in the record.
5. Had the property owners sought approval before any development occurred, it is not likely that this intensive use would have been approved in this location.
6. Although the Commission is supportive of small businesses, there is simply no way to condition this particular use into an approval that is workable for the applicant and the neighboring properties.
7. For all of these reasons, it is appropriate to deny this application.
8. In addition to the denial, the Commission directs that the County inspect and require any remedial action for compliance with regard to the building locations, whether that's moving the buildings or seeking variances from the Board of Adjustment and at the same time investigate whether the entrance can be located on Hollyville Road.

Motion by Ms. Wingate, seconded by Mr. Mears and carried unanimously to recommend denial of C/U 2407 Lori & Jose Solis Marin for the reasons and the conditions stated in the motion. Motion carried 4-0.

Vote by roll call: Ms. Wingate – yea, Mr. Mears – 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: February 7, 2024

Application: C/U 2407 Lori & Jose Solis Marin

Applicant: Mr. & Mrs. Lori & Jose Solis Marin
25709 Whispering Wind Lane
Millsboro, DE 19966

Owner: Lori Solis Marin, Jose Luis Solis Marin, Reyna Garza, Eduardo Garza
25709 Whispering Wind Lane
Millsboro, DE 19966

Site Location: The property is lying on the southwest side of Whispering Wind Land and on the north side of Hollyville Road (S.C.R. 305), approximately 0.50 mile south of Lawson Road (S.C.R. 296). The property is located at 25709 Whispering Wind Lane in Millsboro, Delaware.

Current Zoning: Agricultural Residential (AR-1) Zoning District

Proposed Use: 2,804 square foot repair shop & 702 square foot office in support of Auto Repair Shop use.

Comprehensive Land Use Plan Reference: Low Density

Councilmanic District: Mr. Rieley

School District: Indian River School District

Fire District: Millsboro Fire District

Sewer: Private (On-site septic)

Water: Private (On-site well)

Site Area: 3.50-acre(s) +/-

Tax Map ID.: 234-21.00-140.01



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

Memorandum

To: Sussex County Planning Commission Members
From: Ms. Lauren DeVore, AICP Planner III
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 12th, 2024
RE: Staff Analysis for C/U 2407 Lori & Jose Solis Marin

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2407 Lori & Jose Solis Marin to be reviewed during the February 7th, 2024, Planning & Zoning 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: 234-21.00-140.01

Proposal: The request is for a Conditional Use for Tax Parcel 234-21.00-140.01 to allow an auto repair shop within an Agricultural Residential (AR-1) District on a parcel lying on the southwest side of Whispering Wing Lane and on the north side of Hollyville Road (S.C.R. 305), approximately 0.50 mile south of Lawson Road (S.C.R. 296). The subject property is located at 25079 Whispering Wind Lane in Millsboro. The parcel consists of 3.50 acres +/-.

Zoning: The Parcel is zoned Agricultural Residential (AR-1) District. The adjacent parcels to the north, south, east, and west of the subject property are also zoned Agricultural Residential (AR-1) District. Staff further note that much of the surrounding lands are also zoned Agricultural Residential (AR-1) District, with fourteen (14) Parcels to the northeast on the south side of Hollyville Road (S.C.R. 290) being zoned General Residential (GR) District as well as an area to the southwest on the north and south sides of Mount Joy Road (S.C.R. 297).

Future Land Use Map Designation w/in Comprehensive Plan: Low Density Area

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 is designated as a Rural Area land use designation of "Low Density Area." As outlined in the 2018 Sussex County Comprehensive Plan, the "Low Density Area" areas where "the primary uses envisioned are agricultural activities and homes" (2018 Sussex County Comprehensive Plan, 4-19). The Plan further notes that "Business development should be largely considered to businesses addressing the needs of these two uses" (2018 Sussex County Comprehensive Plan, 4-19).



There is a large swath of land to the southwest of the property that has a Growth Area Future Land Use designation of “Existing Development Area.”

The 2018 Sussex County Comprehensive Plan notes that, “Existing Development Areas” “consist primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts” and that “these areas are scattered throughout the County” (2018 Sussex County Comprehensive Plan, 4-16). The Plan also notes that “there is no intention to expand this land use classification”. Furthermore, the Plan notes “the full range of housing types allowed in the underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses and multi-family units” and that “non-residential development consists of uses found in the neighborhood business district and commercial districts (2018 Sussex County Comprehensive Plan, 4-17).

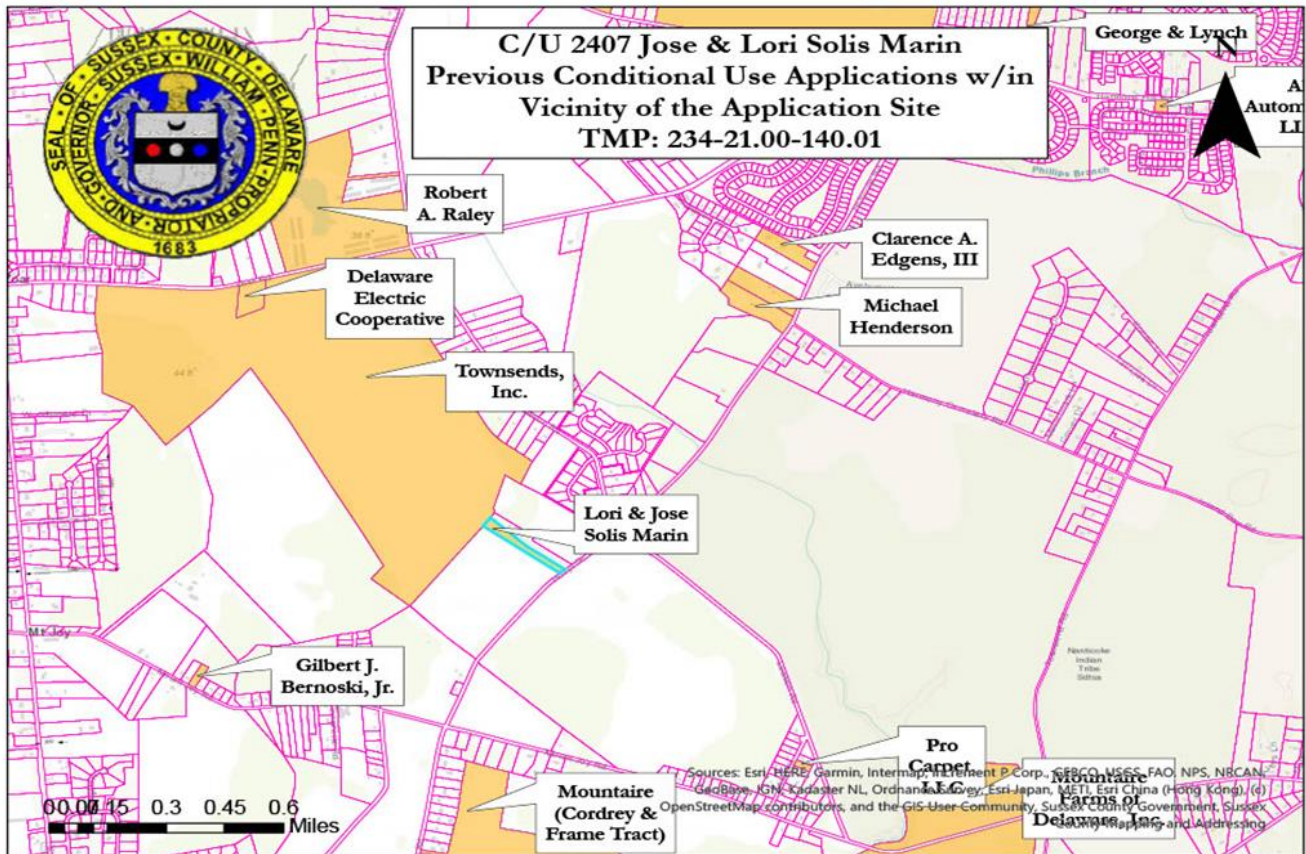
Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** Aerial imagery of the property shows that the site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcel is not 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:** GIS analysis of the site indicates that the current property consists of approximately 2.28 acres of existing forest.
- **Wetlands Buffers/Waterways:** The County’s Online Mapping System does not indicate the presence of wetlands on the subject property.
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** The property is located within Flood Zone “X” – “Areas determined to be outside the 1% annual chance flood and outside the 500-year floodplain. Delaware Department of Natural Resources (DNREC’s) Flood Planning Tool indicates that the property is located in the Indian River Bay Watershed and the Swan Creek Indian-River Subwatershed. The approximate Ground Elevation Height at the Parcel is approximately 33-39-ft. A separate map has been provided reflecting this information. The property is also located within an area of “fair” Groundwater Recharge Potential.

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

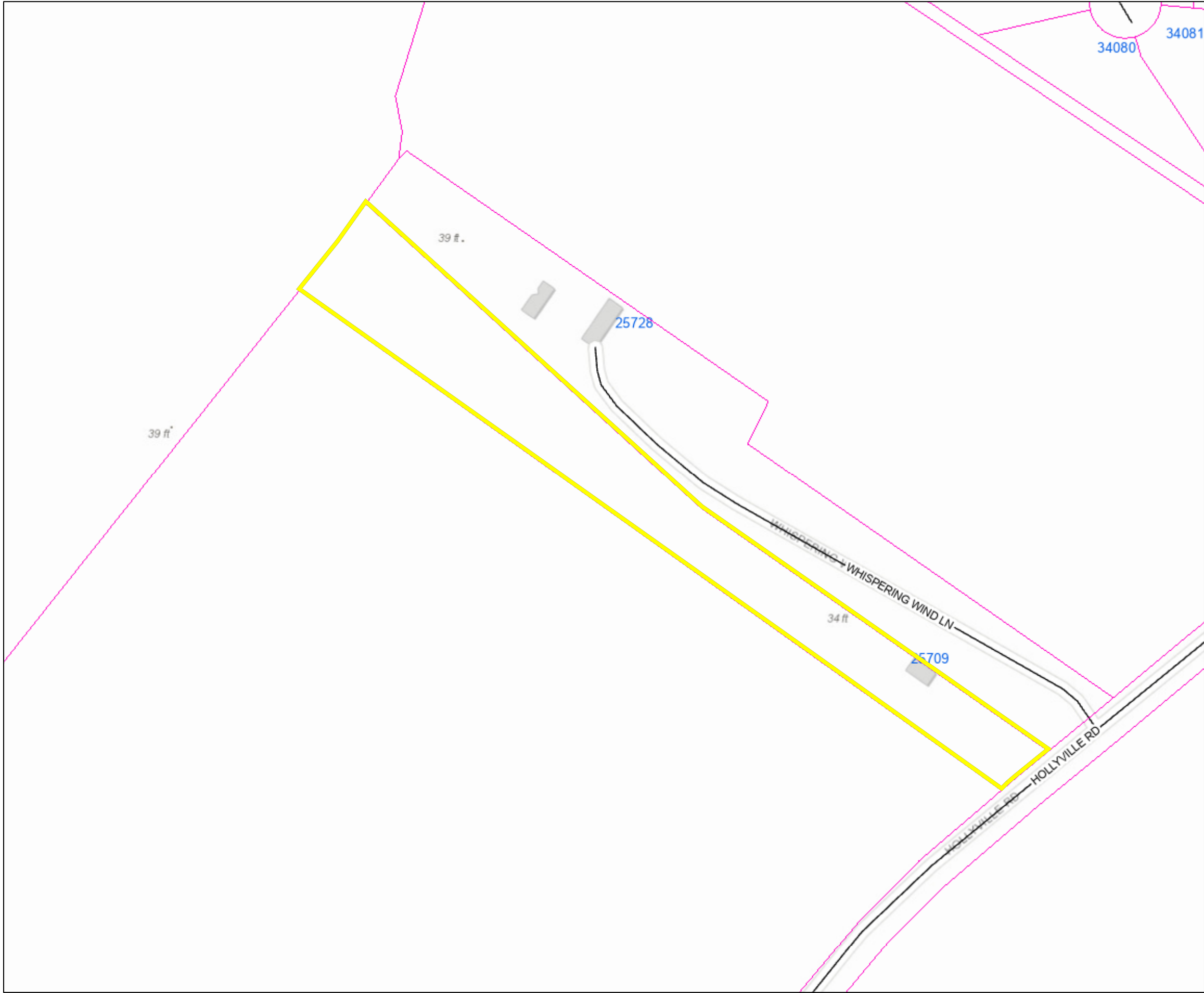
Existing Conditional Uses within the Vicinity of the Subject Site: A Data Table and Supplemental Map have been supplied which provide further background regarding the approval status of Applications in the area, including the location of all other Conditional Use Applications that are less than 1-mile distance from the subject site.

Conditional Use Applications (w/in a 1-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 765	Robert A. Raley	AR-1	Borrow Pit/Farm Pond	12/8/1983	Recommended Approval	1/10/1984	Approved	
C/U 1090	Townsend, Inc.	AR-1	Land Application of treated sludge	10/13/1994	Recommended Denial	12/13/1994	Approved	997
C/U 1888	Michael Henderson	AR-1/GR	Boat Repair/Storage	4/28/2011	Recommended Denial	8/16/2011	Approved	2211
C/U 2265	Pro Carpet, LLC	AR-1	Carpet Business	10/28/2021	Recommended Approval	11/9/2021	Approved	2808





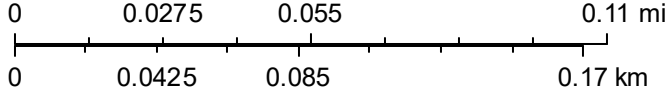
Sussex County



PIN:	234-21.00-140.01
Owner Name	GARZA EDUARDO REYNA A GARZA
Book	5110
Mailing Address	PO BOX 1914
City	MILLSBORO
State	DE
Description	W/RT 305
Description 2	806'S/RT 296
Description 3	LOT 1 T#50205
Land Code	

- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257





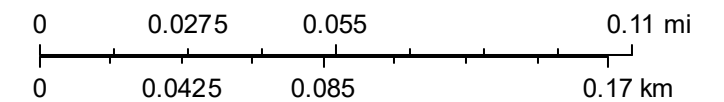
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Land Code	

- polygonLayer
 - Override 1
- polygonLayer
 - Override 1
 - Tax Parcels
 - 911 Address
 - Streets
 - County Boundaries

1:2,257





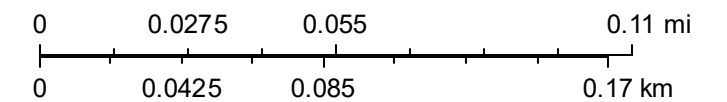
Sussex County



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Owner Name	GARZA EDUARDO REYNA A GARZA
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Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

1:2,257



Introduced: 5/16/23

Council District 5: Mr. Rieley
Tax I.D. No. 234-21.00-140.01
911 Address: 25709 Whispering Wind Lane, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.50 ACRES MORE OR LESS

WHEREAS, on the 15th day of November 2022, a Conditional Use Application, denominated Conditional Use No. 2407 was filed on behalf of Lori & Jose Solis Marin; 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. 2407 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. 2407 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 southwest side of Whispering Wind Lane and on the north side of Hollyville Road (S.C.R. 290), approximately 0.50 mile south of Lawson Road and being more particularly described in the attached legal description prepared by D. Stephen Parsons, P.A. said parcels containing 3.50 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: March 7, 2024

RE: County Council Report for C/U 2408 filed on behalf of Efren Fernando Acevedo

The Planning and Zoning Department received an application (C/U 2408 filed on behalf of Efren Fernando Acevedo) for a car dealership, to be located at Tax Parcel 532-6.00-42.00. The property is located 34900 Bi State Boulevard, Delmar. The parcel size is 1.06 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 7, 2024. At the meeting of February 21, 2024, the Planning & Zoning Commission recommended approval of the application for the 4 reasons and subject to the 13 recommended conditions as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of February 7, 2024, and February 21, 2024.

Minutes of the February 7, 2024, Planning & Zoning Commission Meeting

C/U 2408 Efren Fernando Acevedo

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A CAR DEALERSHIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES MORE OR LESS. The property is lying on the west side of Bi State Boulevard (Rt. 13A), approximately 0.32 mile south of Dorothy Road (Rt. 64). 911 Address: 34900 Bi State Boulevard, Delmar. Tax Map Parcel: 532-6.00-42.00

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the DelDOT Service Level Evaluation Response, the Staff Analysis, and a copy of a response from the Sussex County



Engineering Department Utility Planning Division. Mr. Whitehouse stated that two written comments were received for the Application and were included within the paperless packet.

The Commission found that Efrén Fernando Acevedo was present on behalf of his Application. Mr. Acevedo stated that he was requesting a Conditional Use to operate a small car dealership, of approximately 20 cars, on his property; that the hours of operation would be Monday through Friday 7:00 AM – 5:00 PM in the winter months and 7:00 PM in the summer months, Saturdays from 7:00 AM – 12:00 PM in the winter months, and 3:00 PM in the summer months; that there would only be two employees being his daughter and himself; that a small sign would be placed at the entrance to the property and a banner placed on the small shed used as an office, and that no mechanical work would be performed on the property with the exception of tire changes.

Mr. Mears asked where the vehicles for sale would be placed; that the site plan only provided 13 spots for the sale; that he was concerned that Mr. Acevedo may park vehicles all over the property and not just in the allotted spots.

Mr. Acevedo stated that he is only planning to have vehicles in the front area of the property.

The Commission found that there was no one who wished to speak in support of the Application and one person who wished to speak in opposition to the application.

Mrs. Kimberly Todd spoke in opposition to the Application with concerns that their backyard backs up to this property; that she is concerned about the traffic from a business being located adjacent to their backyard; that if Mr. Acevedo clears trees to accommodate the lot, the privacy between the properties would be compromised; that they would like to request that a privacy fence be added or the trees remain to keep that privacy that is there currently, and she had concern to the placement of perimeter fence around the car lot to keep people off of the neighboring properties if they are there to look at cars.

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 2408 Efrén Fernando Acevedo. Motion by Mr. Mears to defer action for further consideration, seconded by Ms. Wingate and carried unanimously. Motion carried 4-0.

Minutes of the February 21, 2024, Planning & Zoning Commission Meeting

The Commission discussed this application which has been deferred since February 7, 2024.

Mr. Mears moved that the Commission recommend approval of C/U 2408 Efrén Fernando Acevedo for a car dealership based upon the record made at the public hearing and for the following reasons:

1. The Applicant proposes to redevelop this site with a small used car dealership.
2. There are other small business uses and home occupations in the general area. This small use is consistent with the area.
3. The use of a car sales facility at this location is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
4. This use, with the conditions and stipulations placed upon it, will not adversely affect the neighborhood or area roadways.

5. This recommendation for approval is subject to the following conditions and stipulations:
 - A. One lighted sign shall be permitted. It shall not exceed 24 square feet in size.
 - B. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - C. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - D. No repairs other than very basic maintenance like oil changes or tire replacements shall occur on this site.
 - E. No junked, unregistered, or permanently inoperable vehicles or trailers shall be stored on the site.
 - F. The site shall be subject to all DelDOT entrance and roadway requirements.
 - G. No vehicles shall be parked within the setback areas on the property. The Final site plan shall clearly show the areas designated for vehicle parking and display.
 - H. No more than 20 vehicles shall be located on the site at any one time. This includes all vehicles, such as the Applicant’s personal vehicles, vehicles being stored or prepared for sale, or vehicles actively displayed for sale.
 - I. The Final Site Plan shall specifically show the area of this Conditional Use, which shall only extend from the front boundary to a line no farther than the existing outbuildings in the middle of the property. No vehicles shall be located outside of the Conditional Use area.
 - J. The entire boundary of the conditional use area other than the road frontage shall be fenced to screen the use from the neighboring properties. The location and type of fencing shall be shown on the Final Site Plan.
 - K. The hours of operation shall be from 9:00 am through 5:00 pm, Monday through Saturday. There shall not be any Sunday hours.
 - L. Failure to comply with these conditions of approval may result in a termination of this Conditional Use.
 - M. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2408 Efren Fernando Acevedo 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 – yes, Mr. Butler – yea, Chairman Wheatley – yea

PLANNING & ZONING COMMISSION

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



Sussex County

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302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date: February 7, 2024

Application: CU 2408 Efren Fernando Acevedo

Applicant: Efren Fernando Acevedo
34900 Bi State Boulevard
Delmar, DE 19940

Owner: Efren Fernando Acevedo
34900 Bi State Boulevard
Delmar, DE 19940

Site Location: Lying on the west side of Bi State Boulevard (Rt. 13A) approximately 0.32 mile south of Dorothy Road (Rt. 64).

Current Zoning: General Residential (GR) Zoning District

Proposed Use: Car Dealership

Comprehensive Land Use Plan Reference: Existing Development Area

Councilmanic District: Mr. Vincent

School District: Delmar School District

Fire District: Delmar Fire Department

Sewer: On-Site Septic

Water: On-Site Well

Site Area: 1.06 Acres +/-

Tax Map ID: 532-6.00-42.00



PLANNING & ZONING COMMISSION

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



Sussex County

DELAWARE
SUSSEXCOUNTYDE.GOV
302-855-7878

JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR

Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore, Planner I
CC: Mr. Vince Robertson, Assistant County Attorney and Applicant
Date: January 31, 2024
RE: Staff Analysis for C/U 2408 – Efren Fernando Acevedo

This memo is to provide background and analysis for the Planning Commission to consider as a part of Application C/U 2408 Efren Fernando Acevedo to be reviewed during the February 7, 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: 532-6.00-42.00

Proposal: The request is for a Conditional Use for Tax Parcel 532-6.00-42.00 to allow for a Car Dealership on a parcel lying on the west side of Bi State Boulevard (Rt. 13A), approximately 0.32 mile south of Dorothy Road (Rt. 64). The parcel is comprised of 1.06 acres +/-.

Zoning: The Parcel is zoned General Residential (GR) District. The adjacent parcels to the east of the subject property across Bi State Boulevard are zoned General Residential (GR) District and parcels adjoining to the north, west, and south are zoned General Residential (GR) District.

Future Land Use Map Designation w/in Comprehensive Plan: Existing Development Area

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 is designated as a Growth Area and has a land use designation of “Existing Development Area”. The properties surrounding the subject Parcel are also categorized as “Existing Development Area”.

As outlined in the 2018 Sussex County Comprehensive Plan, Existing Development Area consists of primarily of existing residential development under the current General Residential and Medium Density Residential zoning districts, as well as some commercial uses. These areas are scattered throughout the County. These areas are surrounded by Low Density Areas, and this classification is simply being used to identify these existing scattered zoning areas that have no direct relation to their surrounding zoning and/or the Future Land Use Map. The full range of housing types allowed in the existing underlying zoning districts are appropriate in these residential areas, including single-family homes, townhouses, and multi-family units. Non-



residential development consists of uses found in the neighborhood business districts and commercial districts. (2018 Sussex County Comprehensive Plan, 4-16 & 17).

Further Site Considerations:

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** The site is within the vicinity of active agricultural lands.
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** The parcels are not within the Henlopen Transportation Improvement District.
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A
- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** N/A

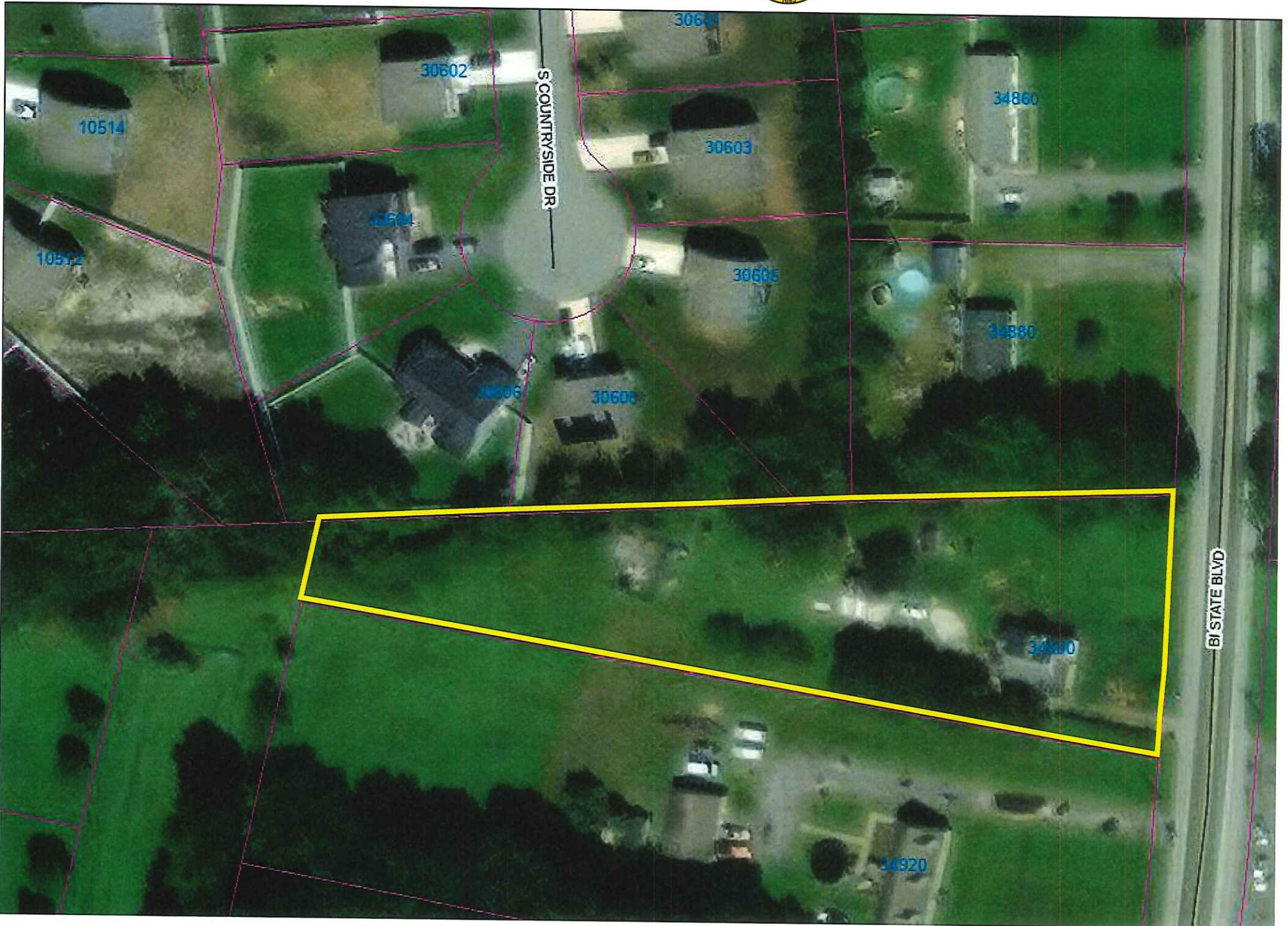
Based on the analysis of the land use, surrounding zoning and uses, a Conditional Use Application to allow for a Car Dealership, could be considered as being consistent with the land use, area zoning and surrounding uses.

Existing Conditional Uses within the Vicinity of the Subject Site: Since 2011, there has been four (4) Conditional Use applications within a 1-mile radius of the application site.

Conditional Use Applications (Within a 1-mile radius of the subject site)						
Application Number	Application Name	Zoning District	Proposed Use	CC Decision	CC Decision Date	Ordinance Number
CU 2435	Wendell Whaley, Jr.	AR-1	Family Cemetery	Withdrawn		
CU 2387	Consolidate Edison Development, Inc.	GR	Solar Facility	Pending		
CU 2346	TPE DE SU114, LLC	AR-1	Solar Facility	Approved	6/20/2023	2932
CU 1971	Greg N. Johnson	AR-1	Countertop Manufacturing Business	Approved	12/3/2013	2329

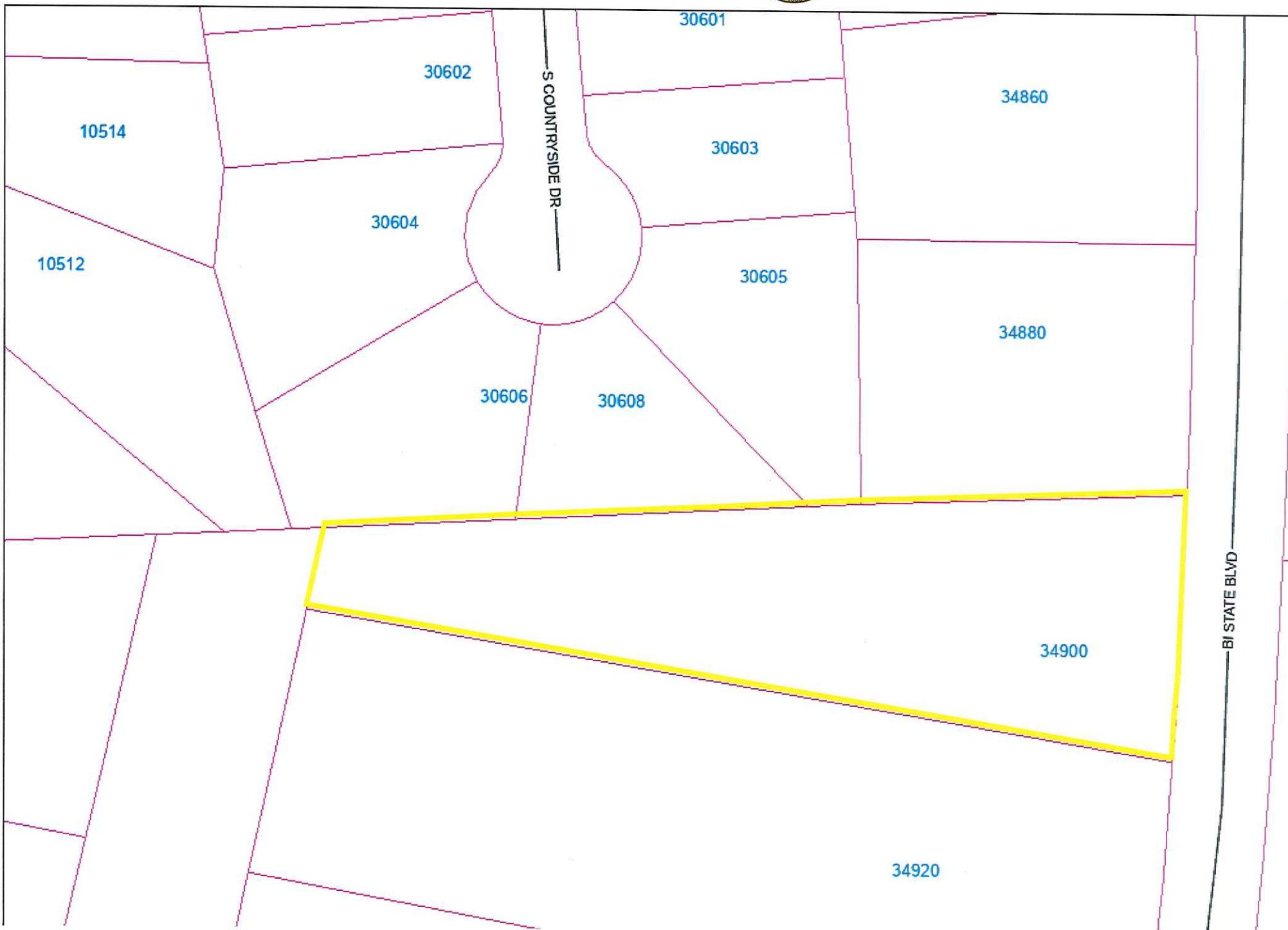


Sussex County



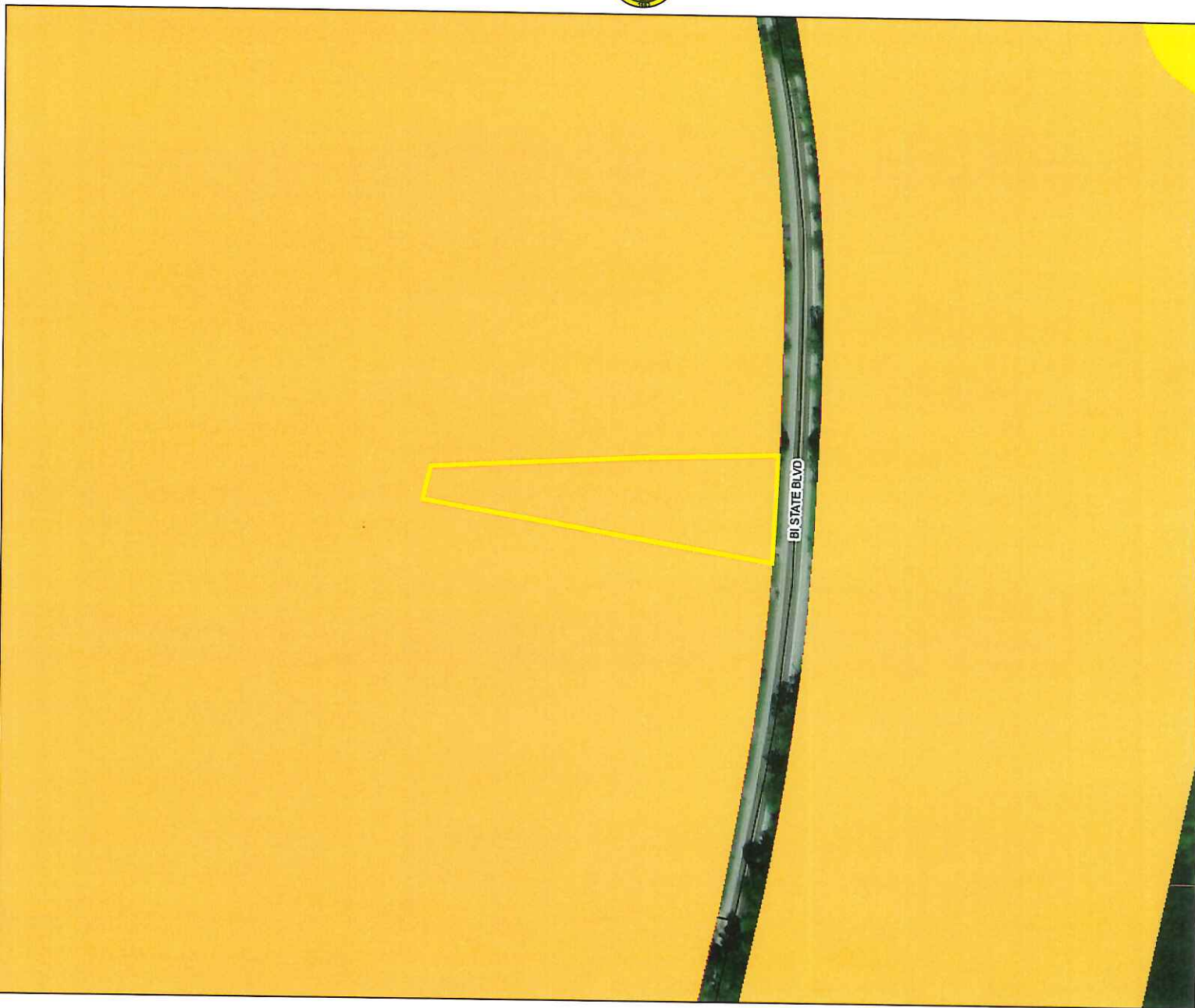


Sussex County



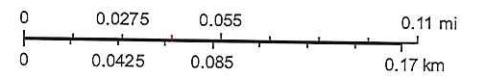


Sussex County



PIN:	532-6.00-42.00	
Owner Name	ACEVEDO	EFREN FERNANDO
Book	5467	
Mailing Address	34900 BI STATE BLVD	
City	DELMAR	
State	DE	
Description	RD LAUREL TO DELMAR	
Description 2	N/A	
Description 3	N/A	
Land Code		

- Tax Parcels
- 911 Address
- Streets
- County Boundaries
- FEMA Flood Maps**
- A
- AE
- AE, FLOODWAY
- AO
- VE
- X, 0.2 PCT ANNUAL CHANCE FLOOD HAZARD
- World Imagery
- Low Resolution 15m Imagery
- High Resolution 60cm Imagery
- High Resolution 30cm Imagery
- Citations
- 60cm Resolution Metadata



Introduced: 6/27/23

Council District 1: Mr. Vincent
Tax I.D. No. 532-6.00-42.00
911 Address 34900 Bi State Blvd., Delmar

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN GR GENERAL RESIDENTIAL DISTRICT FOR A CAR DEALERSHIP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LITTLE CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 1.06 ACRES MORE OR LESS

WHEREAS, on the 16th day of November 2022, a conditional use application, denominated Conditional Use No. 2408 was filed on behalf of Efren Fernando Acevedo; 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. 2408 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 VI, Subsection 115-39, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2408 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 Little Creek Hundred, Sussex County, Delaware, and lying on the west side of Bi State Boulevard (Rt. 13A) approximately 0.32 mile south of Dorothy Road (Rt. 64) and being more particularly described in the attached legal description prepared by Fuqua, Willard, Stevens & Schab, P.A. said parcels containing 1.02 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: March 7, 2024

RE: County Council Report for C/Z 2006 filed on behalf of Mahmut Yilmaz

The Planning and Zoning Department received an application (C/Z 2006 filed on behalf of Mahmut Yilmaz) for a change of zone from an AR-1 Agricultural Residential District and B-1 Neighborhood Business District to a C-2 Medium Commercial Zoning District for Tax Parcel 234-29.00-263.12 (p/o). The property is located at 31507 Oak Orchard Road, Millsboro. The parcel size is 4.7 acres +/-

The Planning & Zoning Commission held a Public Hearing on the application on February 7, 2024. At the meeting of February 7, 2024, the Planning & Zoning Commission recommended approval of the application for the 11 reasons as outlined within the motion (copied below).

Below are the minutes from the Planning & Zoning Commission meeting of February 7, 2024.

Minutes of the February 7, 2024, Planning & Zoning Commission Meeting

C/Z 2006 Mahmut Yilmaz

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.7 ACRES, MORE OR LESS. The property is lying on the northeast side of John J. Williams Highway (Rt. 24) and the north side of Oak Orchard Road (Rt. 5) at the intersection of John J. Williams Highway (Rt. 24) and Oak Orchard Road (Rt. 5). 911 Address is 31507 Oak Orchard Road, Millsboro. Tax Map Parcel: 234-29.00-263.12 (p/o).



Mr. Whitehouse advised the Commission that submitted into the record were the Applicant's Conceptual Site Plan, the Staff analysis, a letter received from the Sussex County Engineering Department Utility Planning Division, and a copy of the DelDOT Service Level Evaluation Response. Mr. Whitehouse stated that there were zero comments received for the Application.

The Commission found that Mr. Mahmut Yilmaz, was present on behalf of his Application. Mr. Yilmaz stated that he wanted to put a building on the empty lot next to his shopping center to store indoor sports; that he spoke with neighboring business owners, and they are all in agreement that this is well needed and that it would increase the amount of business of other small businesses in the area.

Mr. Mears questioned what the proposed plan was for the building.

Mr. Yilmaz stated that he plans to have a building that would provide indoor soccer, indoor field hockey, and possibly baseball; and that his ultimate goal is to put in a trampoline park for the kids.

The Commission found that there was no one present who wished to speak in favor or opposition of C/Z 2006.

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

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

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

Mr. Mears moved that the Commission recommend approval of C/Z 2006 Mahmut Yilmaz for a change in zone from AR-1 Agricultural-Residential zoning and B-1 Neighborhood Business zoning to a uniform C-2 "Medium Commercial" zoning based upon the record made during the public hearing and for the following reasons:

1. C-2 Medium Commercial Zoning is designed to support retail sales and the performance of consumer services. It is intended to be located near arterial and collector roads.
2. The Applicant's property is 4.7 acres that currently has a split zoning of AR-1 and B-1 at the intersection of Route 24 and Route 5. This is an appropriate location for C-2 Zoning.
3. The property is currently developed with a shopping center that has existed for some time. This shopping center includes retail sales, a restaurant, and a gas station. It is appropriate to bring this entire property under one uniform commercial zoning classification, and C-2 zoning is the appropriate district based on the current use of this property.
4. The site is served by both central water and central sewer.
5. C-2 Zoning at this location at this intersection will benefit nearby residents of Sussex County by providing a convenient location for the uses permitted in that Zone.
6. Because this property is currently developed at a heavily travelled intersection, there is no evidence that this rezoning will have an adverse impact on neighboring properties or area roadways.
7. The site is in the "Coastal Area" according to the Sussex County Land Use Plan and Future Land Use Map. C-2 Zoning is appropriate in the Coastal Area according to the Plan.
8. The proposed rezoning meets the general purpose of the Zoning Code by promoting the orderly growth, convenience, order prosperity and welfare of the County.
9. No parties appeared in opposition to the rezoning application.

10. Any future development or redevelopment of the property will be subject to Site Plan review by the Sussex County Planning and Zoning Commission.
11. For all of these reasons, the C-2 Zoning District is appropriate for this location.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/Z 2006 Mahmut Yilmaz for the reasons and conditions stated in the motion. Motion carried 4-0.

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

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
HOLLY J. WINGATE, VICE-CHAIR
J. BRUCE MEARS
GREGORY SCOTT COLLINS
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: February 7, 2024

Application: CZ 2006 Mahmut Yilmaz

Applicant: Mahmut Yilmaz
31507 Oak Orchard Road
Millsboro, DE 19966

Owner: Mahmut Yilmaz
31507 Oak Orchard Road
Millsboro, DE 19966

Site Location: Located on the southeast side John J. Williams Highway (Rt. 24) and northeast side of Oak Orchard Road (Rt. 5) , approximately 250-feet east of the intersection of John J. Williams Highway, Oak Orchard Road, and Mount Joy Road (S.C.R. 297).

Current Zoning: Agricultural Residential (AR-1) Zoning District
Neighborhood Business (B-1) Zoning District

Proposed Zoning: Medium Commercial (C-2) Zoning District
Neighborhood Business (B-1) Zoning District

Comprehensive Land Use Plan Reference: Commercial

Councilmanic District: Mr. Hudson

School District: Indian River School District

Fire District: Indian River Fire Co.

Sewer: Sussex County Sewer

Water: Tidewater Utilities, Inc.

Site Area: 2.00-acre(s) +/-

Tax Map ID.: 234-19.00-263.12 (p/o)



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Sussex County

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Memorandum

To: Sussex County Planning Commission Members
From: Ann Lepore, Planner I
CC: Vince Robertson, Assistant County Attorney, and applicant
Date: January 23, 2024
RE: Staff Analysis for CZ 2006 – Mahmut Yilmaz

The purpose of this memo is to provide background and analysis for the Planning & Zoning Commission to consider as a part of application CZ 2006 (Mahmut Yilmaz) to be reviewed at the February 7, 2024, Planning & Zoning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for a portion of Tax Parcel 234-29.00-263.12 to allow for a change of zone from an Agricultural Residential (AR-1) zoning district to a Medium Commercial (C-2) zoning district. The property is lying on the northeast side of John J. Williams Highway (Rt. 24) and the north side of Oak Orchard Road (Rt. 5) at the intersection of John J. Williams Highway (Rt. 24) and Oak Orchard Road (Rt. 5) containing 4.7-acres +/-.

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.

Comprehensive Plan Analysis: 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 parcel has a designation of “Commercial Area”. All adjoining parcels to the north, and east have a Future Land Use Map designation of “Coastal Area”. Parcels to the west and south which are separated by Route 24 and Route 5 have a Future Land Use Map designation of “Commercial Area”.

The Commercial Area land use designation includes concentrations of retail and service uses that are mainly located along arterials, and highways. As opposed to small, traditional downtown areas that are often historic and pedestrian-friendly, Commercial Areas include commercial corridors, shopping centers, and other medium and large commercial vicinities geared towards vehicular traffic. In addition to primary shopping destinations, this area would also be the appropriate place to locate hotels, motels, car washes, auto dealerships, and other medium and larger scale commercial uses not primarily targeted to the residents of immediately adjacent residential areas. These more intense uses should be located along main roads or near major intersections. Institutional and commercial uses may be appropriate depending on surrounding uses. Mixed-use buildings may also be appropriate for these areas. (2018 Sussex County Comprehensive Plan, 4-17).



Zoning Information: The subject property is split-zoned Neighborhood Business (B-1) and Agricultural Residential (AR-1). The properties to the east are zoned General Residential (GR) and Agricultural Residential (AR-1). The property to the north is zoned Neighborhood Business (B-1). The property across Oak Orchard Road (Rt. 5) to the south and the property across John J. Williams Highway to the west are zoned Agricultural Residential (AR-1).

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 “Zoning Districts Applicable to Future Land Use Categories,” the proposed zoning of Medium Commercial (C-2) is listed as an applicable zoning district in the “Coastal Area” and the “Commercial Area”.

Existing Change of Zones within the Vicinity of the Subject Property: Since 2011, there has been two (2) Change of Zone applications within a 1-mile radius of the application site.

Change of Zone Application (Within a 1.0-mile radius of the subject Site)						
Application Number	Application Name	Zoning District	Proposed Zoning	CC Decision	CC Decision Date	Ordinance Number
<u>CZ 1911</u>	Patriots Glen	MR/CR-1	MR-RPC	Approved	4/20/2021	2770
<u>CZ 1823</u>	WMF Watercraft & Marine, Inc.	AR-1	CR-1	Approved	7/25/2017	2513

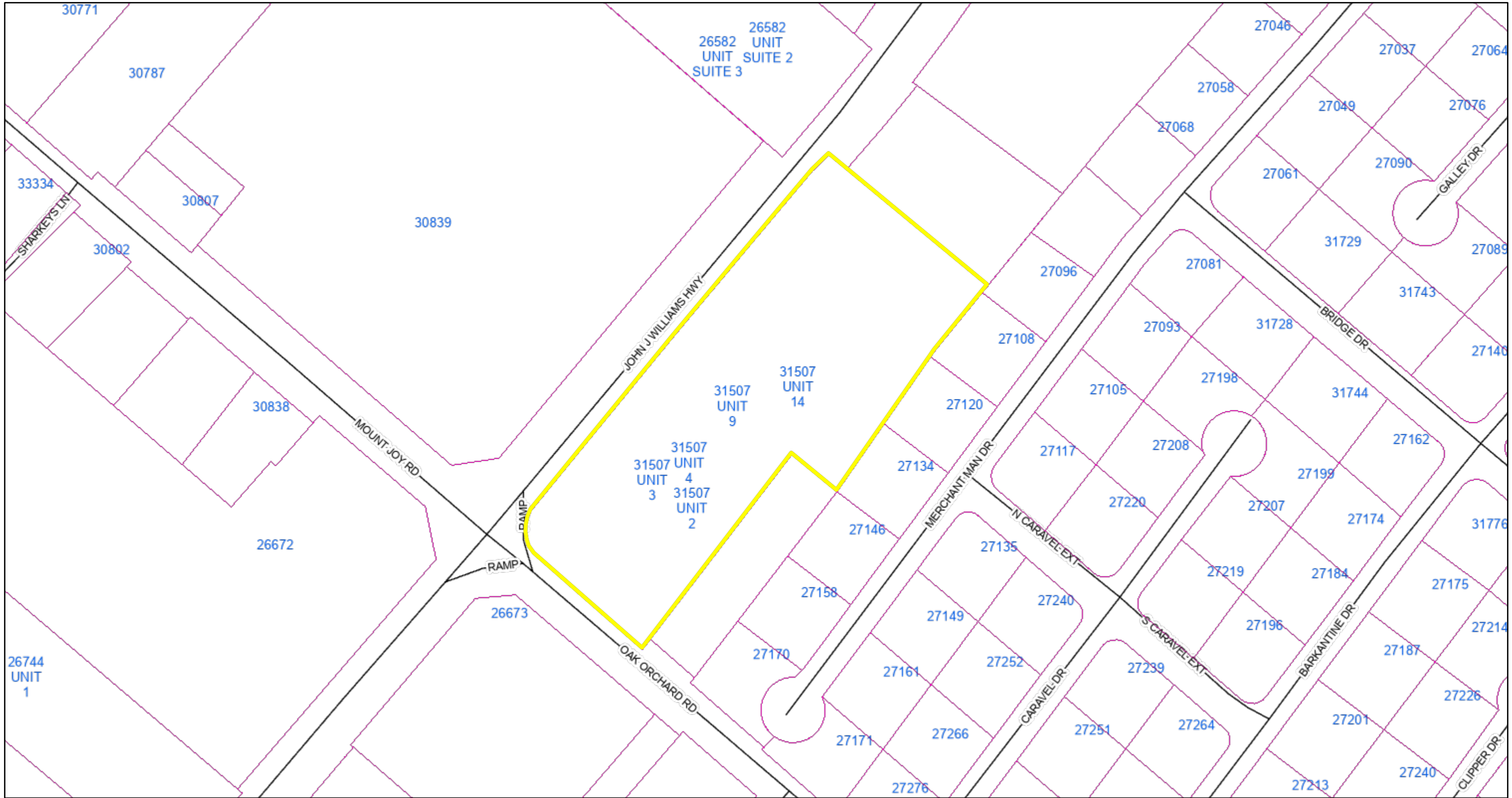
Site Considerations

- **Density:** N/A
- **Open Space Provisions:** N/A
- **Agricultural Areas:** N/A
- **Interconnectivity:** N/A
- **Transportation Improvement District (TID):** N/A
- **Forested Areas:** N/A
- **Wetlands Buffers/Waterways:** N/A

- **Other Site Considerations (ie: Flood Zones, Tax Ditches, Groundwater Recharge Potential, etc.):** A portion of the parcel is within a well Head Protection Area.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) Zoning District to a Medium Commercial (C-2) Zoning District could be considered as being consistent with the land use, based on size and scale, with area zoning and surrounding uses.

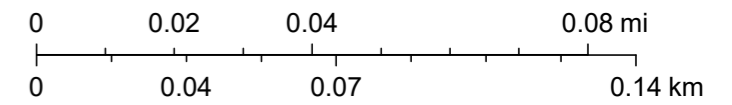
Sussex County



November 8, 2023

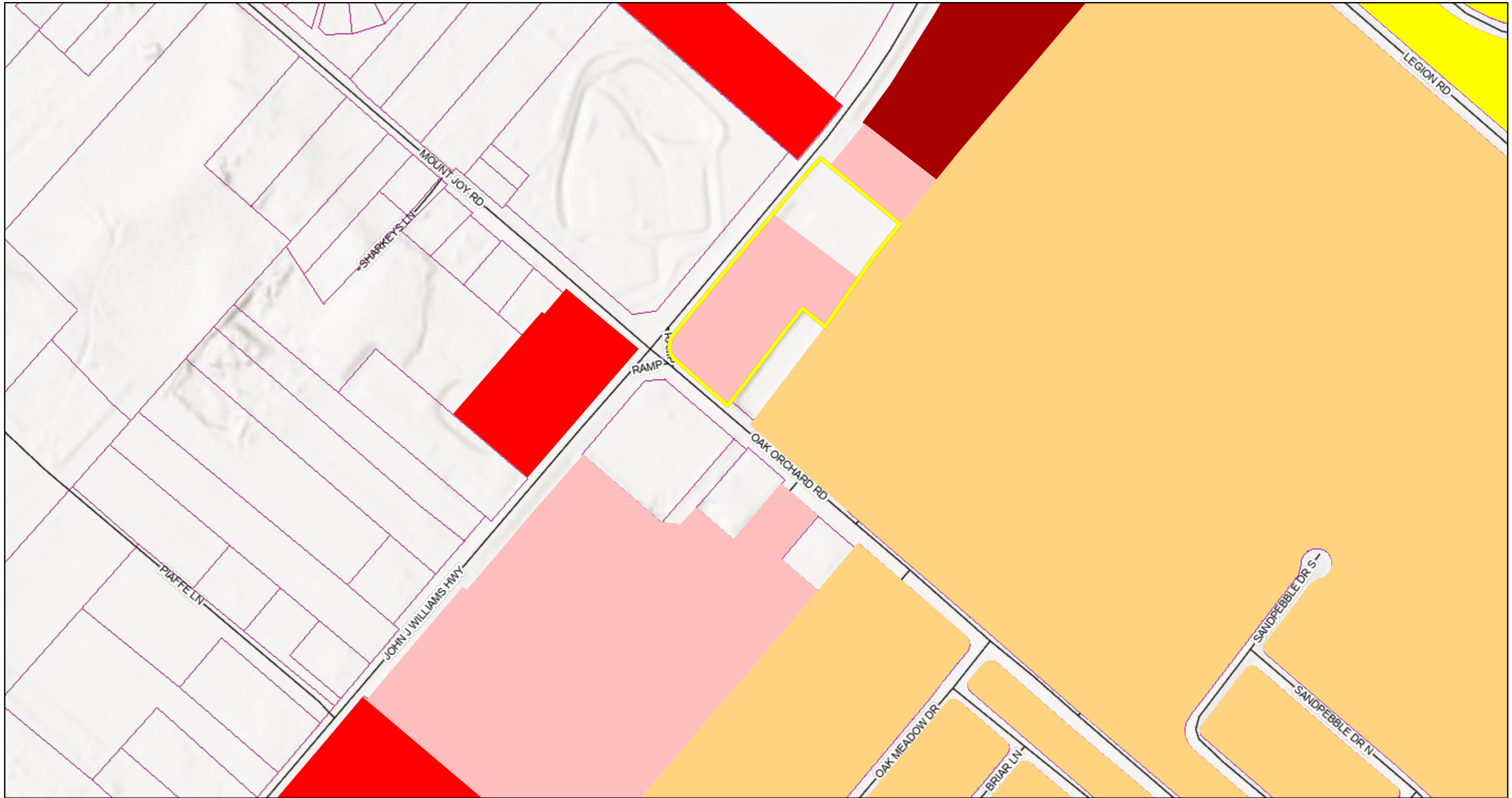
1:2,257

- Tax Parcels
- County Boundaries
- Green: Band_2
- Override 1
- Override 2
- Blue: Band_3
- Red: Band_1
- Streets



FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Sussex County



November 8, 2023

polygonLayer

Override 1

Override 2

Zoning

Medium Residential - MR

General Residential - GR

Neighborhood Business - B-1

General Commercial - C-1

Commercial Residential - CR-1

Tax Parcels

Streets

County Boundaries

layer55

Red: Band_1

Green: Band_2

Blue: Band_3

World Hillshade

1:4,514

0 0.04 0.09 0.17 mi

0 0.05 0.1 0.2 km

FEMA, Sussex County, Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Sussex County Government

Sussex County



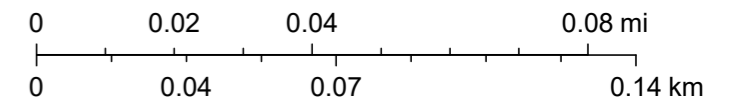
November 8, 2023

- polygonLayer
- Override 1
- Override 2
- Tax Parcels
- 911 Address

- Streets
- County Boundaries
- World Imagery
- Low Resolution 15m Imagery

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

1:2,257



Maxar, Microsoft, FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing

Reintroduced: 1/23/24

Council District 4: Mr. Hudson
Tax I.D. No.: 234-29.00-263.12 (p/o)
911 Address: 31507 Oak Orchard Road, Millsboro

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND B-1 NEIGHBORHOOD BUSINESS ZONING DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.7 ACRES, MORE OR LESS

WHEREAS, on the 30th day of January 2023, a zoning application, denominated Change of Zone No. 2006 was filed on behalf of Mahmut Yilmaz; 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 Change of Zone No. 2006 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 has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County,

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation C-2 Medium Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece, or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the northeast side of John J. Williams Highway (Rt. 24) and the north side of Oak Orchard Road (Rt. 5) at the intersection of John J. Williams Highway (Rt. 24) and Oak Orchard Road (Rt. 5) and being more particularly described in the attached legal description prepared by The Pelsa Company, said parcel containing 2.00 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.