COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT IRWIN G. BURTON III, VICE PRESIDENT DOUGLAS B. HUDSON JOHN L. RIELEY SAMUEL R. WILSON JR.





SUSSEX COUNTY COUNCIL

<u>AGENDA</u>

FEBRUARY 26, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

- 1. Public Interview for Board of Adjustment Nominee John Williamson
- 2. Discussion of the Comprehensive Land Use Plan Priorities
- 3. Administrator's Report

10:15 a.m. Public Hearing

"AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE"

Janelle Cornwell, Planning and Zoning Director

1. Discussion and Possible Introduction of a Proposed Ordinance entitled "AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115-25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS"



Chris Keeler, Director of Assessment

1. CAMA Public Access and Building Code Inspection Software Demonstration

Hans Medlarz, County Engineer

- 1. Inland Bays Environmental Engineering Services, Project 19-05
 - A. RK&K Amendments 1 3
- 2. FY 2019 General Labor & Equipment Contract, Project 19-01
 - A. Change Order 1

John Ashman, Director of Utility Planning

- 1. Use of Existing Infrastructure Agreement Ferguson HVAC/Ferguson Enterprises, Inc.
- 2. Use of Existing Infrastructure Agreement L.W. & J.T. Mitchell Family Partnership/The Zwaanendael Farm Lot #1

Grant Requests

- 1. Town of Blades for Kids Night in the Park
- 2. Big Brother Big Sister of Delaware for Bowl For Kids' Sake Fundraiser
- 3. Greater Lewes Foundation for Lewes Community Garden
- 4. Milford Little League for concession stand reconstruction
- 5. Delaware 4-H Association for archery state championship

Introduction of Proposed Zoning Ordinances

Council Members' Comments

<u>Adjourn</u>

12:00 Noon Sussex County Profile Luncheon

Location: Sussex County Association of Realtors, Park Avenue, Georgetown

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Sussex County Council meetings can be monitored on the internet at <u>www.sussexcountyde.gov</u>.

In accordance with 29 <u>Del.C.</u> §10004(e)(2), this Agenda was posted on February 19, 2019 at 5:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

####

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 19, 2019 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

	Michael H. Vincent Irwin G. Burton III Douglas B. Hudson John L. Rieley Samuel R. Wilson Jr. Todd F. Lawson Gina A. Jennings J. Everett Moore, Jr.	President Vice President Councilman Councilman County Administrator Finance Director County Attorney
Call to Order	The Invocation and Pledge of Mr. Vincent called the meeting	f Allegiance were led by Mr. Vincent.
oruer	wire wincent cance the incent	
M 082 19 Approve Agenda	A Motion was made by Mr. Agenda, as posted.	Wilson, seconded by Mr. Rieley, to approve the
C	Motion Adopted: 5 Yeas.	
	Mr. Wi	udson, Yea; Mr. Rieley, Yea; ilson, Yea; Mr. Burton, Yea; ncent, Yea
Minutes	The minutes of February 5, 2	2019 were approved by consent.
Corre- spondence	<u>Correspondence</u>	
spondence	Mr. Moore read a letter in regarding the lack of afforda	nto the record on behalf of Howard Gorrell ble housing.
Public Comments	Public Comments	
Comments	in Sussex County and asked	omelessness and the lack of affordable housing the Council to change zoning to allow for tiny s for the homeless in Sussex County.
	Howard Gorrell's comments	were read under correspondence.
	· -	ting SARG (Sussex Alliance for Responsible ason for the draft ordinance relating to the

PublicDan Kramer referenced the draft ordinance relating to the ComprehensiveCommentsPlan and stated that the letter from the Governor should be made available.(continued)Example 1

Paul Reiger complimented the County on the packets provided for the Sussex County Council and Planning and Zoning Commission meetings; he stated that packets are also need for the Board of Adjustment meetings.

Kristen Homan commented on homelessness and the need for affordable housing for the homeless in Sussex County.

Tribute/The Council presented a Tribute to members of the Sussex Central HighFFASchool FFA in celebration of "National FFA Week".

Vinyard Dan Bond and Sher Valenzuela gave a presentation on the Vinyard Shipyard Project in Milford. They discussed the history of the Shipyard, work that has taken place in restoring the buildings and bringing together historic artifacts, and its designation as a State Historic Landmark; they also discussed the acquisition of the historic Mulholland Spoon Factory. The presentation included information on the effort that is underway to ensure that these assets continue to be maintained and to expand their public use; this effort is a continuation of the expansion of the Mispillion Riverwalk Greenway. They stated that they have already presented to Kent County Levy Court and to the Milford City Council and secured a commitment for funding the project, and they asked that the Sussex County Council contribute \$20,000.00.

Appoint-
ment/Mr. Lawson presented a recommended appointment to the Board of
Adjustment for District 4 due to a vacancy created with Bruce Mears'
appointment to the Planning and Zoning Commission. Mr. Hudson
nominated John Williamson. Mr. Lawson stated that the interview process
will be initiated.

Adminis-
trator'sMr. Lawson read the following information in his Administrator's Report:Report1. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for January 2019 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 191 troopers assigned to Sussex County for the month of

2. Projects Receiving Substantial Completion

January.

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Truitt Homestead – Phase 2 (Construction Record), effective January 28th; Peninsula –

Adminis-
trator'sPhase 1C – Sailside, effective February 12th; and Sea Star Village @
Millville by the Sea – Section 3, effective February 12th.Report

(continued) 3. <u>Kirk Miller</u>

It is with sadness that we note the passing of County pensioner Kirk Miller on Wednesday, February 6th. Mr. Miller began his career with Sussex County in January 1991 where he worked in the EMS department until July 1995. Mr. Miller returned to the County in January 1998 and retired from EMS as a Paramedic II in July 2010 for a total of 17 years of service. We would like to extend our condolences to the Miller family.

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

Foreign Trade Center Designation William Pfaff, Director of Economic Development, referenced his presentation to the Council on November 13, 2018 regarding having the Delaware Coastal Airport, Business/Industrial Park designated as a Foreign Trade Zone (FTZ). At that meeting, an overview of a FTZ designation was given along with a presentation on the process for the designation, including the application process, the advantages of the designation, and the cost to set up the FTZ. On that date, the presentation/overview was given by Patti Cannon, Division of Small Business, State of Delaware, and Scott Taylor, Esquire, for Miller & Company, P.C., the firm used by the State for the application process. Mr. Pfaff stated that he is asking the Council for funding in the amount of \$25,000.00 to move forward with the designation.

M 083 19 Authorize Foreign Trade Center Designation A Motion was made by Mr. Hudson, seconded by Mr. Burton, that the Sussex County Council authorizes the Economic Development Director and Delaware Coastal Airport Director to work with Scott Taylor, Partner, Miller & Company P.C., to apply for the foreign-trade zone designation for the Delaware Coastal Airport, Delaware Coastal Business Park not to exceed \$25,000.00.

	Motion Adopted:	5 Yeas.
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
Fencing Services Contract/ Change Order	Sussex County Fend of \$20,000.00, is for	unty Engineer, presented Change Order No. 3 to the cing Services Project. The Change Order, in the amount the installation of a new gate at the Piney Neck Facility cement fencing at three (3) pump stations.
M 084 19	-	e by Mr. Burton, seconded by Mr. Hudson, based upon

M 084 19A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon
the recommendation of the Sussex County Engineering Department, that
Change Order No. 3 for Contract 17-14, Fencing Services, be approved,

M 084 19 Approve	increasing the contract amount by \$20,000.00 for a new contract total of \$90,767.30.	
Change Order/ Fencing	Motion Adopted:	5 Yeas.
Services Contract (continued)	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
Use of Existing Infra- structure Agreement/ Hyatt Hotel	Infrastructure Agree arrangement, the Hy owned infrastructure Hotel, LLC will	rector of Utility Planning, presented a Use of ement with Lewes Hotel, LLC. Under the proposed yatt Hotel project will connect to the existing County e. In return for utilization of said infrastructure, Lewes contribute \$37,713.00 for the financial catch-up existing infrastructure to serve an additional 57.83
M 085 19 Approve Use of Existing Infra- structure	the recommendation the Sussex County Agreement between	by Mr. Burton, seconded by Mr. Wilson, based upon of the Sussex County Engineering Department, that Council approves the Use of Existing Infrastructure Sussex County and Lewes Hotel, LLC for a capacity onal transmission system, as presented.
Agreement/ Hyatt	Motion Adopted:	5 Yeas.
Hotel, Lewes Hotel LLC	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
Introduction of Proposed Ordinances/ Permitted		lanning and Zoning Director, and Vince Robertson, torney, presented four (4) draft ordinances for possible
Uses/ Assisted Living/ Coastal Area Designation/	ORDINANCE TO CHAPTER 115, AR 210 REGARDING	oduced the Proposed Ordinance entitled "AN AMEND THE CODE OF SUSSEX COUNTY, FICLES III AND XXVII, SECTIONS 115-15 AND 115- A DETERMINATION BY THE SUSSEX COUNTY ING COMMISSION AS TO PERMITTED USES".
Compre- hensive Plan	ORDINANCE TO CHAPTER 115, AR SECTIONS 115-22, 115-63, 115-64, 115-	Deduced the Proposed Ordinance entitled "AN AMEND THE CODE OF SUSSEX COUNTY, CTICLES IV, V, VI, VIII, IX, X, XI, XIA, AND XII, 115-23, 115-31, 115-32, 115-39, 115-40, 115-55, 115-56, 71, 115-72, 115-77, 115-80, 115-83.2, 115-83.6, 115-87 STED LIVING FACILITIES ORDINANCE).
	ORDINANCE TO	oduced the Proposed Ordinance entitled "AN AMEND THE CODE OF SUSSEX COUNTY, ICLE III, SECTION 62-7, CHAPTER 72, ARTICLE I,

Introduction SECTIONS 72-4 AND 72-5, CHAPTER 115, ARTICLES IV, XXV AND TABLE 1 BY AMENDING SECTIONS 115-22, 115-182, 115-183 AND 115-194.3 TO REPLACE ALL REFERENCES TO THE 'ENVIRONMENTALLY SENSITIVE DEVELOPMENT DISTRICT' WITH 'COASTAL AREA'''.

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND ORDINANCE #2620 ADOPTING THE COMPREHENSIVE PLAN FOR SUSSEX COUNTY TO ADDRESS CHANGES TO THE COMPREHENSIVE PLAN RAISED BY THE STATE OF DELAWARE EXECUTIVE DEPARTMENT, OFFICE OF STATE PLANNING COORDINATION, IN A LETTER DATED JANUARY 18, 2019". It was noted that the letter from the Office of State Planning Coordination would be made a part of the record.

The Proposed Ordinance will be advertised for Public Hearing.

SubdivisionThe Council considered an appeal filed by Streams Edge on the Planning
and Zoning Commission's decision to deny its preliminary plat for a
subdivision known as Streams Edge Subdivision #2018-8.

Mr. Moore explained that this is not a public hearing and that subdivision appeals are totally based on the record and that no new evidence or testimony would be allowed.

> Mr. Moore reported that the Council shall review the record of the Hearing before the Commission and shall make a determination as to whether the Commission's decision was the result of an orderly and logical review of the evidence and involved the proper interpretation and application of the chapter. The Council shall not substitute its own decision for that of the Commission.

> Mr. Moore stated that if the Council finds that the Commission misapplied or misinterpreted the applicable sections of this chapter or that its findings were not the result of an orderly and logical review of the evidence and the applicable provisions of this chapter...", the Council has the option of finding that the Commission's decision is supported by the evidence and the law or finding that the Commission's decision is not supported by the evidence and the law and thereby, reversing the decision of the Commission or remanding it back to the Commission for further review and consideration, or order a new hearing before the Commission.

> Mr. Moore noted that Councilman Hudson was a member of the Planning and Zoning Commission at the time a hearing and decision were made on this matter and therefore, Mr. Hudson would be recusing himself from this matter. (Mr. Hudson left the meeting.)

> Tim Willard, Attorney, was present on behalf of Streams Edge, the Applicant. Mr. Willard stated that the Applicant applied for a preliminary

Appeal/ Streams Edge Estates #2018-8 Subdivisionsubdivision plan approval for the Streams Edge Subdivision, a 42-lot
subdivision. Mr. Willard reported that the record includes the Appeal
Letter, an Exhibit Book, letter from Duffield Associates, Feasibility Study,
letter from DNREC, the public notice of the final remediation plan, and a
transcript of the Commission's public hearing and decision.#2018-8

(continued) Mr. Willard presented the Applicant's argument that the Commission's decision was not the result of an orderly and logical review of the evidence and involved the improper interpretation and application of the Chapter 99 requirements. Mr. Willard stated that the primary grounds for the appeal rests in the accuracy asserted in the Motion to deny and in the Commission's disregard for DNREC's conclusions, recommendations and statutory oversight. Mr. Willard asked that the Commission's decision be reversed because the Applicant has met the statutory requirements with the proposed conditions.

Vince Robertson, Legal Counsel for Sussex County Planning and Zoning, stated that the Commission's denial was based on the project's location being a brownfield. He stated that the question before Council is whether the record supports the Commission's denial and whether it is in accordance with Chapter 99. He also stated that, based on the record, he is confident that the Council will find that the Commission's decision was based on an orderly and logical review of the evidence. Mr. Robertson presented an overview of what is on the record and what supports the Commission's decision for denial.

M 086 19 Defer Action on	A Motion was made by Mr. Burton, seconded by Mr. Rieley, to defer action on the subdivision appeal (Streams Edge Subdivision #2018-8).		
Subdivision Appeal/	Motion Adopted:	4 Yeas, 1 Absent.	
Streams Edge Estates	Vote by Roll Call:	Mr. Hudson, Absent; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea	
#2018-8	Mr. Hudson rejoined	l the meeting.	
Grant Requests	Mrs. Jennings prese	nted grant requests for the Council's consideration.	
M 087 19 Council- manic Grant	A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$2,000.00 (\$1,000.00 each from Mr. Vincent's and Mr. Rieley's Councilmanic Grant Accounts) to the Woodland School House Association for renovations to the Woodland School House.		
	Motion Adopted:	5 Yeas.	
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea	

M 088 19A Motion was made by Mr. Rieley, seconded by Mr. Wilson, to give \$500.00Council-(\$250.00 each from Mr. Vincent's and Mr. Rieley's Councilmanic GrantmanicAccounts) to Laurel Elementary School for the Dog DayZ 5K Run/WellnessGrantWalk fundraiser.

Motion Adopted:5 Yeas.Vote by Roll Call:Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Wilson, Yea; Mr. Burton, Yea;
Mr. Vincent, YeaM 089 19
Council-
manic
GrantA Motion was made by Mr. Hudson, seconded by Mr. Burton, to give
\$1,300.00 from Mr. Hudson's Councilmanic Grant Account to the Cape
Henlopen Senior Center for The Rehoboth Concert Band fundraiser.Motion Adopted:5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Introduction of Proposed Zoning Ordinances Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CATERING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.08 ACRES, MORE OR LESS" (Conditional Use No. 2173) filed on behalf of Roy Richardson (Tax I.D. No. 234-9.00-6.02) (911 Address: 21170 Doddtown Road, Harbeson).

> Mr. Rieley introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENT VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.38 ACRES, MORE OR LESS" (Conditional Use No. 2174) filed on behalf of Madeline Troescher (Tax I.D. No. 134-21.00-20.02) (911 Address: 37428 Dirickson Creek Road, Frankford).

> Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AUTOMOTIVE REPAIR BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.75 ACRE, MORE OR LESS" (Conditional Use No. 2175) filed on behalf of All Automotive, LLC (Tax I.D. No. 234-16.00-27.03) (911 Address: 28858 Harmons Hill Road).

Introduction of Proposed Zoning Ordinances (continued)	Mr. Wilson 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 B-2 BUSINESS COMMUNITY DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.827 ACRE, MORE OR LESS" (Change of Zone No. 1879) (William (Ulbio) Parraga (Tax I.D. No. 135-14.00-12.01) (911 Address: None Available).	
	The Proposed Ordina	ances will be advertised for Public Hearing.
Council Members'	Council Members' C	<u>omments</u>
Comments		d on the Governor's Complete Count Commission and Michael Costello to serve as his designee on the
M 090 19 Go Into Executive Session	Burton, to recess th	lotion was made by Mr. Hudson, seconded by Mr. he Regular Session and go into Executive Session to ing to land acquisition and pending litigation.
56551011	Motion Adopted:	5 Yeas.
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
Executive Session	in the Basement Ca	ecutive Session of the Sussex County Council was held aucus Room for the purpose of discussing matters nisition and pending litigation. The Executive Session .m.
M 091 19 Reconvene Regular	- /	on was made by Mr. Burton, seconded by Mr. Hudson, tive Session and reconvene the Regular Session.
Session	Motion Adopted:	3 Yeas, 2 Absent.
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Wilson, Absent; Mr. Burton, Yea; Mr. Vincent, Yea
M 092 19 Negotiate Land	the County Administ	by Mr. Burton, seconded by Mr. Rieley, to authorize trator to negotiate and enter into a contract and go to entified as Land 2019-A.
Acquisition	Motion Adopted:	3 Yeas, 2 Absent.

M 092 19 (continued)	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Absent; Mr. Wilson, Absent; Mr. Burton, Yea; Mr. Vincent, Yea
M 093 19	At 1:07 p.m., a Mot	ion was made by Mr. Burton, seconded by Mr

M 093 19At 1:07 p.m., a Motion was made by Mr. Burton, seconded by Mr. Hudson,Recessto recess until 1:30 p.m.

Motion Adopted: 3 Yeas, 2 Absent.

Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Absent;
	Mr. Wilson, Absent; Mr. Burton, Yea;
	Mr. Vincent, Yea

M 094 19 At 1:30 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Rieley, to reconvene.

Motion Adopted: 5 Yeas.

Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea;
	Mr. Wilson, Yea; Mr. Burton, Yea;
	Mr. Vincent, Yea

Rules Mr. Moore read the rules of procedure for public hearings.

PublicA Public Hearing was held on the Proposed Ordinance entitled "AN
ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A BORROW
PIT TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING
AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY,
CONTAINING 158.75 ACRES, MORE OR LESS" (Conditional Use No.
2155) filed on behalf of Stockley Materials, LLC (Tax I.D. No. 231-6.00-
21.00 and 22.01) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2019 at which time action was deferred. On February 14, 2019, the Commission recommended approval with conditions.

(See the minutes of the Planning and Zoning Commission dated January 24 and February 14, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Applicant previously submitted Exhibit Books which were distributed to Council members.

The Council found that David Hutt, Attorney, was present with Ken Adams, Principal of Stockley Materials, LLC, and Mark Davidson and Alan Decktor of Pennoni. Information presented included a description of Public the application site and the purpose of the application which is for the Hearing/ excavation of a borrow pit, extraction, processing and removal of sand, CU 2155 gravel or stone. They stated that the property consists of wooded and tilled areas and is currently being used and has been used for agricultural (continued) purposes; that the application site consists of two tax parcels totaling 158.75 acres; that there are other businesses in the general area, including eight chicken houses on an adjacent parcel; that the project is located in Investment Level 4 according to the Strategies for State Policies and Spending; that the poultry houses have a berm on the property which will protect the application site; that there are wetlands on the property; that no offsite materials will be brought to the site: that no fuel tanks will be stored on site; that only approximately 14 acres of the 28 acres of trees will be disturbed; that no Traffic Impact Study was required; that they will install a dry hydrant which will be accessible by the local fire company; that the property is bordered by State-owned lands; and that there will be an estimated 100 trips per day. Also reviewed was the boring location plan and the plans for the entranceway which will include a gate and fencing.

There were no public comments in support of or in opposition to the application.

M 095 19A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt
Ordinance
No. 2633/A Motion was made by Mr. Burton, seconded by Mr. Wilson, to Adopt
Ordinance
CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL
RESIDENTIAL DISTRICT FOR A BORROW PIT TO BE LOCATED ON
A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE
HUNDRED, SUSSEX COUNTY, CONTAINING 158.75 ACRES, MORE
OR LESS" (Conditional Use No. 2155) filed on behalf of Stockley Materials,
LLC, with the following conditions:

- A. No materials shall be brought from off the site for processing, mixing or similar purposes.
- B. The excavated area shall not exceed 112 acres.
- C. Water or a water truck shall be available to control dust from road traffic when conditions require.
- **D.** The only entrance to the pit shall be a paved road from Seashore Highway (Route 18). The entrance shall be fenced or gated to prevent access.
- E. Any roadway and entrance improvements required by DelDOT shall be completed by the Applicant. All entrances shall be secured when the borrow pit is not in operation.
- F. The project shall meet or exceed stormwater management system regulations set forth by the Sussex Conservation District and DNREC through a combination of Best Management Practices and Best Available Technologies. 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.

M 095 19G.The hours of operation shall be between the hours of 6:00 a.m. to 6:00Adoptp.m. Monday through Friday and 6:00 a.m. until 2:00 p.m. on
Saturdays. No Sunday hours shall be permitted.No. 2633/H.No aterials shall be stored on any access roads or within any buffer

H. No materials shall be stored on any access roads or within any buffer area.

(continued)

CU 2155

- I. No fuel shall be stored on site.
- J. No stumps, branches, debris or similar items shall be buried or placed on the site of the borrow pit.
- K. The proposed pit will have a 3:1 side slope down to a 10 foot level bench that will be approximately near or 1 foot below the static water surface. Below the water level the borrow pit shall have 2:1 slopes. The depth of the proposed borrow pit will not exceed 65 feet.
- L. A Final Site Plan, including all pit slopes, excavation phasing, and reclamation plans shall be reviewed and approved by the Planning and Zoning Commission prior to the commencement of operations. Reclamation plans shall indicate finished grading, seeding and planting schedules designed to create a pleasing appearance and protect existing and future developments.
- M. The Applicant shall comply with all State and County erosion and sediment control regulations.
- N. Permanent concrete markers and signs shall be placed at appropriate locations to designate the boundaries of the subject property and pit areas. The boundary markers shall be raised and marked so that they are clearly visible to anyone nearing the site.
- O. The Applicant shall comply with all of the requirements set forth in Section 115-172B of the Sussex County Zoning Ordinance.
- P. The borrow pit shall be surrounded by a buffer strip a minimum distance of 100 feet from any street lines, 200 feet from any dwelling of other ownership, and 50 feet from all other property lines of other ownership. The buffer area shall be a vegetated buffer of existing vegetation or native species vegetation.
- Q. No wetlands on the site shall be disturbed.
- **R.** This approval shall terminate upon the expiration of fifty (50) years from the date of adoption.
- S. Equipment within the borrow pit area shall be equipped with bbs-tek white sound alarms or a similar system that adjusts to the ambient noise that provides a warning of imminent danger.
- T. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

PublicA Public Hearing was held on the Proposed Ordinance entitled "AN
ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF
SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL

PublicDISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A
CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND
REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 10.001
ACRES, MORE OR LESS" (Change of Zone No. 1870) filed on behalf of
Coroc/Rehoboth III, LLC (Tax I.D. No. 334-13.00-325.36) (911 Address:
None Available).

The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2019 at which time action was deferred. On February 14, 2019, the Commission recommended approval.

(See the minutes of the Planning and Zoning Commission dated January 24 and February 19, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

The Council found that Jim Fuqua, Attorney, was present with Charles Worsham; also present was Ring Lardner with Davis Bowen & Friedel. They reported that the application is to rezone a 10 acre parcel from AR-1 to C-3; that the parcel is located to the rear of Tanger Seaside Outlets; that many area properties are zoned commercial: that nearby is a Royal Farms and the Iron Hill Brewery; that the land to the rear of the parcel is owned by the State of Delaware on which is a portion of the Junction and Breakwater Hiking and Biking Trail; that the site has an area for overflow parking for connection to the Breakwater Trail and the Applicant will continue to permit access to the trail and will permit parking on the parcel if feasible; that the application site is clear and vacant except for three stormwater ponds; that the site will be served by County sewer and water from Tidewater Utilities: that the site fronts on Holland Glade Road and would have access to Holland Glade Road by way of a new entrance which would be constructed in accordance with DelDOT requirements; that the site would also have access by way of the Seaside Outlets; that DelDOT will determine if a Traffic Impact Study or Traffic Operational Analysis is required once they review the site plan showing the entrance; that DelDOT proposes a traffic light at the intersection of Holland Glade Road and Route 1; that the site's stormwater management will be designed and constructed in accordance with DNREC regulations and the Sussex Conservation District and will utilize Best Management Practices; that there are three stormwater management basins already located on the site; that there are no wetlands on the site; that the site is located in an Investment Level 2 Area according to the Strategies for State Policies and Spending; that the site is located within two growth areas - the Environmentally Sensitive Development Growth Area and the Highway Commercial Growth Area; that the area would be appropriate for hotels, motels, and other large scale commercial uses; that the Applicant has not made a decision on the development of the site at this time; that possibilities for the use are a hotel or an entertainment establishment, i.e. health club, fitness center, or retail stores; that residential uses are not appropriate for this area; that the purpose of the C-3 District is a perfect match for this 10 acre parcel at this

Publiclocation; and that the application is in compliance with the InvestmentHearing/Level designation, the Comprehensive Plan, the Future Land Use Map, andCZ 1870the Zoning Code.(continued)

Public comments were heard.

There were no public comments in support of the application.

Mark Godwin, Former Senator John Still, and Linda Kauffman spoke in opposition to the application. They commented on and expressed concerns about traffic, safety of children, the negative impact of additional retail in the area; environmental impact; the Investment Level Area (which is actually a combination of Level 2 and 3) according to the Strategies for State Policies and Spending; that other zoning classifications could be used; that the statement that there are no residential properties is inaccurate; that part of the area is environmentally sensitive; that if approved, the application site should be reduced; that there is no service road extending northwest from the Holland Glade Road parallel to Route One; that Epworth United Methodist Church is nearby and is home to many children's activities; and that there should be no more development without additional capacity. Mr. Still commented on the PLUS meeting and stated that no one from DNREC showed up at that meeting.

The Public Hearing was closed.

M 096 19A Motion was made by Mr. Hudson, seconded by Mr. Burton, to defer
action on Change of Zone No. 1870 filed on behalf of Coroc/Rehoboth III,
LLC.CZ 1870

Motion Adopted: 5 Yeas.

Vote by Roll Call: Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea

Public Hearing/ CU 2157 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.26 ACRES, MORE OR LESS" (Conditional Use No. 2157) filed on behalf of Country Lawn Care & Maintenance, LLC (c/o Gerald and Stephania Dougherty) (Tax I.D. No. 234-11.00-78.07) (911 Address: 30435 Hollymount Road, Harbeson).

The Planning and Zoning Commission held a Public Hearing on this application on January 24, 2019 at which time action was deferred and the record was left open to allow the Applicant to submit the requested information relating to the deed restrictions on the property. On February

Public

Hearing/

14, 2019, the Commission deferred action again.

CU 2157 (See the minutes of the Planning and Zoning Commission dated January 24 and February 14, 2019.)

Janelle Cornwell, Planning and Zoning Director, presented the application.

An Exhibit Book was previously sent electronically and hard copies of the Book were distributed on this date.

The Council found that Shannon Carmean Burton, Attorney, was present on behalf of the Applicant with the owners (Gerald and Stephania Dougherty); and Alan Decktor of Pennoni. Ms. Burton stated that the Applicant operates a lawn care business; that the Dougherty's live on the property and operate the business from the property and they wish to continue to do so; that in addition to the residential dwelling, the property is improved with accessory structures that are currently used for the Applicant's personal use as well as for their family-owned and operated landscaping business; that the Sussex County Planning and Zoning Commission issued a notice of violation for operating the business on the property: that there are other business uses and commercial zonings in the area; that they have ten employees that come to the site in the morning and return in the evening (7:00 a.m. and 7:00 p.m.); that no activities occur before 7:00 a.m.; that Stephania Dougherty is the only employee who remains on the site during the day; that extended hours may be necessary for snow removal and/or to service customers during inclement weather conditions or emergency situations; that there is no foot traffic; that there are no mechanics on-site; that they do not make repairs to equipment onsite; that only routine maintenance is done on-site; that no bulk products are stocked; that there is a natural forested buffer and privacy fence around the property along the side and rear of the property; that the business does not impact neighboring properties; that no Traffic Impact Study was required; that they plan to remove smaller buildings on the site and consolidate under one roof / one building; that they have received support from some of the neighboring property owners; and that there will be no adverse impact on traffic.

Ms. Carmean stated that around the time the applicants received the notice of violation from Sussex County, they found out that their property along with three neighboring properties were subject to certain deed restrictions imposed by the Developer of the four properties; that the opponents claim that the use is not permitted due to the deed restrictions; that when the applicants purchased the home, they were not advised by the realtor about the deed restrictions; that the deed does not specifically reference the book and page of the deed restrictions; that they were not given a copy of the title search nor the deed restrictions before or after closing on the home; that they relied on the professionals to give them all the necessary information; that the former owner operated a similar business on the property for over eleven (11) years; that the neighboring lot owners have never sought to Publicenforce the restrictive covenants so it is their (the applicants) position that
they acquiesced to the commercial use and they have waived that right; that
they are seeking to amend the restrictive covenants on the four (4) lots; and
that Council can approve the application with a condition to address the
restrictive covenants.

Mr. Dougherty described the property and the use of the property for the business. He stated that six other businesses are run out of the Spring Breeze development and that there are other violations of the restrictive covenants.

Mr. Decktor presented and reviewed the site plan, and the adjacent properties and the area.

Ms. Burton concluded by stating that the use is in compliance with the Zoning Code and the Comprehensive Plan; that the use is permitted in the AR-1 District; that there has been a history of commercial use on this property; that the four (4) lot subdivision with the restrictive covenants is a unique situation; and that because of the lapse of time without complaints, the Court of Chancery would find that the restrictive covenants are not enforceable.

Public comments were heard.

Christopher Moore, a neighbor, spoke in support of the application and commented on the previous owner running a business on the property. He stated that the operation of the business on the site is not visible and there are no adverse effects on the surrounding area.

James Miller, Paul Reiger, Albert and Lynn Stanley, Gary Leonard, John Conley, and Mario Mancusi spoke in opposition to the application. Thev questioned a business operating in a subdivision; that the first business on the site may have been a home occupation; that other businesses in the nearby development may also be home occupations; that the property has deed restrictions and they are required to be in compliance with them; that no one should be able to submit an application for something that is prohibited by a deed restriction; that permitting the business use with deed restrictions on the property would set a precedent; that there is no way they could not have known about the restrictive covenants; that there are a number of covenants that the Applicant has violated, i.e. storage of hard scape materials, tanks, piles of debris, buildings, dumping of asphalt millings, stone and rock); that he was previously provided a copy of the covenants; that the site is an eyesore; that there is concern that the Applicant will purchase the adjacent property and expand the business; that they question if the EPA has sanctioned the storage of the materials; that just because the business has been operating for 14 years does not make it right; and that the Applicant is aware that the law has been broken and is still seeking permission to continue to do so. (A copy of the restrictive covenants and pictures of the site were submitted into the

Public Hearing/ CU 2157 (continued)	record.) Opponents also commented on fire hazards and other safety concerns: exposed tanks of diesel fuel and pesticides, etc. on the site and storage of piles of asphalt, concrete, mulch and debris.	
(continued)	There were no addit	ional public comments.
	The Public Hearing	was closed.
	-	ill remain open for the recommendation of the Planning ission and thereafter, for five calendar days for the n comments only.
M 097 19 Defer Action/ CU 2157	action on Condition	e by Mr. Burton, seconded by Mr. Wilson, to defer nal Use No. 2157 filed on behalf of Country Lawn Care C (c/o Gerald and Stephania Dougherty).
0 2137	Motion Adopted:	5 Yeas.
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, Yea; Mr. Vincent, Yea
M 098 19 Adjourn	A Motion was made 4:14 p.m.	e by Mr. Burton, seconded Mr. Hudson, to adjourn at
	Motion Adopted:	5 Yeas.
	Vote by Roll Call:	Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Wilson, Yea; Mr. Burton, 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.}

TODD F. LAWSON COUNTY ADMINISTRATOR

(302) 855-7742 T (302) 855-7749 F tlawson@sussexcountyde.gov





Memorandum

- TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Samuel R. Wilson Jr.
- FROM: Todd F. Lawson County Administrator

RE: <u>COMPREHENSIVE LAND USE PLAN PRIORITIES</u>

DATE: February 22, 2019

During Tuesday's meeting, we will discuss the County's Comprehensive Land Use Plan and the Council's priorities.

As you know, staff developed the attached spreadsheet that organized the Comp Plan strategies into 20 categories. Based on Council's feedback, the top five categories are: Roads/DelDOT, Economic Development, Open Space, Agriculture, and Telecommunications.

I will review the document in detail during the meeting and seek Council's feedback for next steps.

Please let me know if you have any questions or concerns.

TFL/sww

Attachment



	2018 Comprehensive Plan Strategies
Strategy Category & Number	Description
Agribusiness	
Strategy 4.5.2.1, Strategy 4.5.2.2, Strategy 9.3.1.1 and Strategy 9.3.1.1	Evaluate the concept of establishing voluntary agribusiness areas or districts that are centered around existing infrastructure in AR-1 zoning that allow agricultural uses or other compatible uses. Ensure that the zoning ordinance accommodates agribusiness, forestry, and similar uses in appropriate locations, including businesses that promote new uses for agricultural products and byproducts.
Strategy 9.3.2.1	Review County Code to evaluate whether agricultural food manufacturing/processes and value-added businesses are permitted uses in appropriate zones.
Agriculture	
Strategy 9.3.1.2	Promote and expand land use, zoning and conservation policies and incentives that keep agriculture economically viable in Sussex County.
Strategy 4.5.1.2, Strategy 5.2.2.2 & Strategy 9.3.1.5	Explore incentives that the County could offer landowners (e.g. property tax exemption) to encourage long-term forest management.
Affordable Housing/Types of Housing	
Strategy 4.4.1.3, Strategy 8.2.3.3, Strategy 8.2.3.4, Strategy 8.2.6.1, Strategy & 12.2.4.1 Strategy 12.2.5.1	Review zoning code to determine if modifications are needed to permit new styles of housing such as tiny house construction and agri-hood developments to be developed in the code as they appear. Further promote and consider expansion of existing opportunities for affordable housing such as the Accessory Dwelling Unit ordinance, Garage/Studio apartment ordinance, Special Exception for Medical Hardships, and/or the use of guest houses. Determine the challenges and opportunities that could be associated with allowing multiple, small units (such as tiny houses) on one lot and if found feasible and determine if code modifications are needed
Strategy 8.2.1.1 & Strategy 8.3.1.1	Improve the County's SCRP and the MPHU Programs to provide incentives to properly reflect the housing market and incentivize developers to participate in the provision of affordable housing. Evaluate current County code on an on-going basis to determine if any regulatory barriers exist that impede the development of multi-family and affordable housing.
Strategy 8.2.1.2	Consider development of a Community Development Fund or similar funding mechanism to provide affordable housing assistance, creation, and preservation.
Strategy 8.2.1.3	Explore ways for private developers to provide more multi-family and affordable housing opportunities.
Strategy 8.2.1.5	Examine if a sliding scale fee structure for homebuyers below a certain income threshold is feasible.
Strategy 8.2.3.1	Promote increasing affordable housing options, including the supply of rental units, near employment opportunities.
Strategy 8.2.3.2	Review County code to determine if there are regulatory barriers to development of affordable housing and manufactured housing.
Strategy 8.2.3.5	Consider broadening the product type in zoning that allows fee-waivers for affordable housing to include multi-family housing.
Strategy 8.2.4.1	Encourage universal design principles in new home construction and rehabilitation.

Brownfields/Redevelopment

Strategy Category & Number	Description
Strategy 4.1.4.1	Determine if there are ways to encourage developers to redevelop particular brownfield sites.
Strategy 5.3.1.4 & Strategy 12.3.1.1	Develop incentives to encourage the redevelopment of brownfields and greyfields. Determine if there are incentives that can be established for developers that propose redevelopment.

Buffers (General - Not Wetlands Specific	
Stratogy 4 4 1 1 8 Stratogy 5 1 1 2	Identify an appropriate range of landscape buffer distances based on location, height, and context. Identify an appropriate
Strategy 4.4.1.1 & Strategy 5.1.1.2	range of landscape buffer distances based on location, height, and context.

Byways		
Strategy 10.1.5.1	Continue working to expand byway routes through Milton, Bridgeville, and Lewes.	

Campgrounds		
Strategy 8.1.1.5	Consider an ordinance with rules and regulations governing campgrounds.	

Cluster Design		
Strategy 4.3.2.1	Improve the cluster development ordinance.	

Density	
Stratom 12.2.1.5	Consider higher- density mixed-use development in appropriate areas with current or future access to travel options,
Strategy 13.3.1.5	consistent with recommendations in the Land Use Element.

Density Bonus	
Strategy 4.1.1.1, Strategy 5.1.1.3, Strategy 6.2.1.1 & Strategy 6.2.1.2	Evaluate the County's density bonus program to determine ways to better encourage the use of the program. Evaluate the County density bonus program to determine how to better encourage the use of the program. Evaluate the County density bonus program to determine ways to better encourage the use of the program. Consider the expansion of the density bonus program into other districts in order to obtain funds for open space and natural resource preservation.

Economic Development (General or Through Zoning)	
Strategy 9.1.3.1 & Strategy 9.2.2.4	Consider an analysis of County and local regulations to identify those regulations that may be inhibiting economic development. Identify areas that are served with adequate electricity, natural gas, and fiber optic infrastructure for rezoning to LI-1 and LI-2 uses.
Strategy 9.2.2.5	Explore establishment of a County Economic Development Grid with zones to be centered around areas of the County and associated communities where the County would like to promote economic development.
Strategy 9.2.2.1	Review zoning code and the development process to see if there are prohibitive costs to development for industrial park developers.

Energy Efficiency	
Strategy 7.3.3.1	Consider reductions in building permit fees to homes that go above and beyond the energy code requirements.

Strategy Category & Number	Description
Strategy 7.3.2.1	Encourage renewable energy sources from a utility level standpoint with a committed power company integration.
Strategy 7.3.2.2	Be adaptive to new renewable energy sources and revisit County Code as needed.

Environment (General Not Wetlands Specific)	
Strategy 5.1.2.2, Strategy 5.1.4.4 & Strategy 11.1.1.5	Review the appropriate sections of Sussex County's zoning and subdivision codes to determine if amendments are needed that will better help protect groundwater, waterways, sensitive habitat areas, and other critical natural lands in Sussex County. Consider methods to formulate stronger strategies for better protecting groundwater, waterways, sensitive habitat areas, and other critical natural lands in Sussex County. Cooperate with DNREC to formulate effective, yet locally acceptable, strategies for better protecting groundwater, waterways, watersheds sensitive habitat areas, and other critical natural lands in Sussex County.

Group Homes, Shelters	
Strategy 8.1.1.4 & Strategy 8.1.3.2	Evaluate current process for how group homes, shelters, and co-living arrangements are approved through County Code to determine if revisions are necessary. Support implementation of low-barrier shelters year-round in Sussex County.

Hazard Mitigation	
Strategy 5.3.5.1	Evaluate the effectiveness of the County floodplain ordinance to determine if modifications are needed.
Strategy 5.3.5.2	Evaluate the effectiveness and consider implementation of the mitigation actions of the County's Hazard Mitigation Plan in order to reduce the County's risk to natural and human-made hazards.

Height	
Strategy 4.4.1.2 & Strategy 12.1.1.2	Revisit height limits in the County Code for residential and commercial districts to determine if heights are accurate for such districts and uses, as well as determining if the method for measuring height should be revised.

Historic Preservation	
Strategy 10.1.2.2 & Strategy 10.2.1.3	Consider the development of an ordinance that would require documentation of a structure built more than 80 years ago.
	Consider revisiting and adopting a County historic preservation ordinance.

Strategy Category & Number	Description
Interconnectivity	
Strategy 12.1.4.1	Encourage pedestrian connectivity between developments with sidewalks, paths, trails, and easements.
Strategy 12.1.4.2 & Strategy 12.1.4.3	Revisit County Code to determine if modifications are needed to encourage interconnectivity between residential developments. Develop connectivity standards for new developments in order to create multiple, alternate routes for automobiles and more route options for people on foot and on bicycles.
Strategy 13.2.2.4	Require new commercial developments to be interconnected to the adjoining existing commercial land uses.
Strategy 13.6.2.2	Support the development and implementation of the statewide bicycle plan, a Blueprint for a Bicycle-Friendly Delaware, and continue to support the creation of recreational trails and shared-use pathways to connect communities to employment, commercial services, recreational opportunities, and to provide safe alternatives to car travel.
Master Planning	
<u>Master Planning</u> Strategy 4.4.1.5, Strategy 12.2.2.2, Strategy 13.1.1.3 & Strategy 13.6.2.1	Encourage master planning for large-scale developments on large parcels or groups of parcels in the Town Center, Coastal Area, Developing Area, and Commercial land use classifications to provide flexibility in design. Consider ways to encourage master planning of large-scale developments that allow flexibility in the design of a site's buildings, trails and pedestrian paths, roads, and open space and encourage interconnectivity between parcels of land. Incorporate bike and pedestrian facilities into community master plans where appropriate and consider allowing the use of motor-assisted bicycles along bicycle facilities and trails.
Strategy 4.4.1.5, Strategy 12.2.2.2, Strategy	Area, Developing Area, and Commercial land use classifications to provide flexibility in design. Consider ways to encourage master planning of large-scale developments that allow flexibility in the design of a site's buildings, trails and pedestrian paths, roads, and open space and encourage interconnectivity between parcels of land. Incorporate bike and pedestrian facilities into community master plans where appropriate and consider allowing the use of motor-assisted bicycles along

Strategy Category & Number	Description
Open Space (Inclues Tree Preservation)	
Strategy 4.3.2.3	Strengthen County development regulations to ensure that open space dedicated by developers contains contiguous open space.
Strategy 4.3.2.4, Strategy 5.1.1.1 Strategy 5.1.1.5, Strategy 6.2.2.1, Strategy 6.2.1.3 & Strategy 12.1.3.1	Revisit County Code to determine if modifications are needed to open space requirements to promote less fragmentation of open space. Revaluate County Code definition of Open Space to determine if modifications need to be made relating to the calculation of open space. Strengthen County development regulations to ensure that open space dedicated by developers contains contiguous open space. Consider developing a program for installation of signage at permanently preserved open space tracts acknowledging that the County has preserved the land.
Strategy 5.1.1.6 & Strategy 12.1.3.2	Consider creating an ordinance designed to protect established, mature, healthy trees during the construction of new developments to better preserve existing trees and green spaces.
Strategy 5.1.5.2 & Strategy 6.2.1.4	Consider County-level financing mechanisms for open space preservation and management to leverage state and federal dollars
Strategy 5.1.5.3	Consider strategies, including deed acquisition and preservation easements, as an approach to permanently preserve the County's open space.
Strategy 6.1.4.1	Require that recreation lands open to the public that are in new developments be protected by easements.
Strategy 6.2.3.1	Continue to facilitate the preservation of more undeveloped land. This should include working with the Sussex County Land Trust and other organization's efforts to preserve and expand open space access across the County.

Outdoor Lighting	
Strategy 12.1.1.1	Consider design standards for lighting such as downward screening for commercial and residential properties.

Permitted Uses (Revision of)	
Strategy 8.2.3.6	Consider revisiting zoning code to determine in districts where multifamily housing is currently a conditional use, if it should be made a permitted use if water and sewer are already present and available on the site.
Strategy 8.3.1.1	Evaluate current County code on an on-going basis to determine if any regulatory barriers exist that impede the development of multi-family and affordable housing.
Strategy 12.2.3.1	Revisit code to consider a mixed-use zoning district.

Process (Changes to the Process)	
Strategy 12.2.1.1	Revisit code to determine if modifications can be made to the review and approval process for new developments that in turn promote better design and character of the community.
Strategy 12.2.6.1	Reinforce the Preliminary Conference as an integral step in the Plan Submission Procedure.
Strategy 12.2.6.2	Consider strengthening the staff's recommendation and comment during the Plan Submission Procedure.

Strategy Category & Number	Description
Recycling/Waste	
Strategy 7.6.1.1	Include siting for recycling containers in land use approvals on controlled sites to avoid illegal dumping.
Strategy 7.6.1.2 & Strategy 7.6.1.3	Revise County codes to include conditional use approvals for recycling processors in the County. Develop citing criteria for County code regarding hazardous waste and waste-to-energy (incinerator) facilities.

Roads/DelDOT	
Strategy 13.2.1.2	Establish a committee to advise County Council and DelDOT on recommended transportation improvements in the county.
Strategy 13.2.1.3 & Strategy 13.7.1.1	Consider working with the state legislature to determine feasibility of establishing dedicated county transportation funding. If the county establishes a new matching funding mechanism then the state should explore the possibility of establishing a new source of matching funds.
Strategy 13.2.1.7	Implement methods to increase capacity and reduce development encroachment along key east/west corridors as identified in the "Corridor Visions," such as increasing frontage setback requirements, purchasing easements, access management and promoting interconnectivity.
Strategy 13.2.2.5	Consider revisiting and revising current functional classification for certain roadways in the county.
Strategy 13.3.1.7	Research the effectiveness of Level of Service (LOS) ordinances in surrounding counties and consider implementing similar LOS standards in order to use future traffic impacts in the development approval process.

Sewer/Chapter 110	
Strategy 7.1.1.6	Amend Chapter 110 of County Code to reflect the new sewer service tier system proposed as part of this Comprehensive Plan update.
Strategy 7.1.2.2	Evaluate the conditional use process for community wastewater system treatment facilities to encourage regionalization.
Tax Ditches	
Strategy 5.3.4.4	Research or coordinate with the Conservation District on tax ditch setbacks.

Telecommunications/Utilities	
Strategy 7.5.1.2	Revisit County Code to determine ways to streamline the process for approval and construction of telecommunications (including cell tower) infrastructure.
Strategy 12.1.2.1	Encourage the locating of overhead power and communications utilities underground.

Strategy Category & Number	Description
Water Quality	
Strategy 5.3.1.2	Support the State's goals and standards for surface and drinking water quality.
Strategy 5.3.1.5, Strategy 5.3.3.1 & Strategy 7.2.1.2	Determine if a review of the existing County wellhead protection ordinance and water recharge areas is needed. Protect long-term water supply by encouraging land conservation in groundwater recharge areas. Determine if modifications are needed to the existing County wellhead protection ordinance in order to allow a case by case analysis of the wellhead protection areas based on general groundwater movement.
Strategy 7.2.2.1	Require interconnections between water systems whenever supported by sound engineering judgment.
Wetlands/Conservation Zone	
Church and 1 2 2 2	Consider deletion of wetlands from density calculations.
Strategy 4.3.2.2	consider deletion of wetlands from density calculations.
Strategy 4.3.2.2 Strategy 5.1.1.4	Review County Code to determine improvements to the requirements and location of the Conservation Zone.





MEMORANDUM:

- TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President The Honorable Douglas B. Hudson The Honorable John L. Rieley The Honorable Samuel R. Wilson Jr
- FROM: Gina A. Jennings Finance Director/Chief Operating Officer

RE: <u>PENSION ORDINANCE</u>

DATE: February 20, 2019

On Tuesday, there will be a Public Hearing on the attached ordinance that amends the County's pension section of the Code.

The Code should be amended to make sure our Pension Plan continues to be considered as a qualified pension plan under the Internal Revenue Service Code.

None of these revisions change the benefits that our employees are receiving today. The revisions simply make sure that our Pension Plan stays in a favorable tax status with the IRS, so our employees are not taxed on the contributions the County makes annually to the Pension Fund.

If you have any questions, please feel free to contact me.

GAJ/nc

Attachments

pc: Todd F. Lawson



Sussex County Pension Ordinance Update

Most governmental retirement systems have been established and maintained as <u>qualified</u> government plans under the Internal Revenue Service (IRS) Code § 401(a) and those other provisions of the Code that apply to governmental retirement systems. To protect the status and provide favorable tax treatment for employees' benefits, we must make sure the County Code reflects the IRS requirements.

Why is Qualification So Important?

- A. <u>Taxation</u> If a governmental retirement plan is qualified, employer contributions are not taxable to employees as they are made; taxation only occurs when plan distributions are made. In addition, earnings and income are not taxed to the plan or the employees (until distribution). In other words, when the County contributes to the pension plan on behalf of the employee, the employee is not taxed on this benefit.
- B. <u>Bankruptcy</u> Bankruptcy Abuse Prevention and Consumer Protection Act provides greater protection for retirement funds that qualify for favorable federal tax treatment.

Proposed Code Changes

- A. <u>Section 1 (A) Add the Definition of a Covered Employee</u> Per IRS, the plan must be established for the exclusive benefit of employees of the government and their beneficiaries. This definition is consistent on how it is applied today.
- B. <u>Section 2 Limit Compensation</u> Per IRS, the plan must limit the compensation to \$280,000 in 2019 in determining benefits (adjusting for inflation). No one in the County's plan is affected by this language; however, it is required, nonetheless to be in a qualified plan.
- C. Section 3 (G) Limits on Benefits

Per IRS, the plan must limit the benefits from a defined benefit plan. This limit is \$225,000 in 2019 and is adjusted by inflation every year. No one in the County's plan is affected by this language; however, like the limitation on compensation, it is required to be in the Code.

D. Section 3 (H) – Military Service

Per IRS, we must provide benefits to military service. This includes providing the pension to the beneficiary of a deceased retiree. The County already provides this benefit; however, it is not reflected in the Code.

E. Section 3 (I) – Required Minimum Distributions

Pursuant to IRS requirements, certain minimum amounts must begin to be annually distributed from a plan commencing the later of when a participant attains age 70 ½ or retires. The County already provides this benefit; however, it is not reflected in the Code.

F. Benefits Not Assignable

Per IRS, the benefit is for the government employee. This does not allow the covered employee to transfer his/her benefit to another person or entity. This protects an employee's benefit from being garnished from a creditor, excluding child support and the federal government. This assignment language does not affect the pension survivor benefit. The County already follows this added language but it should be added to the Code to ensure its enforceability.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE.

WHEREAS, Sussex County Code, Chapter 26 governs Sussex County employee pension benefits; and

WHEREAS, Sussex County desires to amend Chapter 26 to ensure that it is in compliance with the United States Internal Revenue Code.

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. Amend Sussex County Code, Chapter 26, § 26-6A., *Eligibility*, by inserting the additional underlined language to the end of paragraph A. as follows:

Α. A covered employee who shall have service with Sussex County in continuous employment for at least eight years shall be considered eligible for retirement benefits within the meaning of this chapter, except as otherwise provided. Elected County officials (including the Recorder of Deeds, Register of Wills, Sheriff, Clerk of Peace and members of County Council) would be eligible to retire and receive a pension with five years of elected official service at the age of 60 or with 10 years of elected official service at the age of 55. In no event shall a covered employee hired after December 31, 2013, receive credit for covered employment for benefit purposes for any period of employment during which the covered employee does not make the full 3% employee contribution, except for the period of the year during which the covered employee is working and earning the first \$6,000 of base compensation. For purposes of this Chapter, a "Covered Employee" is an employee of the County who normally works at least 35 hours per week or is otherwise covered by this Chapter; or an elected official of the County.

Section 2. Amend Sussex County Code, Chapter 26, § 26-7A., *Computation of benefits*, by adding language to the end of § 26-7A. as follows:

For Plan Years beginning after January 1, 1994 and before January 1, 1997, for purposes of computing benefits under this chapter, compensation in excess of one hundred fifty thousand dollars (\$150,000) shall be disregarded. Such amount shall be adjusted for increases in the cost of living in accordance with § 401(a)(17)(B) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(17)(B)], except that the dollar increase in effect on January 1 of any calendar year shall be effective for the Plan Year beginning with or within such calendar year. For Plan Years beginning after December 31, 2001 for purposes of computing benefits under this chapter, compensation in excess of two hundred thousand dollars (\$200,000) shall be disregarded. Such amount shall be adjusted for increases in the cost of living in accordance with § 401(a)(17)(B) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(17)(B)], except that the dollar increase in effect on January 1 of any calendar year shall be effective for the Plan Year beginning with or within such calendar year.

For any short Plan Year, the Compensation limit shall be an amount equal to the § 401(a)(17)(B) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(17)(B)] limit on compensation for the calendar year in which the Plan Year begins multiplied by the ratio obtained by dividing the number of full months in the Short Plan Year by twelve (12).

For Plan Years beginning after December 31, 1996, for purposes of determining compensation, the family member aggregation rules of § 401(a)(17) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(17)] and § 414(q)(6) of the United States Internal Revenue Code [26 U.S.C. § 414(q)(6)], (as in effect prior to the Small Business Job Protection Act of 1996) are eliminated.

Section 3. Amend Sussex County Code, Chapter 26, § 26-7, *Computation of benefits*, by adding new paragraphs G., H. and I. to the end as follows:

G. Limitations on Benefits. Pursuant to Treasury Regulation § 1.415(a)-1(d)(3) ("Section 415 Regulations"), effective for Plan Years beginning on or after January 1, 1976, the limitations on benefits under § 415 of the United States Internal Revenue Code [26 U.S.C. § 415] and the Section 415 Regulations applicable to governmental plans as defined in § 414(d) of the United States Internal Revenue Code [26 U.S.C. § 414(d)] are hereby incorporated by reference. For purposes of the application of these limitations under § 415 of the United States Internal Revenue Code [26 U.S.C. § 415], a covered employee's compensation shall be as determined in accordance with Treasury Regulation § 1.415(c)(2)(b) and (c).

H. Military Service. Effective December 12, 1994, notwithstanding any provision of this chapter to the contrary, benefits and service credit under this chapter with respect to qualified military service will be provided in accordance with § 414(u) of the United States Internal Revenue Code [26 U.S.C. § 414(u)].

I. Required Minimum Distributions. The Required Minimum Distribution provisions of § 401(a)(9) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(9)] and Treasury Regulations § 1.401(a)(9)-1 through § 1.401(a)(9)-9 applicable to governmental plans as defined in § 414(d) of the United States Internal Revenue Code [26 U.S.C. § 414(d)] are hereby incorporated by reference. All distributions of benefits shall be made in accordance with Treasury Regulations § 1.401(a)(9)-1 through § 1.401(a)(9)-9 and the provisions of § 401(a)(9) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(9) override any distribution options in this chapter that are inconsistent with § 401(a)(9) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(9)]. This incorporation by reference shall include the provisions of Section 401(a)(9)(G) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(9)(g)].

Section 4. Amend Sussex County Code, Chapter 26, § 26-9E., *Funding*, by deleting paragraph E. in its entirety as follows:

[E. Pension payments shall not be subject to attachment or execution.]

Section 5. Amend Sussex County Code, Chapter 26, § 26-9E., *Funding*, by inserting a new paragraph E. in its entirety as follows:

E. Benefits Not Assignable

General. Subject to the exceptions provided in Paragraph B below, (1) no benefit under this chapter shall in any manner or to any extent be assignable or transferable by any covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee or joint pensioner under this chapter or subject to attachment, garnishment or other legal process. No attempted assignment or transfer of any benefit under this chapter shall be recognized and, notwithstanding any provisions of this chapter to the contrary as to benefits, Sussex County shall, upon proof of any attempt on the part of any such covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner to be forfeited; provided that Sussex County shall give such covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner notice in writing of the effect of the provisions of this Section upon his benefits and if prior to the time he shall cease to be an employee or within thirty (30) days after such notice, whichever is longer, as to such covered employee, or within thirty (30) days after such notice as to such, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner, valid cancellation of such attempted transfer or assignment shall have been effected and satisfactory proof thereof furnished to the trustees, then such covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner shall be entitled to the same (but no greater) benefits under this chapter as in the case he had not attempted to make any such assignment or transfer.

(2). Exception for Domestic Relations Orders. Paragraph A shall not apply to a 'domestic relations order' defined in §414(p) of the United States Internal Revenue Code [26 U.S.C. § 414(p)], or against an amount that the member is ordered or required to pay Sussex County with respect to a judgment, order or decree issued, or a settlement entered into that otherwise complies with § 401(a)(13)(C) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(13)(C)].

Section 6. Effective Date. This Ordinance shall become effective immediately upon approval.

<u>Synopsis</u>

This Ordinance amends Sussex County Code, Chapter 26, which governs employee pension benefits, to bring it into compliance with the United States Internal Revenue Code by amending the following code provisions: "Eligibility" as set forth in § 26-6 by adding language to the end of paragraph A.; "Computation of benefits" as set forth in § 26-7 by adding language to the end of § 26-7A. and adding new paragraphs G., H. and I.; and "Funding" as set forth in § 26-9 by deleting paragraph E. in its entirety and inserting a new paragraph E therein.

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

1	ORDINANCE NO
2	
3 4 5	AN ORDINANCE TO AMEND CHAPTER 115, ARTICLE IV, SECTION 115- 25 OF THE CODE OF SUSSEX COUNTY REGARDING CLUSTER SUBDIVISIONS.
6 7 8	WHEREAS, The original Cluster Ordinance adopted by Sussex County Council required a showing of "Superior Design", but never clearly explained or defined what that term meant; and
9 10 11 12	WHEREAS, Sussex County Council and the Sussex County Planning & Zoning Commission directed the introduction of Ordinance #2024 which was intended to set specific design criteria that had to be satisfied in order to achieve a "Superior Design" for approval of a Cluster Subdivision; and
13 14 15 16 17 18	WHEREAS, upon the adoption of Ordinance #2024, it was amended to create two separate paths to be chosen by a Cluster Subdivision Applicant: one path that contained the existing undefined and unspecified "Superior Design" criteria; and a second path that made the new, specific design criteria optional and incentivized by providing that an Applicant seeking to use these criteria would receive expedited treatment and processing by the County over the land use application; and
19 20	WHEREAS, no applications have utilized the second incentivized pathway containing the specific "Superior Design" criteria; and
21 22 23	WHEREAS, Sussex County Council now desires to eliminate the two pathways for a Cluster Subdivision and require all Applicants to utilize the specific design criteria currently contained in Section 115-25F(3) of the Sussex County Zoning Code.
24	NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:
25 26 27	Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-25 "Height, Area and Bulk Requirements" is hereby amended at subsection F.(3) thereof by deleting the language in brackets and adding the italicized and underlined language:
28	§115-25 Height, Area and Bulk Requirements.
29	F. Review procedures for cluster developments.
30	

(3) [In respect to any preliminary cluster subdivision application 32 that is submitted after the effective date of this amendment, if the 33 applicant voluntarily elects to comply with the superior design 34 criteria contained in this amendment, $T_{t} = P_{t}$ 35 Commission shall determine that the following requirements are met 36 before approving any preliminary plan [and such application shall 37 be approved on a preliminary basis. The superior design criteria 38 contained this amendment shall not apply to applications submitted 39 under the terms of the cluster development ordinance, as it existed 40 prior to the date of this amendment, or to any application hereafter 41 submitted where the applicant does not voluntarily elect to comply 42 with the requirements contained in this amendment]. 43

44 ...

45 **Section 2.** Effective Date.

46 This ordinance shall take effect upon ____ months from the date of adoption by

47 Sussex County Council. Provided however, that it shall not apply to any completed

48 applications on file with the Sussex County Office of Planning & Zoning.





MEMORANDUM

- TO: Todd Lawson, County Administrator
- FROM: Andy Wright, Chief of Building Code
- DATE: February 19, 2019
- RE: County Council Presentation February 26, 2019

On Tuesday, February 26, 2019, I will be presenting a brief overview to the Council on our on-line public access capability.

I will be using the County's website to demonstrate how the public can access the "Citizens Self Service" portal to view projects and inspections.

I will provide 3 to 4 examples of projects at different construction stages, so the Council can see the advancements in the County's technology and customer service.

I am anticipating this presentation will not take more than 10 minutes, depending on any questions and feedback from Council or Administration.

Cc: Chris Keeler, Director of Assessment


Public Access Overview



Christopher S. Keeler Director of Assessment



Computer Assisted Mass Appraisal System

Automated System for

- Maintaining property data
- Public access to property information
- Ensuring tax equity through uniform values



CAMA Software Benefits



- Eliminate errors caused by unconventional work flow
- Improve inefficiencies by streamlining tasks
- Improve confidence in assigned tasks with procedures that are clear, concise and done in one location
- Provide tools aimed at increasing productivity
- Integrate with existing County Software

Public Access Benefits



- The public can now access property information from our new software through our website
 - Increase transparency
 - Reduce phone calls and FOIA requests
 - Title Searchers, Real Estate Agents and the Public will now have 24 hour access to property record information
 - Sussex County 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





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HANS M. MEDLARZ, P.E. COUNTY ENGINEER

<u>Memorandum</u>

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President The Honorable Samuel R. Wilson, Jr. The Honorable John L. Rieley The Honorable Douglas B. Hudson

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

RE: Professional Environmental Services – Inland Bays and the Sussex County Portion of the Chesapeake Bay Watersheds Approval of Amendments No. 1-3 to RK&K's Base Engineering Agreement

DATE: February 26, 2019

The five (5) year capital projects plan, as approved in the FY 19 Capital Budget contains projects requiring specialized environmental engineering services. The necessary scope of services, as well as the selection committee appointed to evaluate consultant applications was approved by the County Administrator. A Request for Proposals (RFP) was publicly advertised on May 7, 2018, for professional environmental and engineering services. Seven (7) firms responded to the Request for Proposals.

On August 14, 2018, County Council approved the selection of RK&K to provide a wide range of environmental services. Since then the base contract has been set up and the Engineering Department now requests approval of Amendment Nos. 1-3.

Amendment No.1 in the amount not to exceed \$50,000.00 covers specialized assistance to the Sussex County's Working Group on buffers. This amendment covers Code language development to be presented to Council for final approval after Working Group input as well as facilitating the Working Group procedures.

Amendment No. 2 in the amount not to exceed \$25,000.00, aims to develop a stormwater management master plan for the Delaware Coastal Airport to cover future expansion of impervious areas, including the pending Water Quality Offsets/Banking Program, as well as assisting with the application for possible FAA funding.

On October 9, 2018, Council approved the match for a Statewide Community Water Quality Improvement project within Delaware's portion of the Chesapeake Bay watershed up to



\$250,000 previously allocated through the Western Sussex District Area expansion project. The Sussex Conservation District has applied for and received the funding and is now requesting design assistance for the Bridgeville Branch restoration. Amendment No. 3 is to develop a restoration plan for the Bridgeville Branch Project, designing and constructing water quality, habitat improvements in various locations, in the amount not to exceed \$25,000.00. This work will be part of the previously approved match.

This is **EXHIBIT K**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated August 20, 2018.

AMENDMENT TO OWNER-ENGINEER AGREEMENT Amendment No. 1

The Effective Date of this Amendment is: February 26, 2019

Background Data

Effective Date of Owner-Engineer Agreement: August 20, 2018

Owner: Sussex County

Engineer: RK&K

Project: IBRWF Environmental Engineering Services, Sussex County Project 19-05 Wetland Workgroup Task

Nature of Amendment: [Check those that are applicable and delete those that are inapplicable.]

___X___ Additional Services to be performed by Engineer

Description of Modifications:

Refer to attached Description of Modifications (Exhibit A)

Project Order Summary:

Original Project Order amount:	\$250,000.00
Net change for prior amendments:	\$0
This amendment amount:	\$50,000.00
Adjusted Project Order amount:	\$300,000.00

Change in time for services (days or date, as applicable): _____

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

Exhibit K – Amendment to Owner-Engineer Agreement. EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

OWNER:	ENGINEER:
Sussex County Council	
Ву:	By: B-1-
Print	Print Bruce W. Jones, PE
name:	name:
Title: President, Sussex County Council	Title: Senior Manager
Date Signed:	Date Signed: 02/15/19
(SEAL)	

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Robin Griffith Clerk of the County



"EXHIBIT A"

SCOPE OF WORK FOR IBRWF ENVIRONMENTAL ENGINEERING SERVICES, SUSSEX COUNTY PROJECT 19-05

Task 2: Sussex County Wetlands and Buffers Working Group

RK&K Project No. 18208.000

RK&K will perform the services as described below, for Professional Environmental Services associated with the professional facilitation support for the Sussex County Wetlands and Streams Buffer Working Group. The cost for this scope of services shall be on a time and materials basis A planning level budget estimate in the amount not to exceed **fifty thousand dollars (\$50,000.00)**.

Scope of Work

For Task Order (Amendment) No. 1 of this contract, Sussex County requested general support in:

Phase I Services

Phase I services have the objective to update the definitions in the related Code and amend Code sections to reflect these new definitions.

- Providing Working Group Facilitation services.
 - Review all materials prepared pursuant previous efforts to modify the related Sussex County Code with respect to wetlands, streams, and buffers.
 - Assist Sussex County in developing program, strategies, materials for Working Group Proceedings
 - Prepare for and attend Sussex County team meetings.
 - Prepare for and facilitate Working Group Meetings (anticipating 5 to 6 meetings in Phase I).
 - Review and develop materials for meetings
- Drafting Code for recommendations of the Working Group.
 - Prepare a draft of code changes recommended by the Working Group
- Attending Council meeting to present Working Group Recommendations.
 - Prepare for and attend Council meeting to present Working Group recommendations.



Phase II Services

Phase II services have the objective of determining definitions and uses within buffers and what types of buffers should be applied to the resources defined in Phase I.

RK&K will prepare a separate amendment for these services once Phase I has been completed.

Schedule

Based on our conversations with Sussex County, this task is anticipated to be conducted from February to April for Phase I of the services and May through August for Phase II of the services.

RK&K will work with Sussex County to develop the materials necessary to present to Sussex County Council by the noted date.

Fee Estimate/Budget

RK&K will provide the referenced services on a time and materials basis according to the rate schedule approved in the contract. RK&K estimates a budget of \$50,000.00 for the Phase I services. Near the completion of Phase I, RK&K will prepare an additional amendment for Phase II that reflects the needs of the Working Group at that time. As milestones are met and the project progresses, the level of effort required or the tasks necessary to achieve the goal may evolve and RK&K will notify Sussex County as necessary.

OWNER	:	ENGINEER:	
Sussex C	County	Rummel, Klepper & Kahl, LLP	
By:		By:	B-1-
Print	Hans Medlarz, PE	Print	Bruce W. Jones, PE
name:		name:	
Title:	County Engineer, Sussex County	Title:	Senior Manager
Date Sig	ned:	Date Sign	ed: 02/15/19

This is **EXHIBIT K**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated August 20, 2018.

AMENDMENT TO OWNER-ENGINEER AGREEMENT Amendment No. 2

The Effective Date of this Amendment is: February 26, 2019

Background Data

Effective Date of Owner-Engineer Agreement: August 20, 2018

Owner: Sussex County

Engineer: RK&K

Project: IBRWF Environmental Engineering Services, Sussex County Project 19-05 Georgetown Airport Stormwater Management Plan NEPA Document

Nature of Amendment:



Description of Modifications:

Refer to attached Description of Modifications (Exhibit A)

Project Order Summary:

Original Project Order amount:	\$250,000.00
Net change for prior amendments:	\$ 50,000.00
This amendment amount:	\$ 25,000.00
Adjusted Project Order amount:	\$325,000.00

Change in time for services (days or date, as applicable):N/A

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

Exhibit K – Amendment to Owner-Engineer Agreement. EJCDC[®] E-500, Agreement Between Owner and Engineer for Professional Services.

OWNER:	ENGINEER:
Sussex County Council	
Ву:	By: B-1-
Print	Print Bruce W. Jones, PE
name:	name:
Title: President, Sussex County Council	Title: Senior Manager
Date Signed:	Date Signed: 02/15/19
(SEAL)	

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Robin Griffith Clerk of the County



"EXHIBIT A"

SCOPE OF WORK FOR IBRWF ENVIRONMENTAL ENGINEERING SERVICES, SUSSEX COUNTY PROJECT 19-05

Task 3: Georgetown Airport SWM Improvements Concept Development and FAA NEPA Documentation

RK&K Project No. 18208.000

RK&K will perform the services as described below, for Professional Environmental Services associated with the stormwater management improvement at the Georgetown Airport. The cost for this scope of services shall be on a time and materials basis A planning level budget estimate in the amount not to exceed **twenty-five thousand dollars (\$25,000.00)**.

Scope of Work

For Task Order (Amendment) No. 2 of this contract, Sussex County requested general support in:

SWM Concept Plan Development

RK&K will collaborate with Sussex County staff to develop a stormwater management plan for the Georgetown airport. The plan will serve multiple purposes for quantiy and quality improvements at the facility. The concept will be developed with the additional goal of including this improvement project, if possible, into Sussex County's pending Water Quality Offsets/Banking program.

RK&K will strategize with Sussex County staff on potential solutions meeting these multiple goals. We will also coordinate with the site designer for airport facility improvements regarding their stormwater management needs.

FAA NEPA Documentation

RK&K will strategize with Sussex County on the potential benefits of obtaining federal funding for these improvements and if federal funding utilized, determine the appropriate level of documentation required by FAA to satisfy NEPA requirements.

Schedule

Based on our conversations with Sussex County, this task is anticipated to be conducted from February to June.



Fee Estimate/Budget

RK&K will provide the referenced services on a time and materials basis according to the rate schedule approved in the contract. RK&K estimates a budget of \$25,000.00 for this Phase of services. Near the completion of this phase, RK&K will prepare an additional amendment for future phases that reflects the FAA NEPA document requirements and advancing the design of the stormwater management improvements. As milestones are met and the project progresses, the level of effort required or the tasks necessary to achieve the goal may evolve and RK&K will notify Sussex County as necessary.

OWNER:	ENGINEER:	
Sussex County	Rummel, Klepper & Kahl, LLP	
Ву:	By: B-1-	
Print Hans Medlarz, PE name:	Print Bruce W. Jones, PE name:	
Title: County Engineer, Sussex County	Title: Senior Manager	
Date Signed:	Date Signed: 02/15/19	

This is **EXHIBIT K**, consisting of [] pages, referred to in and part of the **Agreement between Owner and Engineer for Professional Services** dated August 20, 2018.

AMENDMENT TO OWNER-ENGINEER AGREEMENT Amendment No. 3

The Effective Date of this Amendment is: February 26, 2019

Background Data

Effective Date of Owner-Engineer Agreement: August 20, 2018

Owner: Sussex County

Engineer: RK&K

Project: IBRWF Environmental Engineering Services, Sussex County Project 19-05 Bridgeville Branch Stream Restoration

Nature of Amendment:



Description of Modifications:

Refer to attached Description of Modifications (Exhibit A)

Project Order Summary:

Original Project Order amount:	\$250,000.00
Net change for prior amendments:	\$ 75,000.00
This amendment amount:	\$ 25,000.00
Adjusted Project Order amount:	\$350,000.00

Change in time for services (days or date, as applicable):N/A

The foregoing Agreement Summary is for reference only and does not alter the terms of the Agreement, including those set forth in Exhibit C.

Owner and Engineer hereby agree to modify the above-referenced Agreement as set forth in this Amendment. All provisions of the Agreement not modified by this or previous Amendments remain in effect.

Exhibit K – Amendment to Owner-Engineer Agreement. EJCDC® E-500, Agreement Between Owner and Engineer for Professional Services.

OWNER:	ENGINEER:
Sussex County Council	
Ву:	B-J-
Print	By: Print Bruce W. Jones, PE
name:	name:
Title: President, Sussex County Council	Title: Senior Manager
Date Signed:	Date Signed: 02/15/19
(SEAL)	

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Robin Griffith Clerk of the County



"EXHIBIT A"

SCOPE OF WORK FOR IBRWF ENVIRONMENTAL ENGINEERING SERVICES, SUSSEX COUNTY PROJECT 19-05

Task 4. Bridgeville Branch Restoration

RK&K Project No. 18208.000

RK&K will perform the services as described below, for Professional Environmental Services associated with the restoration improvements of Bridgeville Branch. The cost for this scope of services shall be on a time and materials basis A planning level budget estimate in the amount not to exceed **twenty-five thousand dollars (\$25,000.00).**

Scope of Work

For Task Order (Amendment) No. 3 of this contract, Sussex County requested general support in:

Restoration Concept Plan Development

The project will ultimately involve design and construction of water quality and habitat improvements on the top of the banks and possibly on adjacent lands such as the Town of Bridgeville's streets and wastewater treatment plant, as well as potentially neighboring agricultural lands. The project will be partially funding through Chesapeake Bay Implementation Grant.

For this amendment, RK&K will collaborate with Sussex County staff and Sussex Conservation District (SCD) to develop a conceptual restoration plan for the Bridgeville Branch. The concept plan development will include meetings with SC/SCD, data collection, concept plan preparation support, and potential training of SCD staff.

The plan will serve multiple purposes for quantity and quality improvements. The concept will be developed with the additional goal of including this improvement project, if possible, into Sussex County's pending Water Quality Offsets/Banking program.

RK&K will strategize with Sussex County/SCD staff on potential solutions meeting these multiple goals. We will also collaborate with SCD staff in developing these conceptual plans for proposed improvements. It is anticipated that this project will advance to permitting, design, bid documentation, and construction management tasks in a future phase.



Schedule

Based on our conversations with Sussex County, this task is anticipated to be conducted from February to June.

Fee Estimate/Budget

RK&K will provide the referenced services on a time and materials basis according to the rate schedule approved in the contract. RK&K estimates a budget of \$25,000.00 for this Phase of services. Near the completion of this phase, RK&K will prepare an additional amendment for future phases that reflects advancing the design of the restoration improvements. As milestones are met and the project progresses, the level of effort required or the tasks necessary to achieve the goal may evolve and RK&K will notify Sussex County as necessary.

::	ENGINEER:	
County	Rummel, Klepper & Kahl, LLP	
	By:	B-1-
Hans Medlarz, PE	Print	Bruce W. Jones, PE
	name:	
County Engineer, Sussex County	Title:	Senior Manager
gned:	Date Sigr	ned: 02/15/19
	County Hans Medlarz, PE County Engineer, Sussex County	County Rummel, Hans Medlarz, PE By: Print name: County Engineer, Sussex County Title:

ENGINEERING DEPARTMENT

ADMINISTRATION	
AIRPORT & INDUSTRIAL PARK	
ENVIRONMENTAL SERVICES	
PUBLIC WORKS	
RECORDS MANAGEMENT	
UTILITY ENGINEERING	
UTILITY PERMITS	
UTILITY PLANNING	
FAX	

(302) 855-7718 (302) 855-7774 (302) 855-7730 (302) 855-7703 (302) 854-5033 (302) 855-7719 (302) 855-7719 (302) 855-1299





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

Memorandum

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President The Honorable Samuel R. Wilson, Jr. The Honorable John L. Rieley The Honorable Douglas B. Hudson

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

RE: FY 2019 General Labor & Equipment Contract, Project No. 19-01; Change Order No. 1

DATE: February 26, 2019

In the past, Sussex County followed a traditional design, bid and build approach. However, the increased minor and major capital project load associated with aging infrastructure required a more efficient project delivery system. In response, the Engineering Department developed a competitively selected time and material, best value bid process consistent with the County Procurement Policy.

The first General Labor & Equipment Contract for FY 17 was awarded by Council to George & Lynch, Inc., on June 21, 2016, and Council renewed the contract on June 13, 2017 for an additional one-year period based on performance. Throughout this two (2) year timeframe, a significant scope of work was completed with considerable cost and time savings proving the validity of the approach.

Therefore, the Engineering Department re-advertised the contract in the spring of 2018 using the "best value" approach and on April 24, 2018 County Council awarded the FY 2019 General Labor & Equipment Contract to George & Lynch, Inc., of Dover, Delaware, at the bid amount of \$4,827,190.00. This contract award is valid for one year, with an option for Council to extend it, based on contractor performance, for two (2) additional one-year periods at the same unit prices.

The FY 19 Budget includes the Taxiway A Lighting (Project No. A1906-SCGRT-CON). After careful analysis, the Engineering Department determined that the implementation of this project is best accomplished by direct County purchase of material followed by installation under the General Labor & Equipment Contract with County supervision. The Engineering Department is hence requesting scope Change Order No. 1 in the amount of \$475,000.00 utilizing funds from the Delaware Coastal Airport FY 19 Budget.





SUSSEX COUNTY CHANGE ORDER REQUEST

A. <u>ADMINISTRATIVE</u>:

1. Project Name: FY 2019 General Labor & Equipment Contract

2.	Suss	ex County Project No.	<u> 19-01 </u>
3.	Char	nge Order No.	1
4.	Date	Change Order Initiated -	2/26/19
5.	a.	Original Contract Sum	<u>\$4,827,190.00</u>
	b.	Net Change by Previous Change Orders	\$ 0
	C.	Contract Sum Prior to Change Order	_\$4,827,190.00
	d.	Requested Change	\$475,000.00
	e.	Net Change (No. of days)	
	f.	New Contract Amount	_\$5,302,190.00

6. Contact Person: <u>Hans Medlarz, P.E.</u>

Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- 1. Differing Site Conditions
- 2. Errors and Omissions in Construction Drawings and Specifications
- _ 3. Changes Instituted by Regulatory Requirements
- X 4. Design Change
 - 5. Overrun/Underrun in Quantity

_	6.	Factors Affecting Time of Completion
---	----	--------------------------------------

7. Other (explain below):

C.	BRIEF DESCRIPTION OF CHANGE ORDER:		
	Complete Taxiway A Lighting Project.		

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes <u>X</u> No _____

E. <u>APPROVALS</u>

1. George & Lynch, Inc., Contractor

Signature

Date

Representative's Name in Block Letters

2. Sussex County Engineer

Signature

Date

3. Sussex County Council President

Signature

Date

ENGINEERING DEPARTMENT

ADMINISTRATION	(30
AIRPORT & INDUSTRIAL PARK	(30
ENVIRONMENTAL SERVICES	(30
PUBLIC WORKS	(30
RECORDS MANAGEMENT	(30
UTILITY ENGINEERING	(30
UTILITY PERMITS	(30
UTILITY PLANNING	(30
FAX	(30

02) 855-7718 02) 855-7774 02) 855-7730 02) 855-7730 02) 854-5033 02) 855-7717 02) 855-7719 02) 855-7219 02) 855-1299 02) 855-7799



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOHN J. ASHMAN DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President The Honorable Samuel R. Wilson, Jr. The Honorable Douglas B. Hudson The Honorable John L. Rieley

- FROM: John Ashman Director of Utility Planning
- RE: Use of Existing Infrastructure Agreement Ferguson Enterprises, Inc. File: OM 9.01

DATE: February 26, 2019

In July of 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

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

Under the proposed arrangement, **Ferguson HVAC** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Ferguson Enterprises**, **Inc.** will contribute **\$6,497.00** for the financial catch-up contribution of the existing infrastructure to serve an additional **8.76** Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility. System Connection Charges in place at the time of building permit request will still apply.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

FERGUSON HVAC

THIS AGREEMENT ("Agreement"), made this FEBROARY 2019, by and between: 26th day of

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

FERGUSON ENTERPRISES, INC. a Virginia Corporation and developer of a project known as Ferguson HVAC, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 334-5.00-139.01 to be known as Ferguson HVAC ("Project") and;

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

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to <u>8.76</u> additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of <u>\$6,497.00</u> for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) Payment of the contribution must be submitted prior to receiving a connection permit for the facility.
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made

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

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is Attn: Facilities, 12500 Jefferson Ave., Newport News VA 23602.

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

FOR THE COUNTY:

{Seal}

By:_

(President - Sussex County Council)

____ (DATE)

ATTEST:

AND STREET

States and the states of the s

Robin A. Griffith Clerk of the County Council

FOR FEGUSON ENTERPRISES, INC.

Section Strate By: Kirk Wall - Authorized Signatory No Supervision of the second second 2.11.2019 (DATE

adea WITNESS:



ENGINEERING DEPARTMENT

ADMINISTRATION	(302
AIRPORT & INDUSTRIAL PARK	(302
ENVIRONMENTAL SERVICES	(302
PUBLIC WORKS	(302
RECORDS MANAGEMENT	(302
UTILITY ENGINEERING	(302
UTILITY PERMITS	(302
UTILITY PLANNING	(302
FAX	(302

2) 855-7718 2) 855-7774 2) 855-7730 2) 855-7703 2) 854-5033 2) 855-7717 2) 855-7719 2) 855-1299 2) 855-7799





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOHN J. ASHMAN DIRECTOR OF UTILITY PLANNING

Memorandum

TO: Sussex County Council The Honorable Michael H. Vincent, President The Honorable Irwin G. Burton III, Vice President The Honorable Samuel R. Wilson, Jr. The Honorable Douglas B. Hudson The Honorable John L. Rieley

FROM: John Ashman Director of Utility Planning

RE: Use of Existing Infrastructure Agreement L.W. & J.T. Mitchell Family Limited Partnership File: OM 9.01

DATE: February 21, 2019

In July of 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Engineering Department requests approval of an agreement for the Use of Existing Infrastructure with **L.W. & J.T. Mitchell Family Limited Partnership.** for the **Zwaanendael Farm Lot #1** project in the West Rehoboth Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **Zwaanendael Farm Lot #1** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **L.W. & J.T. Mitchell Family Limited Partnership** will contribute **\$26,774.00** for the financial catch-up contribution of the existing infrastructure to serve an additional **39.34** Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility. System Connection Charges in place at the time of building permit request will still apply.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Zwaanendael Farm

THIS AGREEMENT ("Agreement"), made this _______ 2019, by and between:

day of

267#

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

L.W. & J.T. MITCHELL FAMILY LIMITED PARTNERSHIP, a Delaware Limited Partnership and the developer of property currently known as The Mitchell Farm, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land currently known as The Mitchell Farm, otherwise identified as Sussex County Tax Parcel #3-35-8.00-37.00, to be known and referred to in the future as "The Zwaanendael Farm" (the "Project") and;

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

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

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

- Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to $\underline{39.34}$ additional equivalent dwelling units to County's existing system, for the exclusive use of Lot #1 within the Project, and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of $\underline{\$26,774.00}$ for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) Payment of the contribution must be submitted prior to receiving a connection permit for the aforesaid Lot #1.

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

of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 1019 Kings Highway, Lewes, DE 19958.

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

FOR THE COUNTY:

{Seal}

By:

(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith Clerk of the County Council

FOR L.W. & J.T. MITCHELL FAMILY LIMITED PARTNERSHIP:

(Seal) By:

Robert Mitchell, General Partner

(DATE)

WITNESS:





SUSSEX COUNTY GOVERNMENT GRANT APPLICATION

	SECTION 1 APPLIC	CANT INFORMATION		
ORGANIZATION NAME	TOWN OF BLA	DES		
PROJECT NAME:	KIDS NIGHT IN			
FEDERAL TAX ID:	51-6001393	NON-PROFIT:	YES NO	
DOES YOUR ORGANIZ	ATION OR ITS PARENT O	RGANIZATION HAVE A RELIGIOUS AFF	FILIATION?	
	YES NO	*IF YES, FILL OUT SECTION 3B.		
ORGANIZATION'S MIS	SION: TO PROTECT AN BLADES.	ND SERVE THE PEOPLE OF THE TO	OWN OF	
ADDRESS:	20 WEST FC	OURTH ST.		
	BLADES, DE. 19973			
	(CITY)	(STATE)	(ZIP)	
CONTACT PERSON:	PAUL ANTH	IONY		
FITLE:	CHIEF OF POLICE			
PHONE:	302-629-7329 _{EMAIL:} paul.anthony@cj.state.de.us			
		#1,000		
	TOTAL FUNDING R	equest: #1,150,00		
Has your organization : the last year?	received other grant fund	ds from Sussex County Government in	YES NO	
f YES, how much was r	eceived in the last 12 mo	onths?	\$1000.00	
	ding for building or build nding will be used for?	ding improvements, do you own the	YES NO	
Are you seeking other s	ources of funding other t	han Sussex County Council?	YES NO	
If YES, approximately v	vhat percentage of the pr	oject's funding does the Council grant	represent? 100 ⁴	

PRO	OGRAM CATEGORY (choose all that apply	7)
] Fair Housing	Health and Human Services	[] Cultural
Infrastructure ¹	Other community policing and relations	[_] Educational
Disability & Special Needs	BENEFICIARY CATEGORY	Homeless
Elderly Persons	Low to Moderate Income ²	Vouth
Minority	[] Other	
	BENEFICIARY NUMBER	

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 town of Blades is attempting to expand community events, especially those targeting the youth of the town, to create a safe and fun environment for the community to come together in a positive way. We are having movies in the park and began this in October 2018. The event had an excellent turn out and received rave reviews from the community at large. We wish to continue this, however the movie screen rental is \$247 per event. The police dept. is picking up the tab for the food and drinks, approximately \$350 per event. We are asking for assistance in purchasing our own screen to make the events more affordable to the town.

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

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

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

After the awarded funds have been made, receipts of the non-religious purchases shall be submitted in accordance with Section 5 below before funds will be disbursed.
SECTION 4: BUDGET	
REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure tems: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, obysical inspections, architectural engineering, permits and fees, insurance, ppraisal. (Put amounts in as a negative)	
ood and drink expenses per event are as follows.	-\$ 350.00
TOTAL EXPENDITURES	-\$ 350.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 350.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Blades Police Dept. 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) All information and statements in this application are accurate and complete to the best of my 4) information and belief. All funding will benefit only Sussex County residents. 5) All documents submitted by the applicant are defined as public documents and available for 6) 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. In the event that the awarded funding is used in violation of the requirements of this grant, 8) the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice. 2/12/2019 Applicant/Authorized Official Witness

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.

PAUL ANTHONY

Applicant/Authorized Official

CHIEF OF POLICE

BRANDON SLATER

Witness

2/12/2019

Date

Title

Vincent Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

G

GRANT APPLICATION

ORGANIZATION NAME	Big Brother Big Sis	ter of Delawar	е
PROJECT NAME:	Sussex County Bo	wl For Kids' Sa	ake
FEDERAL TAX ID:	51 6018399	NON-PROF	IT: YES NO
DOES YOUR ORGANIZA	TION OR ITS PARENT ORGANIZA	TION HAVE A RELIGIOUS	SAFFILIATION?
	YES NO *IF YES, I	FILL OUT SECTION 3B.	
ORGANIZATION'S MISS	SION: To provide children facing a professionally supported or		
ADDRESS:	111-A North Bec	etter, forever	
ADDRESS:	change their lives for the be	etter, forever	19947
ADDRESS:	change their lives for the be	atter, forever	
	change their lives for the be 111-A North Beo Georgetown	offord Street	19947
ADDRESS: CONTACT PERSON: TITLE:	change their lives for the be 111-A North Bec Georgetown	dford Street	19947

Has your organization received other grant funds from Sussex County Government in	YES NO
the last year? If YES, how much was received in the last 12 months?	\$2,000
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	YES NO
Are you seeking other sources of funding other than Sussex County Council?	YES NO
If YES, approximately what percentage of the project's funding does the Council grant	represent? 3%

PRO	OGRAM CATEGORY (choose all that ap	ply)
Fair Housing	Health and Human Services	Cultural
Infrastructure ¹	Other	🔲 Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income ²	Vouth
Minority	Other	
	BENEFICIARY NUMBER	
Approximately the total num	nber of Sussex County Beneficiaries serv 455	ed annually by this program

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.

Big Brothers Big Sisters of Delaware is respectfully requesting the Council's support for our most important annual fundraiser, Bowl for Kids's Sake Sussex. A \$1000 contribution would sponsor two Sussex County Council Teams to join us for Bowl for Kid's Sake (BFKS) is being held on Tuesday, May 21, 2019 at Milford Bowling Lanes. BFKS is a bowlathon where local businesses and community members raise pledges and come out to support Big Brothers Big Sisters's mentoring services for at-risk youth in Sussex County. A \$1,000 contribution from Sussex County Council would represent about 3% of our event goal of \$30,000.

In 2018, Big Brothers Big Sisters of Delaware provided mentors and support for over 450 Sussex County youth, parents and guardians. 88% of these children are from low income families as determined by the eligibility for free/reduced school lunches. BBBSDE mentoring programs have been proven to help youth succeed and reduce long term outcomes such as high school graduations, college graduations and academic achievement. Additionally youth who are matched with a Big get along better with parents, and are more likely to avoid negative behaviors.

Thank you for taking the time to consider this request.

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	and the second s
REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	24,000.00
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)	
Payment to Milford bowling, trophies, t-shirts, printed materials, prizes and refreshments	\$ 3,500.00
TOTAL EXPENDITURES	\$ 3,500.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 27,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Big Brothers Big Sisters of DE 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.
- 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.

(Andrea R. Finn) oplicant/Authorized Official

2/13/19 Date 2/13/19

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.

Abodica R. Finn Applicant/Authorized Official

Director OF Development Comm Title

2/13/19 Date

Vincent 9-14-19

		TY GOVERNMENT APPLICATION	
Ra	yto' Greater Le SECTION 1 APPLICA	wes Foundation INT INFORMATION	
ORGANIZATION NAM	E: Lewes Commun	ity Gardeners	
PROJECT NAME:	Lewes Communi	ty Garden	
FEDERAL TAX ID:	51-0400385	NON-PROFIT:	VES NO
DOES YOUR ORGANIZ	ATION OR ITS PARENT ORG	GANIZATION HAVE A RELIGIOUS AF	FILIATION?
ORGANIZATION'S MIS	To provide space for memb SSION: collaboratively, and to cultive the rewards of growing organ pride and unity, teaching or	F YES, FILL OUT SECTION 3B. bers to garden together, to create a shared vis vate a space for individuals, families to learn a anic ,fresh, healthy foods. We are deeply com rganic gardening methods, sharing produce w and native habitat for biodiversity.	about and experience mitted to community
ADDRESS:	306 West Cap	e Shores Drive	
	Lewes	DE.	19958
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Louis D. Papp)	
TITLE:	Fund Raising	Chairman	
PHONE:	302-645-02 3 9	EMAIL: loudot2@verizon.	net
		00000.00	
	TOTAL FUNDING REC		
Has your organization the last year?	received other grant funds	from Sussex County Government in	VES NO
	received in the last 12 mont	ths?	\$750.00
•	nding for building or buildin unding will be used for?	g improvements, do you own the	YES NO
Are you seeking other	sources of funding other tha	n Sussex County Council?	YES NO
If YES, approximately	what percentage of the proj	ect's funding does the Council grant	t represent? 5.7%



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 Lewes Community Garden will consist of 30 large beds, each being 4' x 16' in size. The garden will be surrounded by a 8 foot deer/critter fence. The garden will also include a garden tool storage chest, a compost bin and a covered picnic table for resting and eating. The aisles will be mulched. There will be a water service line connected to two faucets with 100 foot hoses.

The garden will service the "Greater Lewes" area which consists of about 33000 residents. In November, 2018,our project was approved by the Lewes City Council. We signed a lease with the city for 0.79 acres of land, which is located in a city park called the "Great Marsh" park. We are now proceeding with an aggressive fund raising campaign to acquire the \$34890 we will need to make our garden a reality.

A great number of homes in the "Greater Lewes" area are condominiums, apartments or homes with "postage stamp" lots which contain very little space for gardens. A survey done by the City of Lewes on activities for the "Great Marsh" park showed community gardening very high on the list with over 50% of the respondents in favor. There are no community gardens available in the area. The nearest one is located in Milford, twenty four miles away. It is a small garden for only the use of Milford residents.

Our community garden will provide access to fresh produce that will be organically farmed and have greatly reduced exposure to chemical fertilizers and harmful pesticides. It will be an area for recreation and exercise. A great place to make new friends and establish relationships across physical and social barriers. Our plans are to share our produce with those in need. We will donate to local food banks, homeless shelters, veteran homes etc.

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)	\$2300
TOTAL REVENUES	\$2300
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)	
30 raised beds and soil	(\$17100)
8 foot deer/critter fence and gate	(\$8500)
Mulch for bed paths	(\$3700)
Water supply service, supply line and 2 100 foot hoses	(\$2150)
Site preparation	(\$1000)
Compost bin, garden tool chest, picnic table and umbrella	(\$780)
Contingency	(\$1660)
TOTAL EXPENDITURES	(434890
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(\$32,590 \$0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Lewes Community Gardener 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)

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

Znis & Papp Applicant/Authorized Official

02/11/2019 Date 2/11/2019 Date

Completed application can be submitted by:

gjennings@sussexcountyde.gov Email:

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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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.

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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.

nus D. t

Applicant/Authorized Official

Witness

FUND RAISING

Title

FOB 11 Date

Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPLICAN	NT INFORMATION	
ORGANIZATION NAME:	Milford Little Leag	jue	
PROJECT NAME:	Concession Stand		
FEDERAL TAX ID:	51-0274698	NON-PROFIT:	YES 🗌 NO
DOES YOUR ORGANIZA	TION OR ITS PARENT ORG	ANIZATION HAVE A RELIGIOUS AFF	ILIATION?
	YES NO *IF	YES, FILL OUT SECTION 3B.	
	to learn good sportsma authority so they will b	ill provide the tools for the children in anship, honesty, loyalty, courage, and e well adjusted, stronger, and happier ecent, healthy, and trustworthy citizer	respect for children and
ADDRESS:	307 Montgome	erv Street	
	Milford	DE	19963
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Jason Webb		
TITLE:	President		
PHONE:	302-363-7572 _E	MAIL: brooke8602@comc	ast.net
	TOTAL FUNDING REQ	UEST: \$15,500	_
Has your organization re the last year?	eceived other grant funds f	rom Sussex County Government in	YES NO
If YES, how much was re	ceived in the last 12 month	15?	
lf you are asking for func building in which the fur	-	g improvements, do you own the	YES NO
Are you seeking other so	urces of funding other thar	a Sussex County Council?	YES NO
If YES, approximately w	hat percentage of the proje	ct's funding does the Council grant r	epresent? 1/2

	OGRAM CATEGORY (choose all that ap	
Fair Housing	Health and Human Services	Cultural
Infrastructure ¹	Other Youth Baseball & Softball	Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income ²	Youth
Minority	Other	
	BENEFICIARY NUMBER	

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.

Due to the cold of the winter, on 1/28/19, the Milford Little League had a water line break in the main concession stand leading to a significant amount of water damage to the facility. To clean-up the damage, we have contacted Serv-Pro, who gave us a quote of \$6,000. They began the clean-up and Pro-Clean has offered to finish the clean-up. We will have to replace some equipment, replace the entire ceiling in all 3 rooms, the walls in all 3 rooms, as well as the floor. The estimated cost to replace the walls, ceiling, and floor is \$7,500. The concession stand is the main source of revenue for the league and this is a very tough loss. Families, volunteers, children, players, and our community of 11,075 people look forward to baseball and softball season each year. They enjoy coming to our little league park to watch games and purchase food from our concession stand. We need to remedy this situation as soon as possible. Our opening day Parade is April 12th this year. Since Milford Little League is a non-profit organization, we are asking for the community's help in our current situation. We appreciate any assistance you can provide us so that we can rebuild our concession stand and continue the tradition of local baseball and softball in our community.

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

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

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

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

SECTION 4: BUDGET		
REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$0.00	
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)		
Clean-up after Water Break	\$ 6,000.00	
Repairs	\$ 7,500.00	
Equipment	\$ 2,000.00	
TOTAL EXPENDITURES	\$ 15,500.00	
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 15,500.00	

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Milford Little League agrees that:

(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
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4)	All information and statements in this application are a	ccurate 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 review under the Freedom of Information Act of the Sta	
7)	All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall no be used to advance or inhibit religious purposes.	
8)	In the event that the awarded funding is used in viol	lation of the requirements of this grant
	the awarded funding shall be reimbursed to Sussex	
	by Sussex County by written notice.	
	ason w. Webb	2/6/19
	Applicant/Authorized Official	Date
	VILLER	019117
	Witness	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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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

President

al610

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

ORGANIZATION NAME	: Delaware 4-H Association,	Inc.	
PROJECT NAME:	2019 Delaware 4-H Indoor	Archery State Chamionship	
FEDERAL TAX ID:	45-5577151	NON-PROF	IT: 🔳 YES 🗌 NO
DOES YOUR ORGANIZA	TION OR ITS PARENT ORGAN	IIZATION HAVE A RELIGIOUS	SAFFILIATION?
	YES NO *IF YI	ES, FILL OUT SECTION 3B.	
		erica's largest youth develop – empowering almost six m ne.	oment and youth
ADDRESS:		,	
	Georgetown	DE	19947
	(CITY)	(STATE)	(ZIP)
	Eddie Sparpaglione		
CONTACT PERSON:	Leader of the Lower Delaware Archers 4-H Club		
CONTACT PERSON: TITLE:	Leader of the Lower De	aware Archers 4-H Club	HC
	202 240 0075	AIL: eddie@seaford.k12.de	.us
ITLE:	202 240 0075	addia@aaafard k12 da	.us

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

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? 15%



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.

I have attached the information for the Sponsorship and the Event Information to accompany this form.

The 4-H Programs within Delaware support all aspects of Youth Development & Education regardless of Race, Religion or Ability. All of the programs are aimed at the Youth, but the impacts of getting the Youth and Parents involved is something very key to our organization as a whole.

The program that we are requesting funding for is a State Wide Event that is supporting the youth of Delaware and is being Hosted by the Sussex County 4-H with the Lower Delaware Archers group in Sussex County. We would be happy to have Sussex County Council as a whole sponsor the event and help to provide funding in support of the Youth and would be eager to partner with you as we look to expand the opportunities for the Youth in Sussex County as well as the State.

We would be happy to also have the Council participate in the event and the awards ceremony as well.

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

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

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

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

SECTION 4: BUDGET	
REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0
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)	
Awards for Participants	-250
Facilities Costs	-1000
Support Equipment & Supplies (Targets & Other Consumables)	-150
Promotional Materials (T-shirts for Volunteers)	-200
TOTAL EXPENDITURES	-\$1,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$1,600.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware 4-H Association, 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.
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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.
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- All documents submitted by the applicant are defined as public documents and available for 6) review under the Freedom of Information Act of the State of Delaware.
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- In the event that the awarded funding is used in violation of the requirements of this grant, 8) the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

Applicant/Authorized Official Witness

2/11/1° Date 2/1/1

Completed application can be submitted by:

gjennings@sussexcountyde.gov Email:

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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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

Lower Delaware Archers Leader

Title Date Rev. 08/2018

To Be Introduced 02/26/19

Council District No. 3 - Burton Tax I.D. No. 235-13.00-2.00, 2.06, 2.07, 2.08 and 235-13.00-32.00 through 332.00 911 Address: None Available

ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO A GR-RPC (GENERAL RESIDENTIAL DISTRICT – RESIDENTIAL PLANNED COMMUNITY) TO ALLOW FOR GARAGE STUDIO APARTMENTS FOR CHANGE OF ZONE NO. 1721 (ORDINANCE NO. 2295) FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 154.72 ACRES, MORE OR LESS

WHEREAS, on the 6th day of February 2019, a zoning application, denominated Change of Zone No. 1878 was filed on behalf of Captain's Way Development, LLC; and WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1878 be

_____; and

WHEREAS, on the _____ day of ______ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [GR-RPC (General Residential District - Residential Planned Community)] and adding in lieu thereof the designation of GR-RPC (General Residential District – Residential Planned Community) to allow for garage studio apartments for Change of Zone No. 1721 (Ordinance No. 2295) 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northeast side of Milton Ellendale Highway (Route 16) approximately 0.34 mile east of Hollytree Road and being more particularly described in the attached legal description prepared by Parkowski, Guerke & Swayze, P.A., Griffin & Hackett, P.A., and Griffin & Robertson, P.A., said parcel containing 154.72 acres, more or less.

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

To Be Introduced 02/26/19

Council District No. 4 - Hudson Tax I.D. No. 234-23.00-261.00 911 Address: 31792 Indian Mission Road, Millsboro

ORDINANCE NO.

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-2 MEDIUM COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRES, MORE OR LESS

WHEREAS, on the 18th day of February 2019, a zoning application, denominated Change of Zone No. 1880, was filed on behalf of Craig Kormanik; and

WHEREAS, on the _____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1880 be

____; and

WHEREAS, on the _____ day of ______ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the southwest side of Indian Mission Road (Route 5), approximately 785 feet northwest of John J. Williams Highway (Route 24) and being more particularly described in the attached legal description prepared by Tunnell & Raysor, P.A., said parcel containing 1.0 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.