

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



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

Sussex County Council

AGENDA

NOVEMBER 29, 2016

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Consent Agenda

1. Wastewater Agreement No. 984-11
Sussex County Project No. 81-04
Coastal Club – Land Bay 4 – Phase 2
Goslee Creek Planning Area
2. Wastewater Agreement No. 866-8
Sussex County Project No. 81-04
Lewes Crossing (AKA Deep Valley Farm) – Phase 6
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

Presentation – Jill DiPaolo, Digital Services Librarian – New Website Launch

Todd Lawson, County Administrator

1. State/County Finance & Revenue Committee Update
2. County Council 2017 Schedule
3. Administrator's Report



10:30 a.m. Public Hearing

“AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES”

Janelle Cornwell, Planning & Zoning Director Appointee

1. Commercial Zoning Presentation

Hans Medlarz, County Engineer

1. North Coastal Planning Area – Base Contract – Whitman, Requardt & Associates
 - A. Amendment No. 9 – Oak Crest Farms and Chapel Green Preliminary Engineering Report, Environmental Review and Aerial Mapping.

Patti Deptula, Director of Special Projects

1. James Farm Grant – Century Agreement

Old Business

1. Conditional Use No. 2046 filed on behalf of Lockwood Design and Construction, Inc.

Grant Requests

1. Cape Henlopen Senior Center for building fund fundraiser
2. Sussex County Foster Parent Cluster Association for a foster families event
3. Milton Historical Society for program expenses
4. Good Samaritan Aid Organization for community outreach

Introduction of Proposed Zoning Ordinances

Council Members' Comments

Executive Session – Collective Bargaining and Land Acquisition pursuant to 29 Del. C. §10004(b)

Possible Action on Executive Session Items

1:30 Public Hearing

Conditional Use No. 2060 filed on behalf of Shelby Trucking and Construction Company, Inc.

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HEAVY EQUIPMENT STORAGE, TRUCKING AND CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.983 ACRES, MORE OR LESS” (located at the northwest of Hudson Road (Road 387) 2,100 feet south of Lynch Road (Road 387A) (Tax I.D. No. 533-17.00-160.00) (911 Address: 37268 Hudson Road, Selbyville)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on November 22, 2016 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, NOVEMBER 15, 2016

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, November 15, 2016, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Samuel R. Wilson, Jr.	Vice President
Robert B. Arlett	Councilman
George B. Cole	Councilman
Joan R. Deaver	Councilwoman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore, Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 680 16
Approve
Agenda**

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

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of October 25 and November 11, 2016 were approved by consent.

**Corre-
spondence**

The following correspondence was read into the record:

COZY CRITTERS AFTER SCHOOL PROGRAM, FRANKFORD, DELAWARE.

RE: Letter in appreciation of grant.

SUSSEX COMMUNITY CRISIS HOUSING SERVICE, GEORGETOWN, DELAWARE.

RE: Letter in appreciation of grant.

REHOBOTH ART LEAGUE, REHOBOTH BEACH, DELAWARE.

RE: Letter in appreciation of grant.

COASTAL CONCERTS, LEWES, DELAWARE.

RE: Letter in appreciation of grant.

**Consent
Agenda**

Consent Agenda

**M 681 16
Approve
Consent
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to approve the following items listed under the Consent Agenda:

**Wastewater Agreement No. 984-9
Sussex County Project No. 81-04
Coastal Club – Land Bay 3 – Phase A-1
Goslee Creek Planning Area**

**Wastewater Agreement No. 984-10
Sussex County Project No. 81-04
Coastal Club – Land Bay 3 – Phase A-2
Goslee Creek Planning Area**

**Wastewater Agreement No. 1056
Sussex County Project No. 81-04
Maryland Avenue Sewer Relocation
Bethany Beach Sanitary Sewer District**

Motion Adopted: 5 Yeas.

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

**Public
Comments**

Public Comments

Bill Kinnick stated that he was speaking on behalf of the approximately 40,000 people that live in manufactured homes. He talked about the need for a manufactured home community and housing division in Sussex County and noted that there is currently no oversight in the State of Delaware or in the counties in Delaware. Mr. Kinnick presented documentation to Mr. Lawson.

Leonard Sears stated that there is no plan in place for manufactured housing in Sussex County; that a comprehensive plan is needed to address the many problems that exist; and that they need the County's help in addressing the problems.

Mr. Kramer questioned why the County does not broadcast the meetings of the League of Women Voters of Sussex County (held in Council Chambers) as well as workshops held at the County's West Complex (i.e. the Comprehensive Land Use Plan Workshop scheduled on this date).

Paul Reiger commented on zonings and definitions, i.e. garages, pole barns, storage containers, fencing.

**Adminis-
trator's
Report**

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

1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for September is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 192 troopers assigned to Sussex County for the month of September.

2. Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County

The Advisory Committee on Aging & Adults with Physical Disabilities for Sussex County will meet November 21st at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. Mary Ann Leager, Senior Branch Manager, M&T Bank, will be speaking on "*Preventing Senior Financial Fraud.*" The Conference Planning Subcommittee will also meet at 11:30 a.m. to discuss the 2016 LIVE Conference which was held on October 19th. A copy of the agenda for each meeting is attached.

3. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Forest Landing – Phase 3C, Forest Landing – Phase 3D, and Bay Forest Club – Phase 4.3 (Construction Record) received Substantial Completion effective October 31st.

4. Department of Natural Resources and Environmental Control Public Hearing

The Department of Natural Resources and Environmental Control (DNREC) will host a public hearing tonight on the City of Rehoboth's application to construct and operate improvements to the city's wastewater treatment facility, including a proposed ocean outfall. The hearing is scheduled for 6:00 p.m. at the Rehoboth Elementary School.

County Engineer Hans Medlarz along with the County Administrator are scheduled to participate in the hearing and present comments on behalf of Sussex County.

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

5. Thanksgiving Holiday

Please note that Council will not meet on Tuesday, November 22nd, during the week of Thanksgiving. County offices will be closed on Thursday, November 24th, and Friday, November 25th, for the Thanksgiving holiday and will reopen on Monday, November 28th, at 8:30 a.m. The next regularly scheduled Council meeting will be held on Tuesday, November 29th, at 10:00 a.m.

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

**Financial
Report**

Mrs. Jennings presented the First Quarter Financial Report for FY2017.

**General
Labor &
Equipment
Contract**

Hans Medlarz, County Engineer, presented Change Order No. 1 for the General Labor & Equipment Contract (Project No. 17-01). Mr. Medlarz highlighted the work items that are included in the Change Order totaling \$577,334.80. He noted that these items are either emergency type projects or urgent repairs.

**M 682 16
Approve
Change
Order/
General
Labor &
Equipment
Contract**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Contract No. 17-01, FY17 General Labor & Equipment Contract, be approved, which increases the contract amount by \$577,334.80 for a new total of \$2,675,230.80.

Motion Adopted: 5 Yeas.

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

**T-Hangar
Replace-
ment
Project/
Bid
Award
Recom-
mendation**

Hans Medlarz, County Engineer, and Jim Hickin, Director of Airport and Industrial Park, presented the bid results for the T-Hangar Replacement Project. It was noted that this project was bid after all bids were previously rejected for the repair of the storm damage to the vintage T-Hangar at Delaware Coastal Airport. Mr. Medlarz outlined the three project options, the three alternate bids (Alternate Bid A, B, and C) and Additive D (demolition); he noted that the damage-related expenses can be recovered from the insurance company under either approach.

Four bids were received; Common Sense Solutions, LLC provided the lowest responsive bid of \$537,219.57 based on Alternate B for a pre-engineered T-Hangar with a new concrete floor slab and associated foundation system. The addition of Bid Additive Schedule D in the amount of \$29,838.60 for demolition of the existing T-Hangar will bring the total bid to \$567,058.17. Mr. Medlarz reported that Common Sense Solutions, LLC did not offer a bid for the electrical work and that the Engineering Department will secure this portion separately under a targeted quotation

**T-Hangar Replacement Project/
Bid Award Recommendation
(continued)**

process with at least three interested electrical contractors (value estimated to be \$43,000.00±).

Mr. Medlarz noted that the new T-hangar will house nine planes; that there is an established need for T-Hangars; and that the County has had a waiting list for ten years. He explained that the lease income for the new T-Hangar will allow a payback of the project in approximately 15 years.

A discussion was held on how to offer the T-Hangar for sale.

**M 683 16
Award Bid/
T-Hangar Replacement Project**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that Contract No. 17-07, T-Hangar Replacement, be awarded to Common Sense Solutions, LLC at the total bid amount of \$567,058.17.

Motion Adopted: 5 Yeas.

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

**Landfills Site Maintenance/
Bid Award Recommendation**

Hans Medlarz, County Engineer, referenced the six landfills that the County has historically operated which are governed by the Delaware Hazardous Substance Cleanup Act (HSCA) and regulated by DNREC. Mr. Medlarz stated that all of the sites have operation and maintenance plans and environmental covenants; the maintenance plans include annual monitoring of a series of groundwater wells located on- and off- site. A Request for Proposals was advertised for the annual landfill maintenance contract.

Mr. Medlarz stated that, in addition to the award recommendation of the 2016 annual landfill maintenance contract, the Engineering Department requests Council's approval to advertise for a comprehensive, multi-year, landfill maintenance agreement.

**M 684 16
Award Bid for
Landfill Maintenance Contract
2016**

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, based upon the recommendation of the Engineering Department, that the 2016 Landfill Maintenance Contract be awarded to Betts Land Contractors of Milton, Delaware, at the total bid amount of \$26,100.00.

Motion Adopted: 5 Yeas.

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

M 685 16

A Motion was made by Mrs. Deaver, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that the Sussex County Council approves the advertisement for a comprehensive,

M 685 16
Multi-Year
Landfill
Main-
tenance
Contract
(continued)

competitive, multi-year landfill maintenance contract.

Motion Adopted: 5 Yeas.

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

Estates of
Sea Chase/
Change
Order and
Substantial
Completion

Joe Wright, Assistant County Engineer, presented the Balancing Change Order and request to grant Substantial Completion for The Estates of Sea Chase, Project No. 16-32, a Chapter 96 – Sussex Community Improvement Project. Mr. Wright noted that the County received \$55,000 in bond funds for this project and supplemented those funds with the Chapter 96 Program with the residents reimbursing the difference.

M 686 16
Approve
Change
Order and
Grant
Substantial
Completion/
Estates of
Sea Chase

A Motion was made by Mr. Wilson, seconded by Mrs. Deaver, based upon the recommendation of the Engineering Department, that Change Order No. 1 for Contract No. 16-32, The Estates of Sea Chase Subdivision, Chapter 96 – Sussex Community Improvement Project, be approved, which decreases the contract amount by \$11,911.10, for a new total of \$74,145.50, and that Substantial Completion be granted effective October 4, 2016, and any held retainage be released in accordance with the contract documents.

Motion Adopted: 5 Yeas.

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

Third
Quarter
Employee
Recognition
Awards

Mrs. Jennings reported that the County recognizes employees for exceptional service and that employees can be recognized by coworkers, residents, and customers. Mrs. Jennings announced that four employees received acknowledgement for the Third Quarter of 2016. Donna Pusey in the Sheriff's Department was selected to receive the Third Quarter Customer Service Award and three employees received Honorable Mention: Loretta Benson in the Collections Department, and Bob Roth and Kelly Passwaters in the Planning and Zoning Department.

Request
for Time
Extension/
Woodfield
Preserve
Subdivision

Lawrence Lank, Director of Planning and Zoning, presented a request for an extension of time period for Subdivision No. 2007-9, the application of Thompson Schell, LLC for the Woodfield Preserve Subdivision. The subdivision is subject to sunset on December 1, 2016, unless a time extension is granted for additional time to get the project substantially underway.

Mr. Lank stated that it is his opinion that the project meets the relevant factors referenced in 99-40F of the Subdivision Code for the process of granting an extension of a time period for a subdivision.

**M 687 16
Grant
Time
Extension/
Woodfield
Preserve
Subdivision**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, based upon the authority granted to the Council by Ordinance No. 2428, and based upon compliance with the requirements of the referenced Ordinance, supporting documentation, and the recommendation of the Director of Planning and Zoning, that the Woodfield Preserve Subdivision shall be granted a six month time extension until June 1, 2017, which is six months from December 1, 2016, the original termination date of the subdivision.

Motion Adopted: 4 Yeas, 1 Nay.

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

**Report/
CZ 1802**

Lawrence Lank, Director of Planning and Zoning, reported on Change of Zone No. 1802 filed on behalf of J. G. Townsend, Jr. & Co. The Council held a Public Hearing on this application on August 23, 2016 and discussed the application again on August 30 and October 4, 2016.

Mr. Lank reported on the information requested and received; responses were received from DelDOT and DNREC and have been made a part of the record. Mr. Lank noted that the record can now be reopened for public comment on those reports (only).

**M 688 16
Accept
Comments/
Open
Public
Record/
CZ 1802**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, that (in regard to Change of Zone No. 1802) the Sussex County Council accepts the comments submitted by DelDOT and DNREC, and that the record will remain open until the close of business (4:30 p.m.) on Friday, December 2, 2016, for written comments on the information received from DelDOT and DNREC (only).

Motion Adopted: 5 Yeas.

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

**Old
Business/
CZ 1759**

The Council discussed Change of Zone No. 1759 filed on behalf of Osprey Point D, LLC. The Planning and Zoning Commission held a Public Hearing on this application on January 8, 2015 at which time action was deferred; on April 14, May 26, and June 23, 2016, the Commission discussed the application. On June 23, 2016, the Commission recommended approval of the application (vote was 3-0 as two members were not participating) for the following reasons and with the following conditions:

- 1) This project originally sought approval for 339 units, including 180 townhouses. During the public hearing, much of the opposition related to the density of the proposed development and the proposed townhouses. After hearing these concerns, the applicant submitted a**

**Old
Business/
CZ 1759
(continued)**

revised Site Plan that deletes the townhouses and reduces the number of units to 217, which is a reduction in the density from 3.2 units per acre to 2.0 units per acre; or gross density calculation from 2.7 units per acre to 1.7 units per acre. This 36% reduction in housing units results in a development that is consistent with the surrounding developments of Old Landing Road. In my 11.5 years on the Commission typically changes are made from Preliminary to Final approval.

- 2) The proposed MR-RPC project meets the purpose of the Zoning Ordinance in that it promotes the orderly growth of the County because the proposed project is in a Development Area as established by the Comprehensive Land Use Plan.
- 3) The development of this site at 217 units is consistent with and often less than the densities of surrounding RPCs and other developments that exist along Old Landing Road, including Sawgrass South, Sawgrass at White Oak Creek and the Villages at Old Landing. In addition, Redden Ridge was approved as a bonus density cluster development. As a result, this project represents “infill” development.
- 4) Sewer service will be provided as part of a County operated Sanitary Sewer District, and adequate wastewater capacity is available for the project.
- 5) Central water will be provided to the project.
- 6) With the conditions placed upon this project, the RPC designation is appropriate for this parcel of land in that the purpose of an RPC is to encourage large scale development as a means to create superior living environments and the use of design ingenuity. This development, revised to only include single family lots, achieves this goal. The design also retains a great deal of open space, provides for additional buffers, protects wetlands, and provides considerable recreational amenities.
- 7) A revised Traffic Operational Analysis was prepared and reviewed by DelDOT as a result of the reduction in residential units. The applicant will be required to comply with all DelDOT entrance, intersection and roadway improvement requirements, including the improvement of Old Landing Road from Fairway Drive to its southern terminus, construction of bicycle and pedestrian improvements and required contributions to the signalization and improvement of the Old Landing Road/Warrington Road/Strawberry Way intersection.
- 8) The proposed development will provide buffers from Federal and State wetlands and will comply with the Inland Bays Pollution Control Strategy. The Final Site Plan will take into account the review and approval of Federal, State and County agencies that have jurisdiction over the protection of wetlands.
- 9) There was concern stated in the record about soil types and storm water management at this site. All of this will be reviewed and regulated by the Sussex Conservation District and DNREC prior to Final Site Plan approval. As with any Preliminary Site Plan, there may be further changes to the Plan following the District’s and DNREC’s review to accommodate an appropriate and workable storm water management design.

**Old
Business/
CZ 1759
(continued)**

- 10) The Plan has adequately addressed all of the terms contained in Section 99-9C of the Subdivision Code.**
- 11) This recommendation is subject to the following conditions:**
 - A. The maximum number of residential units shall not exceed 217 single family lots. No townhouses shall be permitted in the project.**
 - B. Site Plan review shall be required for each phase of development.**
 - C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT. The developer shall also contribute to the Old Landing Road/Warrington Road/Strawberry Way intersection and signalization improvements.**
 - D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100th building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.**
 - E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
 - F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
 - G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
 - H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the applicant, street design shall include sidewalks on both sides of the streets and street lighting.**
 - I. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
 - J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
 - K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**

**Old
Business/
CZ 1759
(continued)**

- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.**
- M. As proffered by the applicant, there shall be a 25 foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50 foot non-disturbance buffer from all State tidal wetlands as required by County Code.**
- N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and Zoning Commission.**
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

The County Council held a Public Hearing on this application on February 3, 2015 at which time action was deferred.

In response to questions, Mr. Moore proposed that Council consider an additional condition, as follows:

- P. Pursuant to Section 115-125(B) of the Zoning Ordinance, prior to approval of the RPC Record Plan or Final Site Plan, the Planning and Zoning Commission shall confirm that the Applicant has recorded a deed restriction, limiting the design of the development to a maximum residential density of 217 single family lots and that said restriction cannot be modified or amended without the approval of the Sussex County Council.**

The Council discussed the Proposed Ordinance and recommended conditions of approval.

**M 689 16
Add
Condition
P to
CZ 1759**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to add Condition P to the recommended conditions (for Change of Zone No. 1759).

Motion Adopted: 5 Yeas.

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

**M 690 16
Adopt
Ordinance
No. 2475**

A Motion was made by Mrs. Deaver, seconded by Mr. Cole, to adopt Ordinance No. 2475 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX

**M 690 16
Adopt
Ordinance
No. 2475/
CZ 1759
(continued)**

COUNTY, CONTAINING 126.8795 ACRES, MORE OR LESS (Change of Zone No. 1759) filed on behalf of Osprey Point D, LLC, with the following conditions, as amended:

- A. The maximum number of residential units shall not exceed 217 single family lots. No townhouses shall be permitted in the project.**
- B. Site Plan review shall be required for each phase of development.**
- C. All entrance, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the applicant in accordance with DelDOT's requirements, or in accordance with any further modifications required by DelDOT. The developer shall also contribute to the Old Landing Road / Warrington Road / Strawberry Way intersection and signalization improvements.**
- D. As proffered by the applicant, the central recreational facilities and amenities shall be constructed and open to use by residents of the development no later than the issuance of the 100th building permit. These recreational facilities shall include a clubhouse, pool, tennis and basketball courts, and a tot lot and dog park.**
- E. The development shall be served as part of the West Rehoboth Sanitary Sewer District in accordance with the Sussex County Engineering Department specifications and regulations.**
- F. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- G. Stormwater management and erosion and sedimentation control facilities shall be constructed in accordance with applicable State and County requirements. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of the Sussex Conservation District.**
- H. The interior street design shall be in accordance with or exceed Sussex County street design requirements and/or specifications. As proffered by the applicant, street design shall include sidewalks on both sides of the streets and street lighting.**
- I. The applicant shall submit as part of the site plan review a landscape plan showing the proposed tree and shrub landscape design.**
- J. Construction, site work, grading, and deliveries of construction materials, landscaping materials and fill on, off or to the property shall only occur from Monday through Saturday and only between the hours of 7:00 a.m. and 6:00 p.m.**
- K. The applicant shall cause to be formed a homeowner's association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**

**M 690 16
Adopt
Ordinance
No. 2475/
CZ 1759
(continued)**

- L. Federal and State wetlands shall be maintained as non-disturbance areas, except where authorized by Federal or State permits. The wetland areas shall be clearly marked on the site with permanent markers.**
- M. As proffered by the applicant, there shall be a 25 foot non-disturbance buffer from all Federal non-tidal wetlands. There shall also be a 50 foot non-disturbance buffer from all State tidal wetlands as required by County Code.**
- N. A revised Preliminary Site Plan depicting these conditions and the applicant's proposed changes shall be submitted to the Department for the review and approval by the Planning and Zoning Commission.**
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**
- P. Pursuant to Section 115-125(B) of the Zoning Ordinance, prior to approval of the RPC Record Plan or Final Site Plan, the Planning and Zoning Commission shall confirm that the Applicant has recorded a deed restriction, limiting the design of the development to a maximum residential density of 217 single family lots and that said restriction cannot be modified or amended without the approval of the Sussex County Council.**

Motion Adopted: 5 Yeas.

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

**Grant
Requests**

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

**M 691 16
County-
wide
Youth
Grant**

A Motion was made by Mr. Arlett, seconded by Mrs. Deaver, to give \$1,000.00 from Countywide Youth Grants to the Boys & Girls Clubs of Delaware for a masquerade ball scholarship fundraiser.

Motion Adopted: 5 Yeas.

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

**M 692 16
Council-
manic
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$600.00 (\$300.00 each from Mr. Vincent's and Mr. Arlett's Councilmanic Grant Accounts) to the Town of Blades for community event expenses.

Motion Adopted: 5 Yeas.

**M 692 16
(continued)**

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

**Introduction
of Proposed
Ordinances**

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTO REPAIR SHOP TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 24.9784 ACRES, MORE OR LESS” (Conditional Use No. 2068) filed on behalf of Charles J. Short (Tax I.D. No. 234-28.00-146.00) (911 Address: 30226 Cordrey Road, Millsboro).

Mrs. Deaver 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 CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.8573 ACRES, MORE OR LESS” (Change of Zone No. 1815) filed on behalf of Two Farms, Inc. (Tax I.D. No. 135-11.00-78.00) (911 Address: 24616 Lewes Georgetown Highway, Georgetown).

The Proposed Ordinances will be advertised for Public Hearing.

**Council
Members’
Comments**

Council Members’ Comments

Mr. Arlett expressed thanks to the Town of Georgetown for the Return Day festivities.

Mr. Arlett congratulated I. G. Burton on his election to the Sussex County Council and he thanked Mrs. Deaver for her tenure and service to the County.

**M 693 16
Recess
Regular
Session/
Go Into
Executive
Session**

At 11:25 a.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to recess the Regular Session and to go into Executive Session to discuss matters relating to collective bargaining and land acquisition.

Motion Adopted: 5 Yeas.

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

**Executive
Session**

At 11:35 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room for the purpose of discussing matters relating to collective bargaining and land acquisition. The Executive Session concluded at 12:18 p.m.

M 694 16 **At 12:20 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to**
Reconvene **come out of Executive Session and to reconvene the Regular Session.**
Regular
Session **Motion Adopted: 3 Yeas, 2 Absent.**

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

E/S Action **There was no action on Executive Session matters.**

M 695 16 **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to recess until**
Recess **1:00 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 696 16 **At 1:05 p.m., a Motion was made by Mrs. Deaver, seconded by Mr. Cole, to**
Reconvene **reconvene (meeting reconvened at the County's West Complex, as**
advertised).

Motion Adopted: 4 Yeas, 1 Absent.

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

Compre- **Mr. Lawson announced that members of the Sussex County Council**
hensive **reconvened for a Comprehensive Land Use Plan workshop with members**
Land Use **of the Planning and Zoning Commission, representatives of McCormick**
Plan **Taylor (the County's consultant), and staff. Information presented**
Workshop **included a planning update, an explanation of the phased process, the next**
stage including future coordination efforts; and a report on public meeting
and survey results, A discussion was held regarding the data gathered thus
far and on the path forward.

[Mr. Wilson joined the meeting during the presentation and discussion.]

It was noted that the PowerPoint presented during this workshop will be
made available on the Comprehensive Plan website.

M 697 16 **A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at**
Adjourn **3:12 p.m.**

Motion Adopted: 5 Yeas.

**(continued) Vote by Roll Call: Mrs. Deaver, Yea; Mr. Cole, Yea;
Mr. Arlett, Yea; Mr. Wilson, Yea;
Mr. Vincent, Yea**

Respectfully submitted,

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

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 17, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
COASTAL CLUB - LAND BAY 4 - PHASE 2
AGREEMENT NO. 984 - 11

DEVELOPER:

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

LOCATION:

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

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

37 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$213,675.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
03/31/16

Department Of Natural Resources Plan Approval
07/26/16

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60
Construction Admin And Construction Inspection Cost – \$13,121.25
Proposed Construction Cost – \$87,475.00



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
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FAX	(302) 855-7799



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

November 17, 2016

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
LEWES CROSSING, (AKA DEEP VALLEY FARM) - PHASE 6
AGREEMENT NO. 866 - 8

DEVELOPER:

Ms. Megan Conner
Lewes Crossing Capital Partners, LLC
5950 Symphony Woods Rd.
Suite 408
Columbia, MD 21044

LOCATION:

South side Rt. 9, north and south sides of Rd.
285, Beaver Dam Rd.

SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

42 Single Family Lots

SYSTEM CONNECTION CHARGES:

\$242,550.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
09/13/13

Department of Natural Resources Plan Approval
02/04/13

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 40
Construction Admin and Construction Inspection Cost – \$8,664.90





**SUSSEX COUNTY PENSION CHANGES
PUBLIC HEARING**



PROPOSED PENSION CALCULATION CHANGES

Steps:

1. Intent of changes was shared with County Council
2. Draft Ordinance was prepared
3. Email was sent to all employees about the process with a copy of the ordinance and public hearing date
4. Ordinance was shared with the Pension Committee and Personnel Board
5. Public Hearing process was completed with the Personnel Board and Pension Committee on October 13
6. Boards made a recommendation to County Administrator to present the ordinance to County Council for adoption
7. Ordinance is in front of County Council for consideration through its public hearing process
8. Ordinance to be effective as of January 1, 2017

The seal of Delaware County, Pennsylvania, is partially visible on the left side of the slide. It features a circular design with the text "DELAWARE COUNTY PENN." and "PROPR..." around the perimeter. The center of the seal contains a figure, possibly a Native American, holding a bow and arrow. The seal is set against a light blue background with a wavy border.

PROPOSED CHANGES

Change the annual salary calculation from 40 hours to 42 hours for 12-hour employees

- 12-hour employees work an average of 42 hours by working weeks with 4 days on/4 days off
- Hourly rate stays the same
 - \$19/hr. used to equate to \$39,520
 - \$19/hr. would now equate to \$41,496
- This does not affect annual pay in the budget; it effects
 - Pension calculation
 - Moves salary closer to maximum through pay range

Adds 5 additional years for the calculation of pension for employees whose hire date is after July 1, 2000

- Currently pension is capped at 25 years for 12-hour employees
- Currently pension is capped at 30 years for all other employees hired after July 1, 2000
- Employees will have an incentive to work longer
- By delaying the retirement, the County holds off paying for a new employee while also paying a new pension



40 TO 42 HOURS

Cost of Annual Salary Based on 42 Hours (Instead of 40 Hours)		
	Baseline	Plan Change - 42 Hours
Expected Actuarial Liability at July 1, 2016	\$ 93,917,000	\$ 93,917,000
Change in Actuarial Liability (Due to Plan Change)	0	772,000
New Actuarial Liability at July 1, 2016	\$ 93,917,000	\$ 94,689,000
Unfunded Actuarial Liability	\$ 14,607,000	\$ 15,379,000
Funded Ratio (%)	84.4%	83.8%
Employer Contribution Estimate for FY 2017		
Employer Normal Cost	\$ 1,780,000	\$ 1,809,000
Amortization Payment	1,364,000	1,436,000
Administrative Expenses	85,000	85,000
Total Contribution	\$ 3,229,000	\$ 3,330,000
Estimated Increase in Contribution		\$ 101,000

25 TO 30 YEARS

Cost of Benefit up to 30 Years of Service (Instead of 25 Years)

	Baseline	Plan Change - 30 Years of Service		
		100% Retirement	50% Retirement	25% Retirement
Expected Actuarial Liability at July 1, 2016	\$ 93,917,000	\$ 93,917,000	\$ 93,917,000	\$ 93,917,000
Change in Actuarial Liability (Due to Plan Change)	0	266,000	(54,000)	(253,000)
New Actuarial Liability at July 1, 2016	\$ 93,917,000	\$ 94,183,000	\$ 93,863,000	\$ 93,664,000
Unfunded Actuarial Liability	\$ 14,607,000	\$ 14,873,000	\$ 14,553,000	\$ 14,354,000
Funded Ratio (%)	84.4%	84.2%	84.5%	84.7%
Employer Contribution Estimate for FY 2017				
Employer Normal Cost	\$ 1,780,000	\$ 1,801,000	\$ 1,798,000	\$ 1,792,000
Amortization Payment	1,364,000	1,389,000	1,359,000	1,341,000
Administrative Expenses	85,000	85,000	85,000	85,000
Total Contribution	\$ 3,229,000	\$ 3,275,000	\$ 3,242,000	\$ 3,218,000
Estimated Increase in Contribution		\$ 46,000	\$ 13,000	\$ (11,000)



FAQ'S

Q: I am a 12-hour employee and if I stay 25 years, I earn approximately 50% of my salary. What is the percentage if I stay 30 years?

A: If you stay 30 years, it will be approximately 60%.

Q: I am a 7-hour employee and was hired before July 1, 2000; how does this ordinance affect me?

A: This ordinance does not affect you. You are not capped at years of service for your pension calculation.

Q: My spouse is a County pensioner. Is his/her current pension affected?

A: No, this ordinance does not affect current pensioners.



FAQ'S

Q: Do I have to stay the extra 5 years to get this additional benefit?

A: No, if you are a 12-hour employee, you can retire at 25 years of service or work up to the remaining 30 years. This is the same result for 7 or 8-hour employees, you can retire at 30 years of service or work the remaining years up to 35 years.

Q: The ordinance will be effective January 1, 2017. Does this mean only my annual salary in 2017 is using 42-hours?

A: No. All years used in determining your retirement will be based on the 42-hour calculation.



**SUSSEX COUNTY PENSION CHANGES
PUBLIC HEARING**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY REVISING COMPUTATION OF PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES.

WHEREAS, Chapter 26 of the Code of Sussex County is known as the "Sussex County Employee Pension Plan Act" which governs pensions for Sussex County employees; and

WHEREAS, Sussex County desires to revise § 26-7 with respect to the computation of pension benefits for covered employment of Sussex County employees as set forth herein.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 26, §26-7, is hereby restated in its entirety and is hereby amended by deleting the language in brackets and inserting the underlined language as follows:

“§ 26-7 Computation of benefits.

- A. The benefits shall be computed as follows: The wages or salary of the highest paid three years of Sussex County [service]covered employment shall be averaged by dividing the total by 36 months. This product shall be divided by a constant of 60. The product of these functions shall be multiplied by the number of years of covered employment[years' service and] plus [fractions of years' service]full months of covered employment divided by 12. The result shall be the monthly pension payment. The number of years of covered employment[years' service] factored into the above calculations for those employees hired after July 1, 2000 and who retired before January 1, 2017, will be a maximum of 25 or 30 [years]in determining benefits provided pursuant to § 26-6B(3) and (4) above. For those covered employees **HIRED AFTER JULY 1, 2000 AND** who retire after December 31, 2016, the number of years of covered employment factored into the calculations of benefits, will be a maximum of 30 or 35 in determining benefits provided pursuant to § 26-6B(3) and (4) above. For purposes of computing benefits under this § 26-7A for those covered employees who retire after December 31, 2016, wages or salary for each year of Sussex County covered employment shall be computed by multiplying the employee's highest hourly rate for the year by the number of regularly scheduled workweek hours and then multiplying the product thereof by 52 weeks. For a covered employee who is classified as a paramedic or emergency communications specialist and who works scheduled twelve-hour shifts, including management personnel who are required to maintain certifications necessary to relieve as a paramedic or emergency communications specialist who retires after December 31, 2016, wages or salary for each year of Sussex County covered employment shall be computed by multiplying the employee's highest hourly rate for the year by 42 hours and then multiplying the product thereof by 52 weeks.

B. Notwithstanding the foregoing, the benefits shall be computed as follows for a covered employee, hired after July 1, 2001 and who retire before January 1, 2017, who is classified as a paramedic or emergency communications specialist and who works scheduled twelve-hour shifts, including management personnel who are required to maintain certifications necessary to relieve as a paramedic or emergency communications specialist: The wages or salary of the highest paid three years of Sussex County [service]covered employment shall be averaged by dividing the total by 36 months. This product shall be divided by a constant of 50. The product of these functions shall be multiplied by the number of years of [service]covered employment, which number shall not exceed 25. The result shall be the monthly pension payment. For such covered employee described in this § 26-7B hired after July 1, 2001 and who retires after December 31, 2016, for purposes of computing benefits under this § 26-7B, the number of years of covered employment shall not exceed 30, and wages or salary for each year of Sussex County covered employment shall be computed by multiplying the employee's highest hourly rate for the year by 42 hours and then multiplying the product thereof by 52 weeks."

Section 2. Effective Date. This Ordinance shall become effective on January 1, 2017.

Synopsis

This Ordinance amends Chapter 26, §26-7A. and B. of the Code of Sussex County to revise the computation of pension benefits for covered employment of Sussex County employees.

Deleted text is in brackets. Additional text is underlined.

**COMMERCIAL ZONING
EXPANSION INITIATIVE**

PROBLEM:

- NO PREDICTABILITY WITHIN THE COMMERCIAL ZONES**
- TOO FEW COMMERCIAL ZONE CATEGORIES**
- TOO MANY PERMITTED USES**
- ONE SIZE FITS ALL APPROACH TO COMMERCIAL DEVELOPMENT**

CURRENT COMMERCIAL ZONING

URBAN BUSINESS
UB
125 USES

NEIGHBORHOOD
BUSINESS
B-1
65 USES

GENERAL
COMMERCIAL
C-1
109 USES

COMMERCIAL
RESIDENTIAL
CR-1
110 USES

CLOSED

POSSIBLE SOLUTION ADDITIONAL COMMERCIAL ZONES

URBAN BUSINESS
B-3
26 USES

CLOSED

NEIGHBORHOOD
BUSINESS
B-1
23 USES

CLOSED

GENERAL
COMMERCIAL
C-1
109 USES

CLOSED

COMMERCIAL
RESIDENTIAL
CR-1
110 USES

CLOSED

NEIGHBORHOOD
BUSINESS
B-2
32 USES

MEDIUM
COMMERCIAL
C-2
16 USES

HEAVY
COMMERCIAL
C-3
20 USES

PLANNED
COMMERCIAL
DISTRICT
C-4
18 USES

SERVICE/
LIMITED
MANUFACTURING
C-5
15 USES

PROFESSIONAL
OFFICE
BP-1
6 USES

Institutional
I-1
14 USES

NEIGHBORHOOD
BUSINESS
E-2
32 USES

PURPOSE

B-2 The purpose of this district is to provide primarily for retail shopping and personal service uses, to be developed either as a unit or in individual parcels, and to serve the needs of a relatively small area, primarily nearby rural, low-density or medium-density residential neighborhoods. To enhance the general character of the district and its compatibility with its residential surroundings, signs are limited to businesses conducted on the premises, and the number, area and type of signs are limited.

BULK STANDARDS

Minimum Lot Size: 3,000 SF

Maximum Lot Size: 3 acres

Maximum Gross Floor Area: 25,000 SF

MEDIUM
COMMERCIAL
C-2
16 USES

PURPOSE

C-2 - This district accommodates community commercial uses that do not have outside storage or sales.

BULK STANDARDS

Minimum Lot Size: 15,000 SF

Maximum Lot Size: N/A

Maximum Gross Floor Area: 75,000 SF

HEAVY
COMMERCIAL
C-3
20 USES

PURPOSE

C-3 - This district is generally intended for larger scale auto-oriented retail and service businesses along or near major traffic routes that serve local and regional residents as well as the traveling public. In addition to most commercial uses found in this zone, automobile, truck, recreational vehicle and boat sales, rental and major repair facilities may be located in this district.

BULK STANDARDS

Minimum Lot Size: 3 acres

Maximum Lot Size: N/A

Maximum Gross Floor Area: N/A

PLANNED
COMMERCIAL
DISTRICT
C-4
18 USES

PURPOSE

C-4 – In order to encourage carefully planned large-scale commercial, retail, and mixed use developments as a means of creating a superior shopping, working and living environment through unified developments, and to provide for the application of design ingenuity while protecting existing and future developments and achieving the goals of the Comprehensive Plan.

- **Approved concurrently with a site plan**
- **Possibly approved with conditions as appropriate.**

BULK STANDARDS

Minimum Lot Size: 10 acres

Maximum Lot Size: N/A

Maximum Gross Floor Area: 75,000

SERVICE/
LIMITED
MANUFACTURING
COMMERCIAL
C-5
18 USES

PURPOSE

C-5 - The Service/Limited Manufacturing District is designed to maintain and facilitate the growth and expansion of small scale light industrial, wholesale distribution and personal service.

BULK STANDARDS

Minimum Lot Size: 25,000 SF

Maximum Lot Size: N/A

Maximum Gross Floor Area: N/A

PROFESSIONAL
OFFICE
BP-1
6USES

PURPOSE

BP-1 - This District is generally intended for office buildings, office park and professional park development. 50% of the floor area may be for a limited number of auxiliary commercial uses that typically support the office use. Restaurants are permitted as a stand-alone use.

BULK STANDARDS

Minimum Lot Size: N/A

Maximum Lot Size: N/A

Maximum Gross Floor Area: N/A

Institutional
I-1
14 USES

PURPOSE

I-1 - The purpose of this district is to recognize the public, quasi-public, and institutional nature of particular parcels of land and provide standards and guidelines for their continued use and future development; and to ensure that the public, quasi-public, and institutional structures and developments in the district will be compatible with surrounding districts and uses.

BULK STANDARDS

Minimum Lot Size: N/A

Maximum Lot Size: N/A

Maximum Gross Floor Area: N/A

COMMERCIAL ZONING EXPANSION INITIATIVE

Discussion, Questions and Concerns

Path forward

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

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

RE: *North Coastal Planning Area – Chapel Branch SSD Area
Aerial Mapping & Environmental Assessment Related Issues
Professional Services WRA Associates, Inc. Amendment No.9*

DATE: November 29, 2016

On January 24, 2014, County Council awarded a five (5) year, cost plus fixed fee type, base contract regarding engineering services for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Since then, Council utilized the contract by approving seven (8) amendments totaling \$4,502,823.00 in value. The latest amendment was approved on November 1, 2016 for aerial mapping and issues surrounding the environmental assessment such as archeological services and wetland delineations.

On November 1, 2016, County Council approved the addition of the Chapel Branch area to the Unified Sewer District. The Department is presenting a request for the approval of the attached Contract Amendment No.9 in a “not to exceed” amount of \$69,417.00 for Chapel Branch’s Preliminary Engineering Report, Environmental Review and Aerial Mapping. In addition, we will be jointly approaching the “service lateral optimizations” of the entire Chapel Branch expansion area. The preliminary engineering report a well as the Environmental review must accompany the State and Federal funding applications.

Once this phase concludes we will seek Council’s approval for professional engineering services through the bid process. With a number of projects moving forward in the same area at the same time we prefer not to include the contract administration or on-site inspection at that time, but rather revisit the staffing later on. In our negotiation with WRA we expressed the County’s desire to have in house staff play a larger role in the administration and tracking of the improvements as they are constructed. This will require the allocation of cost in future budget years for the staffing of these in house functions.



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE | PO BOX 589
GEORGETOWN, DELAWARE 19947

NORTH COASTAL PLANNING AREA
SUSSEX COUNTY, DELAWARE
CONTRACT AMENDMENT NO. 9

This contract amendment, **Contract Amendment No. 9** dated _____, 2016 amends our original contract dated January 14, 2014 between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and Whitman, Requardt and Associates, LLP, a State of Maryland Limited Liability Partnership, hereinafter referred to as CONSULTANT, whose address is 801 South Caroline Street, Baltimore, Maryland 21231 (Original Contract). Except as specifically amended herein, the provisions of the Original Contract dated January 14, 2014, as thereafter amended, remain in effect and fully valid.

By execution of this Amendment, the following sections are hereby added as new sections to the Original Contract, as respectfully numbered below.

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 8** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated January 14, 2014.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Oak Crest Farms and Chapel Green Preliminary Engineering Report, Environmental Review and Aerial Mapping** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **Sixty Nine Thousand Four Hundred and Seventeen Dollars (\$69,417.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN
INCORPORATED DOCUMENTS

14.1.2 **Attachment A: Consultant's Scope of Services, Oak Crest Farms and Chapel Green Preliminary Engineering Report, Environmental Review and Aerial Mapping with Man-hour Spreadsheets. (Contract Amendment No. 9).**

By execution of this Agreement, the following sections are amended as set forth below:

- 2.4 The CONSULTANT shall perform the Scope of Services attached hereto as Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment A.
- 4.3 The COUNTY shall pay the CONSULTANT for the satisfactory completion of the Scope of Services specified herein before in Attachment A and all additional Scopes of Services as may be set forth in consecutively numbered subsets of Attachment. based on and limited to the following method of determination....”

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 9 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

STANDARD FORM
PREVIOUSLY APPROVED:

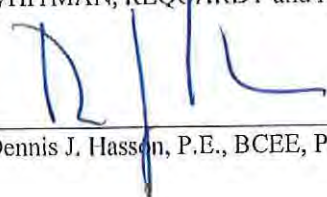
Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

WHITMAN, REQUARDT and ASSOCIATES, LLP



Dennis J. Hasson, P.E., BCEE, Partner

WITNESS:





**SCOPE OF SERVICES
OAK CREST FARMS AND CHAPEL GREEN
PRELIMINARY ENGINEERING REPORT, ENVIRONMENTAL REVIEW AND AERIAL MAPPING**

WRA will perform the services as described below, for the Oak Crest Farms and Chapel Green Preliminary Engineering Report, Environmental Review, and Aerial Mapping in Sussex County, Delaware.

PART A: Preliminary Engineering Report

1. Field review of existing subdivision layouts and existing 5 pump stations (one within Chapel Green and four within Oak Crest).
2. Make recommendations as to upgrades required for the collection pump stations in regards to anticipated upgrades to meet County standards.
3. Review existing collection system and make recommendations for upgrades of system modifications to or elimination of existing septic tanks located within existing collection system.
4. Review of service area with respect to both Oak Crest Farms and Chapel Green and review impacts to serving both developments into the proposed PS#210/Goslee Creek 24-inch regional forcemain.
5. Review impacts of serving isolated areas around both developments for service into the project.
6. Review of hydraulics for proposed two pump stations, with estimate of pump HP requirements. A field review of the existing pump stations that serve both developments will be made. However, it is assumed that new replacement pump stations will need to be constructed to meet current County standards.
7. Develop cost estimates for infrastructure.
8. Summarize system in a Preliminary Engineering Report to the County.
9. Address County comments on the Preliminary Engineering Report.
10. Attend One Public Hearing with County.

PART B – Environmental Review

1. **Background Data Collection** – WR&A will conduct a collection of background environmental data required for the environmental assessment.

Attachment A

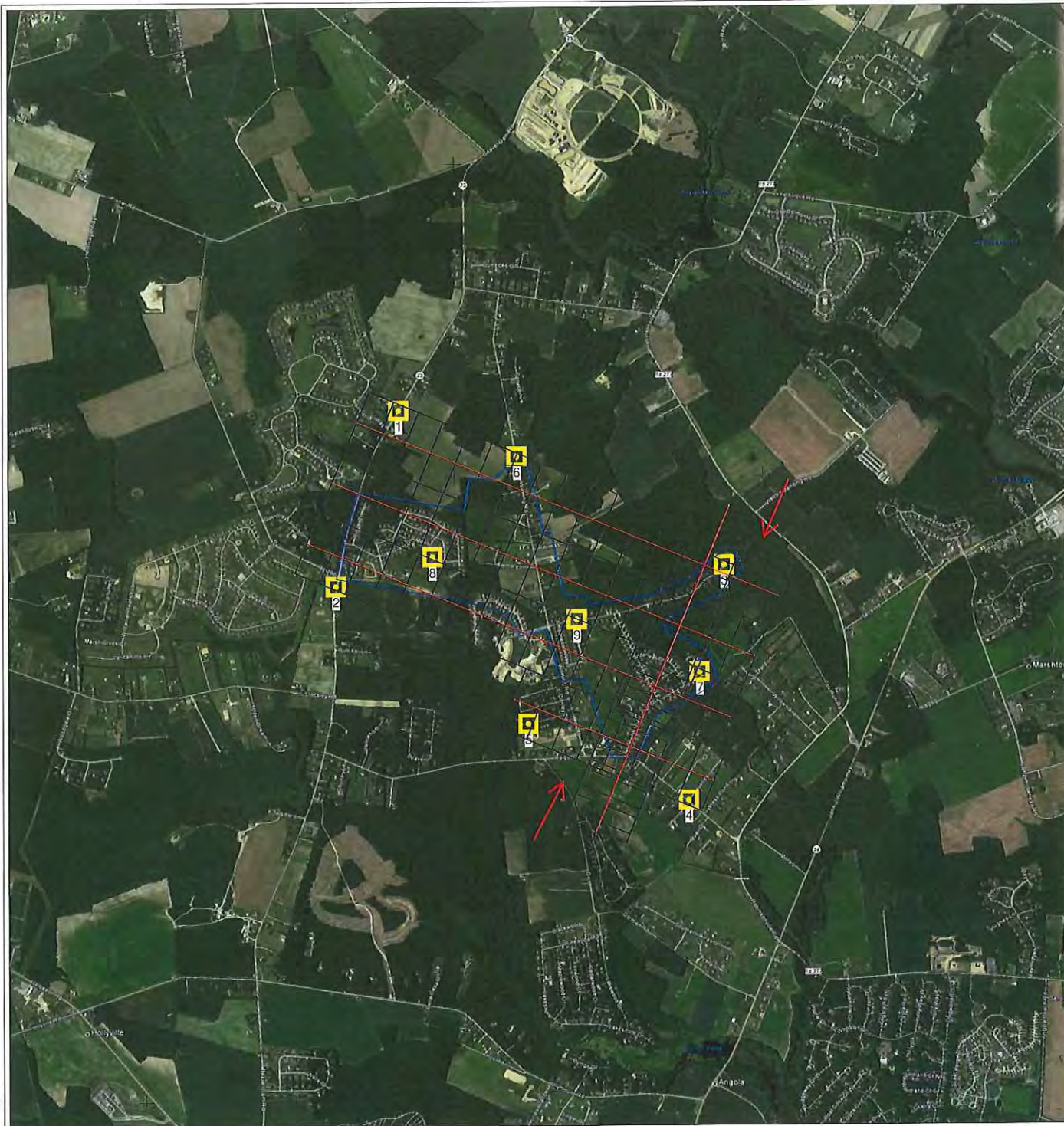
2. **Purpose and Need/Alternatives Definition** – WR&A will assess and define the purpose and need of the proposed expansion and provide various alternatives for its completion.
3. **Inter-agency Correspondence** – WR&A will prepare correspondence on behalf of Sussex County for inter-agency review.
4.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

Assumptions:

- *Field studies and survey services are not required. There are no historical/archeological resources, coastal zone consistency, floodplain, or rare, threatened or endangered species concerns.*
- *The activity will require the level of documentation appropriate for a finding of no significant impact.*
- *This report does not include a discussion of indirect and cumulative impacts, required to assess future trends, regional development, or proposed activities outside of the County/State right-of-way.*

PART C: Aerial Topography

1. **Provide Project Management** Solicit three prices from aerial companies, coordinate all aerial companies access for surveys, etc, execute subcontracts with, and review and approve all subcontract invoices. Final product will be obtaining Aerial Mapping for area designated on attached figure. Work effort will include preparing and implementing HD-Lidar flight plan for approximately 450 acres, producing 1" =50' mapping with 1' contours. Included is all needed field surveying to set controls, flight, and data processing by the sub-contractor.



16201-2 Herring Creek

16201-2 Chapel Green Oak Acres FP



Project No:	16201	Total lines:	6	Scan Rate:	329 lps
Plot scale:	1/35000	Total models:	84	FOV:	58.52 deg
Camera type:	digital camera	Total photos:	90	MTA Zones:	1
Altitude:	1880 feet	Ground Speed:	135kts	Project Area:	457 Acres
Photo scale:	1/11127	Altitude ASL:	1885 Average	USGS Quad:	Fairmount
Pixel size:	0.058m	Point Density:	11.96 ppsm	State:	DE
Lateral overlap:	30%	Point Distance:	0.41m	Project Type:	LIDAR & Imagery
Forward overlap:	60%	Pulse Rate:	800 kHz		
Total length:	7.9nm	Laser Power:	6%		

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE

sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

MEMORANDUM

To: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable Samuel R. Wilson, Jr., Vice President
The Honorable Robert B. Arlett
The Honorable George B. Cole
The Honorable Joan R. Deaver

From: Patricia L. Deptula,
Director of Special Projects

RE: ***The James Farm Ecological Preserve
Master Plan Implementation
Century Engineering, Inc. Proposal Award
Sussex County Project # 16-17***

Date: November 23, 2016

In June 2016, Sussex County was awarded a \$37,500 matching grant for the Sussex County James Farm property, on Cedar Neck Road, Ocean View, Delaware. This grant agreement is through the Delaware Land & Water Conservation Trust Fund, and is pursuant to Delaware Code's Outdoor Recreation, Parks and Trails Program (DTF Program). The Delaware Department of Natural Resources and Environmental Control (DNREC), Division of Parks and Recreation oversees the grant implementation.

The James Farm is currently leased to the Delaware Center for the Inland Bays (CIB), a nonprofit organization formed in 1994 under Delaware State Code. The CIB, in conjunction with the Sussex County Engineering Department (SCED), and through the consultant selection process, requested public proposals to perform designated Professional Engineering Design Services as identified in the grant request, as part of the CIB James Farm Master Plan.

The consulting firm, Century Engineering, Inc. (Century) was selected from this process. Century proposes to deliver services as outlined in their November 7, 2016 Proposal provided. The cost of work under the proposal will be **\$74,969.10**. Upon your approval of their proposal, the project will be administered by the CIB at the authority of the SCED.

Thank you. Happy Thanksgiving Holiday to you and your families.

Cc: Todd F. Lawson
Gina A. Jennings
Hand Medlarz, P.E.



November 07, 2016

Delaware Center for the Inland Bays
Attn: Mr. Bob Collins
39375 Inlet Road
Rehoboth Beach, DE 19971

RE: REVISED Request for Professional Engineering Design Services
James Farm Ecological Preserve
Proposal and Cost Estimate

Dear Mr. Collins:

In accordance with your request, Century Engineering, Inc. (Century) is pleased to submit this proposal to provide services for the James Farm Ecological Preserve in Ocean View, Sussex County, Delaware (Project). We understand that this project is being administered by the Delaware Center for the Inland Bays with overall authority held by Sussex County Engineering Department. We understand the overall project to consist of implementation of items identified in the James Farm Master Plan. Our proposed scope of services and cost proposal are based on the priority list provided by you and are outlined below:

I. SCOPE OF SERVICES:

Based on information provided in the Request for Engineering Services and subsequent discussion and correspondence with you on multiple dates, Century proposes to provide the services listed below:

Priority Item 1: Improved Entrance and Parking

1. Century will perform topographic survey of the existing parking area, entrance, Cedar Neck Road, and surrounding areas. Limits of the topographic survey are shown in Attachment 1. Within the limits of the survey area Century will locate observed existing structures, pavement, gravel areas, drainage features and breaks, fence lines, and observed utilities and utility mark-outs. Century will also contact Miss Utility to perform public utility locates. The client will be responsible for marking out locations of any private utilities, buried storage tanks, and private pipelines. Survey will be scheduled to include the utility locates performed by Miss Utility and the Client. Survey will be based off control established using multiple GPS observations processed by OPUS and will be performed using a combination of conventional survey and survey grade GPS.
2. Century will perform a site visit to verify field survey, identify potential site issues, verify no protected environmental resources will be impacted by the improved entrance and parking area, and perform two hand augers at the location of the bioretention facility to visually identify soil profiles and groundwater depths and confirm that soil conditions meet

the requirements for the proposed stormwater facility. For the purpose of this proposal it is assumed that the soil profile and groundwater depth will allow infiltration facilities.

3. Century will subcontract a licensed geotechnical exploration firm to perform infiltration testing for the proposed bioretention area. An estimated cost has been included in our proposal for subcontractor work; work will be billed at the actual cost for the subcontractor to perform. Based upon project requirements Century has priced the geotechnical work to include two (2) infiltration tests and two (2) 12-foot depth profile borings.
4. Century will develop a site plan containing grades, details, and sections for the new parking area. The layout of the new parking area will be guided by Exhibit 11 of the Master Plan (Attachment 2) and will account for ADA compliant handicap accessibility and bus accessibility. The site plans will be developed in conformance with the overall master plan vision for the James Farm.
5. Century will prepare the Stormwater Assessment Study (SAS) for the project and submit to Sussex Conservation District (SCD). Following SCD review of the SAS, Century will attend the SAS review meeting at SCD. Century will develop a site plan containing grades, details, and sections for the new driveway and portion of existing gravel lot that is to be paved.
6. Century will develop an entrance plan for the improved entrance containing grades, details, and sections for the improved entrance. Entrance plans will follow DelDOT standards. Per discussions with DelDOT, the plans will be prepared for abbreviated review through DelDOT South District. Traffic counts, if required, will be provided to Century by the Client.
7. Century will prepare Sediment and Stormwater (S&S) Plans for review by SCD. For the purpose of this proposal it is assumed that the project will not be required to submit preliminary S&S plans and will proceed directly to a detailed plan submission. Per direction of the Client, a bioretention facility will be considered the preferred stormwater treatment facility.
8. Century will address comments and resubmit the S&S Plans and the Entrance Plans as necessary to receive Plan approvals. For the purpose of this proposal it has been assumed that one (1) resubmission to SCD will be required and two (2) resubmissions to DelDOT will be required.
9. Century will prepare a landscaping plan utilizing native plants to accentuate the new parking and entrance area and trailhead area. Landscaping plans will also be developed for the bioretention area.
10. Century will prepare a construction cost estimate, including construction inspection estimates, for items within Priority 1.

11. Century has assumed two (2) status/review meetings with the Client as part of Priority 1 development.
12. Century will provide Client review submittals at the 60% and 100% stages. Client comments from the 60% review will be incorporated into the 100% plans and comments on the 100% plans will be incorporated into the For Construction plans.

Priority Item 3: Site Signage

13. Century will develop two (2) schematic signage concepts including material recommendations for main entry sign, two trail marker piers on Cedar Neck Road, and trail gateway/directional signage as shown in Phase A.
14. Century will develop construction documents for signs and piers based on the selected alternative. Construction documents will be based on simple letter graphics and a James Farm logo. Piers will have simple pinned off plaques or similar directional sign panels with text only. Graphic design is not included. The plans will require shop drawings be submitted from the sign manufacturer to determine the final graphics design.
15. Century will attend one meeting with Client.

Priority Item 4: Red Trail Boardwalk

16. Century will conduct a field visit with representatives of Delaware Center for the Inland Bays to review the existing Red Trail Boardwalk. Century will perform a visual structural examination of the existing boardwalk and provide verbal recommendations for repair or replacement based on the visual examination. Century will also perform field review of alternative alignments for a new boardwalk to determine the least environmentally impactful alternative. All items under Priority 4 will be conducted as part of the field visit under Priority 1.

Priority Item 5: Event Lawn

17. Century will perform topographic survey of the approximately 15,000 SF event lawn area identified in Exhibit 11 of the Master Plan (Attachment 2).
18. As part of plan development and permitting for Priority 1 Century will include the approximately 15,000 SF event lawn area. Per discussions with Client, Century is assuming that a permeable material will be utilized for walking paths around the event lawn.

II. EXCLUSIONS AND ASSUMPTIONS:

The following exclusions and assumptions were made in the preparation of this proposal.

1. Century assumes that no submission to Sussex County for Site Plan Review, Land Use compliance, conditional use, or code variance will be required.
2. No specification package or book will be prepared as part of this proposal unless specifically noted in the scope. Material requirements will reference DelDOT Standard Specifications where applicable. Where DelDOT Standard Specifications are not applicable specifications will be included on the design plans.
3. Century will not be responsible for any fees associated with the project. Such fees shall be the responsibility of the Client.
4. Century assumes that the necessary utilities are available either on site or on the existing poles adjacent to the site, and are at the required level of service.
5. Century assumes no hazardous materials are present on site.
6. No bid or construction support is included in this proposal.
7. Reproductions are incidental to the fees only to the extent necessary for working prints for our internal use and progress prints for coordination of our work with other disciplines. Century will provide electronic (PDF format) and two (2) paper copies of the Conceptual Plans to the Owner.

III. FEES AND PAYMENTS:

Century shall provide services on a “Cost Plus” basis. The total cost includes the cost for Century’s time expended on this project, which includes: direct salary costs; overhead; fixed fee; and, reimbursable expenses. Reimbursable expenses are the actual out-of pocket direct expenses incurred by Century in connection with the project, such as mileage, printing, and reproduction.

The proposed “Fee and Payment” conditions are listed below:

1. Century will perform the work included within the above Scope of Services for a “Cost Plus” Not-To-Exceed Fee of Seventy-Five Thousand Dollars (\$75,000.00).

Estimated Fee for Geotechnical subconsultant (included in fee above): \$4,000.00.

2. The performance of any work or the rendering of any services not included within the Scope of Services of this proposal is extra work, which will not be initiated without written authorization of **Sussex County Engineering Department**, referred to hereafter as “Client”. Fees for extra work will be negotiated and agreed upon by the client prior to initiation.

3. Efforts identified as extra work shall be negotiated with the Client.
4. Century will render invoices monthly or as phases of the work progress. Once approved said invoices will be due in full within 30 days from the date of billing. If fees are not paid within 30 days, we reserve the right to pursue all appropriate remedies, including stopping work and retaining drawings without recourse. If at any time an invoice remains unpaid for a period in excess of 60 days, a service charge of 1 percent, a maximum rate of 12 percent per annum, will be charged on the unpaid amount as of the end of the month and each month thereafter until the unpaid amount including service charges is paid in full.

IV. GENERAL PROVISIONS:

The following is a list of General Provisions that will be in effect if this proposal is accepted:

1. All submittals will be provided to the Client or their authorized representative. Should the Client and/or their authorized representative request additional information after the Client has approved the above mentioned submissions, Century shall be compensated for the amount of time necessary to provide such information as an extra work item.
2. It is understood and agreed that once work is started on this project by Century, only the undersigned Client or its duly authorized agent, has the authority to order the work stopped on its behalf and only upon giving Century 10 days notice, in writing, as to when the work shall stop. The Client further agrees to be liable and to pay Century for all labor done, work performed, material furnished, and expenses incurred up to and including the day work stopped in accordance with the notice.
3. It is further understood and agreed that, after a work stoppage has been instituted by the Client or its duly authorized agents, within a reasonable time, they may order work to resume on this project, provided that Century is given 10 days notice in writing as to when work shall resume, and further provided that all money due and owing by the Client to Century shall have been paid in full.
4. Century agrees that this proposal shall remain open for 60 days, the first day of that 60-day period to be the date of this proposal. Acceptance of the proposal after the end of the 60-day period is valid if Century elects, in writing, to reaffirm the proposal and waive its right to re-evaluate and resubmit the proposal.
5. Century understands that the scope of this project may comprise multiple years. Based on this Century reserves the right to renegotiate the contract which this proposal, once executed, will comprise, on or after twenty-four (24) months from the date of this proposal, provided the Client is given 30 days notice in writing, if salaries or operational costs increase in a significant amount. This proposal is based on current salaries and operational costs as shown in the attached price breakdown. These salaries and operational costs shall be in effect for the twenty-four (24) month duration.

6. All documents prepared or furnished by Century, and Century's independent professional associates and consultants, pursuant to this Agreement are the property of the Client. Any reuse without written verification or adaptation by Century for the specific purpose intended will be at the Client's sole risk and without liability or legal exposure to Century, or Century's independent professional associates and consultants, and the Client shall indemnify and hold harmless Century and Century's independent professional associates and consultants from all claims, damages, losses and expenses including attorney's fees arising out of or resulting therefrom. Any such verification or adaptation will entitle Century to further compensation at rates to be agreed upon by the Client and Century.
7. Neither the Client nor Century shall assign, sublet or transfer any rights under or interest in (including, but without limitation, moneys that may become due or moneys that are due) this Agreement without the written consent of the other, except to the extent that any assignment, subletting or transfer is mandated by law or the effect of this limitation may be restricted by law. Unless specifically stated to the contrary in any written consent to an assignment, no assignment will release or discharge the assignor from any duty or responsibility under this Agreement. Nothing contained in this paragraph shall prevent Century from employing such independent professional associates and consultants, as Century may deem appropriate to assist in the performance of services hereunder.
8. Client hereby agrees, to the fullest extent permitted by law, the total liability, in the aggregate, of Century and Century's officers, directors, employees, agents, and independent professional associates and consultants, and any of them, to client and anyone claiming by, through or under client, for any and all injuries, claims, losses, expenses or damages whatsoever arising out of or in any way related to Century's services, the project or this agreement from any cause or causes whatsoever, including but not limited to the negligence, errors, omissions, strict liability or breach of contract of Century or Century's officers, directors, employees, agents, or independent professional associates or consultants, or any of them, shall not exceed the total compensation received by Century under this agreement.

[Remainder of Page Intentionally Left Blank]

If this proposal is satisfactory and acceptable, and fully sets forth all terms of our understanding, please signify your acceptance by signing in the space provided below and return a copy to our office. This document will then constitute our complete contract.

We look forward to working with you on this project. The Point of Contact for this Proposal or for information on this Project shall be Alex Schmidt, P.E. Please feel free to call with your questions or comments.

Sincerely,
CENTURY ENGINEERING, INC.



Scott L. Rathfon, P.E.
Executive Vice President



Alex Schmidt, P.E.
Associate Vice President

ACCEPTANCE

I/WE, _____,
in consideration of the terms, and conditions of the proposal, which are fully set forth herein, do hereby accept this proposal as our complete agreement, and further agree to comply with all covenants herein.

Signed: _____

Signed: _____

Title: _____

Title: _____

Date: _____

Date: _____

AES/aes

File



Exhibit 11
Phasing Diagram - Entrance
James Farm Ecological Preserve
Ocean View, DE





Exhibit 11
Phasing Diagram - Entrance
James Farm Ecological Preserve
Ocean View, DE



Delaware Center for the Inland Bays

James Farm Master Plan Implementation

Cost Proposal for Engineering Services

DESIGN TASK		LABOR, OVHD. AND PROFIT	SUBCONSULTANT	DIRECT EXPENSES	TOTAL
Task 1:	PRIORITY 1	\$47,647.00	\$13,250.00	\$421.20	\$61,318.20
Task 2:	PRIORITY 2	\$0.00	\$0.00	\$0.00	\$0.00
Task 3:	PRIORITY 3	\$604.00	\$6,900.00	\$140.40	\$7,644.40
Task 4:	PRIORITY 4	\$0.00	\$0.00	\$0.00	\$0.00
Task 5:	PRIORITY 5	\$5,006.50	\$1,000.00	\$0.00	\$6,006.50
Task 6:	PRIORITY 6	\$0.00	\$0.00	\$0.00	\$0.00
Task 7:	PRIORITY 7	\$0.00	\$0.00	\$0.00	\$0.00
				TOTAL =	\$74,969.10

Schedule of Hourly Rates

LABOR CATEGORY	2016 RATE
PRINCIPAL	\$200.00
SENIOR PROJECT ENGINEER	\$145.00
PROJECT MANAGER	\$151.00
PROJECT ENGINEER	\$118.00
ENGINEER	\$102.00
ENVIRONMENTAL SCIENTIST	\$70.00
DESIGNER	\$75.00
CADD/TECHNICIAN	\$66.50
SURVEY MANAGER	\$138.50
PARTY CHIEF	\$66.00
INSTRUMENT PERSON	\$42.50

OLD BUSINESS
November 29, 2016

This is to certify that on March 24, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for a Conditional Use. At the conclusion of the public hearing, the Commission moved and passed that this application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:
COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

Be reminded that on September 20, 2016 the Sussex County Council granted approval of Change of Zone No. 1796 for the same parcels. The parcels are now zoned MR (Medium Density Residential).

The following text references both Change of Zone No. 1796 and Conditional Use No. 2046.

C/U #2046 Lockwood Design and Construction Inc.

An Ordinance to grant a Conditional Use of land in a MR (Medium Density Residential District) for multi-family dwelling structures located on a certain parcel of land lying and being in Lewes and Rehoboth Hundred, Sussex County, containing 35.45 acres, more or less. The property is located on the northeast side of Warrington Rd. (Rd. 275) 0.25 mile Southeast of John J. Williams Hwy. (Rt. 24). (911 Address: None Available). Tax Map I.D. 334-12.00-127.02, 127.04, 127.05

After receiving a request from Gene Byard, Esquire, on behalf of the applicants, it was decided that the public hearings for C/Z #1796 and C/U #2046 would be combined and heard as one public hearing to establish the record and that individual decisions would be rendered on each application after the public hearing.

Ms. Cornwell stated that staff received comments from the Sussex County Engineering Department and the property is not currently located in a sewer district; however, it could be annexed into a sewer district.

Ms. Cornwell read four (4) letters of opposition to the Applications into the record and stated that the Office of Planning and Zoning received an exhibit booklet from the Applicant for review.

The Commission found that Mr. and Mrs. Robert Hood, Pete Malmberg, Don Lockwood, and John Barwick, of Lockwood Design were present with Gene Byard, Esquire of Morris, James, Wilson, Halbrook, & Bayard, P.A. and they stated in their presentation and in response to questions raised by the Commission that this Application is a do over from CZ 1780 to allow for a HR-1 RPC, with density of five (5) units per acre; that he asks the record of that hearing be made as part of the record tonight; that the only change is the zoning classification; that CZ 1780 was recommended to be denied for excess density if the zoning was approved and the RPC classification lapsed; that when the RPC overlay lapses in HR-1 zoning the density restriction in the RPC lapses and the zoning classification of HR-1 increases the density; that in the motion to recommend denial the Commission stated that the MR zoning classification with a Conditional Use is a more appropriate application; that there are multiple commercially zoned properties in the area; that there are properties zoned MR, CR-1, HR-2, and two (2) conditional uses with significant density; that Sterling Crossing and Sea Chase both have approximately six (6) units to the acre; that to the north of the property is the Beebe Medical Center; that in the last 15 years at least 12 Change of Zone applications or Conditional Use applications have been approved in that area; that the property is entirely wooded at this time; that the proposed use will be marketed to empty-nesters and 55 and over families; that water will be provided by Tidewater Utilities and sewer will be provided by Sussex County; that any upgrades are at the developers expense; that the project has been reviewed by PLUS, TAC review, stormwater design review by Soil Conservation, Envirotech has studied the woods; that there are no wetlands or endangered species on the site; that the Applicant met the Sussex County Planning Manager's suggestions have incorporated additional sidewalks for future connection to the Beebe Medical property; that opposition was concerned about trees and traffic; that the Applicant could remove all trees and cultivate the property or have a poultry farm on the property; that the neighboring properties were also built on what was farm land; that it seems ironic that the residents of the neighboring developments feel an entitlement to preservation of the Applicant's property; that the Applicant plans to preserve as many trees as possible; that the project did not require a traffic impact study; that the Applicant will participate in the cost of intersection improvements; that DeIDOT has a timeline for improvements to the intersection of Old Landing Road and Warrington Road; that the response still does not define whether a traffic light will be required; that the response does define that road improvements will begin in fiscal year 2017; that the road improvements will coincide with final site plan approval of this project and Osprey Landing if approved; that the project is consistent with the Zoning Ordinance, Comprehensive Land Use Plan, and Future Land Use Map; that the density housing mix is consistent with the Zoning Code and the neighboring developments; that residents from this project will have walking access to the neighboring CR-1 zoned property; that there will be 14 acres of impervious area; that there will be 21.2 acres of open space; that storm water management, ponds, and swales will cover approximately 60% of the property; that with the Conditional Use the Commission is able to define the density of this project; that this project follows the residential character and development of this area; that this parcel is the last large undeveloped parcel in the area; that this property is in a Level 1 and Level 2 State growth area; and that it should be treated accordingly.

The Commission found that no parties were present in support of this application.

The Commission found that Steve Dolmack, a home owner in Sea Chase, was present and stated that he reviewed the plans; that he was surprised to find there were no changes made to the plans; that the developer has not taken into any consideration the concerns in reference to the trees and traffic from the previous application; that the existing 70 foot tall trees will be compromised within a 20 foot buffer; that once the root system is compromised the trees will have to be removed; that the existing developments were created over 20 years ago; that a lot has changed in the area over the last 20 years; that treating this application the same as 20 years ago is not realistic; that traffic is a huge concern and has greatly increased over the years; that DNREC is concerned that the applicant is not preserving enough trees; and that the additional units proposed will put added stress on the roads.

The Commission found that C.J. Bailey, a resident and property owner, was present with interest and stated that his primary concern with the plan is the entrance; that his property is directly across from the proposed entrance; that he would like to see some turn lanes proposed to better accommodate the traffic; that turn lanes would help with the flow of traffic; and that without these improvements traffic will be in his front yard.

The Commission found that Harvey Grider, a resident and property owner, was present with interest and stated that he represents the homeowners in Sterling Crossing; that he is the advocate for the Homeowner's Association; that rezoning is not a right for property owners; that rezoning should not come at the expense of others; that they are opposed to growth without proper infrastructure; that the area is so congested the nearby emergency station less than ½ mile from his property could not get there for over 25 minutes due to traffic; that during the summer this time would have been doubled; that without improvement to the existing roads this development will greatly increase traffic issues; and that there have been no changes made to the original plan.

The Commission found that Robert Caden, President of the Homeowner's Association for Sea Chase; that they are disappointed the original plan has not been changed; that the same issues exist with this plan; that there are multiple accidents in the area; that the infrastructure will not accommodate another development; and that the removal of trees is an issue.

The Commission found that Paul Berger, a resident in Sea Chase, stated that Sea Chase was the first or second development prior to the moratorium; that the recent development in the area has been haphazard; that the concept of gearing the development towards empty nesters and 55 years and older is deceiving; that in the summer months the grown children and their children visit their parents; that this influx creates more issues during the summer season; that DelDOT improvements will not be enough to accommodate all cars using the roads in the area; that the developer and bankers only take into consideration what they know; that multiple builders and bankers are used and that is how you end up with too much development; and that in this case the developer is essentially too late and should not be able to develop the property as others had, due to the issues that already exist and the issues this development would increase; that the 20 foot buffer proposed will not accommodate the existing trees; that the trees will fall; that traffic lights are needed to allow for turns; and that the 3 story units are out of character with the neighborhood.

The Commission found that Robert Bauer, President of Board for Sea Chase Condominium Association, and stated that he agrees with the traffic issues; that other neighborhoods in the area have roads that will lead to Warrington Road; that this creates more congestion points on this road; that they previously requested another entrance be proposed for this development to access Route 24; that 3 story buildings are not in character of the area; that this type of building would be an eyesore to neighboring communities; and that a larger buffer is needed.

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

On March 24, 2016 there was a motion by Mr. Johnson, seconded by Mr. Burton, and carried unanimously to defer action for C/U #2046 for further consideration. Motion carried 5 – 0.

On April 14, 2016 the Commission discussed this application under Old Business.

Mr. Ross stated that he would move that the Commission recommend approval of Conditional Use No. 2046 for Lockwood Design and Construction, Inc. for multi-family dwelling structures based on the record made at the public hearing and for the following reasons:

- 1) The Sussex County Comprehensive Plan supports the development since the land is located in a Developing Area according to the Plan.
- 2) The development will be consistent with surrounding developments that include other multi-family uses.
- 3) The development will not adversely affect neighboring properties, roadways or communities.
- 4) The development will be required to comply with all DelDOT requirements, including entrance improvements and improvements to the Warrington Road and Old Landing Road intersection.
- 5) The multi-family development will be served by central sewer provided by Sussex County.
- 6) The multi-family development will be served by central water.
- 7) The proposed development at a density of approximately 5.7 units per acres is consistent with surrounding densities and is appropriate for this location.
- 8) The proposed site plan will conserve about 21.2 acres of open space, with the preservation of woodlands. All of this will be confirmed through the conditions of approval and the site plan process.
- 9) This recommendation is subject to the following:
 - A. There shall be no more than 202 units within the development. As proffered by the applicant, this shall include a minimum of at least 60 single family units.
 - B. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, any buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
 - C. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices to provide for positive groundwater recharge.

- D. All entrances and roadway improvements shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
- E. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- F. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- G. A 20 foot forested Agricultural Buffer shall be shown along the perimeter of the entire development. The Final Site Plan shall also contain a landscape plan for all of the buffer areas, showing all of the landscaping and vegetation to be included in the buffer area.
- H. The project shall be served by Sussex County sewer.
- I. As proffered by the applicant, the developer shall construct the pool and community building no later than the issuance of the 75th residential building permit for the project.
- J. As proffered by the applicant, the interior street design shall comply with or exceed Sussex County minimum standards and shall include sidewalks on at least one side of all streets in the development.
- K. Construction, site work, grading and deliveries of construction material, landscaping material and fill on, off or to the property shall occur from Monday through Saturday between the hours of 8:00 a.m. and 6:00 p.m. and use Route 24 to get access to the site.
- L. The application shall consult and coordinate with the local school district's transportation manager to establish appropriate school bus stop locations.
- M. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- N. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

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

Introduced 02/09/16

**Council District No. 4 – Cole
Tax I.D. No. 334-12.00-127.02, 127.04, 127.05
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 35.45 ACRES, MORE OR LESS

WHEREAS, on the 15th day of January 2016, a conditional use application, denominated Conditional Use No. 2046 was filed on behalf of Lockwood Design and Construction, Inc.; and

WHEREAS, on the ____ day of _____ 2016, 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. 2046 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2046 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

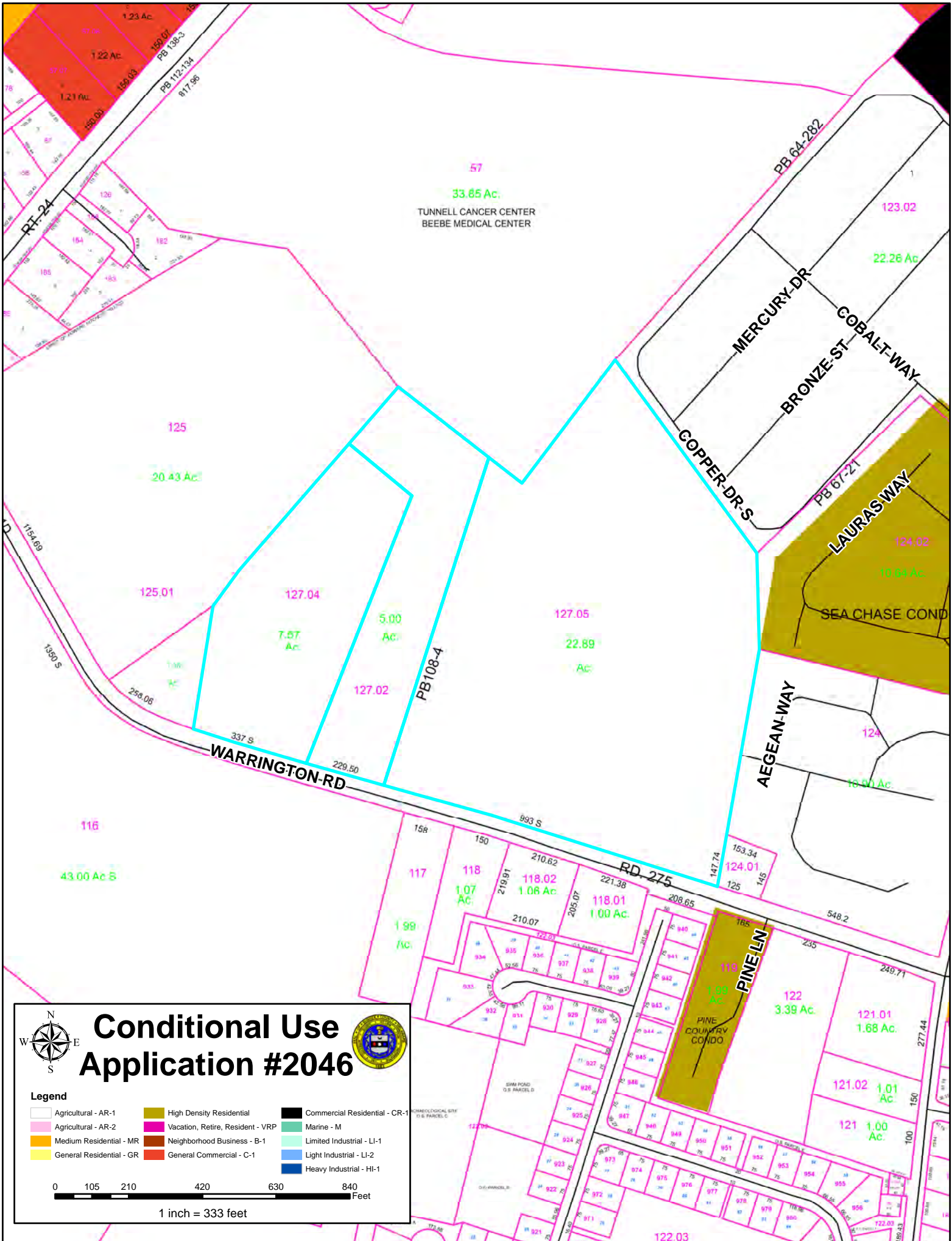
ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the northeast side of Warrington Road (Road 275) 0.25 mile southeast of John J. Williams Highway (Route 24) and being more particularly described as follows:

BEGINNING at a point on the northerly side of Warrington Road (Road 275), said point being 0.25 mile southeast of John J. Williams Highway (Route 24) and east of lands of the City of Rehoboth; thence north 09°33'10" east 404.05 feet along lands of the City of Rehoboth to a concrete monument; thence north 42°06'04" east 774.63 feet along lands of Beebe Medical Center, Inc., to a concrete monument; thence continuing along lands of Beebe

Medical Center, Inc., south 53°09'06" east 305.54 feet to an iron pipe and north 40°57'30" east 439.29 feet to an iron pipe; thence south 37°40'32" east 682.80 feet along lands, now or formerly, of Old Landing Road, Inc., to a concrete monument; thence south 08°27'51" west 960.53 feet along lands, now or formerly, of Robino Sea Chase, LLC, and Colleen A. Lowe to an iron pipe on the northerly side of Warrington Road; thence northwesterly by and along the northerly side of Warrington Road 1,491.05 feet to the point and place of beginning, said parcels containing 35.45 acres, more or less.

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

PROPOSED



57
33.85 Ac.
TUNNELL CANCER CENTER
BEEBE MEDICAL CENTER

125
20.43 Ac.

125.01

127.04

7.57
Ac.

5.00
Ac.

127.02

127.05

22.89
Ac.

123.02

22.28 Ac.

124.02
10.64 Ac.

SEA CHASE COND

124

18.90 Ac.

116

43.00 Ac S

158

150

117

118

1.07
Ac.

1.99
Ac.

210.62

118.02
1.08 Ac.

221.38

205.07

118.01
1.00 Ac.

208.65

147.74

153.34

124.01

125

145

548.2

235

249.71

122

3.39 Ac.

121.01

1.68 Ac.

121.02

1.01
Ac.

121

1.00
Ac.

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Conditional Use Application #2046

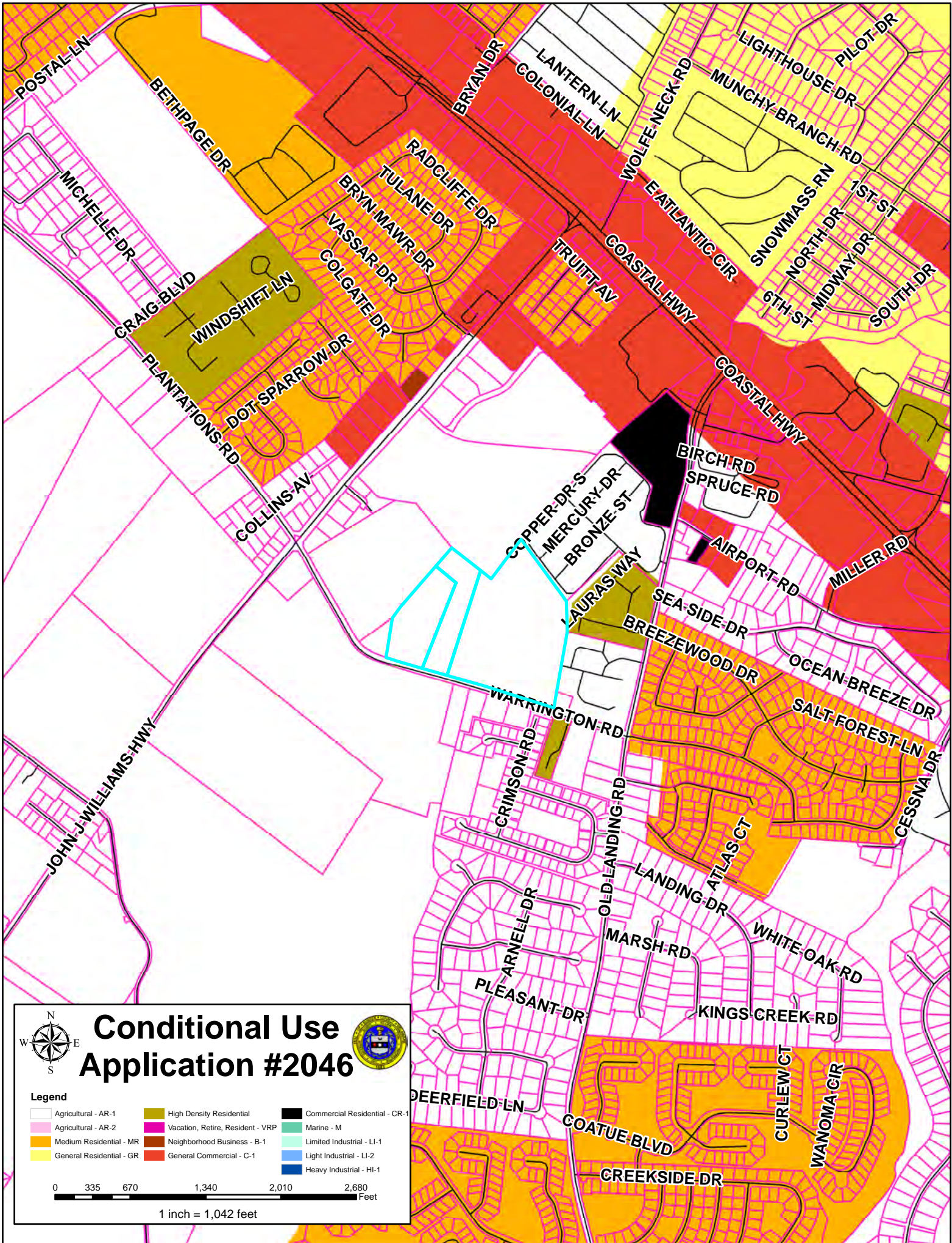


Legend

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

0 105 210 420 630 840 Feet

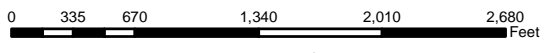
1 inch = 333 feet



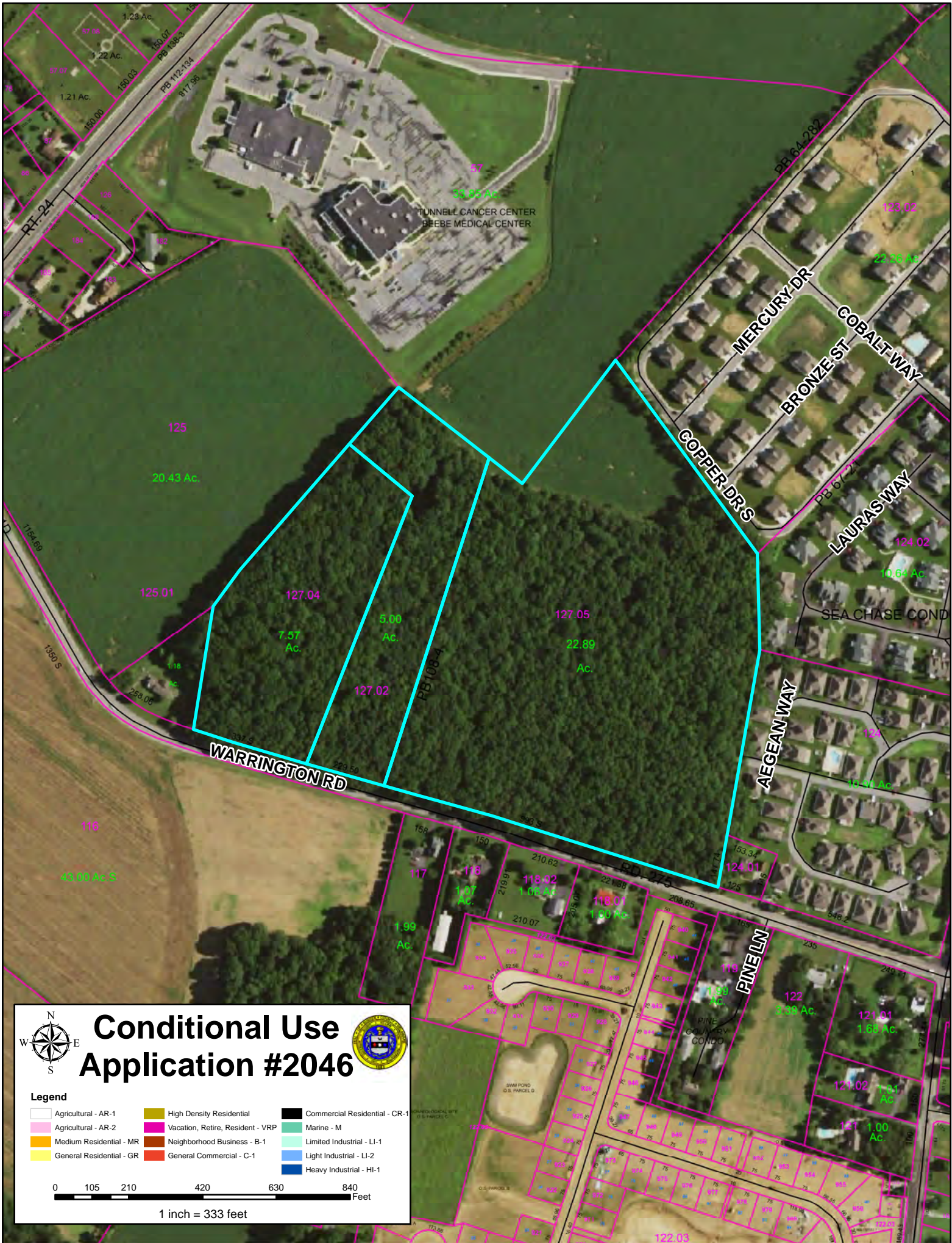
Conditional Use Application #2046



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



1 inch = 1,042 feet



Conditional Use Application #2046



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

0 105 210 420 630 840 Feet

1 inch = 333 feet



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Cape Henlopen Senior Center

PROJECT NAME: Rehoboth Concert Band Fundraiser

FEDERAL TAX ID: 51-0105667 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 Cape Henlopen Senior Center, Inc. is to enhance the quality of life of our senior citizens by adding life to years and years to life.

ADDRESS: 11 Christian Street

Rehoboth DE 19971
(CITY) (STATE) (ZIP)

CONTACT PERSON: Linda Bonville

TITLE: Administrator

PHONE: 227-2055 EMAIL: Lindachsc@aol.com

TOTAL FUNDING REQUEST: \$650.00

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

If YES, how much was received in the last 12 months? \$5000.00

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>Fundraiser for Bldg Fund</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

1200

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 Rehoboth Concert Band is sponsoring a concert to benefit the Cape Henlopen Senior Center, in celebrating the Center's 50th anniversary. All proceeds will go toward our Building Fund. The funds requested will help with the expenses for church rental, custodian and sound tech.

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.

N/A

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$ 0
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)	
Rental of Church	\$ 500.00
Custodian	75.00
Lighting & Sound Tech	75.00
TOTAL EXPENDITURES	\$ 650.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	650.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Cape Henlopen Senior Center agrees that:
 (Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Linda Bonville
Applicant/Authorized Official

11/7/16
Date

Bernita R. Haskins
Witness

11/7/16
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

Linda Bonville
Applicant/Authorized Official

Administrator
Title

Bernie R. Hackney
Witness

11/7/16
Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Sussex County Foster Parent Cluster Assoc.

PROJECT NAME: Foster Family Holiday Party

FEDERAL TAX ID: 20-5761254 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: Our mission is to aid, enrich and educate foster families in Sussex County, Delaware. To help children in foster care meet their full potential, and feel cherished and loved.

ADDRESS: Sussex County Foster Parent Cluster Assoc.
P.O. Box 806
Georgetown DE 19947
(CITY) (STATE) (ZIP)

CONTACT PERSON: Lynn Stanton
TITLE: President
PHONE: 703-975-4580 EMAIL: mcslls@hotmail.com

TOTAL FUNDING REQUEST: 700.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 23.33%

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>Enrichment & Community</u> | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>D.F.S. Sussex Co. Foster kids</u> | |

BENEFICIARY NUMBER

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

200

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.

Each year the Sussex County Foster Parent Cluster Assoc. puts on a Holiday Party for D.F.S. Sussex Foster kids and Foster families. We rent out the Cheer Community Center in Georgetown for four hours, we hire Cheer's Lighthouse Catering to provide lunch, we also provide a D.J. for music, a toy for every child in attendance, a visit from Santa, and a Holiday themed craft. This event allows D.F.S. foster children to spend time with their siblings, placed in other foster homes, and other kids in similar situations. It also allows foster families to bond with the children placed in their care. And shows the kids in care they are special and loved. The entire cost of our Holiday Party is approx. \$2830.00, to include \$700.00 to rent the Cheer Community Center to accommodate our large group, in a safe and festive environment. Our event is Dec. 17th from noon to 4:00pm. Judy Lodge, at the Cheer Community Center in Georgetown, Delaware has our 50% deposit, and will receive our final payment the day of our party. Feel free to contact her to confirm, as we've been holding our Annual Party there for the past three years.

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	-250.00
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)	
Cheer Community Center Rental for four hours	\$ 700.00
Lighthouse Catering bill for approx. 200 people	\$ 2,000.00
Craft Supplies	\$ 50.00
Candy & gift bags	\$ 80.00
DJ donates his time/talents	\$ 0.00
Santa suit donated	\$ 0.00
Door Prizes for foster parents, donated	\$ 0.00
Toys for children, donated by toys for tots	\$ 0.00
TOTAL EXPENDITURES	\$ 2,830.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 2,580.00

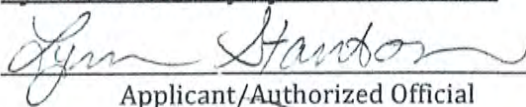
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Sussex Co. Foster Parent Cluster Assoc. 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.
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- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

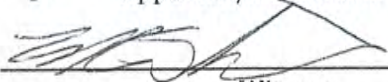
SECTION 5: STATEMENT OF ASSURANCES (continued)

- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
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Applicant/Authorized Official

11/11/16
Date



Witness

11/11/16
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

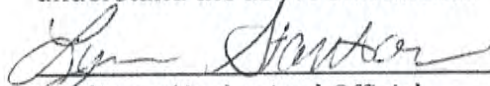
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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


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

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

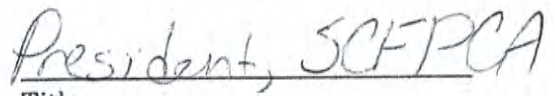
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



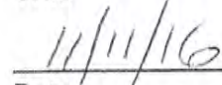
Applicant/Authorized Official



Witness



Title



Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Milton Historical Society		
PROJECT NAME:	Night at the Museum		
FEDERAL TAX ID:	23-7158119	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
ADDRESS:	PO Box 112		
	210 Union Street		
	Milton	DE	19968
	(CITY)	(STATE)	(ZIP)
PHONE:	302.684.1010	EMAIL:	info@historicismilton.org
CONTACT PERSON:	Kimberly Fabbri, PhD		
TITLE:	Director		
ADDRESS:	PO Box 112		
	Milton		
	Milton	DE	19968
	(CITY)	(STATE)	(ZIP)
PHONE:	302.945.3721	EMAIL:	miltonhistoric@gmail.com

TOTAL FUNDING REQUEST: \$ 1,500.00

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

YES NO

If YES, how much was received in the last 12 months? \$ 0.00

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? 100%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

100

SECTION 3: PROGRAM SCOPE

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 Milton Historical Society (the "Society") is a nonprofit cultural and educational organization dedicated to increasing public understanding and appreciation of the history of Milton and the Broadkill Hundred. The Society collects, preserves, and interprets stories, artifacts and documents related to Milton and the Broadkill Hundred for study and education.

The Society is requesting a grant to support the development and implementation of a new museum program for local school children the Friday before Presidents' Day, called "Night at the Museum." School children in Milton have off. What better way to provide them with an educational, yet fun experience, than to host a family friendly event at the Society?

In the afternoon, we have planned to have a presentation by Ron Whittington of the Delaware Humanities Forum Speakers Bureau. This lecture, titled "Black Delaware Participation in the Civil War," and appropriate for grades 4-12, is a first person portrayal of William Owen, a free black man from Delaware, who after hearing Frederick Douglass speak, decided to become part of the 54th Massachusetts Volunteer Infantry the renowned first black Regiment in the Civil War. Afterwards, there would be a period of reflection and discussion. The evening would then move over to the Milton Theatre to have a "pay what you can" potluck dinner for participating families and subsequently a showing of the film, "Night at the Museum."

This program would provide a unique opportunity for the Society to fulfill its mission of being community centered and creating dynamic, relevant programming. In honor of Black History Month, it would allow the Society to highlight the history of one man's participation in the Civil War while subsequently discussing the diverse ethnic groups who have contributed to the history of Milton. Lastly, it would provide a needed, fun and affordable outlet for families in the community.

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)	
Rental of Milton Theatre	-300
Printing of posters (for publicity)	-100
"Night at the Museum" Rental Fee	-350
Delaware Humanities Forum Speakers Fee	-50
Staff Time: Promotion, Planning	-250
Food	-450
TOTAL EXPENDITURES	-\$ 1,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$ 1,500.00)

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Milton Historical Society agrees that:
(Name of Organization)

- 1) All expenditures must have adequate documentation.
- 2) All accounting records and supporting documentation shall be available for inspection by Sussex County Government by request.
- 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 Human Service Grant funds.
- 4) All statements made in this funding request are accurate.
- 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.

Kimberly Fabbri
Applicant/Authorized Official

11/10/2016
DATE



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Good Samaritan Aid Organization, Inc.
PROJECT NAME: Christmas Basket / Toy Outreach
FEDERAL TAX ID: 51-0303717 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: Good Samaritan provides financial assistance to families in need throughout the year. The Christmas outreach is one of the efforts sponsored by the organization.
ADDRESS: P.O. Box 643
115 W. Market Street
Laurel DE 19956
(CITY) (STATE) (ZIP)
CONTACT PERSON: Melinda R. Tingle
TITLE: President
PHONE: 302/875-0355 EMAIL: mtingle57@Comcast.net

TOTAL FUNDING REQUEST: \$1,000

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? \$1,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? N/A 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? 12%

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 Christmas outreach to disadvantaged in Laurel. | <input type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

2015 we served 178 families - 700+ individuals including 400+ children.

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 Christmas Basket/Toy program is an annual outreach to ensure that all families in the Laurel school district enjoy the Christmas holiday. We deliver food baskets and toy gifts to referrals from school nurses, local churches, local service organizations and community members. Additionally referred families receive Food Lion gift card to shop for Christmas dinner items and may shop for free clothing items in the organization's thrift store. The need in Laurel is significant at all levels. The community schools qualify for federal free lunch program which confirms the true need within the Laurel School District which is the focus of our effort. Our elderly population is also underserved, and we attempt to provide food assistance with the outreach. This effort and all other outreach supported by the Good Samaritan Aid organization is staffed only with volunteers.

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)	
Based on historic pattern of donations: TOTAL REVENUES	\$5,000
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)	
Food Lion gift cards and purchased toys/ gifts for children	< \$5,000.00 >
All costs for personnel /supplies /equipment / printing are donated.	
This application does not necessary reflect actual expenses or donations. If donations are inadequate to support the outreach, shortage is covered with operating profits.	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Good Samaritan Aid Organization, Inc agrees that:
 (Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Melinda R. Ingle, President
Applicant/Authorized Official

11/15/2016
Date

Amanda H. Howe-Whaley
Witness

November 15, 2016
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

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

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

<u>Good Samaritan Aid Organization,</u>	<u>Melinda Ingle, President</u>
Applicant/Authorized Official	Title
<u>Amanda H. Howe-Whaley</u>	<u>November 15, 2016</u>
Witness	Date

To Be Introduced 11/29/16

**Council District No. 3 - Deaver
Tax I.D. No. 335-12.06-58.00
911 Address: 34001 Clay Road, Lewes**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A WORKOUT STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 21,962 SQUARE FEET, MORE OR LESS

WHEREAS, on the 15th day of August 2016, a conditional use application, denominated Conditional Use No. 2069 was filed on behalf of Rudolph Joseph Johnson; and

WHEREAS, on the ____ day of _____ 2017, 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. 2069 be _____; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2069 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying north of Clay Road (Road 269) 600 feet east of Shady Road (Road 276) and being more particularly described as follows:

BEGINNING at a pipe on the northerly right-of-way of Clay Road (Road 269), a corner for these lands and lands, now or formerly, of Susan Andalora; thence North 02°30'30" west 225.30 feet to a point; thence south 79°37'30" east 100.15 feet along the property line with McNichol Place Trailer Park to a point; thence South 02°30'30" east 224.63 feet along lands, now or formerly, of Joseph W. King and Buena M. Hyatt to a pipe on the northerly right-of-way of Clay Road; thence North 80°00'00" west 100.00 feet along the northerly right-of-way of Clay Road to the point and place of beginning, and containing 21,962 square feet more or less.

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

TO BE INTRODUCED

PUBLIC HEARING
November 29, 2016

This is to certify that on October 27, 2016 the Sussex County Planning and Zoning Commission conducted a public hearing on the below listed application for Conditional Use. At the conclusion of the public hearing, the Commission moved and passed that the application be forwarded to the Sussex County Council with the recommendations as stated.

Respectfully submitted:

COUNTY PLANNING AND ZONING
COMMISSION OF SUSSEX COUNTY

Lawrence B. Lank
Director of Planning and Zoning

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

PUBLIC HEARING

**C/U #2060 – Shelby Trucking and Construction Company, Inc.
An Ordinance to grant a Conditional Use of land in an AR-1 (Agricultural Residential District) for a heavy equipment storage, trucking and construction business to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 6.983 acres, more or less.** The property is located at the northwest of Hudson Rd. (Rd. 387) 2,100 feet south of Lynch Rd. (Rd. 387A). 911 Address: 37268 Hudson Rd., Selbyville. Tax Map I.D. 533-17.00-160.00.

The Commission found that the application was filed on May 20, 2016; that the application was delayed in processing for DelDOT comments received August 31, 2016; and that the applicants provided an Exhibit Booklet for consideration on October 17, 2016.

The Commission found that DelDOT provided comments on August 31, 2016 advising that a Traffic Impact Study was not required, and that the current Level of Service “B” of Hudson Road will not change as a result of this application.

Ms. Cornwell advised the Commission that a letter was received earlier today from Steve and Sheila Long voicing no opposition to the application, but asking for some consideration when it comes to the hours of operation; that seven days per week, any hour of the day is not acceptable; that they are asking for reasonable hours and no Sunday hours; that they enjoy being outdoors with their family and it can be difficult at times with all of the possible business noise on the subject site.

The Commission that Lisa Gray, owner/operator of Shelby Trucking and Construction Company, Inc. was present with Jeff Clark, Landscape Architect with Land Tach Land Planning, and that they stated in their presentation and in response to questions raised by the Commission that the Exhibit Booklet describes the history of the activities on the site; that they have applied for the conditional use to allow for the continuation of the business activities that have existed on the site for almost 50 years; that the survey/site plan included in the Exhibit Booklet depicts the many buildings and driveways on the site; that they submitted the application for a PLUS review through the Office of State Planning, as referenced in Tab 7 of the Exhibit Booklet, and found that the site is located in an Investment Level 2; that DelDOT did not require a Traffic Impact Study; that an on-site septic system exists on the site; that they have provided suggested proposed Findings of Fact and suggested Conditions of Approval in Tab 10 of the Exhibit Booklet; that the site is very neat and tidy; that they are not proposing any major changes in the uses on the site; that the site and business has been handed down from the applicants father who operated Hitchens Brothers Trucking and Construction, Inc.; that the business is currently only part-time and being operated by family members; and that they do not want to lose their business status so that they can get more involved with the business once they retire from their current positions.

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

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

Mr. Hudson stated that he would move that the Commission recommend approval of Conditional Use No. 2060 for Shelby Trucking and Construction Company, Inc. for heavy equipment, storage, trucking and a construction business based on the record made during the public hearing and for the following reasons:

- 1) This allows the continuation of a use that has existed on this property for approximately 50 years. This Conditional Use will simply confirm the legal existence of the businesses on this site.
- 2) The use, which has existed for decades, will not adversely affect neighboring properties or roadways.
- 3) The use will be primarily contained within the existing buildings and parking and storage areas on the site.
- 4) The site is in a Town Center Area, which is an appropriate location for a use such as this.
- 5) While there was some concern expressed about hours of operation, the record reflects that this use has existed at various hours for many years. The conditions will also address the hours of operation.
- 6) No parties appeared in opposition to this Conditional Use.
- 7) This recommendation is subject to the following conditions:
 - A. All maintenance shall be performed inside of buildings, with appropriate disposal of fluids and other waste materials.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.

- C. Any dumpsters on the site shall be screened from view of neighboring properties or roadways.
- D. The hours of operation for the trucking office are Monday through Saturday from 6:00 a.m. to 8:00 p.m., and Sunday from 9:00 a.m. to 5:00 p.m.
- E. Heavy equipment hours of operation shall be from 7:00 a.m. through 5:00 p.m. Monday through Saturday, and Sunday from 9:00 a.m. to 5:00 p.m. During snow events, these hours may be extended.
- F. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING MANAGER
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountyde.gov



Sussex County
DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Manager
CC: Lawrence Lank, Planning Director, Vince Robertson, Assistant County Attorney and applicant
Date: October 20, 2016
RE: Staff Analysis for CU 2060 Shelby Trucking and Construction Co. Inc.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2060 Shelby Trucking and Construction Co. Inc. to be reviewed during the October 27, 2016 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 533-17.00-160.00 to allow for a heavy equipment storage, trucking and construction business. The property is 6.983 +/- . The property is zoned AR-1 (Agricultural Residential District).

The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates that the properties have the land use designation of Town Center.

The surrounding land uses to the north, south, east and west are Town Center. The Town Center land use designation recognizes that a range of housing types should be permitted "...including single-family homes, townhouses and multi-family units. Commercial uses should serve the daily needs of the residents, workers and visitors. Retail and office uses compatible with adjacent areas are appropriate. Some smaller scale, low impact industrial operations may be appropriate, but larger industrial uses are proposed to be directed to General Industrial areas. Appropriate mixtures of residential, institution and light commercial uses should be allowed".

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). The uses in the area are primarily single family residences and agriculture. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for a heavy equipment storage, trucking and construction business could be considered consistent with the land use, surrounding zoning and uses.



Introduced 09/20/16

**Council District No. 5 – Arlett
Tax I.D. No. 533-17.00-160.00
911 Address: 37268 Hudson Road, Selbyville, DE 19975**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HEAVY EQUIPMENT STORAGE, TRUCKING AND CONSTRUCTION BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 6.983 ACRES, MORE OR LESS

WHEREAS, on the 20th day of May 2016, a conditional use application, denominated Conditional Use No. 2060 was filed on behalf of Shelby Trucking and Construction Company, Inc.; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and on the ____ of _____ 2016, said Planning and Zoning Commission recommended that Conditional Use No. 2060 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2060 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 northwest of Hudson Road (Road 387) 2,100 feet south of Lynch Road (Road 387A) and being more particularly described as follows:

BEGINNING at a concrete monument on the northwesterly right-of-way of Hudson Road (Road 387) a corner for these lands and lands, now or formerly, of Stephen L. and Shelia D. Long; thence South 25°20'27" West 371.17 feet along the northwesterly right-of-way of Hudson Road to a point; thence North 56°28'01" West 941.46 feet along lands of Robert T. Gray, Jr. and Lisa L. Gray to a point in the centerline of a ditch; thence easterly 357.58 feet along the centerline of said ditch to a point at the centerline of a crossing ditch; thence southeasterly 794.90 feet along the centerline of the ditch and previously referenced lands of Stephen L. and Shelia D. Long to the point and place of beginning, and containing 6.983 acres, more or less, per survey, provided by True North Land Surveying.

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

PROPOSED

7.65 AC.

PB 95-177

161.01

4.06

AC.

160

6.77 AC.

8.30 AC.

159.02

159

1.01

AC.

285.52

381.4

1810S

HUDSON RD


350.8

210

RD. 387

DB 4528-50

Conditional Use Application #2060

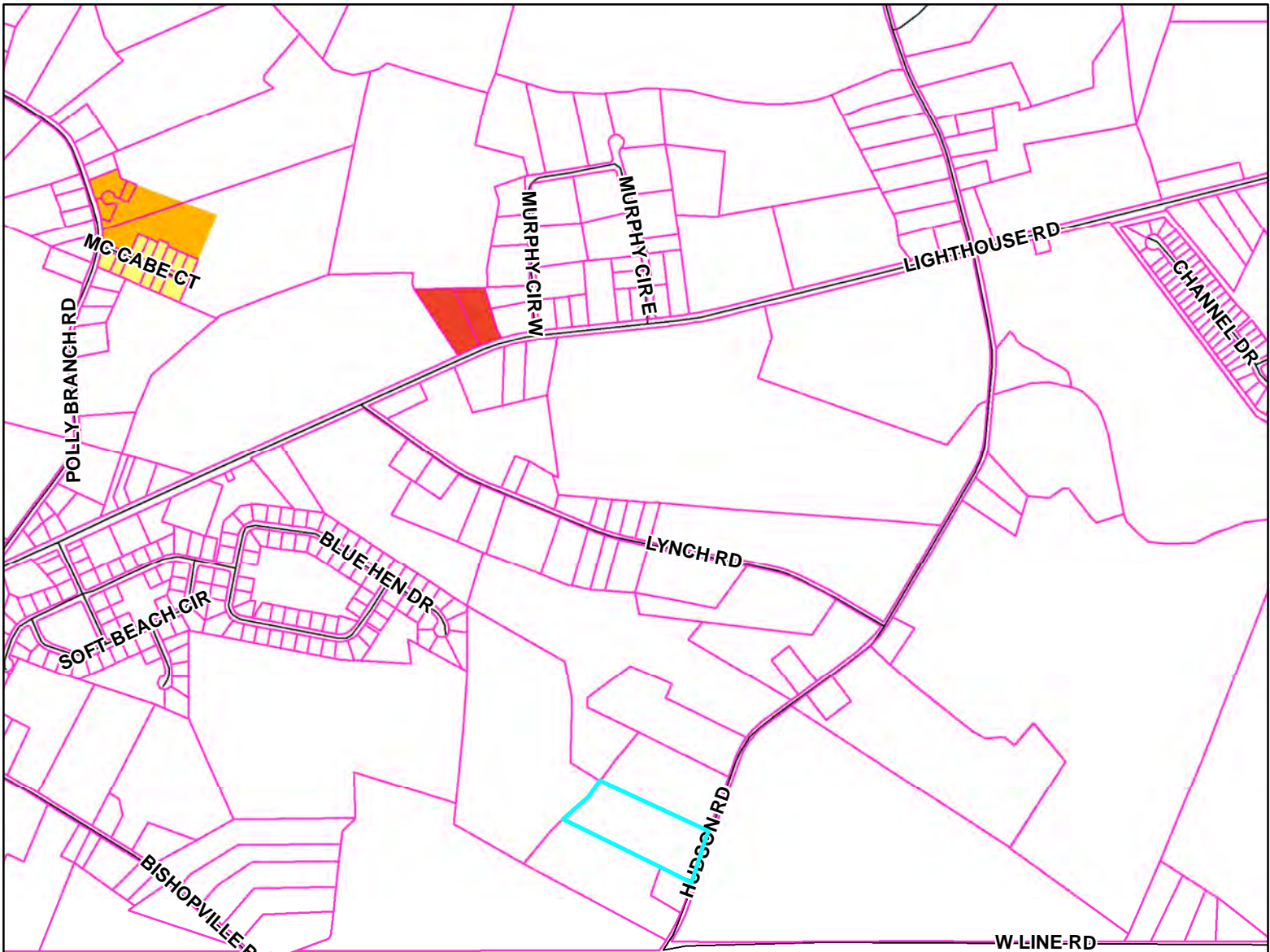


Legend

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

0 45 90 180 270 360 Feet

1 inch = 167 feet



Conditional Use Application #2060

Legend


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

0 300 600 1,200 1,800 2,400 Feet

1 inch = 1,042 feet




DB 4528-50

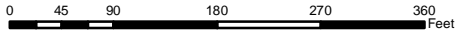


Legend

Conditional Use Application #2060



<ul style="list-style-type: none"> Tax Parcels Subdivisions Roads Agricultural - AR-1 Agricultural - AR-2 	<ul style="list-style-type: none"> Medium Residential - MR General Residential - GR High Density Residential Vacation, Retire, Resident - VRP Neighborhood Business - B-1 	<ul style="list-style-type: none"> General Commercial - C-1 Commercial Residential - CR-1 Marine - M Limited Industrial - LI-1 Light Industrial - LI-2 Heavy Industrial - HI-1
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0 45 90 180 270 360 Feet

1 inch = 167 feet

Source: Esri, [USDA, USGS, AEX, Geotraping, Aerotrip, IGN, IGP, Swisstopo, and the GIS User Community]