

COUNTY COUNCIL

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



Sussex County

DELAWARE
sussexcountye.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

AGENDA

June 18, 2024

10:00 AM

Call to Order

Approval of Agenda

Approval of Minutes - June 11, 2024

[Draft Minutes 061124](#)

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Administrator's Report

10:15 a.m. Public Hearings

1. **Fiscal Year 2025 Budget and Related Ordinances**

ASSESSMENT ROLLS FOR SEWER AND WATER DISTRICTS

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



“AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF SUSSEX COUNTY TO INCREASE THE FEES FOR RESIDENTS AND NON- RESIDENTS FOR OUT-OF-OFFICE MARRIAGE CEREMONIES AND RENEWAL OF MARRIAGE VOWS AND TO INSTITUTE FEES FOR MISCELLANEOUS SERVICES”

“AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE VI., § 62-18A. OF THE CODE OF SUSSEX COUNTY TO MODIFY CURRENT FEES CHARGED BY THE RECORDER OF DEEDS AND TO ENUMERATE SUCH OTHER RECORDER OF DEEDS FEES ADOPTED IN THE BUDGET PROCESS AND SET FORTH IN THE DELAWARE CODE”

“AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR FISCAL YEAR 2025”

[Public Hearing FY25 Budget](#)

Andrea Wall, Manager of Accounting

1. **FY 2025 Insurance Recommendation**
[FY 25 Insurance Recommendation](#)

Jamie Whitehouse, Planning & Zoning Director

1. **Comprehensive Land Use Plan Annual Report**
[SC 2024 Comprehensive Plan Update](#)

John Ashman, Director of Utility Planning & Design Review

1. **A Resolution for the Dissolution of the Blackwater Village Area from the Sussex County Unified Sanitary Sewer District**
[Dissolution of Blackwater Village](#)

Patrick Brown, Project Engineer III

1. **Waterside, Chapter 96 Sussex Community Improvements**
A. Election Results & Resolution to Authorize Project
[Waterside Election Results & Resolution](#)

Grant Requests

1. **True Blue Jazz, Inc. for their 12th annual True Blue Jazz Festival**
[True Blue Jazz](#)
2. **Milton Police Department for their National Night Out**
[Milton Police Department](#)
3. **AIDS Delaware for their AIDS Walk Delaware program**
[AIDS Delaware](#)
4. **Village Improvement Association, Inc. for their History Book of the VIA 1909-2024**
[Village Improvement Association Inc](#)

Introduction of Proposed Zoning Ordinances

[Ord Intros CU2512 CU2511 CU2516 CZ2028](#)

Council Members' Comments

Recess

1:30 p.m.

1. **An Appeal of the Sussex County Planning Commission's decision to deny Subdivision Application No. 2023-09, Lorriane Brown**

Executive Session - Pending & Potential Litigation pursuant to 29 Del.C.§10004(b)

Possible action on Executive Session Items

Adjourn

-MEETING DETAILS-

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on June 11, 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, JUNE 11, 2024

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, June 11, 2024, at 1:00 p.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
J. Everett Moore, Jr.	County Attorney

Call to Order

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

Mr. Vincent called the meeting to order.

**M 308 24
Approve
Agenda**

A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson, to amend the agenda by removing from the Consent Agenda the Use of Existing Wastewater Infrastructure Agreement – IUA-1230 Mulberry Knoll Store – IUA-1230.

Motion Adopted: 5 yeas

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

Minutes

The minutes of June 4, 2024, were approved by consent.

Correspondence

Mr. Moore reported that correspondence was received from Rehoboth Summer Children’s Theatre and First State Community Action thanking Council for their donations.

**Public
Comments**

There was no public comment.

**M 309 24
Approve
Consent
Agenda**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the following item listed under the Consent Agenda:

- 1. Use of Existing Wastewater Infrastructure Agreement – IUA-1109 Patriots Glen (Phase II), Oak Orchard Expansion #1 Area**

Motion Adopted: 5 yeas

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

Board of Adjustments & Appeals Appointment **Mr. Lawson reported that a reappointment is needed for Mr. Kevin Pritchett for the Board of Adjustments & Appeals for four years until June 2028.**

M 310 24 Approve Board of Adjustments & Appeals Appointment **A Motion was made by Mrs. Green, seconded by Mr. Hudson that be it moved that the Sussex County Council approves the reappointment of Mr. Kevin Pritchett to the Sussex County Board of Adjustments & Appeals for a term of four years.**

Motion Adopted: 5 yeas

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

Administrator'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, Welches Pond (f/k/a – Fieldstone – The Grove at Love Creek) Phase 3 (Construction Record) received Substantial Completion effective May 17th The Estuary – Phase 4C (Construction Record) effective May 21st.

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

Time Extension 2019-24 Stratus Estates **Mr. Jamie Whitehouse, Director of Planning and Zoning, presented a request for extension for subdivision 2019-24 filed on behalf of Stratus Estates (formerly known as Cool Spring Meadows) for Council's consideration. The applicant indicated that the topography needed to be adjusted by a full two feet and this resulted in significant changes in a number of design components.**

M 311 24 Approval of Time Extension **A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer that be it moved upon the recommendation of the Planning and Zoning Department that subdivision 2019-24 shall be granted a six month time extension.**

Motion Adopted: 5 Yeas

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

Wolfe Neck Project S24-10 General Construction **Hans Medlarz, County Engineer, Ret. presented a recommendation to award for general construction for Wolfe Neck Regional WWF electrical service & switchgear replacement Project S24-10 to Barcroft Construction for Council's consideration.**

M 312 24 **A Motion was made by Mr. Hudson, seconded Mr. Schaeffer that be it moved based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for contract C23-21 proposed campus at James Farm Ecological Preserve, be approved, in the amount not to exceed \$1,376,000.00 for Project S24-10 under separate accounting and schedule of values.**

Motion Adopted: 5 Yeas

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

Wolfe Neck **Hans Medlarz, County Engineer, Ret. presented Amendment No. 25 for the construction phase engineering services for both contracts at the Wolfe Neck Facility for Council's consideration.**

M 313 24 **A Motion was made by Mr. Schaeffer, seconded by Mr. Hudson that be it moved based upon the recommendation of the Sussex County Engineering and Finance Departments that Amendment No. 25 to the base engineering contract with GHD Inc. be approved in the amount not to exceed \$736,342.23 for construction phase engineering services at the Wolfe Neck Facility.**

Motion Adopted: 5 Yeas

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

Prepare & **John Ashman, Director of Utility Planning & Design Review presented a request to prepare and post notices for Marvel Minor Subdivision**
Post Notices **Annexation into the Sussex County Unified Sanitary Sewer District Holts**
Marvel **Landing Area. The Engineering Department received a request from Foxlane**
Minor **Homes, the developers of a project to be known as Marvel Minor Subdivision.**
Subdivision **The request includes parcels 134-7.00-162.00 & 162.01. The project is**
 proposed at 3 lots. The project will be responsible for system connection
 charges of \$7,700 per EDU based on current rates.

M 314 24 **A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Engineering Department is authorized to prepare and post notices for the Marvel Minor Subdivision Expansion of the Sussex County Unified Sanitary Sewer District, Holts Landing Area to include parcels 134-7.00-162.00 & 162.01, as presented.**

Prepare &
Post Notices
Marvel
Minor
Subdivision

M 314 24
Approve
(cont) **Motion Adopted: 5 Yeas**

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

Prepare & Post Notices Zion Church Road Storage **John Ashman, Director of Utility Planning & Design Review presented a request to prepare and post notices for Zion Church Road Storage Annexation into the Sussex County Unified Sanitary Sewer District Johnsons Corner Area. The Engineering Department received a request from Davis, Bowen & Friedel, Inc. on behalf of their client AWH Properties, LLC the owners/developers of a project to be known as Zion Church Road Storage (East & West). The request includes parcels 533-11.00-23.00, 23.02, 23.03 & 23.04. The projects are proposed as a storage facility and warehouses. The project will be responsible for system connection charges of \$7,700.00 per EDU based on current rates.**

M 315 24
Approve
Prepare & Post Notices Zion Church Road Storage **A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, that the Sussex County Engineering Department is authorized to prepare and post notices for the Zion Church Road Storage annexation into the Sussex County Unified Sanitary Sewer District, Johnsons Corner Area to include parcels 533-11.00-23.00, 23.02, 23.03, & 23.04, 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

Prepare & Post Notices creation of South of Blades area **John Ashman, Director of Utility Planning & Design Review presented a request to prepare and post notices for expansion of the Sussex County Unified Sanitary Sewer District by creation of a new area south of Blades for Council's consideration. The Engineering Department has received a request from BioEnergy Devco for sewer service for the proposed Delmarva Bioenergy Center – Seaford (BDC) facility south of Blades. The facility is not contiguous to the existing boundary therefore, it would need to be established as a new area. The request includes parcels 132-6.00-95.00 & 88.01 and parcels 132-11.00-41.00 & 41.02. The request comes for a flow allocation of 100,000 GPD fully equalized with BDC obtaining a pretreatment agreement with the City of Seaford. BDC will be responsible for all system connection charges at the completion of the referendum process. BDC will be responsible for design & construction of a pumpstation and forcemain to connect to the County's existing infrastructure and will be responsible for a catch-up contribution as outlined in the Use of Existing Infrastructure Agreement.**

M 316 24
Approve
Prepare &
Post Notices
creation of
South of
Blades area

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, that the Sussex County Engineering Department is authorized to prepare and post notices for the expansion of the Sussex County Unified Sanitary Sewer District by creation of a new area south of Blades, to include parcels 132-6.00-95.00 & 88.01 and parcels 132-11.00-41.00 & 41.02, 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

Proposed
Ordinance
Introduct-
tions

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR – MEDIUM RESIDENTIAL DISTRICT TO ALLOW FOR MULTI-FAMILY DWELLINGS (94 UNITS) USE TO BE LOCATED ON A 7.882 ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & a REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (Conditional Use No. 2499) filed on behalf of Northstar Property, LLC (Tax I.D. No. 334-5.00-175.00 p/o). (911 Address: None Available)

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A 12.696-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (Change of Zone No. 2025) filed on behalf of Northstar Property, LLC (Tax I.D. No. 334-5.00-175.00 p/o) (911 Address: None Available).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A 7.882-ACRE PORTION OF A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 433.071 ACRES AS RECENTLY SURVEYED OR 419.64 ACRES AS SCALED AND SHOWN ON THE SUSSEX COUNTY TAX MAP, MORE OR LESS” (Change of Zone No. 2026) filed on behalf of Northstar Property, LLC (Tax I.D. No. 334-5.00-175.00 p/o) (911 Address: None Available)

CC Member
Commts

There were no Council Member comments.

M 317 24
Go Into
Executive
Session

At 1:20 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson to go into Executive Session for the purpose of discussing matters related to land acquisition.

**M 317 24
Go Into
Executive
Session
(cont)**

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 1:23 p.m. an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters related to land acquisition. The Executive Session concluded at 1:32 p.m.

**M 318 24
Reconvene**

At 1:35 p.m., a Motion was made by Mr. Rieley, seconded by Mr. Hudson 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.

Mr. Moore read the rules and procedures for public hearings.

**Public
Hearing/
CU2514**

A Public Hearing was held on a Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE & LAWN MOWER REPAIR BUSINESS AND SALES SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 42,961 SQUARE FEET, MORE OR LESS” (property lying on the east side of Sheep Pen Road [S.C.R. 328], approximately 250 feet northeast of Godwin School Road [S.C.R. 410] (911 Address: N/A) (Tax Map Parcel: 133-16.00-73.03) filed on behalf of Bruce Sentman.

The Planning & Zoning Commission held a Public Hearing on the application on May 8, 2024. At the meeting of May 22, 2024, the Planning & Zoning Commission recommended approval of the application for the six reasons stated and subject to the recommended conditions as outlined.

The Council found Mr. Bruce Sentman, spoke on behalf of his application regarding a conditional use permit to operate a small engine repair business and to add in sales for golf carts. Mr. Sentman currently operates a repair business on the property.

There were no public comments.

The Public Hearing and public record were closed.

**M 319 24
Adopt
Ordinance
No. 3021/
CU2514**

A Motion was made by Mr. Rieley and seconded by Mr. Hudson to Adopt Ordinance No. 3021 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SMALL ENGINE & LAWN MOWER REPAIR BUSINESS AND SALES SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 42,961 SQUARE FEET, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. On September 16, 2014, Sussex County Council Approved Ordinance # 2364 for Conditional Use #1989 to allow this applicant to perform repairs on small engines, generators, and lawn mowers.**
- 2. The Applicant has conducted this business successfully at this location and seeks to add the ability to sell golf carts from the location in addition to the repair service.**
- 3. The Applicant intends to continue to keep this business small and without any employees.**
- 4. The Applicant will continue to reside upon the property.**
- 5. This is a limited and reasonable expansion of the Applicant’s business and will not have any adverse impact upon traffic or the neighborhood.**
- 6. There was no opposition to this application.**
- 7. The conditions imposed by Ordinance #2364 and Conditional Use # 1989 shall remain in effect, except that Conditions A and E of that Ordinance shall be modified to allow the retail sales of golf carts (and similarly designed vehicles) from the premises. Provided, however, that (a) the golf carts shall be stored indoors when not displayed; (b) the golf carts shall only be displayed outdoors during daylight hours; and (c) the golf carts shall not be displayed within the property’s setbacks.**

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
CU2497**

A public hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.28 ACRES, MORE OR LESS” (property lying on the east side of Coastal Highway [Rt. 1], approximately 0.19 mile north of the intersection of Coastal Highway [Rt. 1] and Indian Harbor Villas Drive (911 Address: N/A) (Tax Map Parcel: 134-5.00-4.00)

The Planning & Zoning Commission held a Public Hearing on the application on May 8, 2024. At the meeting of May 22, 2024, the Planning & Zoning Commission recommended approval of the application for the 8 reasons stated and subject to the 12 recommended conditions as outlined.

**Public
Hearing
CU2497
(cont)**

The Council found that Mr. James Fugua, Esq. spoke on behalf of the applicant, Bethany Court Ventures, LLC, also in attendance with him were Mr. Tray Trombetti, on behalf of the applicant and Mr. Jason Palkewicz, from Solutions IPEM; that the property had previously been approved for six multi-family units in 2006, C/U 1639; a final site plan was approved in May 2007; that site work and utility construction did commence on the property; which included the DeIDOT entrance approval and actual construction of the entrance, the exit and the internal drive; there was installation of infrastructure for county sewer, central water and some stormwater management improvements, and there was approval of a DNREC pedestrian dune crossing permit. In 2007 - 2008 the Great Economic Recession hit and no significant work or construction occurred on the site after that time. Since no work was done on the property for a period exceeding two years, the Planning & Zoning Commission determined that C/U 1639 was voided and a new C/U application was required. The only significant difference between the original C/U and the current application is the original application included a swimming pool at the north end of the site; the current application replaces the pool with a pavilion, small park, a gathering area and two additional parking spaces. The property will be served by central sewer from Sussex County; that the sewer infrastructure has been installed and will be upgraded as required by the Sussex County Engineering Department; that central water will be provided by Sussex Shores Water Company and that infrastructure has also been installed and will be upgraded as required by Sussex Shores; DeIDOT approved the entrance and exit and it has already been constructed, there will be a dune crossing to provide access to the State Park beach; a valid crossing permit has been issued. There are no wetlands on the site; there will be a 10-foot landscape buffer along the southern boundary which is adjacent to the Indian River Harbor Villas property. The six condominium buildings will be located as shown on the site plan with each unit having a two car garage. Units one through five will have one additional space adjacent to the building, that unit six has an additional two spaces in it's driveway. The site is zoned MR Medium Density Residential; the comp plan designates this area as the coastal area which states that a range of housing types should be permitted in the coastal area, including multi-family units, and that medium and higher density of four to 12 units per acre are appropriate in areas where central water and sewer are available.

There were no public comments.

The Public Hearing and public record were closed.

**M 320 24
Adopt
Ordinance
No. 3022/
CU2497**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer to Adopt Ordinance No. 3022 entitled "A ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (6 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY,

**M 320 24
Adopt
Ordinance
No. 3022/
CU2497
(cont.)**

CONTAINING 1.28 ACRES, MORE OR LESS” for the reasons and conditions given by the Planning & Zoning Commission as follows:

- 1. This application seeks the approval of six multi-family structures on approximately 1.28 acres of land. The location was previously approved for six multi-family units in 2007 as Conditional Use #1639. That prior approval has since lapsed, and this application seeks to reinstate an approval for a similar 6-unit project.**
- 2. Six new multi-family units in this location will not overburden this property and will be similar to the other developments and densities to the south of this site and across Coastal Highway from this site.**
- 3. The site is in the Coastal Area according to the Sussex County Comprehensive Plan. This type of development is appropriate in this Area according to the Plan, which states that “a range of housing types” are acceptable here, including medium and high densities when a site is served by central water and sewer, where the use is in keeping with the character of the area and other similar factors. These types of considerations exist with regard to this site.**
- 4. The proposed development will not have an adverse impact on the neighboring properties or community.**
- 5. The proposed development will not have an adverse impact upon traffic or roadways.**
- 6. The development will be served by central sewer provided by Sussex County.**
- 7. The development will be served by central water.**
- 8. There was no opposition to this conditional use.**
- 9. This recommendation is subject to the following conditions:**
 - a. The maximum number of residential units shall be six.**
 - b. The developer and then the condominium association shall be responsible for the perpetual maintenance of the project’s stormwater management facilities, erosion and sedimentation control facilities, roadways, and other common areas.**
 - c. All entrance, intersection, roadway, and multi-modal improvements shall be completed by the developer as required by DelDOT.**
 - d. The trash receptacles shall be standard roll-out residential containers assigned to the six units. They shall be stored in an enclosed area on the area of this site where the building is located. No dumpster shall be permitted.**
 - e. The project shall be served by Sussex County sewer. The developer shall comply with all Sussex County Engineering Department requirements including any offsite upgrades necessary to provide service to the project.**
 - f. The project shall be served by central water to provide drinking water and fire protection.**
 - g. Construction activities, including site work and deliveries, shall only occur between 8:00 a.m. and 5:30 p.m. Monday through Friday, and between 8:00 a.m. and 4:00 p.m. on**

**M 320 24
Adopt
Ordinance
No. 3022/
CU2497
(cont.)**

- Saturdays. There shall be no construction activities at the site on Sundays. A twenty-four inch by thirty-six inch “NOTICE” sign in English and Spanish confirming these hours shall be prominently displayed at all entrances to the site during construction.**
- h. The Final Site Plan shall contain the approval of the Sussex County Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities. The system shall be designed and maintained using best management practices.**
 - i. The Final Site Plan shall include a Grading Plan for the site. No building permits shall be issued until an individual lot grading plan has been supplied to and approved by Sussex County. No certificate of occupancy shall be issued until a grading certificate is submitted to the Building Code Department demonstrating general conformity with the individual site grading plan.**
 - j. A 10-foot-wide landscaped buffer shall be installed along the southern boundary of this property as depicted on the Preliminary Site Plan. A landscape plan showing the landscape throughout this project and including this buffer area shall be included as part of the Final Site Plan.**
 - k. A construction fence shall be erected that is high enough to act as a sufficient barrier against blown or discarded construction materials and debris scattering across or impacting the adjacent beach, State land, Coastal Highway or other adjacent properties. In addition, all construction dumpsters shall be covered when not actively in use.**
 - l. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

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

**Public
Hearing
Ordinance
No. 24-02**

A public hearing was held on Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, ARTICLE III, SECTIONS 110-9 AND CHAPTER 115, ARTICLES I, IV, V, VI, VII, VIII, IX AND XXVII SECTIONS 115-4, 115-20, 115-23, 115-29, 115-32, 115-40, 115-48, 115-53, 115-56, 115-64, AND 115-210 REGARDING ACCESSORY DWELLING UNITS.”

The Planning & Zoning Commission held a Public Hearing on the Ordinance on May 8, 2024. At the meeting of May 22, 2024, the Planning & Zoning

**Public
Hearing
Ordinance
No. 24-02
(cont.)**

Commission recommended approval of the Ordinance for the eight reasons stated and subject to the twelve recommended conditions.

The Council found that Mr. Whitehouse, Director of Planning and Zoning gave a presentation related to proposed Ordinance 24-02. Mr. Whitehouse reminded Council that this presentation is like the one that was given at the beginning of the year; that the code refers to accessory dwelling units as garage studio apartments, and that there are certain limitations and rules. Currently, in the zoning code, you will not see the words accessory dwelling unit. They are called garage/studio apartments which have been in the Code since about 1998. These applications go through the Board of Adjustments and historically, you would make an application and pay a fee. There are certain requirements that have to be met prior to the application going for a public hearing. In 2019, a change was adopted by County Council by an Ordinance that allows the applicant to come to staff to apply and a survey along with a \$50 fee. It then triggers staff to notify the adjoining property owners to allow them 10 working days to review what has been submitted and give them an opportunity to object. If there is an objection, then the application would go to the Board of Adjustment as a public hearing, but if no objections, staff has the ability to administratively approve the application without the need for a public hearing. Since 2019, staff has seen over 70 detached ADUs of which about 85% of them were approved administratively.

Kent County adopted an ordinance in September 2023 with a good definition of what an ADU is; it's a self-contained dwelling unit that is secondary to the principal dwelling unit on the property and includes independent living facilities such as a separate entrance, bathroom and kitchen. In this ordinance, it is being proposed to change the references from garage studio apartments in code to refer to accessory dwelling units, increase to 1000 square feet of living space, the ADU be no larger than 50% of the floor area of the single family dwelling on the lots, and that there shall be no more than 50% of the lot coverage; that the ADU has at least one parking space, the property must have an area of at least 20,000 square feet in size to accommodate an ADU. The Ordinance creates an administrative approval process that requires the ADU be located behind the single-family dwelling on the same lot; so it can't be in the front yard setback and removes the detached requirement. An ADU maybe attached or detached from the primary dwelling on the parcel, it also defines better what an accessory dwelling is.

Discussion took place regarding whether mobile homes were permitted. They would still be required to get a building permit. The only thing being excluded would be a camper on wheels.

There was discussion regarding whether the main dwelling unit was required to be owner occupied so as to not have two rental units. The main property must be a single-family dwelling. If the main dwelling is a tourist home, you

**Public
Hearing
Ordinance
No. 24-02
(cont.)**

would not be able to apply for an ADU. It does not state that it has to be owner occupied.

The 20,000 minimum lot size would allow an ADU in approved subdivision with lot sizes at the minimum. The ordinance does not supersede any HOA covenants. It is designed to not allow lot sizes smaller than that to apply for and ADU.

There was discussion regarding tiny homes. In terms of size building code will determine the size of the units but it does not limit itself to a tiny home. The floor area requirement makes them smaller to the main principle dwelling. This ordinance is not designed to allow campers to be used as a principal dwelling.

Discussion took place regarding whether a subdivision could be submitted with an ADU for every single home. If all the lots exceeded 20,000 in size and if all the requirements were met, it could be a possibility. That is why there is a size limitation, they still have to be smaller than 1,000 square feet as we didn't want to double the density. The setbacks are the same as the existing setbacks for the lot. There was discussion regarding the sewer and/or septic requirements for an ADU.

Mr. Jon Horner, Esq; representing the Home Builders Association of Delaware, fully supports the ordinance, that the ADU would be viable in providing workforce housing options. There is a current bill at the state level going through regarding ADU's and if that goes through there would be inconsistencies between that legislation and the proposed ordinance

Mr. David Hutt, Esq., Morris James, LLP, agrees with the ordinance and is needed in Sussex County. The concern is that the Ordinance may have an unintended consequence of not helping as many people as you hope to because of the 20,000 square foot lot size limitation. Affordable housing is important aspect in Sussex County county-wide and on the east side there is a dire need because of the cost of real property in the county, many of lots do not reach 20,000 square feet in size – so the area with the most acute need may not be served by this. There is not even a process for a person with a 15,000 square foot lot anymore. It was suggested that P&Z keep the process that is in the code as a matter of course; an administrative process and leave the other process for 20,000 square foot or less. A number of sections would have to be amended for lots less than 20,000 square feet they could that use the special use process.

The Public Hearing and public record were closed.

**M 321 24
Defer
Ordinance
No. 24-02**

A Motion was made by Mr. Rieley, seconded by Mr. Schaeffer to defer action on a Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 110, ARTICLE III, SECTIONS 110-9 AND CHAPTER 115, ARTICLES I, IV, V, VI, VII, VIII, IX AND XXVII SECTIONS 115-4, 115-20, 115-23, 115-29, 115-32, 115-40, 115-48, 115-53, 115-56, 115-64, AND 115-210 REGARDING ACCESSORY DWELLING UNITS.”

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
Ordinance
No. 24-03**

A public hearing was held on Proposed Ordinance “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III, IV, V AND VI SECTIONS 99-5, 99-6, 99-23, 99-26, 99-27, 99-30, 99-31 AND 99-32 AND BY ADDING A NEW SECTION 99-21a, AND CHAPTER 115, ARTICLES IV, V, VI, VII, VIII AND XXVIII SECTIONS 115-20, 115-25, 115-29, 115-37, 115-45 115-53 AND 115-218 REGARDING PERIMETER BUFFERS AROUND RESIDENTIAL DEVELOPMENT.”

Mr. Vince Robertson, Assistant County Attorney, gave a brief overview of the ordinance; County Council ranked this as the first item to update for the development design initiative.

The first section of the ordinance is definitions. These are all terms that are used throughout the ordinance, the most important are the perimeter buffer itself and if there are existing woodlands within that perimeter buffer area the definition of a perimeter buffer protection area.

Section II defines the general standards. This section defines the standards to which a Perimeter Buffer should be planted or preserved in the case of existing woodlands. In this section it states, that all trees and shrubs must be local and native species. In addition, the ANSI A300 standards are listed, 70% deciduous and 30% evergreen; 15 trees per 100 feet. All trees and shrubs must be 6 feet in height at time of planting and obtain a minimum height of 10 feet. The buffer can include both existing woodlands and planted trees. When a Resource Buffer (115-193) is required, the Resource Buffer takes precedence over and is not in addition to the Perimeter Buffer. Permanent signage will mark the Perimeter Buffer.

Mr. Robertson explained the Perimeter Buffer rules will distinguish when Existing Woodlands are in place where the Perimeter Buffer is to be located or No Woodlands are in place where the Perimeter Buffer is to be located.

**Public
Hearing
Ordinance
No. 24-03
(cont.)**

The following lists the rules for Existing Woodlands to be used for the Perimeter Buffer:

- **Requires a forest assessment by certified professional.**
- **The woodlands will be shown on the site plan and landscape plan.**
- **Woodlands shall remain in its natural state with limited activity within.**
- **The Perimeter Buffer woodlands will be protected by an area that “buffers-the-buffer” by 20’ and is called the Perimeter Buffer Protection Area.**
- **The buffer and protection area will be fenced-off/marked during construction.**
- **Selective clearing, removal of invasive species and dead trees in the woodlands is permitted.**
- **Walking trails are permitted in the woodlands.**
- **Access points to the woodlands for buffer maintenance is permitted.**
- **Any removal or damage of trees within the woodlands is subject to mitigation requirements.**
- **The woodlands grounds is forbidden to be cleared, graded, or grubbed.**

The following lists the rules for Woodlands – Cleared within Five Years of Application:

- **Cleared area that makes up the Perimeter Buffer is measured and known as “Cleared Area”.**
- **Perimeter Buffer planted back with at least 15 trees every 50 linear feet.**
- **New Woodlands planted that is 2.0 times the size of the Cleared Area; 50 trees per acre.**
- **New Woodlands may border Perimeter Buffer; at no time shall Perimeter Buffer be less than 30’ in width.**
- **Perimeter Buffer and New Woodlands shall meet planting requirements of Section II.**
- **Applicant may choose to replant property other than the one harvested or protect an off-site Woodlands area, as reviewed, and approved by P&Z Commission.**
 - **If off-site, the area must be located within the same twelve-digit HUC defined by USGS.**
 - **Replanted or protected property must be protected under a perpetual conservation.**
 - **Replanted or protected property must be 2.0 times the size of the Cleared Area.**

**Public
Hearing
Ordinance
No. 24-03
(cont.)**

The following lists the rules when No Woodlands exist to be used for the Perimeter Buffer:

- **The developer must comply with the Perimeter Buffer standards and landscape plan.**
- **The newly planted buffer will be fenced off/marked during construction.**
- **All Perimeter Buffer (existing or planted) will have a two-year guarantee.**

Section III defines the Perimeter Buffer landscape plan including information and detail to be demonstrated on the plan to meet the requirements and standards of the Perimeter Buffer and Protection Areas.

Section IV defines the timing of the Perimeter Buffer installation and the guaranties required for the protection of the buffer's trees and shrubs. The Perimeter Buffer, per phase, must be planted prior to the first residential building permit for that respective phase. When Woodlands exist, the Perimeter Buffer and Protection Area shall be protected and marked prior to the Notice to Proceed for site work or construction. The developer is responsible for the removal of all stakes, guy wires and protective fencing. A Performance Bond or other guaranty to cover the Perimeter Buffer in the amount of 125% (or \$50,000, whichever is greater) of the cost of the installation and value of the replacement plantings. All guaranties for the Perimeter Buffer (existing or planted) will be for two years.

Section V, Perimeter Buffer Maintenance is discussed that defines the responsibility for the health and survival of the Perimeter Buffer. The developer is responsible for the survival of the Perimeter Buffer for two years. The perpetual maintenance of the Perimeter Buffer will be a recorded declaration or restrictive covenants for the subdivision.

Section VI, Perimeter Buffer Tree Mitigation defines what happens when trees or shrubs are removed or damaged without authorization. Tree mitigation will be required when the Perimeter Buffer or Protection Area or existing woodlands is damaged without authorization. An Act of God or natural causes is exempt and subject to the Perimeter Buffer Maintenance Requirements. A mitigation plan must be developed by a licensed professional. Tree replacement will be at a rate of 3 trees for every 1 tree removed or damaged. All trees and shrubs will meet the Perimeter Buffer standards and landscape plan requirements.

Section VII defines the penalties for violations of the new requirements that may be imposed. The penalties apply to a violation by a person, the landowner, the HOA, or developer. A fine of \$10,000 per quarter acre, pro rata, of disturbance to the Perimeter Buffer and/or Protection Area may be imposed. A tree mitigation plan for the disturbance will be required. All

**Public
Hearing
Ordinance
No. 24-03
(cont.)**

building permits, zoning permits, and inspections will be held until the tree mitigation is complete and approved by the PZ Commission.

Mr. Robertson then reviewed the proposed revisions to the ordinance as approved by the Planning & Zoning Commission.

Mr. Rich Borrasso, representing the Sussex Preservation Coalition (SPC), thanked Mr. Whitehouse, Mr. Roberston, Mr. Lawson and the county staff for their work on proposed amendments to the perimeter buffer ordinance. The SPC formed a design development review team in 2023 to monitor the progress of the development design categories to keep the public informed and engaged in the process and outcomes. Most of the team is made up individuals with professional experience in the areas of landscape architecture, forestry, arborists, municipal and state government careers, planning and more. Mr. Borasso spoke on livability and the quality of life.

Mr. Steve Sinclair, an SPC design development community committee member, reviewed proposed changes the committee is recommending- forests and woodlands should be placed in the same context as agricultural lands; a clear and concise definition for clearing; definition for perimeter buffers – existing wooded buffers should be 50 feet and planted should be 30 feet. He explained that a planted buffer will not look or provide the same values, even from a screening standpoint, from retaining existing woodlands. The committee feels that Resource buffers need the same level of protection as perimeter buffers. The Sussex Preservation Coalition recommended a different mix in the perimeter buffer to include 60% deciduous shade trees and 40% evergreen trees; as well as have a 2 inch caliper and conifers must be 6 feet in height; in addition to fifteen trees, the buffer shall have a minimum of five shrubs per one-hundred linear feet; mitigation must be great enough disincentive to stop prospective land owners planning to develop/sell for development from earlier removal of trees and woodlands; eliminate the option of applicant choosing to replace plantings on any other property by requiring the applicant to provide replacement plantings on which the time harvest has occurred; the benefits and values of perimeter buffers should be required and realized in all developments especially when C-4 commercial zones border existing subdivisions who predate C-4 development and undeveloped AR-1 districts.

Mrs. Jill Hicks spoke on behalf of the Sussex Preservation Coalition, in regards to the Ordinance, instead of natural buffers along our roadways, vinyl stockade fences and berms have been appearing, which are permitted but cannot replace a forested buffer, studies show that tree lined roads have a calming effect; the committee is recommending that language be added so that these fences and berms are not to be installed to the exclusion or replacement for wooded or planted perimeter buffers. If there is a need for a stockade fence for noise reduction or protection from the roadway, install the fence to the interior of the forested or planted buffer. Stockade fencing alone does not provide adequate screening. The ordinance needs to be

**Public
Hearing
Ordinance
No. 24-03
(cont.)**

strengthened by adding the “clearing of trees” within a phase is not permitted until permits have been issued for that particular phase.

Mr. Sinclair, SPC committee member, gave a summary of the committee’s recommended changes.

Mr. Joe Conaway, Chairman of SEDAC, stated he was overwhelmed by the amount of work produced, urged the Council to create a special committee like the wetlands committee; changes in land use regulations should have fiscal notes attached to them – concerns about workforce housing and affordability, and its time to look back at older subdivisions and whatever the ordinance ends up being should be used back then.

Mr. Frank Divorco questioned the timeframe.

Mr. Jon Horner, Esq.; spoke on behalf of the Home Builders Association, expressed practical concerns about planting a buffer in a specific timeline; would like clarification that utilities are allowed in the buffer; as an association they support this ordinance; there are scenarios where the county and state regulations and topography would necessitate grading in the buffer; would like language on the bonding that it would be by phase would have preferred to have a working group.

Ms. Michelle Koenig, Director Conservation and Watershed Planning, spoke on behalf of the Delaware Center for Inland Bays; healthy forests buffers are very important, applaud the work being done to protect an important but diminishing natural feature; presented recommendations for Council’s consideration.

Mr. Greg Cordell, stated he has been communicating with the P&Z staff regarding the Kindleton Development and it should be used as the poster child as what not to do with a perimeter buffer. Requested that the timing be considered, make sure the buffers are in place so no exceptions can be made.

Mrs. Susan Petze-Rosenblum called and stated she supports the comments made by the Sussex Preservation Coalition; the language needs to be exact so the intent of the ordinance is not misconstrued.

The public hearing and public record were closed.

**M 322 24
Defer
Ordinance
No. 24-03**

A Motion was made by Rieley seconded by Mr. Schaeffer to defer action on Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III, IV, V AND VI SECTIONS 99-5, 99-6, 99-23, 99-26, 99-27, 99-30, 99-31 AND 99-32 AND BY ADDING A NEW SECTION 99-21a, AND CHAPTER 115, ARTICLES IV, V, VI, VII, VIII AND XXVIII SECTIONS 115-20, 115-25, 115-29, 15-37. 115-45 115-53 AND 115-218

**M 322 24 REGARDING PERIMETER BUFFERS AROUND RESIDENTIAL
Defer DEVELOPMENT.”**

**Ordinance
No. 24-03
(cont.)**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 4:42 p.m.

**M 323 24
Adjourn**

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,

**Bobbi Albright
Executive Administrative Assistant**

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

ORDINANCE NO.

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

THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

- (a) For an EDU annual service charge: \$417.00 per EDU; or
- (b) For a meter service charge: current tariff and rates approved by the Public Service Commission for the applicable regulated utility.
- (c) For water irrigation system service charge will be billed one EDU; \$417 per connection.

Section 2. The annual service charge, annual assessment rate for distribution and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer District is established as follows:

- (a) For an annual service charge: \$340.00 per EDU;
- (b) For an assessment rate per billable front foot for distribution: see below;
- (c) For an assessment rate per billable front foot for transmission and/or treatment, see below; and
- (d) For assessment rate by EDU, see below.

<u>Area</u>	Annual Assessment Charge		
	<u>Distribution or Collection</u> <u>\$/foot</u>	<u>Transmission and/or Treatment</u> <u>\$/foot</u>	<u>Total</u> <u>\$/foot</u>
OCEAN WAY ESTATES I & II	1.82	.00	1.82
CEDAR NECK EXPANSION	2.05	.62	2.67
NORTH MILLVILLE EXPANSION	3.30	.42	3.72
FENWICK ISLAND SEWER	.23	.03	.26
FENWICK ISLAND ROUTE 54 AREA	1.04	6.02	7.06
DAGSBORO-FRANKFORD SEWER	.38	.22	.60
PRINCE GEORGE'S ACRES SUBDISTRICT	3.41	.22	3.63
WEST REHOBOTH SEWER EXPANSION	.83	.47	1.30
MILLER CREEK SEWER	5.10	.38	5.48
ELLENDALE SEWER	.37	.36	.73
NEW MARKET VILLAGE SUBDISTRICT	-	.36	.36
OAK ORCHARD SEWER	2.12	2.14	4.26

<u>Area</u>	Annual Assessment Charge - continued		
	<u>Distribution or Collection</u> <u>\$/foot</u>	<u>Transmission and/or Treatment</u> <u>\$/foot</u>	<u>Total</u> <u>\$/foot</u>
OAK ORCHARD EXPANSION NO. 1 & CAPTAINS GRANT EXP.	2.61	1.58	4.19
SOUTH OCEAN VIEW SEWER	4.88	.59	5.47
ANGOLA NECK SEWER	2.93	1.96	4.89
ANGOLA NORTH SEWER	.91	6.89	7.80
GOLF VILLAGE SEWER	1.47	-	1.47
WOODLANDS OF MILLSBORO	-	.42	.42
JOHNSON'S CORNER	2.60	1.95	4.55
BLADES / ROUTE 113 AREA	4.24	-	4.24
HERRING CREEK SEWER	4.12	4.12	8.24
MULBERRY KNOLL	-	8.00	8.00
	\$/EDU		
DEWEY BEACH AND HENLOPEN ACRES	318.54		
CHAPEL BRANCH	680.00		
JOY BEACH	540.00		
LOCHWOOD	708.00		
LONG NECK COMMUNITIES	633.00		
MALLARD CREEK	540.00		
OAK ACRES – TANGLEWOOD	644.00		
WARWICK COVE – GULL POINT	325.00		
WESTERN SUSSEX	285.00		
PINTAIL POINTE	954.00		

- (e) Assessable footage, used for the Annual Assessment Charge, shall be limited to 100 feet for residential, non-delinquent customers.
- (f) For a connection charge per equivalent dwelling unit, see below:

District	Connection Charge		Total System Connection Charge \$/EDU
	Transmission \$/EDU	Treatment \$/EDU	
UNIFIED WATER	1,500	0	1,500
UNIFIED SEWER	3,120	4,580	7,700
GOLF VILLAGE SEWER ¹	-	-	-
WOODLANDS OF MILLSBORO ²	-	-	-

Notes: 1. Amount equal to the Town of Georgetown's Impact Fee.
2. Amount equal to the Town of Millsboro's Impact Fee.

Section 3. The annual rate for the one-time septic installation charge for the Holts Landing area is as follows:

(a) For a one-time septic installation charge, per equivalent dwelling unit: \$2,889.00.

Section 4. Revenues from annual assessment rates can be expended for bond debt service payments pertaining to a respective sewerage or water system, for maintaining or improving the sewerage or water system, and for paying the necessary general expenses of the sanitary sewer or water district.

Section 5. The annual service charge, annual assessment rate for collection and transmission and/or treatment, septic installation charge, and connection charge shall become effective July 1, 2024.

Section 6. The annual service charge, annual assessment rate for collection and transmission and/or treatment, and connection charge for the Unified Sanitary Sewer Districts identified in this ordinance may be amended from time to time at a public hearing duly noticed.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ___TH DAY OF JUNE 2024.

TRACY N. TORBERT
CLERK OF THE COUNCIL

1 **AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE V, § 62-16 OF THE CODE OF**
2 **SUSSEX COUNTY TO INCREASE THE FEES FOR RESIDENTS AND NON-**
3 **RESIDENTS FOR OUT-OF-OFFICE MARRIAGE CEREMONIES AND RENEWAL OF**
4 **MARRIAGE VOWS AND TO INSTITUTE FEES FOR MISCELLANEOUS SERVICES.**
5

6 WHEREAS, Sussex County Code, Chapter 62, Article V, § 62-16 establishes the fees to
7 be charged by the Clerk of the Peace for performing marriage ceremonies and the renewal of
8 marriage vows; and
9

10 WHEREAS, Sussex County desires to amend Sussex County Code, Chapter 62, Article V,
11 § 62-16F. and J. to increase the fees for Delaware residents for marriage ceremonies and renewal
12 of marriage vows performed outside of the office of the Clerk of the Peace for Sussex County; and
13

14 WHEREAS, Sussex County desires to amend Sussex County Code, Chapter 62, Article V,
15 § 62-16G. and K. to increase the fees for non-Delaware residents for marriage ceremonies and
16 renewal of marriage vows performed outside of the office of the Clerk of the Peace for Sussex
17 County; and
18

19 WHEREAS, by adding a new § 62-16P. to Sussex County Code, Chapter 62, Article V,
20 Sussex County further desires to establish fees to be charged by the Clerk of the Peace for issuing
21 and/or preparing miscellaneous correspondences including, but not limited to, single status letter
22 and Maryland out of state marriage application.
23

24 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:
25

26 Section 1. Sussex County Code, Chapter 62, Article V, § 62-16, "Enumeration of fees",
27 subparagraphs F., G., J., and K., are hereby amended by adding the underlined language and
28 deleting the bracketed language, and a new subparagraph P is created by adding the underlined
29 language as follows:
30

31 § 62-16. Enumeration of fees.
32

33 A. The fee for a marriage license issued by the Clerk of the Peace for Sussex County to a
34 Delaware resident shall be \$50 each.
35

36 B. The fee for providing a marriage license issued by the Clerk of the Peace for Sussex
37 County to a non-Delaware resident shall be \$100 each.
38

39 C. The fee for providing a certified copy of a marriage license issued by the Clerk of the
40 Peace for Sussex County shall be \$25 each.
41

42 D. The fee for conducting a Memorable Marriage Ceremony in the office of the Clerk of
43 the Peace for Sussex County, or on The Circle or any building fronting The Circle,
44 during normal business hours for a Delaware resident shall be \$50.
45

- 46 E. The fee for conducting a Memorable Marriage Ceremony in the office of the Clerk of
47 the Peace for Sussex County, or on The Circle or any building fronting The Circle,
48 during normal business hours for a non-Delaware resident shall be \$100.
49
- 50 F. The fee for conducting a Memorable Marriage Ceremony outside of the office of the
51 Clerk of the Peace for Sussex County for a Delaware resident shall be [~~\$100~~]\$125.
52
- 53 G. The fee for conducting a Memorable Marriage Ceremony outside of the office of the
54 Clerk of the Peace for Sussex County for a non-Delaware resident shall be [~~\$200~~]\$250.
55
- 56 H. The fee for performing a renewal of marriage vows ceremony in the office of the Clerk
57 of the Peace for Sussex County, or on The Circle or any building fronting The Circle,
58 during normal business hours for a Delaware resident shall be \$50.
59
- 60 I. The fee for performing a renewal of marriage vows ceremony in the office of the Clerk
61 of the Peace for Sussex County, or on The Circle or any building fronting The Circle,
62 during normal business hours for a non-Delaware resident shall be \$100.
63
- 64 J. The fee for performing a renewal of marriage vows ceremony outside of the office of
65 the Clerk of the Peace for Sussex County for a Delaware resident shall be [~~\$100~~]\$125.
66
- 67 K. The fee for performing a renewal of marriage vows ceremony outside of the office of
68 the Clerk of the Peace for Sussex County for a non-resident shall be [~~\$200~~]\$250.
69
- 70 L. Each marriage license recorded in the Marriage Bureau in Sussex County shall be
71 charged a recording fee of \$20.
72
- 73 M. There shall be no fee for any services set forth in this § 62-16 for any active United
74 States military personnel or veterans regardless of residency. For purposes of this
75 section, "veterans" shall be defined as set forth in the Internal Revenue Manual
76 4.76.26.2.1.
77
- 78 N. The fee for conducting a Memorable Marriage Ceremony or performing a renewal of
79 marriage vows in the office of the Clerk of the Peace for Sussex County, or on The
80 Circle or any building fronting The Circle, after normal business hours and on
81 weekends for a Delaware resident shall be \$100.
82
- 83 O. The fee for conducting a Memorable Marriage Ceremony or performing a renewal of
84 marriage vows in the office of the Clerk of the Peace for Sussex County, or on The
85 Circle or any building fronting The Circle, after normal business hours and on
86 weekends for a non-Delaware resident shall be \$200.
87
- 88 P. The fee for preparing a single status letter, Maryland out of state marriage application,
89 affidavit form or other miscellaneous form that requires an affidavit signed by the
90 Clerk of the Peace for Sussex County shall be \$20.
91

92 Section 2. Effective Date. This Ordinance shall become effective on July 1, 2024.

93
94

95 Synopsis

96
97

98 This Ordinance amends Sussex County Code, Chapter 62, Article V, § 62-16F., G., J., and
99 K., to increase the fee to perform a marriage ceremony or a renewal of marriage vows ceremony
100 outside of the Office of the Clerk of the Peace for Delaware residents and non-Delaware residents.
101 This Ordinance also creates a new § 62-16P. thereunder which establishes fees the Clerk of the
102 Peace charges for miscellaneous services.

103
104

105 Deleted text is shown in brackets. Additional text is underlined.

106
107

108 I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY
109 OF ORDINANCE NO. _____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE
110 ___ND DAY OF JUNE 2024.

111
112

113 TRACY TORBERT
114 CLERK OF THE COUNCIL
115

1 **AN ORDINANCE TO AMEND CHAPTER 62, ARTICLE VI., § 62-18A. OF THE CODE**
2 **OF SUSSEX COUNTY TO MODIFY CURRENT FEES CHARGED BY THE**
3 **RECORDER OF DEEDS AND TO ENUMERATE SUCH OTHER RECORDER OF**
4 **DEEDS FEES ADOPTED IN THE BUDGET PROCESS AND SET FORTH IN THE**
5 **DELAWARE CODE.**

6
7 WHEREAS, Sussex County Code, Chapter 62, Article VI, § 62-18A. establishes the
8 fees to be charged by the Recorder of Deeds Office; and
9

10 WHEREAS, Sussex County desires to amend Sussex County Code, Chapter 62, Article
11 VI, § 62-18A. to modify certain fees to be charged by the Recorder of Deeds Office, including
12 the deletion of the current subsections § 62-18A. (7), (8), (10), (12), (15) and (17) – (19) and the
13 addition of notary charges for non-employees and the State of Delaware document fee as set
14 forth in 9 Del. C. §9607(b); and
15

16 WHEREAS, Sussex County desires to enumerate the Recorder of Deeds fees adopted
17 during the Sussex County budget process and fees currently set forth in the Delaware Code;
18 and
19

20 WHEREAS, the changes set forth herein will result in the renumbering of certain
21 subsections of Sussex County Code, Chapter 62, Article VI, § 62-18A.
22

23 NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:
24

25 Section 1. Sussex County Code, Chapter 62, Article VI, § 62-18A., “Enumeration of
26 fees”, is hereby amended by adding the underlined language and deleting the bracketed
27 language as follows:
28

- 29 A. The following fees are hereby established for services rendered by the Recorder of Deeds
30 in and for Sussex County:
31
- 32 (1) For recording[, comparing] and certifying an official obligation: \$9 per page.
33
 - 34 (2) For recording[, comparing] and indexing a private act of assembly, deed,
35 mortgage, declaration, [chattel mortgage,] release, assignment, [contract of
36 marriage]or other paper proper to be recorded: \$9 per page.
37
 - 38 (3) For recording any plot, plat, survey, or similar site plan: \$30 per page.
39
 - 40 (4) For a certificate under hand and seal of office: \$5.
41
 - 42 (5) For a certified copy, office copy or exemplified copy for any record photocopied:
43 \$5 per page.
44
 - 45 (6) For a certificate under hand of the date the receiving mortgage is recorded: \$5.
46
 - 47 (7) [For furnishing a list of mortgages under hand and seal of office to the Sheriff for
48 applying proceeds of sale of lands taken in execution, or otherwise: \$5.
49
 - 50 (8) For conveyance and lien searches, time consumed in making the same, first hour
51 and per name: \$10; each additional hour: \$5.
52

- 53 (9)]For maintenance fee: \$1 per document. (This fee is to be used for the
54 maintenance and preservation of the Recorder of Deeds records.)
55
- 56 [(10) For release of judgment at the time of recording to be paid to the Prothonotary:
57 \$2.]
58
- 59 (8[11]) For recording[, comparing] and indexing a mortgage satisfaction piece for each
60 mortgage listed: \$15.
61
- 62 [(12) For photocopies or certified copies of military discharge: No charge.]
63
- 64 (9[13]) For mailed photocopies: [~~\$5 for the first page and \$0.50 for each additional~~
65 ~~page]~~cost of postage and photocopies as listed in subparagraph (10) hereof.
66
- 67 (10[14]) For photocopies ([del>up to a maximum of] 8 1/2 inches by 14 inches and 11 inches
68 by 17 inches) taken in the office: self-service at the rate of \$0.30 per page, and
69 Recorder of Deeds staff serve at the rate of \$0.40 per page.
70
- 71 [(15) For photocopies 11 inches by 17 inches) taken in the office: \$1 per page.]
72
- 73 (11[16]) For printed copies of a plot generated by the plot printer:[~~\$5 per page~~] fee as
74 adopted during the County budget process.
75
- 76 [(17) For a document history search from the Delaware Corporation Information System:
77 \$10 per company.
78
- 79 (18) For expedited return of original documents: \$25 plus \$2 per page, per instrument.
80
- 81 (19) For photocopies of documents filed pursuant to the Uniform Commercial Code: \$2
82 per page.]
83
- 84 (12) Notary Charge (non-employee) as adopted during the budget process.
85
- 86 (13) State of Delaware Document Fee as stated in Title 9, Chapter 96, §9607(b).
87

88 Section 2. Effective Date. This Ordinance shall become effective on July 1, 2024.
89

90 Synopsis

91
92 This Ordinance amends Sussex County Code, Chapter 62, Article VI, § 62-18A. to
93 modify the fees to be charged by the Recorder of Deeds Office, including the deletion of current
94 subsections § 62-18A. (7), (8), (10), (12), (15) and (17) – (19) and the addition of notary charges
95 for non-employees and the State of Delaware document fee as set forth in 9 Del. C. §9607(b).
96 This Ordinance enumerates the Recorder of Deeds fees adopted during the Sussex County
97 budget process and the fees currently set forth in the Delaware Code. These changes will result
98 in the renumbering of certain subsections of Sussex County Code, Chapter 62, Article VI, § 62-
99 18A.

100 Deleted text is shown in brackets. Additional text is underlined.
101

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING THE ANNUAL OPERATING BUDGET FOR
FISCAL YEAR 2025

THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Statement of Anticipated General Fund Revenues for the Fiscal Year Ending June 30, 2025 is as follows:

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2025</u>
<u>Revenues:</u>	
<u>Taxes</u>	
Real Property - County	\$ 17,171,462
Real Property - Library	2,011,000
Realty Transfer	35,000,000
Fire Service	1,800,000
Lodging Tax	1,000,000
Penalties and Interest	180,000
<u>Intergovernmental</u>	
Federal Grants	
Emergency Operations	200,000
Housing and Urban Development	2,775,500
Mitigation Project	173,250
Payments in Lieu of Taxes	6,500
State Grants	
Economic Development	100,000
Local Emergency Planning Commission	75,940
Library	450,000
Other	200,000
Paramedic	7,317,500
<u>Charges for Services</u>	
Constitutional Office Fees	
Marriage Bureau	200,000
Recorder of Deeds	4,084,600
Recorder of Deeds - Maintenance	45,000
Recorder of Deeds - Town Realty Transfer Tax	120,000
Register of Wills	1,850,000
Sheriff	1,000,000

	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2025</u>
General Government Fees	
Building Permits & Zoning Fees	2,427,000
9-1-1 System Fee	559,630
Manufactured Home Placement Fee	200,000
Building Inspection Fees	1,647,000
Airport Operations	105,000
Miscellaneous Fees	81,500
Private Road Review & Inspection Fees	1,737,000
 <u>Miscellaneous Revenue</u>	
Fines and Forfeits	70,000
Investment Income	3,080,000
Miscellaneous Revenues	949,500
 <u>Other Financing Sources</u>	
Appropriated Reserve	<u>12,440,000</u>
Total Revenues	<u>\$ 99,057,382</u>

Section 2. The Statement of Anticipated General Fund Appropriations and Expenditures for the Fiscal Year Ending June 30, 2025 is as follows:

<u>Expenditures:</u>	<u>Amount Year</u> <u>Ending</u> <u>June 30, 2025</u>
<u>General Government</u>	
County Council	\$ 762,452
Administration	730,511
Legal	450,000
Finance	2,913,194
Assessment	6,123,345
GIO	1,076,271
Human Resources & General Employment	1,244,640
Records Management	325,630
Facilities Management	2,688,238
Information Technology	2,914,776

<u>Expenditures (continued)</u>	<u>Amount Year Ending June 30, 2025</u>
<u>Planning and Zoning</u>	
Planning and Zoning	2,145,028
Constable	1,681,775
Building Code	1,689,170
<u>Emergency Medical Services</u>	23,527,552
<u>Emergency Preparedness</u>	7,094,444
<u>Engineering</u>	3,103,596
<u>Library</u>	
Administration	926,665
Operations	2,909,331
<u>Economic Development</u>	
Economic Development	581,066
Safety and Security	604,654
Airport and Business Park	1,282,980
<u>Community Development</u>	3,272,856
<u>Grant-in-aid</u>	27,482,856
<u>Constitutional Offices</u>	
Marriage Bureau	310,430
Recorder of Deeds	972,091
Register of Wills	725,700
Sheriff	802,631
<u>Other Financing Uses</u>	
Transfers Out	115,500
Reserve for Contingencies	600,000
Total Expenditures	<u>\$ 99,057,382</u>

Section 3. The Tax Rate, Fireman's Enhancement Funding Program, Cluster Fees, fee increases and new sources of revenue for the Fiscal Year Ending June 30, 2025 are as follows:

- (a) County Property Tax Rate \$.4450 per \$100.00 of taxable assessed valuation.
- (b) Firemen's Enhancement Funding Program - Building Permit surcharge of one-quarter of one percent (.25%) of construction values. Distribution will be made to fire companies and ambulance companies who are in good standing with the Sussex County Volunteer Fire Association.

- (c) Cluster Fee for density bonus.
 - 1.) For the Town Centers and Developing Areas around Greenwood, Bridgeville, Seaford, Blades, Laurel and Delmar - \$15,000 per unit in excess of two dwelling units per acre.
 - 2.) For the Town Centers and Developing Areas around Milford, Milton, Ellendale, Georgetown, Millsboro, Dagsboro, Frankford and Selbyville - \$15,000 per unit in excess of two dwelling units per acre.
 - 3.) For the Coastal Area (previously known as environmentally sensitive areas) - \$20,000 per unit in excess of two dwelling units per acre.

- (d) Fee increases.
 - 1.) Enterprise Fund - Water Annual Service Charge based on EDU - increase from \$392 per EDU to \$417.
 - 2.) Enterprise Fund - Sewer Annual Service Charge - increase from \$330 per EDU to \$340.
 - 3.) Marriage Bureau – Delaware Resident Out-of-Office Ceremonies Fee - increase from \$100 to \$125.
 - 4.) Marriage Bureau – Non-Delaware Resident Out-of-Office Ceremonies Fee – increase from \$200 to \$250.

- (e) New Sources of Revenue
 - 1.) Engineering - Plan Review Resubmittal Fee - \$300.00 per occurrence.
 - 2.) General Fund - Planning and Zoning – Site Plan or Subdivision Plan Review Resubmittal Fee - \$300.00 per occurrence.
 - 3.) General Fund - Board of Adjustment - Accessory Dwelling Unit Application Fee - \$500 per variance.
 - 4.) General Fund - Planning and Zoning - Major Subdivision/RPC application (where forested buffer plan is required) - \$1,750 plus \$50 per dwelling unit.
 - 5.) Enterprise Fund - Sewer Assessment Fee - Joy Beach - \$540 based on equivalent dwelling unit (EDU).
 - 6.) Enterprise Fund - Sewer Assessment Fee - Lochwood - \$708 based on equivalent dwelling unit (EDU).
 - 7.) Enterprise Fund - Sewer Assessment Fee – Long Neck Communities - \$633 based on equivalent dwelling unit (EDU).
 - 8.) Enterprise Fund - Sewer Assessment Fee – Oak Acres and Tanglewood - \$644 based on equivalent dwelling unit (EDU).
 - 9.) Enterprise Fund - Sewer Assessment Fee – Warwick Cove and Gull Point - \$325 based on equivalent dwelling unit (EDU).
 - 10.) Marriage Bureau – Miscellaneous Fees – Out-of-State Single Status Applications and other miscellaneous forms that require an affidavit signed by the Clerk of the Peace - \$20 per form.

Section 4. The Statement of Anticipated Capital Project Fund Revenues and Expenditures for the Fiscal Year Ending June 30, 2025 is as follows:

<u>Revenues and Other Financing Sources</u>	<u>Amount Year Ending June 30, 2025</u>
Appropriated Reserves	\$ 11,905,000
Federal Grant	4,717,000
Investment Income	600,000
State Grant	206,500
	<hr/>
Total Revenues and Other Financing Sources	\$ 17,428,500
	<hr/> <hr/>
 <u>Expenditures</u>	
Administrative	9,099,000
Airport and Business Park	5,587,000
Engineering	250,000
Library	862,500
Public Safety	1,630,000
	<hr/>
Total Capital Improvement Expenditures	\$ 17,428,500
	<hr/> <hr/>

Section 5. The Statement of Anticipated Enterprise Fund Revenues and Expenses for the Fiscal Year Ending June 30, 2025 is as follows:

<u>Revenues and Other Financing Sources</u>	<u>Amount Year Ending June 30, 2025</u>
Operating Revenues	
Service Charges	\$ 32,363,200
Holding Tank Fees	550,000
Licenses, Permit, and Review Fees	2,363,300
Miscellaneous Fees	208,737
Non-Operating Revenues	
Assessment Charges	8,762,230
Capitalized Ord. 38 Fees	3,300,000
Connection Fees	9,149,212
Investment Results	1,375,000
Miscellaneous Revenues	429,735
Other Financing Sources	
Available Funds	897,240
Transfers	115,500
	<hr/>
Total Revenues and Other Financing Sources	\$ 59,514,154
	<hr/> <hr/>

Expenses

**Amount Year
Ending
June 30, 2025**

Administrative Costs	\$ 10,843,998
Operations and Maintenance Costs	28,848,147
Capital Expenditures	4,607,094
Debt Service	15,214,915
Total Expenses and Debt Service	<u>\$ 59,514,154</u>

Section 6. Supplemental funding provided by the American Rescue Plan Act as follows:

Revenue and Other Financing Sources

Coronavirus State and Local Fiscal Recovery Grant	<u>\$ 26,735,854</u>
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Expenses and Other Financing Uses

Coronavirus State and Local Fiscal Recovery Eligible Expenses	<u>\$ 26,735,854</u>
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Section 7. Unappropriated or unobligated General Fund expenditures requiring a transfer from the General Fund Undesignated Fund Balance require approval by not less than four-fifths of the members of Sussex County Council concurring.

Section 8. The County Pay Plan and Salary Structures for non-exempt employees for Fiscal Year Ending June 30, 2025 shall be:

FY 2025 Pay Scale - Non-exempt (non-union)			
Grade	Minimum	Midpoint	Maximum
1	N/A	N/A	N/A
2	\$15.06	\$18.83	\$22.59
3	\$15.81	\$19.77	\$23.72
4	\$16.60	\$20.75	\$24.91
5	\$17.43	\$21.79	\$26.15
6	\$18.31	\$22.88	\$27.46
7	\$19.22	\$24.03	\$28.83
8	\$20.18	\$25.23	\$30.27
9	\$21.19	\$26.49	\$31.79
10	\$22.25	\$27.81	\$33.38
11	\$23.36	\$29.20	\$35.04
12	\$24.53	\$30.66	\$36.80
13	\$25.76	\$32.20	\$38.64
14	\$27.05	\$33.81	\$40.57
15	\$28.40	\$35.50	\$42.60
16	\$29.82	\$37.27	\$44.73
17	\$31.31	\$39.14	\$46.96
18	\$32.87	\$41.09	\$49.31
19	\$34.52	\$43.15	\$51.78
20	\$36.24	\$45.30	\$54.37

Section 9. The County Pay Plan and Salary Structures for exempt employees for Fiscal Year Ending June 30, 2025 shall be:

FY2025 Salary Scale - Exempt			
Grade	Minimum	Midpoint	Maximum
E1	\$62,026	\$77,533	\$93,039
E2	\$65,127	\$81,409	\$97,691
E3	\$68,384	\$85,480	\$102,575
E4	\$71,803	\$89,754	\$107,704
E5	\$75,393	\$94,241	\$113,089
E6	\$79,163	\$98,953	\$118,744
E7	\$83,121	\$103,901	\$124,681
E8	\$87,277	\$109,096	\$130,915
E9	\$91,641	\$114,551	\$137,461
E10	\$96,223	\$120,278	\$144,334
E11	\$101,034	\$126,292	\$151,551
E12	\$106,086	\$132,607	\$159,128
E13	\$111,390	\$139,237	\$167,085
E14	\$116,959	\$146,199	\$175,439
E15	\$122,807	\$153,509	\$184,211
E16	\$128,948	\$161,184	\$193,421
E17	\$135,395	\$169,244	\$203,092
E18	\$142,165	\$177,706	\$213,247
E19	\$149,273	\$186,591	\$223,909

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

Section 11. This Ordinance shall become effective on July 1, 2024.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. ____ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE ____TH DAY OF JUNE 2024.

TRACY N. TORBERT
CLERK OF THE COUNCIL

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F
gjennings@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM:

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

FROM: Andrea M. Wall
Manager of Accounting

SUBJECT: **INSURANCE RECOMMENDATION**

DATE: June 14, 2024

As we approached the renewal of our insurance package on July 1, our broker Alliant recommended that Sussex County not market our property and liability package but recommended marketing all other lines. Alliant recommends that we market our program every 2-3 years to not over-exercise the market and maintain relationships with our key insurer partners.

This recommendation also includes the non-renewal of the Pipeline Floater coverage for the Ocean Outfall, and instead to a decision to self-insure this risk. The recommendation to non-renew this coverage is based on multiple factors:

- Discussions with retiring County Engineer, Hans Medlarz citing low overall risk for damage to the pipe, and contingency plans in place in the event of damage.
- Lack of available insurance carriers. Only one carrier was willing to quote the coverage last year, and the price continued to increase significantly. The FY 24 premium was a 45% increase over FY 23.
- Other neighboring entities do not purchase commercial insurance for their Ocean Outfalls.

Some highlights from this renewal include a premium for Airport Liability that is locked in for a three-year period, and decreasing costs for cyber insurance that reflect a stabilizing market and increased security measures implemented by the County.



On Tuesday, I will be recommending we renew with the insurers listed below, and this recommendation is supported by our insurance consultant, Angela Tennis.

- Package Policy (Property, Inland Marine, Auto and Liability)-*Glatfelter*
- Equipment Breakdown-*CNA*
- Workers' Compensation-*Liberty Mutual*
- Airport Liability-*Chubb*
- Public Officials-*Indian Harbor/RSUI*
- Crime-*Great American*
- Cyber-*Lloyds/Crum & Forster*
- Pollution-*Chubb*
- Fiduciary-*Hudson*

Although we are presenting an increase in cost of 5%, it reflects increases to our insured values, current market conditions, and not the insurability of Sussex County.

Angela Tennis from Insurance Buyers Council will be available to discuss the renewal and market conditions further and answer any questions.

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

REPORT TO THE GOVERNOR'S ADVISORY COUNCIL ON PLANNING

SUSSEX COUNTY, DELAWARE

2023-2024

June 18, 2024

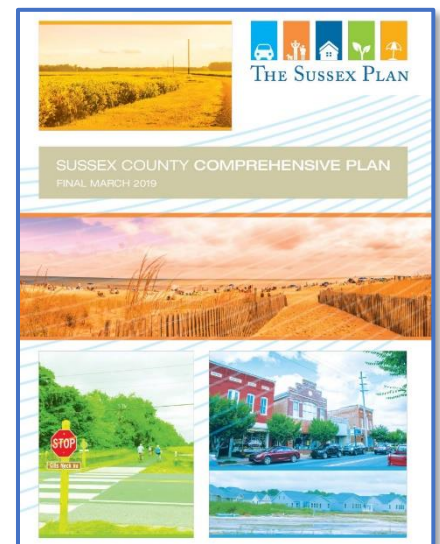
INTRODUCTION

This is the fifth annual report regarding Sussex County's 2018 Comprehensive Plan ("the Plan"), which was adopted by County Council on Tuesday, December 4, 2018. The Plan was subsequently certified by Governor John C. Carney on March 19, 2019, as being in compliance with Title 9, Chapter 69, Subchapter II (The Quality of Life Act) of the Delaware Code.

This report is intended to comply with Title 9, Section 6958 of the Delaware Code. Delaware law mandates that all Counties and municipalities have a Comprehensive Plan in place. Counties and municipalities must review and update those plans for State certification every 10 years, while also providing annual updates on the progress of implementation.

NEW INITIATIVES

In the July 2023 to June 2024 reporting year, Sussex County has undertaken a number of initiatives to implement the strategies within the Comprehensive Plan. In accordance with the structure and format of the Comprehensive Plan, the initiatives are summarized below based on the different elements within the Comprehensive Plan.

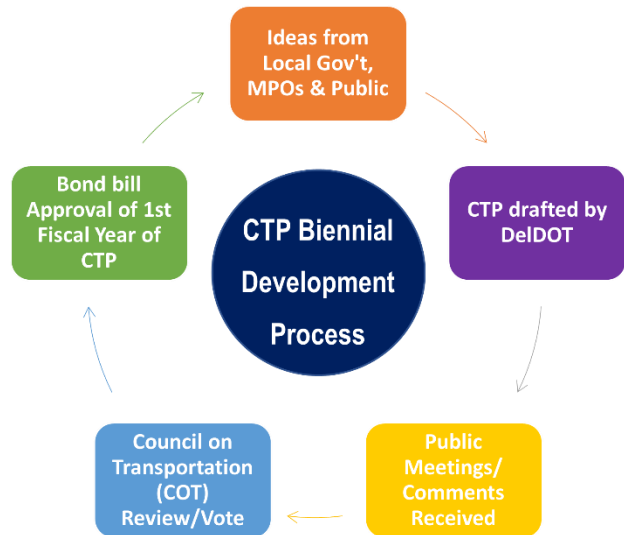


COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 417
GEORGETOWN, DELAWARE

MOBILITY/TRANSPORTATION

FY 25-30 Capital Transportation Program (“CTP”) Update for Sussex County

Every two years the State of Delaware Department of Transportation (“DelDOT”) develops a 6-year Capital Transportation Program (CTP) that identifies anticipated capital investments. This program is developed in cooperation with the Salisbury-Wicomico Metropolitan Planning Organization, and Sussex County. The program provides information on various DelDOT capital and maintenance programs



and on the estimated cost expenditures for the project phasing of a capital project that are anticipated in each specific fiscal year. In May 2023, Sussex County finalized its submissions for new CTP candidates for the FY 25-30 Capital Transportation Program Update. A link to an online map showing the FY 25-30 CTP Projects, which the County has requested to be included in the next CTP update, can be found at the link below: A list of projects is below:

[Capital Transportation Program \(CTP\) - Delaware Department of Transportation \(deldot.gov\)](https://deldot.gov)

- Hudson Road between Route 9 and Route 1 Improvements
- US 9 between Old Vine Boulevard and Dairy Farm Road Improvements:
 1. Redden Road Corridor Improvements
 2. Incorporating projects added to the FY23-28 CT
 3. Redden Road (Oak Rd to Kings Crossroads) Improvements
 4. US 113 and Redden Road/E. Redden Road GSI
- Route 24 between Love Creek Bridge and Indian Mission Road Improvements
- Zoar Road at South Bedford Street Intersection Improvements
- Phillips Landing Road between Mt. Pleasant Road and Phillips Landing Improvements

On August 14, 2023, the Council on Transportation released the draft FY25 - FY30 Capital Transportation Program to seek public comments. The three public workshops were held in

August/September 2023. The Council on Transportation approved the FY25 to FY30 Capital Transportation Program (CTP) on February 22, 2024. In 2024, DelDOT will seek Federal approval for the FY25 – FY30 CTP. Below is a link to the CTP implementation plan:

- [Link to FY25 – FY30 Capital Transportation Program Implementation Information](#)

In spring 2025, Sussex County will begin the update process for the FY27 – FY32 Capital Transportation Program, which will begin with a call for ideas to be submitted to the County by the public.

Coastal Corridors Study

On June 6th, 2023, Sussex County worked with the Delaware Department of Transportation to facilitate a joint public workshop outlining the progress and recommendations of the Coastal Corridors study group. DelDOT's Coastal Corridors Study is focused on identifying transportation solutions for east-west routes in Sussex County including Route 16 and Routes 404/9 between US 113 and SR 1 as well as Redden Road and other local roads in the area. These roadways represent the primary east-west corridors in the northern part of Sussex County that are currently congested or are at risk for congestion based on anticipated growth.

The workshop was a successful event, with the final recommendations, based upon over 12 months of study, being presented to the Public to enable the receipt of public comments. The Coastal Corridors Study group will now review the comments received as part of its goal of generating recommendations for the future of the Coastal Corridors.

A second workshop of the Coastal Corridors group was held on March 19, 2024, to finalize the group's recommendations within a final draft ahead of public consultation. The final draft was then subject to public consultation until May 17, 2024. The Coastal Corridors study group is currently considering the next steps, following the completion of the public consultation period.

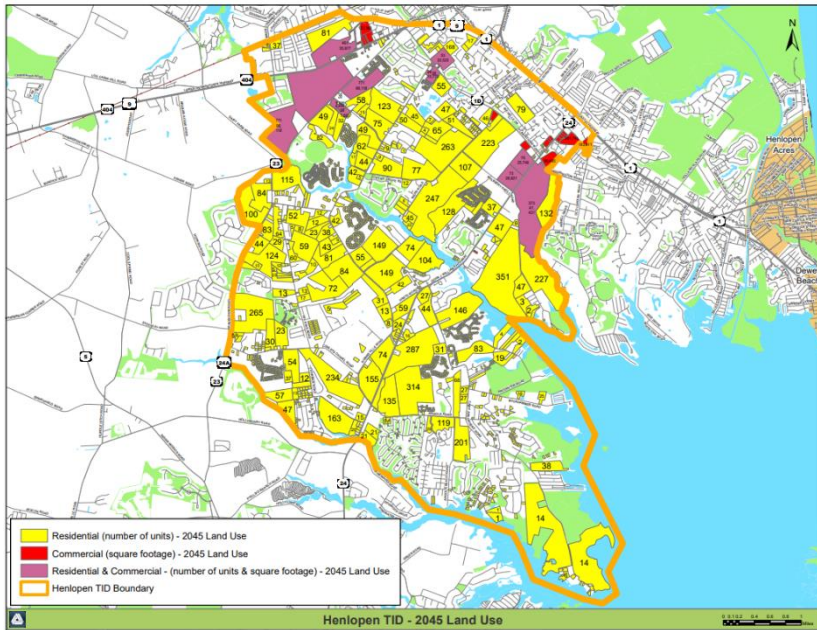
Long-Range Transportation Plan

During the review period, the County continued to work with the Delaware Department of Transportation to finalize the County’s Long-Range Transportation Plan. The Plan, once finalized, is likely to form a component of the Mobility Chapter in the County’s 10-year Comprehensive Plan update, which is due to be completed by the end of CY 2028.

Henlopen Transportation Improvement District (“TID”)

The County has successfully implemented Strategy 13.1.1.2 of the Comprehensive Plan by working with the Delaware Department of Transportation to implement the County’s first Transportation Improvement District for the 24 square mile Henlopen area south of Rt. 9 and west of SR.1. The Henlopen TID was adopted on October 29, 2020, and unless a development falls within a specified exemption, is required to contribute to planned transportation infrastructure improvements within the District.

Projects have continued to come forward for consideration during the review period. As of June 2024, the total amount of financial commitments for the Henlopen TID, as reported by the State of Delaware Department of Transportation, now stands at \$9.6 million since 2020. The table below illustrates the new commitments that have come forward during the review period



Project Name	Total Amount (\$)
--------------	-------------------

DGAS, Minor Subdivision	\$5,832.00
Reed Commerical Site Plan	\$16,209.59
Scenic Harbor Subdivision	\$52,488.00
Price Automotive, Commercial Site Plan	\$85,020.15
Chase Oaks Subdivision	\$101,556.00
AllTemp Commercial Addition	\$12,600.00
Grottos Commercial Addition	\$1,499.27
Coastal Tide Apartments	\$93,480.00
Total	\$267,129.01

Potential Roxana Transportation Improvement District

In July 2023, the Sussex County Planning & Zoning Department completed a three-month land-use study to assist the Delaware Department of Transportation with a long-range land-use forecast for a new potential Transportation Improvement District that is being explored. The TID is located in the southeast of Sussex County between Selbyville and the Indian River Bay. The land use forecast will be used by the Delaware Department of Transportation to predict likely infrastructure growth in the study area out to the year 2055.



A map showing the location of the new potential Transportation Improvement District is shown (right).

Potential South/South-East Milton Transportation Improvement District

In January 2024, following the adoption of a Transportation District by the Town, the Planning & Zoning Department commenced a study of the land use forecast for parcels adjoining the Town of Milton. This study, which is being coordinated with the Delaware Department of Transportation, is

due to be completed in fall 2024. The data will be utilized for consideration of a potential additional Transportation Improvement District in the areas surrounding the Town of Milton.

LAND USE ORDINANCES

Ordinance Relating to the Retail Sales of Marijuana

On February 6, 2024, the Sussex County Council introduced an Ordinance regulating Marijuana Establishments in Sussex County. The Ordinance, which creates Code definitions for “Marijuana Cultivation Facilities”, “Marijuana Product Manufacturing Facilities”, “Marijuana Testing Facilities” and also “Retail Marijuana Store”, and defines which Zoning Districts these may be permitted within, was subject to Public Hearings before both the Planning & Zoning Commission and the County Council in Spring 2024. On May 14, 2024, following a Public Hearing, the County Council adopted the Ordinance, after considering potential revisions to increase the precision of the text within the Ordinance. The Ordinance takes immediate effect, and is now being implemented by the Planning & Zoning Department in day-to-day practice.

Perimeter Buffers for Residential Development Ordinance

Objective 4.3.1 of the Future Land Use Element outlines an objective to consider strategies for preserving environmental areas from development and the protection of wetlands and waterways. Objective 4.3.2 promotes new development that incorporates preserved usable open space and mitigates for the protection or replacement of environmental resources in subdivision design. There are multiple strategies within the Comprehensive Plan that flow from these objectives including, Strategy 4.3.2.1 and 4.3.2.2 and 4.4.1.1.

Most notably, Goal 5.1 of the Conservation Element of the 2019 Sussex County Comprehensive Plan states that Sussex County should “Encourage development practices and regulations that support natural resources protection”. With this goal in mind, on March 19, 2024, the County Council introduced a new potential Ordinance to increase the width of perimeter buffers around residential development. The Ordinance also contains language to forest assessment reports to be included in



new subdivision applications, along with new penalties for the removal of perimeter buffers following their planting.

The Ordinance was subject to a Public Hearing before the Planning & Zoning Commission at its meeting on May 8, 2024. At the meeting on June 5, 2024, the Planning & Zoning Commission recommended that the County Council adopt the Ordinance, subject to recommended revisions. The County Council held a Public Hearing on the Ordinance at its meeting on June 11, 2024.

Any potential action on the Ordinance is likely to be in the next reporting year and will be reported to the State of Delaware in the County's 2025 update.

Master-Planned Zoning District (MPZ) Ordinance

As part of Strategy 4.4.1.5, Strategy 12.2.2.2, Strategy 13.1.1.3 & Strategy 13.6.2.1, the County has continued to explore the creation of a new Zoning District designed to secure a superior planned design in new larger-scale mixed-use developments. The potential new Zoning District, which would be targeted at developments of more than 400 units, or with gross site areas greater than 200 acres, would allow for a more streamlined approach to decision-making by front-loading larger amounts of information into the application process. Following the introduction of a potential Ordinance on Masterplanned Zoning by the County Council in 2023, and following Public Hearings before both the Planning & Zoning Commission and the County Council in 2023, it is anticipated that work will continue on the preparation of this Ordinance during the upcoming reporting year. The Ordinance was reported to the State of Delaware's PLUS review service in Spring 2023 and the State's comments are being explored as the Ordinance continues to be considered.



LAND USE APPLICATIONS

In the reporting year, there has been a change in the number and type of applications received. Since July 1, 2023, the Planning & Zoning Department has received a total of 76 applications for Conditional Uses and 15 Changes of Zone, compared with a total of 68 and 25 respectively for the previous 12-month period.

	Change of Zone	Conditional Use
July 1, 2019 – June 30, 2020	30	41
July 1, 2020 – June 30, 2021	21	55
July 1, 2021 – June 30, 2022	42	83
July 1, 2022 – June 30, 2023	25	68
July 1, 2023 – June 30, 2024	15	76

Total Conditional Use and Change of Zone applications by received date

During the reporting year, the total number of Major Subdivision applications has decreased from 19 to 9, whilst the total number of lots collectively proposed has increased from the previous year, to a total of 2,557 lots, as outlined in the table below:

	Total Number of Applications	Total Number of Lots Proposed
July 1, 2019 – June 30, 2020	24	942
July 1, 2020 – June 30, 2021	34	1,817
July 1, 2021 – June 30, 2022	32	3,334
July 1, 2022 – June 30, 2023	19	1,556
July 1, 2023 – June 30, 2024	9	2,557

Total of Major Subdivision Applications by received date

Major subdivisions include applications for the creation of more than 5 lots, or on parcels where the permitted number of minor subdivisions has been utilized. The above subdivision totals do not include Change of Zone applications for Residential Planned Communities (“RPC”s).

Whilst the total number of major subdivision applications has slowed compared with recent years, the overall number of proposed lots has increased.

The County continues to see growth across all sectors including residential, commercial, agricultural and industrial. Along with this growth is a recent increase in applications for solar farms and renewable energy-related development, such as energy storage. In the past two years, the County has seen over 40 applications for utility-scale renewable energy projects.

ECONOMIC DEVELOPMENT

During the review period, the County has continued to see non-residential growth and the associated generation of new employment opportunities. Examples of projects include:

Frankford Business Park

The Frankford Business Park was just a dream in 2018. By the end of 2024, the new business park, which was constructed in two phases, will have 300,500 plus square feet of building space on 20 acres just south of the town of Frankford on northbound U.S. Route 113. With the assistance of the Sussex County Economic Development Office, the property owner applied for \$1 million from the Site Readiness Fund for civil engineering, earthwork, site work, and major utilities to the site. He was awarded the \$ 1 million.

The purpose of the fund is to create a shovel-ready site to attract business to Delaware. Mr. Martin, the property owner, states: *“I feel blessed to have the support of the Sussex County Economic Development Office. It feels like a partnership. If you’re looking to grow your business, Sussex County, Delaware is a wonderful place to be. There’s a lot of potential business in the future”* Martin said. When it come to permitting *“I believe they’re doing it thoughtfully and carefully. All in all, it’s not haphazard, and it’s fair to the residents, and it’s fair to the business. It’s a good place to grow your business.”*

Today the Park is the home for many new businesses. One of the businesses was a big win for Sussex County Economic Development, CP Cases, from Maryland. The British company creates a variety of protective gear for military, medical, marine, and more stemming from their background in shipping

rock n' roll instruments. The company was merely distributing products through a smaller Maryland location, but with 25,000 square feet of space in the Frankford Business Park they're now manufacturing here. They're just getting warmed up. Another win from Maryland is a commercial washer that supplies lines for the Delaware and Maryland resort industry. Chesapeake Plumbing and Heating built an auto maintenance shop in the Park just to support their several dozen fleet vehicles and other specialized equipment. Coastal Trade Supply is a brand-new business that would not have been able to launch without this business park. They occupy 30,000 square feet of inventory for HVAC, plumbing, and fire suppression materials business servicing Sussex County, Maryland, and the Eastern Shore of Virginia.

Western Sussex Business Campus

Strategy 9.2.2.3 of the 2018 Sussex County Comprehensive Plan calls for the exploration of public-private partnerships for the development of additional industrial parks within the County. Western Sussex Business Campus, which is a 100-acre industrial park located on the west side of the County, is the result of a partnership between Sussex County Council, The City of Seaford, and KRM Development Corp., a full-service development company that specializes in speculative building. Phase one consists of 44 acres and the first 50,000 square feet is all but complete.

Seaford inked a deal with the Sussex County Council to spend \$1.88 million on the first phase of infrastructure. The second and third phase of infrastructure is estimated at \$2.1 million and \$2.9 million, respectively.

Seaford secured a \$750,000 Transportation Infrastructure Investment Fund (TIIF) grant that funded road access improvements to the business park. The project is estimated to bring up to 1,100 jobs when fully built out.

Showtime Power Sports, an online motorcycle parts distributor, that bought the final piece of Allen Harim's Seaford headquarters is a prime example.

Again, Sussex County Economic Development played a key role in attracting the PA-based company to Seaford. Sussex County Economic Development through the ExciteSussex Fund loaned the

money to purchase the facility. This loan allowed the PA-based company to upcycle the Allen Harim Hatchery in Seaford, DE.

The future Western Sussex Business Campus signals a hopeful renaissance for Seaford, which was crippled when DuPont left behind its nylon manufacturing operations in 2004. In the early stages of DuPont's downsizing, Seaford officials started buying land directly in a bid to entice developers to buy land at low prices, including the 243 acres now called the Western Sussex Business Campus.

WASTEWATER

Sussex County continues to increase the availability of central sewer to environmentally sensitive areas of the county. Construction is complete and connections have begun to additional sections of the Herring Creek project with the remaining sections expected to come online by the end of 2024. Sanitary sewer collection and transmission systems for Long Neck Communities, Lochwood and Joy Beach Phase 1 are under construction, with several projects approved and in the queue for construction including Countryside Hamlet, Oak Acres, Tanglewood, Warwick Park, Pintail Pointe, and Wolfe Runne. Current projects in various levels of design include Slaughter Beach and North Georgetown. Additional areas in the unified sanitary sewer district in the pipeline for design include Briarwood, Indian River Acres, Bethany Forest, Beaver Dam Road, and Red Fox Run.

The County continues its effort to utilize private utility infrastructure owned by regulated utilities under bilateral agreement(s) in an effort to prevent the installation of parallel underutilized infrastructure.

The County has completed the easement acquisitions for the 5.7± mile transmission line from the county's Piney Neck Regional Wastewater Facility to our South Coastal Regional Wastewater Facility for treatment and disposal. This transmission line will be a progressive design-build project that will eliminate the need for the Piney Neck facility.

Water

The County has completed the design and is preparing to bid the Winding Creek Village Optimized Water District project. County Council approved the creation of the Optimized Winding Creek Village water district in October of 2017. The County is anticipating a fall start for the project contingent on final funding. The project is estimated to be complete end of 2025 with connections to commence immediately following completion.

Constructed Wetlands Project

Construction was completed on the Inland Bays Submerged Gravel wetland in 2023. This innovative waste management system uses enhanced polishing and disposal for wastewater effluent as well as groundwater with elevated nutrient levels. The facility provides an effective enhanced treatment of effluent and contaminated groundwater in terms of nutrient uptake while using a smaller, runoff-controlled footprint than the conventional spray irrigation systems.

The facility was designed and constructed in coordination with DNREC under a 5-year “operational testing” program and permitted by the Sussex Conservation District. A standard wastewater operation permit application was submitted concurrently with this request for “operational testing.” As part of the operational testing program, Sussex County will perform regular testing of soil, plant tissue, groundwater, and wastewater effluent within the facility. Biennial operational status reports will be provided to DNREC in order to evaluate the system for improvement and scalability.

It is estimated that between 750,000 and 900,000 gallons of treated effluent, supplemental groundwater, and stormwater could be passed through the facility daily without excessive mounding under the wetlands or at the associated infiltration gallery.

HOUSING

Sussex County continues to promote fair and affordable housing through the Planning & Zoning Department and the Community Development and Housing Department. The construction of the first large-scale housing project approved under the Sussex County Rental Program (SCRP) known as Coastal Tide (formerly known as The Arbors of Cottagedale Apartments) was expanded in 2023. Coastal tide is an 18.08 ac. parcel of land located in Lewes and Rehoboth Hundred (Tax parcel 334-6.00 504.02). The Final Site Plan includes 198 apartments including 1, 2, and 3-bedroom units, with 32 of the apartments set-aside as affordably priced housing units through SCRCP. To date, 26 SCRCP units are occupied by eligible tenants earning less than 80% of Area Median Income for Sussex County.

The County continues to work with applicants proposing residential developments to explore ways to deliver an increase in affordably priced units within the County.

The Sussex County Housing Trust Fund (SCHTF) was officially launched in April 2022 and has continued to be funded by Sussex County Council and American Rescue Plan (ARPA) dollars. SCHTF includes two main components: a direct homebuyer assistance program and a developer grant program. The homebuyer assistance program provides grants of up to \$30,000 for down payment and closing for households below 120% AMI seeking to purchase a home in Sussex County. During the reporting year, the County has provided direct homebuyer assistance to forty-one (41) qualifying households. The developer grant program offers up to \$500,000 per project for applicants seeking to create or preserve affordable housing for households earning 65% or below AMI. More than \$4 million has been awarded to projects across Sussex County for the construction and/or preservation of nearly 200 affordable housing units. The current round of funding applications is being reviewed at the time of this writing, with award recommendations expected in June 2024.

In October 2022, Sussex County Council approved an ordinance seeking to provide more affordable rental opportunities for Sussex County residents. This ordinance not only amended Chapter 72 of the Sussex County Code to streamline the SCRCP process but also added a new and substantial change to the zoning code to allow “by-right” multi-family housing projects at a density of twelve units per acre if at least thirty percent of those units are set aside as SCRCP units. As of this writing, two



applications have been submitted through the new ordinance, which, if approved, will result in the creation of 75 affordable rental units in Lewes.

During the reporting year, Sussex County has expanded the home repair program with American Rescue Plan Act (ARPA) funding and assisted nearly 300 households with owner-occupied rehabilitation and emergency repairs, water and sewer hookups for low- and moderate-income households. The County continues to work and partner with the Sussex Housing Group and its affiliates to coordinate public/private partnerships that leverage dollars for community development efforts in impacted communities.

RECREATION AND OPEN SPACE

The Sussex County Subdivision Code allows for applicants to apply under the cluster development option whereby the lot size and lot width requirement of the AR-1 Zoning District is reduced for subdivisions that provide a minimum of 30% of the site area as open space. This option is also available within the Coastal Area. During the review period, the following areas of open space were approved or recommended for approval under this option:

County Project Reference Number	Subdivision Name	Total # of Lots	Open Space Retained (in Acres)
2022-10	Raley Farm	646	147.49
2022-16	Armada	67	33.31
2022-17	Ironhook Harbor	165	47.53
2022-18	Wil King Station	58	12.88
2022-19	Grayrock Preserve	94	25.11
2022-20	Marvel Subdivision	44	12.03
2022-22	St Georges Terrace	34	7.6



2022-26	Ballenger Subdivision (FKA Warrington)	106	28.01
2022-27	Peck Farm Subdivision	128	31.93
2022-28	Smokey Hollow	82	40.9
2023-06	Twin Masts	249	70.15
TOTAL		1,673	456.94

The total new open space approved during the review period is 456.94 Acres. Land approved as “open space”, as defined by the Code of Sussex County, must be maintained in a predominantly undeveloped or natural state, including lands used for agricultural purposes, promote conservation, protect wildlife, or serve as a buffer between residential and nonresidential areas and/or commercial and noncommercial areas. The table below illustrates the total amount of open space created over the past 4 years.

Year	Total Open Space Protected
July 1, 2020-June 30, 2021	362.33 ac.
July 1, 2021-June 30, 2022	453.02 ac.
July 1, 2022-June 30, 2023	657.97 ac.
July 1, 2023 – June 30, 2024	456.94 ac.
4-Year Total	1930.26 ac.

In addition to the above, and since the adoption of the Comprehensive Plan in 2019, the County has also protected the following lands in perpetuity as open space:

- In May 2023 - A 294-acre tract known as the Forest of Broadkill Preserve, bordering Ingram Branch, off Shingle Point Road outside Milton. The property, a mix of fields and wooded areas costing \$1.85 million, will be managed by the Sussex County Land Trust, and is expected to eventually include a publicly accessible trail system;
- In May 2023 - An 11-acre assemblage of three wooded parcels, known as the Wright properties, along the Nanticoke River near Seaford. The parcels, costing approximately

\$460,000, will be managed by the Nanticoke Conservancy and feature public access at a later date;

- In 2022 - Fifty-one acres known as the Hopkins Preserve, along Sweetbriar Road, just north of U.S. 9, outside Lewes, for a price of \$1.5 million. The property owner, Walter Hopkins, and his family (a fourth-generation farmer), discounted the sale price by 50 percent in exchange for the parcel being used at a later time as open space and a recreational amenity, specifically as part of a trailhead that will be developed and managed by the Sussex County Land Trust for the still-under-construction Georgetown to Lewes Trail;
- In 2022 - Forty-seven acres known as the Jones Family tract, for \$650,000, located off Conaway Road adjacent to the State-owned Midlands Wildlife Area, west of Millsboro;
- In 2022 - Forty acres, named the Dawson Bros. tract, for a price of \$2.5 million, located along the south side of Del. Route 24, near the Nanticoke Indian Center, east of Millsboro;
- In 2022 - Thirteen acres, for a sale price of \$400,000, adjoining a larger parcel acquired by the County in 2020 and collectively known as the Dorman Family Farm Preserve, located along Herring Creek and Sarah Run, near Angola.

INTER-GOVERNMENTAL COORDINATION

In addition to cooperating with State Agencies on various technical matters throughout the year, Sussex County continues to work with the municipalities within Sussex County to share and receive data to provide accurate information to the public. In July 2023, staff provided comments to the Town of Fenwick Island on its proposed draft Comprehensive Plan documents.

In addition to providing comments on emerging Comprehensive Plans, the Planning & Zoning Department has continued to participate in Delaware Department Public Workshops and events held throughout the year, including the DelDOT Five Points group, the Southeast Sussex Study, and the Coastal Corridors Study workshops held between 2023-2024.

In addition, in the first week of June 2024, the County assisted the Town of Slaughter Beach by providing technical support as part of their FEMA Community Assisted Visit. Such visits, which

occur approximately every 4-5 years for Counties and Municipalities, allow for FEMA staff to visit each jurisdiction to review the implementation of adopted Flood Codes. Sussex County's last Community Assisted Visit was in 2019, and the County received an excellent report following the visit – with the County being formally declared as being in “good standing” with FEMA in terms of its compliance with the adopted Flood Code contained within the Code of Sussex County.

LEGISLATIVE CHANGES IMPACTING COMPREHENSIVE PLANNING

During the 2023-2024 reporting period, changes to Titles 9 and 22 of the Delaware Code were considered by the 152nd General Assembly. Senate Bill 237, would require that, with effect from November 15, 2026, New Castle, Kent, and Sussex County's Comprehensive Plans contain strategies to increase community resiliency and address the impacts of climate change. Senate Bill 237 also requires that County Comprehensive Plans also consider forests, habitat areas, and wildlife corridors and that the housing element consider anticipated growth areas and encourage new housing growth away from areas vulnerable to inland and coastal flooding.

In addition, on October 3, 2022, Senate Bill 327, was adopted by the 151st General Assembly. The Bill amends Title 9 of the Delaware Code to require that, effective January 1, 2023, all three Counties in Delaware must include an educational element in their next Comprehensive Plan update.

CONCLUSION

The 2023-2024 reporting period has seen solid progress toward the implementation of the Strategies contained within the 2018 Comprehensive Plan. The County looks forward to continuing to implement the Comprehensive Plan during the 2024-2025 reporting period. Based upon the solid progress made, the County is not proposing to pursue a 5-year update to the Comprehensive Plan, and will instead shift its focus to the 10-year Comprehensive Plan Update expected in 2027-2028.

Initial work for the 10-year update is due to commence in the 2024-2025 reporting period, with public workshops before both the Planning & Zoning Commission and the County Council anticipated to follow in the 2025-2026, and 2026-2027 reporting periods. Public Hearings on the next Comprehensive Plan Update, along with submittals to the State of Delaware for review by the Office



of State Planning and Coordination, are then expected to follow in the 2027-2028 reporting period, to enable the County to be ready for submittal to the Governor for certification ahead of the 10-year anniversary of the current Comprehensive Plan on December 4, 2028.

ENGINEERING DEPARTMENT

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Sussex County

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MIKE HARMER, P.E.
SUSSEX COUNTY ENGINEER

Memorandum

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

FROM: John J. Ashman, Director of Utility Planning & Design Review
Hans Medlarz, County Engineer, retired.

RE: *Blackwater Village Area of the Unified Sanitary Sewer District
Revised Assessment Amount – 2nd Referendum Results
File: BWV-1.07*

DATE: June 18, 2024

In October 2019, the Blackwater Village Association Inc. presented enough valid petitions to the Engineering Department along with an April 11th board resolution requesting inclusion in the County's Unified Sanitary Sewer District. County Council granted permission to hold a Public Hearing on the Boundary and the hearing was initially scheduled for March 13, 2020. However, the Governor's Executive Order caused the cancellation of the meeting which was rescheduled for October 31, 2020. Subsequently, County Council established the boundary and authorized the referendum. County Council approved the Resolution declaring the Blackwater Village Area in February of 2021 after a positive referendum outcome.

Immediately following Council's approval of the sewer district expansion, the Engineering Department received petitions requesting the County to provide water service, street lighting and drainage improvements. On March 4, 2021, the Department distributed polling letters to the entire community covering the three (3) additional requests followed by a second notice on June 27, 2021. The Department received responses representing 171 of the 277 recorded lots in the community with 98 interested in water service, 118 interested in street lighting, and 97 interested in drainage improvement.

On August 24, 2021, the Department received Council's approval to prepare and post notices for a combined public hearing. At the hearing the department presented estimated costs, timelines, and referendum/voting guidelines. The residents in attendance objected to the estimated costs, stating they had no knowledge prior to signing that the additional services



would result in additional assessments. All residents in attendance wanted to see a path without involving a referendum. Following the precedence set in Winding Creek Village the Department explained the process for submitting notarized letters from at least 50% of the lot owners for Council's consideration. The required number of signed and notarized letters revoking the interest in central water, street lighting and drainage were received within a couple of months of the public hearing.

The County had halted any application for sewer project funding because of the pending other improvements in an effort to obtain additional grant monies based on the State's Sewer/Water combined maximum median household income (MHI) percentage restrictions. Once these efforts concluded the Engineering Department prepared the Preliminary Engineering Report and Environmental Review and the Finance Department compiled the estimated costs for a sewer only project. The pre-application was submitted to USDA/RD in September of 2022

USDA/RD advised that any funding offer based on the area MHI would be capped at a maximum of 45% grant cap. Therefore, it was decided not to follow through with a full USDA/RD application but instead concentrate on a submittal to the State Revolving Fund (SRF). The departments revised and updated the reports and submitted the associated SRF funding application in May of 2023, having missed the opportunity for the 2022 Project Priority List and Intended Use Plan inclusion due to the intentional delays.

The SRF funding offer was received on November 29, 2023, again exceeding the referendum approved annual sewer assessment and hence triggering a new public hearing for the sole purpose to present the revised assessment rate. The public hearing was held on February 17, 2024, and the referendum held on June 6, 2024. Results from the referendum were **26** in favor of the revised assessment rate and **225** opposed to the revised assessment rate (resulting in the de-annexation from the unified sanitary sewer district). Based on overwhelming outcome of the referendum, the Departments recommend dissolution of the Blackwater Village Area from the Sussex County Unified Sanitary Sewer District.

RESOLUTION NO. R _____

A RESOLUTION FOR THE DISSOLUTION OF THE BLACKWATER VILLAGE AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT DECLARED UNDER THE PROVISIONS OF TITLE 9, CHAPTER 65 OF THE DELAWARE CODE

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer District (SCUSSD), and;

WHEREAS, in accordance with 9 Del. Code, Section 6503, Sussex County Council created the Blackwater Village Area of the Sussex County Unified Sanitary Sewer District, and;

WHEREAS, the Referendum approved by the voters in the Blackwater Village Area was based on an estimated annual assessment of **\$680.00**, and;

WHEREAS, based on the funding offer presented by the Delaware State Revolving Fund (SRF) the assessment would be **\$1,815.00** the Sussex County Engineering Department held a Public Hearing on revising the assessment amount and taking the vote to a referendum, and;

WHEREAS, the eligible voters of the Blackwater Village Area **Opposed the Revised Assessment (resulting in the De-annexation from the unified sanitary sewer district)** by a vote of **26 in favor** to **225 opposed** in an election held on June 6, 2024; and

NOW, THEREFORE,

BE IT RESOLVED that the County Council of Sussex County, Delaware hereby determines that the eligible voters of the Blackwater Village Area of the Sussex County Unified Sanitary Sewer District have **Opposed the Revised Assessment**, resulting in the dissolution of the Blackwater Village Area of the unified sanitary sewer district described in Exhibit "A" and the said district area is hereby declared to be removed from the Sussex County Unified Sanitary Sewer District (SCUSSD) under the provisions of Title 9, Chapter 65 of the Delaware Code.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer to abandon the procurement of any lands and rights-of-way by purchase, agreement, or condemnation.

BE IT FURTHER RESOLVED that the County Engineer is hereby directed to revise all maps removing the designation of the area being in a Tier 1 designation for sewer service and return the area to a Tier 2 designation.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Finance Director and County Engineer to reject all offers for grants, loans, and other funding necessary to provide adequate financing for the planning, design, construction, and all other phases of the sanitary sewer district.

Exhibit "A"

Description of the Blackwater Village Area of the Sussex County Unified Sanitary Sewer District

Beginning at a point, said point being on the northerly Right-of-Way (ROW) of State Route 26, said point also being the southwesterly property corner of lands Now-or-Formerly (N/F) of Roland John Hoffman Trustee & Mary Ann Hoffman, Trustee, said point further being the southeasternmost property corner of lands N/F of Keith Properties, Inc.; thence

proceeding by and with said ROW in a westerly direction a distance of 1,851'± to a point, said point being the westernmost property corner of lands N/F of LSF8 Master Participation Trust, said point further being a property corner of Black Water Village, a subdivision; thence leaving said ROW and proceeding by and with said subdivision lands in a northerly and westerly direction a distance of 1,311'± to a point, said point being on the easterly ROW of County Road (CR) 345; thence proceeding by and with said ROW and continuing with said subdivision boundary in a northerly direction a distance of 304'± to a point; thence leaving said ROW and continuing by and with said subdivision boundary in a northeasterly, northerly, northeasterly, northwesterly, northeasterly direction respectively a distance of 3,307'± to a point, said point being the southernmost property corner of lands N/F of Denise Hoeksema & Cheryl Rehrig; thence continuing with said subdivision boundary in a southerly and easterly direction respectively a distance of 3,932'± to a point, said point being the easternmost property corner of land N/F of John F. & Carol A. Adams; thence leaving said subdivision lands and continuing with said Adams lands in a westerly direction a distance of 361'± to a point, said point being the northernmost property corner of lands N/F of Richard C & Juanita M. Seibert; thence leaving said Adams lands and continuing with said Seibert lands in a southeasterly and southerly direction a distance of 517'± to a point, said point being the northeasternmost property corner of lands N/F of Keith Properties, Inc., thence leaving said Seibert lands and continuing with said Keith lands in a generally southerly direction a distance of 1,439'± to a point, said point being the place of **Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map Nos. 134-11.00

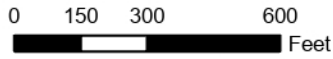
The Blackwater Village Area of the Sussex County Unified Sanitary Sewer District is within these boundaries. A map drawn to scale indicating the boundaries of the area is attached.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

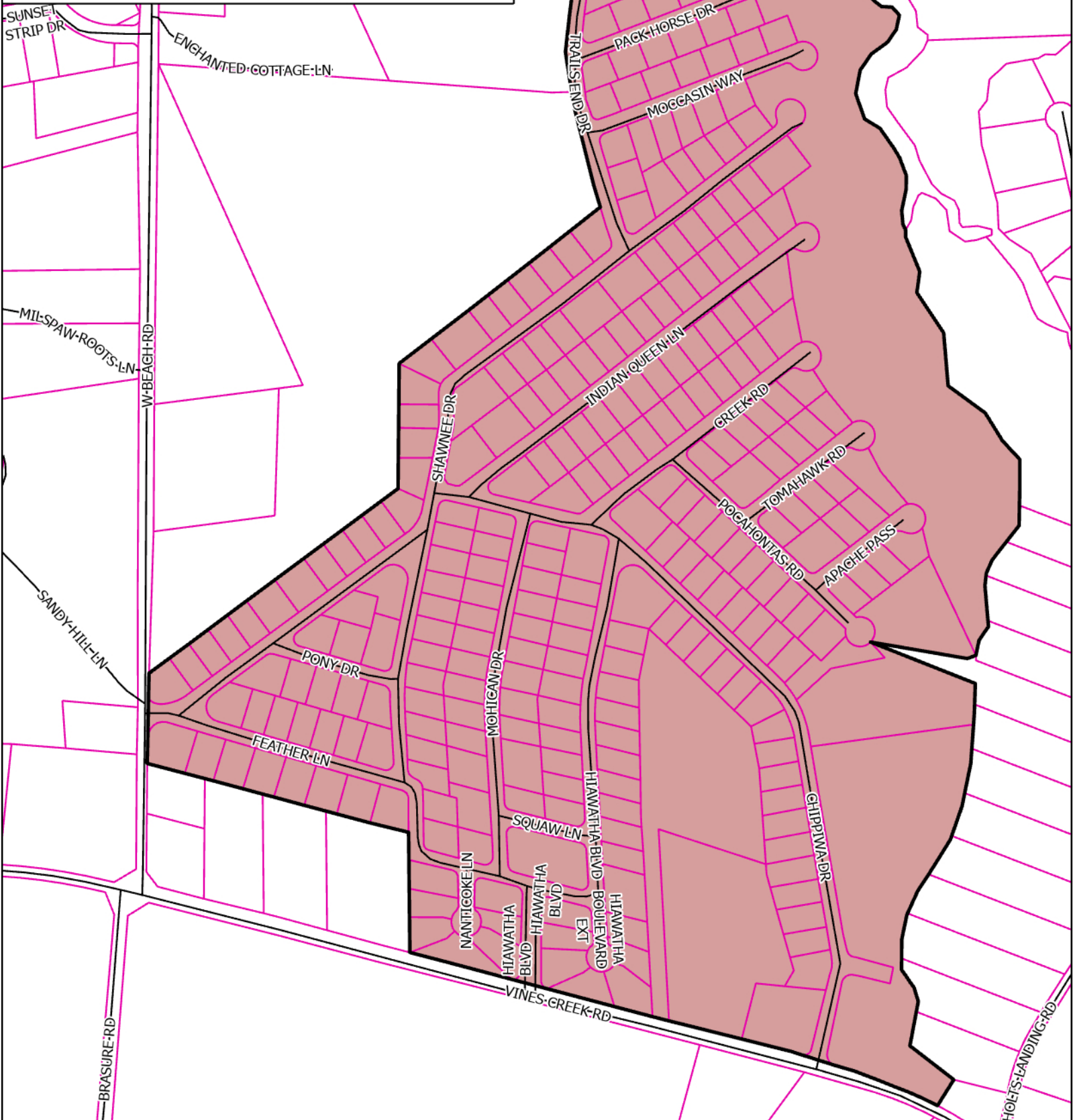
Public Hearing on the Revised Assessment Fee Blackwater Village Area



Area of Interest



Map Created On: 1/25/2024



The proposed annexation is scheduled to be discussed Saturday, February 17, 2024 at 9:30 AM at Indian River High School, 29772 Armory Road, Dagsboro, DE 19939
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/sewer-water>
Or call Sussex County Utility Planning at 302-855-7370

ENGINEERING DEPARTMENT

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Sussex County

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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: Patrick Brown, P.E., Project Engineer III

RE: ***WATERSIDE COMMUNITY ROAD IMPROVEMENTS –
CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENTS
A. ELECTION RESULTS & RESOLUTION TO AUTHORIZE PROJECT***

DATE: June 18, 2024

Waterside is a subdivision of eighty (80) residential units with private streets and cul-de-sacs owned and maintained by the community Homeowners Association (HOA). The community is located near Ocean View, DE and accessed from Muddy Neck Road, a DelDOT roadway, via a short shared-use easement. The subdivision contains approximately 2,700 LF of paved roadway and parking in fair condition.

The community by letter dated July 16, 2023, requested assistance from the County to repair and resurface their existing roads, along with concrete gutters and swales, through the Sussex Community Improvement (SCI) Program as defined in Chapter 96 of Sussex County Code. Following provisions of the Code, the Engineering Department performed the following actions:

- Determined the community met the eligibility criteria defined in the Code.
- Petitioned all assessable property owners within the Community regarding inclusion in the SCI Program.
- Provided a preliminary cost estimate for a hot-mix pavement overlay project.
- Provided the approximate costs to property owners in both lump sum and 10-year repayment options.
- Provided notification and conducted a community meeting to discuss the SCI Program and receive comments regarding estimated project costs and subsequent election process necessary for project implementation.

The results of the Petition and Community Meeting were presented to Council on April 9, 2024 and by Resolution # 007 24, Council accepted the community into the Chapter 96 program and established the date, time, place, and judge of an Election for property owners to vote on whether the proposed SCI Project for Waterside was considered favorable.



The Election was advertised in accordance with Chapter 96 Code and held on Thursday, May 16, 2024, at the Engineering Administration Office, with absentee ballot provisions made available. Election results were certified shortly thereafter. A total of fifty-one (51) votes were cast in-person and by absentee ballot. Forty-nine (49) YES votes and two (2) NO votes were cast, indicating property owners are in favor of the project. The voting total indicates a 64% owner participation in the Election.

Based on the affirmative results of the Election, the Engineering Department recommends approval of the Resolution provided, authorizing the County Engineer to proceed with improvements; for a uniform billing rate of actual costs to be determined by the County Engineer and County Finance Director; and for the Board of Assessment to place the words “special community lien” beside the name of each assessable property in the Waterside community.

Enclosures: Resolution
Certified Election Results

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE SUSSEX COUNTY ENGINEER TO PERFORM IMPROVEMENTS, AND THE SUSSEX COUNTY ENGINEER AND FINANCE DIRECTOR TO DETERMINE A UNIFORM ASSESSMENT RATE FOR BILLING, UPON SUBSTANTIAL COMPLETION OF THE IMPROVEMENTS, FOR THE WATERSIDE CHAPTER 96 SUSSEX COMMUNITY IMPROVEMENT PROJECT.

WHEREAS, Sussex County Council on April 9, 2024 authorized the Sussex County Engineering Department to proceed with an Election for the subdivision of Waterside in accordance with Resolution No. R 007 24; and

WHEREAS, Sussex County Engineering Department held an Election for a Waterside Chapter 96 project in accordance with Sussex County Code, Chapter 96 on May 16, 2024; and

WHEREAS, the results of this May 16, 2024 Election were certified by Patrick J. Brown, judge of the election, as being favorable in proceeding with the project. There were fifty-one (51) total votes cast. Of the total, forty-nine (49) "Yes" votes were cast and two (2) "No" votes were cast. The number of "Yes" votes cast represents the majority of votes cast, as required in Sussex County Code, § 96-6(B).

NOW THEREFORE,

BE IT RESOLVED that the Sussex County Council confirms and authorizes the Sussex County Engineering Department to proceed with the design and construction of the specified improvements for a Waterside Chapter 96 Sussex Community Improvement project; and

BE IT FURTHER RESOLVED that Sussex County Council authorizes the Sussex County Engineer and the Sussex County Finance Director to complete the improvements, and to compile a final cost accounting to determine a uniform rate of assessment for all assessable properties within the Waterside Chapter 96 project, upon substantial completion, as specified in Sussex County Code, Chapter 96.

BE IT FURTHER RESOLVED, that Sussex County Council directs the Board of Assessment to cause the words "special community lien" to be placed beside the name of each freeholder in the suburban community of Waterside for persons such as prospective buyers of, or attorneys making title searches upon, the properties making inquiry at the office of the Board of Assessment concerning County taxes may be informed that special liens may exist against the properties.

Patrick J. Brown, P.E.
Project Engineer III
Presented on: June 18, 2024



**Certified Election Results
WATERSIDE**

Proposed Chapter 96 Sussex Community Improvement Project

Voting results for the Waterside Proposed Chapter 96 Sussex Community Improvement Project Election, held on Thursday, May 16, 2024, in accordance with Sussex County Council Resolution # R 007 24, were as follows:

	<u>Yes Votes</u>	<u>No Votes</u>		
Votes cast in-person	<u>9</u>	<u>0</u>	=	<u>9</u> total votes in-person
Votes by absentee ballot	<u>40</u>	<u>2</u>	=	<u>42</u> total votes by absentee ballot
TOTAL	<u>49</u>	<u>2</u>	=	<u>51</u> total votes cast

The Waterside proposed project was voted (in favor of) / (~~against~~) proceeding 49 - 2.

Results Certified by:

Patrick J. Brown, P.E.

Sussex County Appointed Judge of Election

May 17, 2024

Casey Hall

yes. 6/4.

Schaeffer

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Monday, June 3, 2024 4:49 PM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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

Council Grant Form

Legal Name of Agency/Organization

True Blue Jazz Inc. ✓

Project Name

True Blue Jazz Festival

Federal Tax ID

47-1429059 ✓

Non-Profit

Yes

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

No

Organization's Mission

TRUE BLUE JAZZ is "Preservation through Performance". That means securing American Jazz for future generations, & the Jazz Fans that love this music in audiences today. You will also be pledging your support for our Youth Jazz Educational Initiative. That means Student Jazz Performance opportunities, Master Class Workshops, Instrument Donations, Scholarship Awards, as well as free admission to all of our Headliner Concert Events. And, you will promote the local area and beach businesses, in Downtown Rehoboth, & in Lewes for our third year, during our Jazz Festival Show Dates. TRUE BLUE JAZZ Inc., is an Independent Jazz Festival. We are

a recognized 501(c)(3). Conceived and produced by Eddie Sherman and Peggy Raley. 2024 celebrates our 12th YEAR honoring America's most original Art Form....Jazz!

Address 31408 Heron Circle

City Lewes

State DE

Zip Code 19958

Contact Person Peggy Raley

Contact Title VP / Artistic Director

Contact Phone Number 302-448-1766

Contact Email Address info@truebluejazz.org

Total Funding Request 10,000.00

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? 10000.00

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

<p>If YES, approximately what percentage of the project's funding does the Council grant represent?</p>	<p>12</p>
<p>Program Category (choose all that apply)</p>	<p>Cultural Educational Other</p>
<p>Program Category Other</p>	<p>Tourism</p>
<p>Primary Beneficiary Category</p>	<p>Youth</p>
<p>Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program</p>	<p>5000</p>
<p>Scope</p>	<p>Our True Blue Youth Jazz Education Initiative includes a range of opportunities & events for Jazz Students from area Schools, both Public & Charter. Each year our Festival kicks off with a Youth Jazz Appreciation Concert Night at Bethany Blues in Lewes, which involves all Grade Levels of the Cape District, Students from Sussex Academy, a roster of Students from a Private Educational program led by Christie Taylor of Taylor Music. The following Event Days & Nights throughout our True Blue Jazz Festival offer Master Class Workshops, Live Student Concert scheduled on Saturday during our Big Band Marathon benefiting Rehoboth Beach Volunteer Fire Co., and Free Admission to all Students, regardless of their Home District to the True Blue Headliner Jazz Concert Events. Additionally there are Field trips to Jazz Competitions, Peggy has personally taken one of our top Student Jazz Singers to a Master Class with NEA Jazz Vocalist Dianne Reeves.</p>

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) 126,800.00

Description Venue Rental / Equipment Rental

Amount 32,050.00

Description Donation / Scholarships

Amount 11,135.00

Description Artist Fees

Amount 52,332.00

Description Ads / Promotion / Web & Net Fess

Amount 19,500.00

Description Hotel & Transportation

Amount 16,707.00

Description Staff Payroll

Amount 2,750.00

Description Catering

Amount 3,076.00

Description Accounting Svcs

Amount 1,450.00

TOTAL EXPENDITURES 139,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** -12,200.00

Name of Organization True Blue Jazz Inc.

**Applicant/Authorized
Official** Peggy Raley

Date 06/03/2024

**Affidavit
Acknowledgement** Yes

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE <notifications@d3forms.com>
Sent: Wednesday, June 5, 2024 10:23 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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

Council Grant Form

Legal Name of Agency/Organization Milton Police Department

Project Name National Night Out

Federal Tax ID 51-6000183

Non-Profit Yes

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

Organization's Mission National Night Out in Milton Memorial Park on August 7th from 5:00-7:00 pm - A great event for community to come together with law enforcement and fire department and services that our state provides to give information to our community. We are looking for donations to help us make this another great event!

Address 101 Federal Street

Address 2 Milton, DE 19968

City Milton

State	DE
Zip Code	19968
Contact Person	Sonya Hewes
Contact Title	Police Resource Manager
Contact Phone Number	302-684-8547
Contact Email Address	sonya.hewes@cj.state.de.us
Total Funding Request	(Whatever you can give) 1,700 - see email attached.
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?	10

Program Category
(choose all that apply)

Educational
Health and Human Services
Other

Program Category
Other

Law enforcement agencies

Primary Beneficiary
Category

Other

Beneficiary Category
Other

Public

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

400

Scope

* This is a National Night Out campaign held yearly the first Wednesday of August in Milton Memorial Park. It is designed to build and promote partnerships to educate and reduce/prevent crime in our area. We would like to request your assistance in building stronger connections and partnerships. Any assistance your agency can provide would be greatly appreciated.

Religious
Components

n/a

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

2,000.00

Description

Supplies and giveaways

Amount 2,000.00

TOTAL EXPENDITURES 2,000.00

**TOTAL DEFICIT FOR
PROJECT OR
ORGANIZATION** (0.00)

Name of Organization Milton Police Department

**Applicant/Authorized
Official** Sonya Hewes

Date 06/05/2024

**Affidavit
Acknowledgement** Yes

Expenditures

Casey Hall

From: Hewes Sonya (Milton PD) <Sonya.Hewes@CJ.State.de.us>
Sent: Wednesday, June 5, 2024 11:50 AM
To: Casey Hall
Subject: Re: Form submission from: Council Grant Form

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

Okay, yes, that \$1700 is food, ice cream, utensils, and also filling backpacks for kids to be ready for school.

Thank you,

Sonya

Sonya Hewes
Police Resource Manager
Milton Police Department
101 Federal Street
Milton, DE 19968
(302) 684-8547 ext. 112

Do everything with a good heart and expect nothing and you will never be disappointed.

From: Casey Hall <casey.hall@sussexcountyde.gov>
Sent: Wednesday, June 5, 2024 11:28 AM
To: Hewes Sonya (Milton PD) <Sonya.Hewes@CJ.State.de.us>
Subject: RE: Form submission from: Council Grant Form

Yes, that is what I need to know and what does the \$1,700 include?

Casey Hall

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

Yes. 5/30.
Schaeffer.

Casey Hall

From: notifications=d3forms.com@mg.d3forms.com on behalf of Sussex County DE
<notifications@d3forms.com>
Sent: Wednesday, May 29, 2024 9:38 AM
To: Casey Hall
Subject: Form submission from: Council Grant Form

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

Council Grant Form

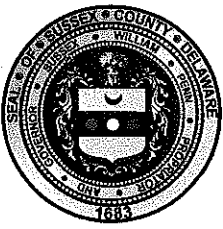
Legal Name of Agency/Organization	AIDS Delaware ✓
Project Name	AIDS Walk Delaware
Federal Tax ID	22-2805481 ✓
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	AIDS Delaware's mission is to eliminate the spread and stigma of HIV/AIDS, improve the lives of those living with HIV/AIDS, and promote community health through comprehensive and culturally-sensitive services, education programs, and advocacy.
Address	100 West 10th St.
Address 2	Suite 315
City	Wilmington

State	DE
Zip Code	19801
Contact Person	John Beckley
Contact Title	Director of Development and Marketing
Contact Phone Number	302-652-6776
Contact Email Address	jbeckley@aidsdelaware.org
Total Funding Request	1000.00
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?	2

Program Category (choose all that apply)	Health and Human Services
Primary Beneficiary Category	Other
Beneficiary Category Other	people living with HIV
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	250
Scope	<p>AIDS Walk Delaware is the state's largest HIV/AIDS fundraising and awareness event and has historically attracted over 600 participants and volunteers. This year, we hope to raise \$100,000 again in support of medical case management services, free HIV testing, HIV-specific mental health counseling, education and prevention programs, and housing services. This year's Walk will be on Saturday, September 21[*], in Rehoboth Beach, Grove Park, and in Wilmington in Brandywine Park.</p> <p>In addition to AIDS Delaware and Delaware HIV Consortium, other HIV service organizations benefit financially from the Walk, including The Ministry of Caring, Beautiful Gate Outreach Center, Latin American Community Center, William J. Holloway Community Program, and CAMP Rehoboth.</p>
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	10,000.00

operations.

Description	Park Fees/Police
Amount	4,075.00
Description	Rentals (Tents, Generators)
Amount	1,095.00
Description	Tshirts/Food/Entertainment
Amount	4,482.00
Description	Database/CC Fees
Amount	1,740.00
Description	Marketing
Amount	2,072.00
Description	Miscellaneous Expenses
Amount	720.00
TOTAL EXPENDITURES	14,184.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-4,184.00
Name of Organization	AIDS Delaware
Applicant/Authorized Official	John Beckley
Date	05/29/2024
Affidavit Acknowledgement	Yes



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Village Improvement Association of Rehoboth Beach, Delaware, Inc. ("VIA")

PROJECT NAME: A book of the history of the VIA from 1909-2024

FEDERAL TAX ID: EIN: #51-0258539 ✓ NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: The mission of the association is to support and engage in charitable and civic work primarily in Rehoboth Beach, the Cape Henlopen region and elsewhere as may be determined by the members.

ADDRESS: 415 N. Boardwalk, P.O. Box 144,

Rehoboth Beach Delaware 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON: Ann Sebastian

TITLE: Chairman, History Book Project

PHONE: (301) 996-5469 EMAIL: annsebastian2@gmail.com

TOTAL FUNDING REQUEST: \$5,000

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>See Section 3 Program Scope A</u> | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|--|--|--|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input checked="" type="checkbox"/> Victims of Domestic Violence | <input checked="" type="checkbox"/> Homeless |
| <input checked="" type="checkbox"/> Elderly Persons | <input checked="" type="checkbox"/> Low to Moderate Income ² | <input checked="" type="checkbox"/> Youth |
| <input checked="" type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>See Section 3 Program Scope A</u> | |

BENEFICIARY NUMBER

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

See Program Scope A

SECTION 3: PROGRAM SCOPE

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

The goal of the VIA History Book Project is twofold: 1) The book is intended to celebrate the 115 years of service by the VIA to Rehoboth Beach and its environs, and the exceptional women who established this club and made it possible for the organization to thrive and grow while all the time performing work in various areas such as: Arts and Culture, Civic Engagement and Outreach, Education and Libraries, Environment, and Health and Wellness in order to enrich the lives of others through volunteer service and financial contributions; and 2) to serve as a long term fundraiser for our continuing philanthropic work while educating the general public about the history of the VIA and its 115 year history of supporting the city and citizens of Rehoboth. The VIA is a member of the General Federation of Women' s Clubs (GFWC) and Delaware Federation of Women' s Clubs (DSFVC), and encourage support of the VIA' s fundraising events to support its charitable efforts.

During the just concluded 6/1/22-5/1/24 two year Administration, the VIA documented a total of 40,137 Volunteer Service Hours by its 237 members in the five program areas identified above; a total of \$76,537 " Gifts In Kind" , monetary donations, by VIA members to support these program areas; and another \$79,050, monies raised by fundraising activities, was donated as " Charitable Contributions" to twenty-five other 501(c)3 organizations and educational scholarships such as Beebe Nursing scholarships and Cape Henlopen High School Leadership scholarships. The " Charitable Contributions" provided food, shelter and clothing for children, women, men, and families in need.

While the VIA is successful in raising charitable funds, the monies raised, minus expenses for the particular events, are used as our charitable funds. The main purpose of VIA fundraising is to support the community.

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	
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	
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)	At this time the VIA has not expended any funds for this history book project. See "Attachment 1 - Attachment for Section 4: Budget Explanation"
See: Attachment 1-Attachment for Section 4: Budget Explanation *	
TOTAL EXPENDITURES	5000 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Village Improvement Association of Rehoboth Beach 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.

ATTACHMENT 1- Attachment for Section 4: Budget Explanation

SECTION 4: BUDGET

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, OPERATION 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)

At this time the VIA has not expended any funds for this history book project. The time spent and efforts made by the author, club member proof readers/editors, researchers, and photographers, are counted as volunteer service hours donated by these members to the VIA. Monies spent by these members on printer ink and computer paper are counted as "Gifts In Kind".

The expected expenditures are as follows. The publishing company that the VIA has selected for our history book will provide all copyediting work to have the book ready for publication, and will print copies of the book on demand for approximately \$6.31 per copy (plus shipping costs). The publishing company has provided a total cost estimate of approximately \$5,000 for the copyediting work which includes: interior design, cover design, proofreading, photo placement and editing, identifiers (ISBN, barcode), and setup of files with their printers (through which the VIA can print books in any quantity at cost). The process is estimated to take no longer than two months from start to finish, which will include unlimited times of review and discussion. At this time, with the majority of the written work is completed. The book has 12 chapters, and 70 historical photographs. We are asking that the Sussex County Grant Program provide the VIA with \$5,000 in order to cover the estimated costs for the entire copyediting work and should there be any remaining funds, to print the initial copies of the book. It is intended that all future printings and sales of the book to our members will be prepaid, and that additional following sales to the public will generate substantial, long-term revenue for the VIA's charitable contributions to non-profit organizations in the Rehoboth Beach area and in Sussex County. It is our hope that this History of the VIA will raise awareness of our organization and generate further support for the VIA's' efforts. Whether it be ridding the area of mosquitoes, starting the Rehoboth Beach Public Library, instituting street lights and benches on the boardwalk, offering a well-baby clinic and day care during WWII, throughout the 115-year history of the VIA, our efforts have continued to support the community through volunteerism and fundraising initiatives.

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.**

Monte Badita, President
Applicant/Authorized Official Signature

06/05/24
Date

Ann M. Sebastian
Witness Signature

06/05/24
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.

Marta Badila, President
Applicant/Authorized Official Signature

President
Title

Ann M. Sebastian
Witness Signature

06/05/2024
Date

Chairman, History
Book Project

Casey Hall

From: Ann Sebastian <annsebastian2@gmail.com>
Sent: Friday, June 7, 2024 3:39 PM
To: Casey Hall
Subject: Re: Village Improvement Association of Rehoboth Beach, DE, Inc. ("VIA")

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.

Dear Casey, thank you for letting me know that you received the VIA's application for funds. Answers to the two questions are incorporated in your email below.

Ann Sebastian

Sent from my iPhone

On Jun 7, 2024, at 11:51 AM, Casey Hall <casey.hall@sussexcountyde.gov> wrote:

Good morning.

Sussex County received your grant application. During review I noticed a few items we not answered.

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

The VIA is not seeking funding from any other sources. We have earmarked funds from the VIA budget to provide for the copy editing estimate which is \$5,000. If we do not need to use our own funds, that money would be left in our general fund. The VIA's funds could then be available to us for printing copies of the book.

- 2.

3. If yes, what percentage of the projects funding does the Council grants represent.

The Council grants request would represent 100% of the \$5,000 estimate.

Upon your response we will send your request to Council for consideration.

Thank you,

Casey Hall

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

To Be Introduced: 6/18/24

Council District 1: Mr. Vincent
Tax I.D. No.: 132-7.00-31.10
911 Address: 9498 Cherry Tree Lane, Seaford

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE AND EXCAVATION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.86 ACRES, MORE OR LESS

WHEREAS, on the 5th day of February 2024, a Conditional Use application, denominated Conditional Use No. 2512 was filed on behalf of Jason Torlish; 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. 2512 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. 2512 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 Broad Creek Hundred, Sussex County, Delaware, and lying at the terminus of Cherry Tree Lane, a private lane on the south side of Oneals Road (S.C.R. 485), approximately 0.2 mile northeast of the intersection of Oneals Road (S.C.R. 485) and Seaford Road (Rt. 13A), and being more particularly described in the attached legal description prepared by Haller & Hudson said parcel containing 5.86 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: 6/18/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-12.06-56.00
911 Address: 33847 Clay Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A GENERAL CONTRACTOR AND CONSTRUCTION BUSINESS WITH AN OFFICE, SHOWROOM, AND STORAGE INCLUDING VEHICLES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.46 ACRE, MORE OR LESS

WHEREAS, on the 26th day of January 2024, a Conditional Use application, denominated Conditional Use No. 2511 was filed on behalf of Paulina Owedyk; 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. 2511 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. 2511 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 the north side of Clay Road (S.C.R. 269), approximately 0.43 mile west of Kings Highway (Rt. 9), and being more particularly described in the attached legal description prepared by Ward & Taylor, LLC said parcel containing 0.46 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: 6/18/24

Council District 4: Mr. Hudson

Tax I.D. No.: 134-11.00-199.00, 200.00 & 200.01

911 Address: 31924, 32014 & 32026 Roxana Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR MULTI-FAMILY (42 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.86 ACRES, MORE OR LESS

WHEREAS, on the 1st day of March 2024, a Conditional Use application, denominated Conditional Use No. 2516 was filed on behalf of Roxanna Apartments, 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. 2516 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 XIA, Subsections 115-83.5, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2516 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 west side of Roxanna Road (Rt. 17), approximately 575 feet south of Atlantic Avenue (Rt. 26), and being more particularly described in the attached legal description prepared by Neuberger, Quinn, Gielen, Rubin & Gibber, P.A. said parcel containing 4.86 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: 6/18/24

Council District 3: Mr. Schaeffer
Tax I.D. No.: 335-8.00-36.06
911 Address: 1006 Kings Highway, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND A C-1 GENERAL COMMERCIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES & REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.529 ACRES, MORE OR LESS

WHEREAS, on the 31st day of January 2024, a zoning application, denominated Change of Zone No. 2028 was filed on behalf of Oscar H. Jr. & Thelma M. Warrington Trustee; 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. 2028 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 [C-1 General Commercial District] 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 Lewes & Rehoboth Hundred, Sussex County, Delaware, and lying on the west side of Kings Highway (Rt. 9), approximately 0.36 mile northwest of Gills Neck Road (S.C.R. 267) and being more particularly described in the attached legal description prepared by Morris James, LLP, said parcels containing 1.529 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.