



# **Sussex County Council Public/Media Packet**

**MEETING:  
January 9, 2018**

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**Sussex County Council  
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MICHAEL H. VINCENT, PRESIDENT  
GEORGE B. COLE, VICE PRESIDENT  
ROBERT B. ARLETT  
IRWIN G. BURTON III  
SAMUEL R. WILSON JR.



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# Sussex County Council

## AGENDA

JANUARY 9, 2018

10:00 A.M.

### Call to Order

### Approval of Agenda

### Approval of Minutes

### Reading of Correspondence

### Public Comments

### Consent Agenda

1. **Wastewater Agreement No. 638-16**  
**Sussex County Project No. 81-04**  
**The Estuary – Phase 1C-3B (Construction Record)**  
**Miller Creek Sanitary Sewer District**
2. **Wastewater Agreement No. 1038-5**  
**Sussex County Project No. 81-04**  
**Governors – Phase 2**  
**West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
3. **Wastewater Agreement No. 1017-4**  
**Sussex County Project No. 81-04**  
**Showfield – Phase 4**  
**West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
4. **Wastewater Agreement No. 1017-5**  
**Sussex County Project No. 81-04**  
**Showfield – Phase 5**  
**West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**



5. **Wastewater Agreement No. 856-12  
Sussex County Project No. 81-04  
Sea Star Village @ Millville By The Sea, Section 3  
Millville Expansion of the Bethany Beach Sanitary Sewer District**

**Todd Lawson, County Administrator**

1. **Proclamation – Cape Henlopen Field Hockey Team**
2. **Administrator’s Report**

**Old Business**

**“AN ORDINANCE TO ADD A NEW CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED “LABOR UNIONS” TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE SECTOR EMPLOYMENT, INCLUDING PROHIBITION OF MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION DUES OR FEES AS CONDITION OF EMPLOYMENT; INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF COERCION RELATED TO UNION SUPPORT OR MEMBERSHIP”**

**Hans Medlarz, County Engineer**

1. **Concord Road Wastewater Expansion**
  - A. **Approval of USDA Loan Resolution**
  - B. **Discussion and Possible Introduction of a Proposed Ordinance entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”**

**John Ashman, Director of Utility Planning**

1. **Camp Arrowhead Area II Expansion of the Sussex County Unified Sanitary Sewer District**
  - A. **Request to prepare and post notices**

## Old Business

### Change of Zone No. 1838 filed on behalf of Two Farms, Inc.

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.85 ACRES, MORE OR LESS” (located at the southeast corner of Lewes-Georgetown Highway (Route 9) and Gravel Hill Road) (Tax I.D. No. 135-11.00-78.00) (911 Address: 24616 Lewes-Georgetown Highway, Georgetown)

## Grant Request

1. American Youth Football for uniforms and equipment for the Seaford Elite organization
2. Immanuel Shelter for utilities for homeless shelter

## Introduction of Proposed Zoning Ordinances

## Council Members' Comments

## Executive Session – Potential Litigation and Land Acquisition pursuant to 29 Del. C. §10004(b)

## Possible Action on Executive Session Items

## 1:30 p.m. Public Hearings

### Conditional Use No. 2108 filed on behalf of Bella Terra, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND A RETAIL GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK AND BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.004 ACRES, MORE OR LESS” (located on the west side of Spicer Road, approximately 370 feet south of Milton-Ellendale Highway) (Tax I.D. No. 230-27.00-70.00) (911 Address: 13482 Spicer Road, Ellendale)

### Conditional Use No. 2109 filed on behalf of Quakertown Wellness Center

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOLISTIC TREATMENT CENTER INCLUDING MASSAGE, ACUPUNCTURE, AND CHIROPRACTOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS” (located on the southeast side of Savannah Road, approximately 0.85 mile east of Wescoats Road) (Tax I.D. No. 335-8.14-49.00 and 335-8.00-35.00) (911 Address: 1204 Savannah Road, Lewes)

**Change of Zone No. 1835 filed on behalf of HKLS, LLC**

**“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.484 ACRES, MORE OR LESS” (located on the southwest corner of Plantations Road and Cedar Grove Road (Tax I.D. No. 334-12.00-51.00) (911 Address: Not Available)**

**Adjourn**

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Sussex County Council meetings can be monitored on the internet at [www.sussexcountyde.gov](http://www.sussexcountyde.gov).

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In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on January 2, 2018, at 4:45 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

**SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 2, 2018**

**A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 2, 2018, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:**

<b>Michael H. Vincent</b>	<b>President</b>
<b>George B. Cole</b>	<b>Vice President</b>
<b>Robert B. Arlett</b>	<b>Councilman</b>
<b>Irwin G. Burton III</b>	<b>Councilman</b>
<b>Samuel R. Wilson Jr.</b>	<b>Councilman</b>
<b>Todd F. Lawson</b>	<b>County Administrator</b>
<b>Gina A. Jennings</b>	<b>Finance Director</b>
<b>J. Everett Moore Jr.</b>	<b>County Attorney</b>

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

**Call to  
Order**

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

**M 001 18  
Approve  
Amended  
Agenda**

**A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to amend the Agenda by deleting “Wastewater Agreement No. 990-2, Sussex County Project No. 81-04, Ocean View Beach Club – Amenities Sewer, Bethany Beach Sanitary Sewer District” and to approve the agenda, as amended.**

**Motion Adopted: 5 Yeas.**

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

**Mr. Lawson stated that the County Council must elect officers for 2018.**

**M 002 18  
Nominate  
President**

**A Motion was made by Mr. Cole, seconded by Mr. Burton, to nominate Michael H. Vincent to serve as President of the Sussex County Council in 2018.**

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

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

**M 003 18  
Nominate  
Vice  
President**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, to nominate George B. Cole to serve as Vice President of the Sussex County Council in 2018.**

**M 003 18  
(continued)**

**Motion Adopted: 5 Yeas.**

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

**Council  
Member  
Appoint-  
ments**

**Mr. Lawson commented on Council Member appointments for the calendar year 2018 and he referenced the recommendations included in Council packets for this meeting, as follows: Michael Vincent to the Delaware League of Local Governments; George Cole as the Council's representative on the National Association of Counties Board of Directors; Samuel Wilson as the Council's representative on the Sussex Conservation District Board of Directors; Robert Arlett as the Council's representative on the Sussex County Airport Committee; and George Cole and Irwin G. Burton as the Council's representatives on the Sussex County Land Trust.**

**M 004 18  
Approve  
Council  
Member  
Appoint-  
ments**

**A Motion was made by Mr. Arlett, seconded by Mr. Burton, that the Sussex County Council approves the 2018 Council Member appointments, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Legal  
Counsel  
Appoint-  
ments**

**Mr. Lawson referenced the appointment of Legal Counsel and the recommendation included in Council packets for this meeting, as follows: County Attorney – J. Everett Moore, Jr.; Assistant County Attorney – Vincent Robertson; Attorney for the Board of Adjustment – Moore & Rutt, P.A.; Attorney for Sussex County Government/Council – Moore & Rutt, P.A.; Attorney for the Planning and Zoning Commission – Parkowski, Guerke and Swayze.**

**M 005 18  
Approve  
Legal  
Counsel  
Appoint-  
ments**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, that the Sussex County Council approves the 2018 appointment of Legal Counsel, as presented.**

**Motion Adopted: 5 Yeas.**

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

**Proposed  
Changes  
to Rules of  
Procedure**

**Mr. Lawson reviewed proposed changes to the Rules of Procedure recommended by staff and reviewed by Legal Counsel.**

**The first proposed change is to Rule 10 – Ordinances. Mr. Lawson reported that this proposed change is necessary because the language is contradictory**

**Proposed  
Changes  
to Rules of  
Procedure  
(continued)**

as it states an ordinance shall be placed on the agenda for discussion and possible introduction [Rule 10.1] while it also states a proposed ordinance may be introduced in writing by any member of Council at any meeting [Rule 10.2]. Further, the Rules of Procedure does not specify the appropriate form an ordinance must have to be introduced, as required by Delaware Code.

Rule 10 was proposed to be amended to read as follows:

**Rule 10 – Ordinances**

**10.1** Any member of the County Council may request a staff member or a County retained consultant or the County Attorney to draft an ordinance for introduction. The proposed ordinance shall be drafted pursuant to the requirements of 9 Del. C. § 7002. The member shall notify all members of the County Council at the time the request is made. Upon drafting of the proposed ordinance, it shall be placed on the agenda for discussion and possible introduction.

**10.2** In accordance with 9 Del. C. § 7002, a proposed ordinance drafted pursuant to Rule 10.1 above, may be introduced in writing by any member of County Council at any duly constituted meeting.

The second proposed change is to Rule 16.A – Appointments. Mr. Lawson reported that, regarding appointments, the language in Rule 16A.1 is somewhat confusing. Furthermore, the process as spelled out in the Rule does not apply to reappointments. This has been an issue in the past and the County has had Commissioners and Board Members who remain in their respective position while not receiving a vote for reappointment.

Mr. Lawson noted that the proposed changes have been reviewed and approved by Legal Counsel.

Rule 16.A was proposed to be amended to read as follows:

**Rule 16.A – Appointments to the Planning & Zoning Commission and the Board of Adjustment**

**16A.1** All appointments to the Planning & Zoning Commission and the Board of Adjustment shall be governed by 9 Del. C. § 6803.

**16A.2** With respect to new appointments of members to the Planning & Zoning Commission and the Board of Adjustment (collectively referred to in this provision as “board members”), the Councilperson in whose district a board member’s term is set to expire shall submit the name of a nominee to the County Administrator along with the



**Proposed  
Changes  
to Rules of  
Procedure  
(continued)**

nominee's resume during the month of May of the year in which said board member's term is set to expire. The County Administrator shall forward copies of the nominee's resume to all Council members and place the matter on the Council's agenda for public session at an upcoming Council meeting. With Council's input, the County Administrator shall provide interview questions to the nominee for written answer to be submitted to the Council by no later than the Friday preceding the aforesaid Council meeting at which the nominee shall be in attendance for a public interview.

**16.A.3** With respect to reappointment of board members, the Councilperson in whose district a board member's term is set to expire shall provide notice of the Councilperson's intention to reappoint the board member to the County Administrator during the month of May of the year in which said board member's term is set to expire. The County Administrator shall place the matter on the Council's agenda for public session at an upcoming Council meeting.

**16.A.4** With respect to new appointments and reappointments of board members, in the event a nominee is not approved by a Council majority, nominations for the position will be opened up to all Councilpersons regardless of the district they represent; however, at no time shall there be more than 2 members appointed for the same Council district.

**16.A.5** In the event a board member resigns or is removed prior to the expiration of his or her term, the Councilperson, in whose district the vacancy has occurred, shall submit the name and resume of a nominee to the County Administrator as soon as is practicable. All other application procedures above shall thereafter apply.

It was requested to amend Rule 10.1, Line 2, to add the word "Council" before the word "retained".

**M 006 18  
Adopt  
Rules of  
Procedure**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to Adopt the Rules of Procedure, as presented and as amended (Rule 10.1, Line 2).

**Motion Adopted: 5 Yeas.**

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

**Minutes**

The minutes of December 5 and December 12, 2017 were approved by consent.

**Corre-  
spondence**

**Mr. Lawson read the following correspondence:**

**TERRY JESTER, FIRE CHIEF, MEMORIAL VOLUNTEER FIRE COMPANY, SLAUGHTER BEACH, DELAWARE.**

**RE: Letter commending Sussex County dispatchers Hunter Rogers and Dave Perrine for their excellent dispatching services during the fires in Slaughter Beach on Christmas night.**

**Public  
Comments**

**Public Comments**

**Paul Reiger commented on Board of Adjustment meeting agendas.**

**Dan Kramer questioned the pay of legal staff, questioned why the proposed Rules of Procedure were not in the public packet, and commented on the makeup of the Planning and Zoning Commission and Board of Adjustment.**

**Scott Walker commented on the “greatest Council on earth and the best County on earth”.**

**Vince Robertson, Assistant County Attorney, commented on the recent loss of his father, and he thanked the Council and County staff for the outpouring of condolences received and thanked the firm of Moore and Rutt, P.A. for providing coverage for him at the Planning and Zoning Commission meeting on such short notice.**

**Personnel  
Board  
Appoint-  
ments**

**Mr. Lawson asked that Council consider appointments to the Personnel Board. The Personnel Board is required by Delaware Code and consists of three County residents who are appointed for three-year terms. Positions on the Board are currently held by Mr. David Kenton and Dr. Michael Owens. The third position is recommended to be filled by Mrs. Joan Neal, President of Regional Builders, Inc. (Mrs. Neal would replace Mr. Clay Yokum who passed away in late 2017; Mrs. Neal is Mr. Vincent’s appointment.)**

**M 007 18  
Approve  
Personnel  
Board  
Appoint-  
ments**

**A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council approves the appointments of Mr. David Kenton, Dr. Michael Owens, and Mrs. Joan Neal to the Sussex County Personnel Board, effective immediately, until such time as their terms expire in December 2020.**

**Motion Adopted: 5 Yeas.**

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

**Adminis-  
trator’s  
Report**

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

- 1. Sussex County Comprehensive Land Use Plan Workshop**

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

The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Wednesday, January 3<sup>rd</sup>, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

**2. Projects Receiving Substantial Completion**

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Ingram Village - Phase 2, effective December 11<sup>th</sup>; Waters Run - Phases 2A and 2B, effective December 12<sup>th</sup>; The Woodlands - Phase 2 (Phase 2 Plan Review and Construction Record), effective December 14<sup>th</sup>; and Bay Forest Club – Phase 5.1 (Construction Record), effective December 27<sup>th</sup>.

**3. Delaware State Police Activity Report**

The Delaware State Police year-to-date activity report for October 2017 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 190 troopers assigned to Sussex County for the month of October.

**4. Katherine F. Fleetwood**

It is with sadness that we note the passing of County pensioner Katherine (Frances) Fleetwood on Tuesday, December 26<sup>th</sup>. Ms. Fleetwood began her career with Sussex County in May 1969 and retired from the Treasury Division as a Clerk Typist II in May 1993 with 24 years of service. We would like to extend our condolences to the Fleetwood family.

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

**Bank  
Resolutions**

Mrs. Jennings announced that no action was required on Bank Resolutions since the officers of the Council did not change.

**Grant  
Requests**

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

**M 008 18  
Council-  
manic  
Grant**

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to give \$200.00 (\$50.00 from Mr. Arlett's, Mr. Cole's, Mr. Vincent's and Mr. Wilson's, Councilmanic Grant Accounts) to the Delaware Seaside Railroad Club for workshop expenses.

**Motion Adopted: 5 Yeas.**

**M 008 18  
(continued)**

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

**M 009 18  
Council-  
manic  
Grant**

**A Motion was made by Mr. Arlett, seconded by Mr. Burton, to give \$2,000.00 (\$400.00 from Mr. Burton's Councilmanic Grant Account, \$1,200.00 from Mr. Cole's Councilmanic Grant Account, and \$400.00 from Mr. Arlett's Councilmanic Grant Account) to the Ocean View Historical Society for construction of Hall's Store Visitor and Education Center.**

**Motion Adopted: 5 Yeas.**

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

**Public  
Hearing/  
Proposed  
Ordinance/  
Commercial  
Zoning**

**A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES I, X, XIA, XX, XXI, XXIII, XXV AND XXVII BY AMENDING SECTIONS 115-4, 115-5, 115-75, 115-83.10, 115-156, 115-195.4, 115-159.5, 115-161.1, 115-170.1, 115-180, 115-194.1, AND 115-218, AND BY CREATING NEW ARTICLES XA, XB, XIB, XIC, XID, XIE, AND XIF AND ADDING NEW SECTIONS 115-75.1 THROUGH 115-75.13 AND 115-83.11 THROUGH 115-83.46 TO CREATE A NEW "B-2 BUSINESS COMMUNITY" DISTRICT; "B-3 BUSINESS RESEARCH" DISTRICT; "C-2 MEDIUM COMMERCIAL" DISTRICT; "C-3 HEAVY COMMERCIAL" DISTRICT; "C-4, PLANNED COMMERCIAL" DISTRICT; "C-5, SERVICE/LIMITED MANUFACTURING" DISTRICT, AND "I-1, INSTITUTIONAL" DISTRICT; TO CLOSE THE CR-1 AND B-1 DISTRICTS; TO AMEND "115 ATTACHMENT 3, SUSSEX COUNTY TABLE III"; TO CREATE "115 ATTACHMENT 4, SUSSEX COUNTY TABLE IV".**

**The Planning and Zoning Commission held a Public Hearing on the Proposed Ordinance on December 21, 2017. The Commission recommended approval of the revised Proposed Ordinance with the following further recommendations:**

- 1. That County Council should increase the height permissible in the C-2, C-3, C-4, C-5 and I-1 districts upon a showing that the increased height preserves such things as open space, interconnectivity or setbacks.**
- 2. Remove the language "... but not including major repair work such as motor replacement, body and fender repair or spray painting" from lines 210 and 211 of the ordinance.**

**Janelle Cornwell, Planning and Zoning Director, reported that the original ordinance was presented in late 2017. Ms. Cornwell explained that this Proposed Ordinance is a reintroduction and that one of the reasons it was**

**Public Hearing/  
Proposed Ordinance/  
Commercial Zoning  
(continued)**

reintroduced is due to the table created as an attachment as the table did not consistently match the text of the Proposed Ordinance. For this reason, the Proposed Ordinance was amended and reintroduced.

Ms. Cornwell and Vince Robertson, Assistant County Attorney, gave a synopsis of the Proposed Ordinance.

Council considered the Proposed Ordinance and the following items were discussed: height limits, buffers between commercial and residential, parking lot connectivity, and effective date.

Public comments were heard.

Kevin Burdette asked for a review and clarification on several items in the Proposed Ordinance: Line 737 regarding setbacks in the B-2 District, Line 947 regarding permitted uses in the C-2 Medium Commercial, Line 1021 regarding permitted uses, Line 401 regarding recreation facility – leisure time activity, Line 598 regarding convenience stores and fuel dispensers, Line 1666 regarding medical clinics as a permitted use in the industrial areas and questioning where doctors’ offices should go. Mr. Burdette questioned if the attachment to the Proposed Ordinance carries more legal weight than the written verbiage and he stated that there are several things in the attachment that do not coincide with the written verbiage in the document, i.e. C-2 Agri-Business, limitation of one food truck, self-storage facilities or warehouses with onsite retail. Upon request, Mr. Burdette agreed to supply his comments to Mr. Robertson and to County Council.

There were no additional public comments and the Public Hearing was closed.

The Council discussed deferring action to allow time for Legal Counsel and staff to consider the possibility of amending language on issues discussed and to report back to Council.

**M 010 18  
Defer  
Action and  
Leave  
Record  
Open on  
Proposed  
Ordinance**

A Motion was made by Mr. Cole, seconded by Mr. Arlett, to defer action and to leave the record open on the Proposed Ordinance relating to Commercial Zoning for seven (7) days for written comments only (thereafter, staff would have one week to review and consider the comments and report back to Council).

**Motion Adopted: 5 Yeas.**

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

**Public Hearing**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO ADD A NEW CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED “LABOR UNIONS” TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE SECTOR EMPLOYMENT,

**Public  
Hearing/  
Proposed  
Ordinance/  
Labor  
Unions  
(continued)**

**INCLUDING PROHIBITION OF MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION DUES OR FEES AS CONDITION OF EMPLOYMENT; INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF COERCION RELATED TO UNION SUPPORT OR MEMBERSHIP”.**

**This Ordinance amends Sussex County Code to insert a new Chapter 117 to prohibit certain matters related to labor unions for Sussex County employees and employers in the private sector. The Ordinance prohibits mandatory union membership or payment of certain union fees, involuntary union pay deductions, and acts of coercion or intimidation related to union support or payment.**

**Mr. Moore read the rules of procedure for this Public Hearing.**

**Mr. Moore reported that there have been several letters and legal opinions forwarded prior to the Public Hearing on this date: letter/legal opinion from Ted Kittala, Attorney and Counsel for the Caesar Rodney Institute, dated October 26, 2017; letter from Joel Smith of Kahn Smith & Collins, P.A.; letter from Holly Vaughn Wagner, Legislative Attorney, Division of Research (Legislative Council of the State of Delaware); letter from the Attorney General’s Office signed by State Solicitor Aaron Goldstein; letter from Ron Smith, Legislative Counsel for the Republican Caucus, forwarded by Representative Dan Short; and a letter from Tom Neuberger of the Neuberger Firm. These letters have been made a part of the record.**

**Mr. Moore reported on additional correspondence that has been received since the introduction of the Proposed Ordinance. Mr. Moore noted that the letters received are a part of the public record. Mr. Moore also noted that there may have been correspondence sent and received to individual Council members.**

**A count by a raise of hands was taken of those present in support of and in opposition to the Proposed Ordinance.**

**Mr. Arlett, sponsor of the Proposed Ordinance, stated that this subject came about because people in this County expect and desire jobs, that the State of Delaware previously chose not to act on a Bill on this subject; and that the purpose of this Public Hearing is to hear from the community on this subject.**

**Mr. Arlett discussed what Right to Work is, as defined by National Right-to-Work Legal Defense Foundation: a Right to Work law “guarantees that no person can be compelled as a condition of employment to join or not to join, nor to pay dues to a Labor Union”; and workers should have the right to decide for themselves whether or not they want to join or fund a union without fear of losing their jobs.**

**Public  
Hearing/  
Proposed  
Ordinance/  
Labor  
Unions  
(continued)**

**Public comments were heard in support of the Proposed Ordinance and were related to, but not limited to, the following issues/references/concerns: union and non-union can work together; the Caesar Rodney Institute is in favor of the Proposed Ordinance; the Council has the right under the Sussex County *Home Rule Act* to pass a Right to Work ordinance; Delaware Case Law; other authority (courts in other jurisdictions) on the issue of what limits there are to home rule; Delaware is in the minority of states that are not a Right to Work state; Right to Work will help develop Economic Development and employment opportunities; there are no choices without Right to Work; the Seaford City Council's unanimous vote to pass Right to Work legislation; Right to Work is not anti-union; Right to Work is needed to bring more businesses to Sussex County, including manufacturing jobs; and some states have experienced growth after becoming Right to Work states.**

**Public comments were heard in opposition to the Proposed Ordinance and were related to, but not limited to, the following issues/references/concerns: the legislation is illegal and adoption of this ordinance will be challenged by the courts; with the adoption of this ordinance, the County will be regulating business and civil relationships; the process for this ordinance is a waste of County taxpayers' dollars; in a Right to Work state, pay goes down and poverty goes up, and job site fatalities go up; the term "Right to Work" is a misnomer; the City of Seaford should not have adopted Right to Work legislation because passage diminishes the hope for good paying middle class jobs; residents want their children to be able to find good paying jobs here at home and Right to Work limits this hope; the Sussex Economic Development Action Committee (SEDAC) endorses the County Attorney's ruling that the County was not granted the authority to enact this legislation; the Proposed Ordinance has created an uneasiness in the business community; Right to Work will not bring high paying jobs to the area; Council should focus money on other things such as infrastructure and broadband; Right to Work defunds and destroys unions' ability to negotiate on behalf of employees; unions benefit workers; union jobs provide increased work safety; unions should be encouraged; unions build up the middle class; more union jobs are needed; union representation without the payment of fees will shut unions down and shut down the voices of the workers; collective bargaining creates good salaries and benefits; taking collective bargaining away takes away the rights of the workers; the 470 members of the Cape Henlopen Education Association oppose the proposed ordinance; 180 members of DSEA oppose the proposed ordinance; there is reduced safety and fewer benefits in Right to Work states; Right to Work is an attack on the working class; the Council should take the advice of its own attorney; Right to Work is actually Right to Work for Less; there is no evidence of companies that would come to the County if it was a Right to Work county; Right to Work polarizes economic classes; the County should not consider legal representation from an outside firm; the Council should consider how the County's insurance company would react to any lawsuits; and manufacturing jobs have been lost to other countries and not because a state/county is not Right to Work state/county.**

(continued) **Motions for a recess made during the Public Hearing and reconvening the Public Hearing:**

**M 011 18** At 12:30 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to recess for 30 minutes.  
**Recess**

**Motion Adopted: 4 Yeas, 1 Absent.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Absent; Mr. Cole, Yea;  
Mr. Vincent, Yea**

**M 012 18** At 1:04 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to reconvene.  
**Reconvene**

**Motion Adopted: 3 Yeas, 2 Absent.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Absent; Mr. Cole, Absent;  
Mr. Vincent, Yea**

**Public Hearing (continued)** It was determined that eleven (11) people spoke in support of the Proposed Ordinance and twenty-eight (28) people spoke in opposition to the Proposed Ordinance.

**The Public Hearing was closed.**

**At the conclusion of the Public Hearing, Mr. Arlett reported on correspondence that he received: letters and emails from Julie, Michael, Tom, Laura, Delaware Chamber of Commerce, Delaware Manufacturing Association, Associated Builders and Contractors, State Senators (4 of the 5), Americans for Tax Reform, Center for Workers Freedom, and National Right to Work Legal Defense. All of these emails and letters have been made a part of the record. Mr. Arlett also referenced the Delaware AFL-CIO form.**

**M 013 18** A Motion was made by Mr. Cole, seconded by Mr. Wilson, to close the Public Hearing and public record, and to defer action on the Proposed Ordinance.  
**Defer Action on Proposed Ordinance**

**Motion Adopted: 5 Yeas.**

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

**It was noted that County Attorney Everett Moore will prepare his legal opinion based on everything that has been heard and will submit the same to County Council.**



**M 014 18  
Adjourn**

**A Motion was made by Mr. Cole, seconded by Mr. Wilson, to adjourn at 3:59 p.m.**

**Motion Adopted: 5 Yeas.**

**Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea;  
Mr. Wilson, Yea; Mr. Cole, 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.}*

**DRAFT**

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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PUBLIC WORKS	(302) 855-7703
RECORDS MANAGEMENT	(302) 854-5033
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# Sussex County

DELAWARE

[sussexcountyde.gov](http://sussexcountyde.gov)

HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

December 14, 2017

### **FACT SHEET**

SUSSEX COUNTY PROJECT 81-04  
THE ESTUARY - PHASE 1C-3B (CONSTRUCTION RECORD)  
AGREEMENT NO. 638 - 16

#### **DEVELOPER:**

Mr. Steve Brodbeck  
Estuary Development, LLC  
8965 Guilford Road, Suite 200  
Columbia, MD 20146

#### **LOCATION:**

Southeast of Double Bridges Rd. and intersected  
by Camp Barnes Rd.

#### **SANITARY SEWER DISTRICT:**

Miller Creek Sanitary Sewer District

#### **TYPE AND SIZE DEVELOPMENT:**

Residential Community consisting of 19 single  
family homes

#### **SYSTEM CONNECTION CHARGES:**

\$109,725.00

#### **SANITARY SEWER APPROVAL:**

Sussex County Engineering Department Plan Approval  
12/13/15

Department of Natural Resources Plan Approval  
11/24/15

#### **SANITARY SEWER CONSTRUCTION DATA:**

Construction Days – 25

Construction Admin and Construction Inspection Cost – \$14,551.70

Proposed Construction Cost – \$97,011.31



## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

December 27, 2017

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
GOVERNORS - PHASE 2  
AGREEMENT NO. 1038 - 5

#### DEVELOPER:

Mr. Nick Hammonds  
Governors Lewes, LP  
246 Rehoboth Avenue  
c/o Jack Lingo Asset Mgt  
Rehoboth Beach, DE 19971

#### LOCATION:

South of Rt.9, (Kings Highway), West of Road  
267, (Gills Neck Road).

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

71 Single family lots.

#### SYSTEM CONNECTION CHARGES:

\$410,025.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
08/18/17

Department of Natural Resources Plan Approval  
11/17/15

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90  
Construction Admin and Construction Inspection Cost – \$23,905.55  
Proposed Construction Cost – \$159,370.30



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

## ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
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December 27, 2017



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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
SHOWFIELD - PHASE 4  
AGREEMENT NO. 1017 - 4

#### DEVELOPER:

Nick Hammonds  
Showfield Lewes, LP  
246 Rehoboth Avenue  
Rehoboth Beach, DE 19971

#### LOCATION:

Northwesterly side of Road 267 adjacent to  
Breakwater RPC.

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

41 single family lots in this phase.

#### SYSTEM CONNECTION CHARGES:

\$236,775.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
05/19/15

Department of Natural Resources Plan Approval  
06/04/15

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 90  
Construction Admin and Construction Inspection Cost – \$20,824.50  
Proposed Construction Cost – \$138,830.00



COUNTY ADMINISTRATIVE OFFICES  
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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

December 27, 2017

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
SHOWFIELD - PHASE 5  
AGREEMENT NO. 1017 - 5

#### DEVELOPER:

Nick Hammonds  
Showfield Lewes, LP  
246 Rehoboth Avenue  
Rehoboth Beach, DE 19971

#### LOCATION:

Northwesterly side of Road 267 adjacent to  
Breakwater RPC.

#### SANITARY SEWER DISTRICT:

West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

25 single family lots in this phase.

#### SYSTEM CONNECTION CHARGES:

\$144,375.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval  
05/19/15

Department of Natural Resources Plan Approval  
06/04/15

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 60  
Construction Admin and Construction Inspection Cost – \$10,921.13  
Proposed Construction Cost – \$72,807.50



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



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HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER

BRAD HAWKES  
DIRECTOR OF UTILITY ENGINEERING

December 28, 2017

### FACT SHEET

SUSSEX COUNTY PROJECT 81-04  
SEA STAR VILLAGE @ MILLVILLE BY THE SEA - SECTION 3  
AGREEMENT NO. 856 - 12

#### DEVELOPER:

Ms. Sharon Walters  
Millville Town Center, L.L.C.  
32965 Roxana Road  
Millville, DE 19967

#### LOCATION:

Town of Millville  
Substation and Burbage Roads

#### SANITARY SEWER DISTRICT:

Millville Expansion of the Bethany Beach Sanitary Sewer District

#### TYPE AND SIZE DEVELOPMENT:

65 Single Family lots.

#### SYSTEM CONNECTION CHARGES:

\$375,375.00

#### SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval

Department of Natural Resources Plan Approval

11/07/17

#### SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 34

Construction Admin and Construction Inspection Cost – \$34,257.90

Proposed Construction Cost – \$228,386.00



# SUSSEX COUNTY COUNCIL



## A PROCLAMATION TO HONOR THE CAPE HENLOPEN HIGH SCHOOL FIELD HOCKEY TEAM UPON WINNING THE 2017 DIAA DIVISION I CHAMPIONSHIP

WHEREAS, the Sussex County Council wishes to recognize the Cape Henlopen High School field hockey team for winning the Delaware Interscholastic Athletic Association title as Division I State Champions for the 2017 season; and

WHEREAS, the Cape Henlopen High School field hockey team capped yet another impressive season in beating Sussex Technical High School by a score of 1 to 0 during the state championship game on Saturday, November 18, 2017, ending with a 16-2 record; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is the sixth state title in the last seven years for the school's field hockey program, and the eighth field hockey state championship title for the school since 1979; and

WHEREAS, the Cape Henlopen High School field hockey team played as a formidable opponent in facing squads from across Sussex County and throughout the state of Delaware and mid-Atlantic during the 2017 season, displaying cooperation, consistency, and character above all else; and

WHEREAS, the Cape Henlopen High School field hockey team's accomplishment is a source of tremendous pride for the Cape Henlopen School District community and all of Sussex County;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council commends the Cape Henlopen High School field hockey team upon winning the 2017 Delaware Interscholastic Athletic Association championship title, and proclaims Tuesday, January 9, 2018, as a day for all Sussex County residents to honor the team's remarkable achievement.



---

Irwin G. Burton III  
Councilman



**ORDINANCE NO. \_\_**

**AN ORDINANCE TO ADD A NEW CHAPTER 117 TO SUSSEX COUNTY CODE ENTITLED “LABOR UNIONS” TO PROHIBIT CERTAIN UNION MATTERS IN PRIVATE SECTOR EMPLOYMENT, INCLUDING PROHIBITION OF MANDATORY UNION MEMBERSHIP AND PAYMENT OF UNION DUES OR FEES AS CONDITION OF EMPLOYMENT; INVOLUNTARY UNION PAY DEDUCTIONS; AND ACTS OF COERCION RELATED TO UNION SUPPORT OR MEMBERSHIP.**

**WHEREAS, pursuant to Title 9 Section 7001(a) of the Delaware Code the Delaware General Assembly has granted to Sussex County all of the powers of the State that are not specifically prohibited by statute; and**

**WHEREAS, it is the intent of this Ordinance to provide that no employee covered by the National Labor Relations Act be required to join or pay dues to a union, or refrain from joining a union, as a condition of employment; and**

**WHEREAS, the County Council desires to promote economic development and worker freedom within all of Sussex County, directly and in cooperation with public and private entities promoting Sussex County and its resources, its people, and its many geographical and cultural advantages; and**

**WHEREAS, Sussex County and its residents compete for the expansion of employment opportunities with other cities, counties, and states (including states such as Michigan, Kentucky, Indiana, and a majority of the other states in the U.S.) whose citizens benefit from the protection under similar right to work legislation, and Sussex County desires to compete on a level playing field with other cities, counties, and states that have enacted such right to work legislation; and**

**WHEREAS, the County Council believes that right to work legislation is not “anti-union” legislation, but actually could lead to a healthier, more robust unions who freely compete for employee membership; and**

**WHEREAS, the County Council of Sussex County hereby finds and determines that it is in the best interest of the citizens of Sussex County to promote and encourage direct commerce for the protection and convenience of the public, by giving employees freedom to choose employment without restraint or coercion regarding the payment of mandatory dues, fees, or other payments to a labor organization as a condition of that employment; and**

**WHEREAS, the County Council believes that the goals of the foregoing can be furthered through the passage of this Ordinance and amending the County Code as provided for herein.**



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

**Section 1. The Code of Sussex County is hereby amended by adopting a new Chapter 117, entitled “Labor Unions” with the following sections to be inserted in Chapter 117 as follows in this Ordinance.**

**Section 2. The Code of Sussex County is hereby amended by adopting a new §117-1, entitled “Declaration of public policy,” into the new Chapter 117 by inserting the underlined language as follows:**

**“§ 117-1 Declaration of public policy.**

**It is hereby declared to be the public policy of Sussex County in order to ensure individual freedom of choice in the pursuit of employment, for the protection and convenience of its citizens who desire the broadest choice of employment opportunities, to permit its citizens to choose to increase their real take home pay by decreasing mandatory payroll deductions in order to stimulate savings and economic growth, and to encourage an employment climate conducive to the economic development of Sussex County, including recruiting new businesses to Sussex County, that the right to work shall not be subject to undue restraint or coercion. The right to work shall not be infringed or restricted in any way based on membership in, affiliation with, or financial support of a labor organization.”**

**Section 3. The Code of Sussex County is hereby amended by adopting a new §117-2, entitled “Terms,” into the new Chapter 117 by inserting the underlined language as follows:**

**“§ 117-2 Terms.**

**The terms “employee,” “employer,” “labor organization,” and “person” as used in this chapter shall have the same meanings as defined by the National Labor Relations Act.”**

**Section 4. The Code of Sussex County is hereby amended by adopting a new §117-3, entitled “Freedom of choice guaranteed, discrimination prohibited,” into the new Chapter 117 by inserting the underlined language as follows:**

**“§ 117-3 Freedom of choice guaranteed, discrimination prohibited.**

**No person covered by the National Labor Relations Act in Sussex County shall be required as a condition of employment or continuation of employment:**

- A. to resign or refrain from voluntary membership in, voluntary affiliation with, or voluntary financial support of a labor organization;**
- B. to become or remain a member of a labor organization;**
- C. to pay any dues, fees, assessments or other charges of any kind or amount to a labor organization; or**

- D. to pay to any charity or other third party, in lieu of such payments, any amount equivalent to or a pro-rata portion of dues, fees, assessments or other charges regularly required of members of a labor organization.”

Section 5. The Code of Sussex County is hereby amended by adopting a new §117-4, entitled “Voluntary deductions protected,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-4 Voluntary deductions protected.

It shall be unlawful to deduct from the wages, earnings, or compensation of an employee any union dues, fees, assessments, or other charges to be held for, transferred to, or paid over to a labor organization, unless the employee has first presented, and the employer has received, a signed written authorization of such deductions, which authorization may be revoked by the employee at any time by giving written notice of such revocation to the employer, with the following exception:

- A. If the written authorization on its face clearly states that it is irrevocable for a period of up to one year after its effective date, that shall be the maximum period of time an employee is prohibited from ceasing payroll deductions;
- B. Notwithstanding the foregoing, an employee’s express choice to revoke his/her authorization is to be given effect as soon as the period of irrevocability passes.”

Section 6. The Code of Sussex County is hereby amended by adopting a new §117-5, entitled “Agreements in violation, and actions to induce such agreements, declared illegal,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-5 Agreements in violation, and actions to induce such agreements, declared illegal.

Any agreement, understanding or practice, written or oral, implied or expressed, between any labor organization and employer that violates the rights of employees as guaranteed by provisions of this chapter is hereby declared unlawful, null and void and of no legal force or effect.”

Section 7. The Code of Sussex County is hereby amended by adopting a new §117-6, entitled “Coercion and intimidation prohibited,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-6 Coercion and intimidation prohibited.

It shall be unlawful for any person, labor organization or officer, agent or member thereof, or employer, or officer thereof, by any threatened or actual intimidation of an employee or prospective employee, or an employee’s or prospective employee’s parents, spouse, children, grandchildren or any other persons residing in the employee’s or prospective employee’s home, or by any damage or threatened damage to an employee’s or prospective employee’s property, to compel or attempt to compel such employee to join, affiliate with or financially support a labor organization or to refrain from doing

so, or otherwise to forfeit any rights as guaranteed by provisions of this chapter. It shall also be unlawful to cause or attempt to cause an employee to be denied employment or discharged from employment because of support or nonsupport of a labor organization by inducing or attempting to induce any other person to refuse to work with such employees.”

Section 8. The Code of Sussex County is hereby amended by adopting a new §117-7, entitled “Penalties,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-7 Penalties.

- A. Any person who shall violate a provision of this chapter or any of its subsections and/or fails to comply with any notice of violation shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of \$250 for the first conviction; \$500 for the second conviction; \$1,000 for the third conviction; and for the fourth and any subsequent conviction of the same violation that has still not been corrected, the fine for such conviction shall be \$2,500. The fines specified herein for the second through fourth convictions shall not be suspended. Upon conviction of a first violation of this chapter, the court may order the defendant to correct the violation by a certain date, not to exceed 10 days from the date of the conviction. Jurisdiction over the enforcement of this provision shall be in the Justice of the Peace Courts of the State of Delaware.
- B. In addition to prosecuting a violator in the Justice of the Peace Courts, the prosecuting County employee is authorized, but is not required, to institute appropriate proceedings at law or in equity to restrain, correct, abate or enjoin a violation or to require the removal of the offending condition at the expense of the person who is found to be in violation of these provisions. If the County prevails, the Court shall order the violator to pay the County's reasonable attorney's fees and costs of the action.
- C. The penalties set forth in this section shall not affect the County’s right to also recover expenses incurred pursuant to this chapter.”

Section 9. The Code of Sussex County is hereby amended by adopting a new §117-8, entitled “Civil remedies,” into the new Chapter 117 by inserting the underlined language as follows:

“§ 117-8 Civil remedies.

Any individual harmed as a result of any violation or threatened violation of the provisions of this chapter shall have the right to pursue in a court of competent jurisdiction a civil cause of action to enjoin further violations and to recover the damages sustained, together with the cost of the lawsuit, including reasonable attorneys’ fees. Such remedies shall be independent of and in addition to the penalties and remedies prescribed in other provisions of this chapter.”

Section 10. The Code of Sussex County is hereby amended by adopting a new §117-9, entitled “Duty to investigate,” into the new Chapter 117 by inserting the underlined language as follows:

**“§ 117-9 Duty to investigate.**

**It shall be the duty of the County Administrator, or his/her designee, to investigate complaints of violation or threatened violations of this chapter and to take all means at his/her command to ensure the effective enforcement of this chapter.”**

Section 11. The Code of Sussex County is hereby amended by adopting a new §117-10, entitled “Prospective application,” into the new Chapter 117 by inserting the underlined language as follows:

**“§ 117-10 Prospective application.**

**The provisions of this chapter shall apply to all contracts entered into after the effective date of this chapter by employers or labor organizations covering employees within this County and shall apply to any renewal or extension of any such contract.”**

Section 12. **Severability.** If any provision of this chapter, or application thereof to any person, entity or circumstances, shall be invalid or unenforceable to any extent, the remainder of this chapter, and the application of such provision to other persons, entities or circumstances, shall not be affected thereby and shall be enforced to the greatest extent permitted by law.

Section 13. **When effective.** This chapter shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware.

**Synopsis**

This Ordinance amends Sussex County Code to insert a new Chapter 117 to prohibit certain matters related to labor unions for Sussex County employees and employers in the private sector. The Ordinance prohibits mandatory union membership or payment of certain union fees, involuntary union pay deductions, and acts of coercion or intimidation related to union support or payment.

No text has been deleted. All new text is underlined and in quotations.

## ENGINEERING DEPARTMENT

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# Sussex County

DELAWARE  
sussexcountyde.gov  
HANS M. MEDLARZ, P.E.  
COUNTY ENGINEER  
JOSEPH WRIGHT, P.E.  
ASSISTANT COUNTY ENGINEER

## Memorandum

TO: Sussex County Council  
The Honorable Michael H. Vincent, President  
The Honorable George Cole, Vice President  
The Honorable Samuel R. Wilson Jr  
The Honorable I. G. Burton III  
The Honorable Robert B. Arlett

FROM: Hans Medlarz, P.E., County Engineer  
Gina A. Jennings, Finance Director

RE: **CONCORD ROAD UTILITY UPGRADE – EXPANSION OF THE UNIFIED  
SANITARY SEWER DISTRICT SUPPLEMENTAL USDA FUNDING APPROVAL  
AND POSSIBLE INTRODUCTION OF DEBT ORDINANCE**

DATE: January 9, 2018

On September 24, 2013, Council approved the Concord Road expansion of the Blades Sanitary Sewer District. A funding request was submitted to USDA, Rural Development, Rural Utility Service on January 28, 2014, and the County received obligation documentation on August 19, 2014. On July 21, 2015, Council accepted the conditions associated with the original \$729,000 loan and \$449,000 grant.

Davis, Bowen and Friedel, Inc., the Town of Blades' Engineer of Record, designed a USDA/RD/RUS funded water distribution system expansion in the same vicinity of Concord Road as the County's sewer project. On October 3, 2017, Council approved a construction agreement with the Town and an amendment with the engineer to complete both projects concurrently for a cost-effective construction approach.

The combined project was advertised and bid in one construction document with separate bid schedules for the County Sewer Project and for the Blades Water Project. The Blades Town Council approved the alternate water bid on November 13, 2017, and County Council subsequently awarded the complete project on November 14, 2017 to Zack's Excavating for the sewer base bid at \$1,605,824.75 and the alternate bid at \$797,957.25 for a total award of \$2,403,782.00, contingent upon USDA/RD concurrence which has since then has been received.

The County received USDA obligation documentations with an offer of \$220,000 in loan and \$145,000 in grant funding. This funding is supplemental to the already committed \$729,000 in loan and \$449,000 in grant. The Finance and Engineering Departments recommend Council's approval of the associated USDA Loan Resolution and introduction of the associated debt ordinance to be voted on after a public hearing. Both the USDA Loan Resolution and ordinance are attached for your review. The Town of Blades is independently pursuing their supplemental funding through USDA.

Attachments



**LOAN RESOLUTION**  
(Public Bodies)

A RESOLUTION OF THE \_\_\_\_\_

OF THE \_\_\_\_\_  
AUTHORIZING AND PROVIDING FOR THE INCURRENCE OF INDEBTEDNESS FOR THE PURPOSE OF PROVIDING A  
PORTION OF THE COST OF ACQUIRING, CONSTRUCTING, ENLARGING, IMPROVING, AND/OR EXTENDING ITS

FACILITY TO SERVE AN AREA LAWFULLY WITHIN ITS JURISDICTION TO SERVE.

WHEREAS, it is necessary for the \_\_\_\_\_

(Public Body)

(herein after called Association) to raise a portion of the cost of such undertaking by issuance of its bonds in the principal amount of

\_\_\_\_\_ ; and

**WHEREAS**, the Association intends to obtain assistance from the United States Department of Agriculture,  
(herein called the Government) acting under the provisions of the Consolidated Farm and Rural Development Act (7 U.S.C. 1921  
et seq.) in the planning, financing, and supervision of such undertaking and the purchasing of bonds lawfully issued, in the event  
that no other acceptable purchaser for such bonds is found by the Association:**NOW THEREFORE**, in consideration of the premises the Association hereby resolves:

1. To have prepared on its behalf and to adopt an ordinance or resolution for the issuance of its bonds containing such items and in such forms as are required by State statutes and as are agreeable and acceptable to the Government.
2. To refinance the unpaid balance, in whole or in part, of its bonds upon the request of the Government if at any time it shall appear to the Government that the Association is able to refinance its bonds by obtaining a loan for such purposes from responsible cooperative or private sources at reasonable rates and terms for loans for similar purposes and periods of time as required by section 333(c) of said Consolidated Farm and Rural Development Act (7 U.S.C. 1983(c)).
3. To provide for, execute, and comply with Form RD 400-4, "Assurance Agreement," and Form RD 400-1, "Equal Opportunity Agreement," including an "Equal Opportunity Clause," which clause is to be incorporated in, or attached as a rider to, each construction contract and subcontract involving in excess of \$10,000.
4. To indemnify the Government for any payments made or losses suffered by the Government on behalf of the Association. Such indemnification shall be payable from the same source of funds pledged to pay the bonds or any other legal ly permissible source.
5. That upon default in the payments of any principal and accrued interest on the bonds or in the performance of any covenant or agreement contained herein or in the instruments incident to making or insuring the loan, the Government at its option may (a) declare the entire principal amount then outstanding and accrued interest immediately due and payable, (b) for the account of the Association (payable from the source of funds pledged to pay the bonds or any other legally permissible source), incur and pay reasonable expenses for repair, maintenance, and operation of the facility and such other reasonable expenses as may be necessary to cure the cause of default, and/or (c) take possession of the facility, repair, maintain, and operate or rent it. Default under the provisions of this resolution or any instrument incident to the making or insuring of the loan may be construed by the Government to constitute default under any other instrument held by the Government and executed or assumed by the Association, and default under any such instrument may be construed by the Government to constitute default hereunder.
6. Not to sell, transfer, lease, or otherwise encumber the facility or any portion thereof, or interest therein, or permit others to do so, without the prior written consent of the Government.
7. Not to defease the bonds, or to borrow money, enter into any contractor agreement, or otherwise incur any liabilities for any purpose in connection with the facility (exclusive of normal maintenance) without the prior written consent of the Government if such undertaking would involve the source of funds pledged to pay the bonds.
8. To place the proceeds of the bonds on deposit in an account and in a manner approved by the Government. Funds may be deposited in institutions insured by the State or Federal Government or invested in readily marketable securities backed by the full faith and credit of the United States. Any income from these accounts will be considered as revenues of the system.
9. To comply with all applicable State and Federal laws and regulations and to continually operate and maintain the facility in good condition.
10. To provide for the receipt of adequate revenues to meet the requirements of debt service, operation and maintenance, and the establishment of adequate reserves. Revenue accumulated over and above that needed to pay operating and maintenance, debt service and reserves may only be retained or used to make prepayments on the loan. Revenue cannot be used to pay any expenses which are not directly incurred for the facility financed by USDA. No free service or use of the facility will be permitted.

*According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0572-0121. The time required to complete this information collection is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.*



**CERTIFICATION TO BE EXECUTED AT LOAN CLOSING**

I, the undersigned, as \_\_\_\_\_ of the \_\_\_\_\_  
hereby certify that the \_\_\_\_\_ of such Association is composed of  
\_\_\_\_\_ members, of whom , \_\_\_\_\_ constituting a quorum, were present at a meeting thereof duly called and  
held on the \_\_\_\_\_ day of \_\_\_\_\_ ; and that the foregoing resolution was adopted at such meeting  
by the vote shown above, I further certify that as of \_\_\_\_\_ ,  
the date of closing of the loan from the United States Department of Agriculture, said resolution remains in effect and has not been  
rescinded or amended in any way.

Dated, this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_

Title \_\_\_\_\_



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

**AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH**

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

WHEREAS, acting pursuant to its Home Rule Power, and pursuant to Title 9, Delaware Code, Chapters 65 and 67, the County has authorized the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Concord Road Wastewater Expansion (the "Project");

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

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

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

Section 1. Amount and Purpose of the Bonds. Acting pursuant to Title 9, Delaware Code, Chapters 65 and 67, Sussex County shall issue its negotiable general obligations in the maximum aggregate principal amount not to exceed \$250,000 (the "Bonds") to finance or reimburse the County for a portion of the cost of the design, construction and equipping of the Project.

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

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

Section 3. Terms of the Bonds. The Bonds shall be sold at such prices and upon such other terms and conditions consistent with the provisions of this Ordinance and otherwise as the County Administrator shall determine to be in the best interests of the County. The Bonds shall bear interest at such rate or rates and shall mature in such amounts and at such times, but not exceeding 40 years from the date of issue of the Bonds, and shall be subject to redemption, as the County Administrator shall determine.

Section 4. Sale of the Bonds. The Bonds may be issued in one or more series and shall be sold in one or more public sales or private negotiated transactions upon such terms and conditions as the County Administrator shall determine shall be in the best interest of the County. It is anticipated that the Bonds will be sold to the United States of America, Rural Utilities Service (or any successor agency).

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

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

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

Section 8. Effective Date. This Ordinance shall become effective immediately upon its passage. The County Clerk is hereby directed to publish a notice of the adoption hereof in accordance with Section 7002(m)(2) of Title 9 of the Delaware Code, as amended.

**SYNOPSIS:** This Ordinance provides for the issuance of up to \$250,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Concord Road Wastewater Expansion (the "Project").

**I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. \_\_\_\_ ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 9<sup>TH</sup> DAY OF JANUARY, 2018.**

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Robin A. Griffith  
Clerk of the Sussex County Council

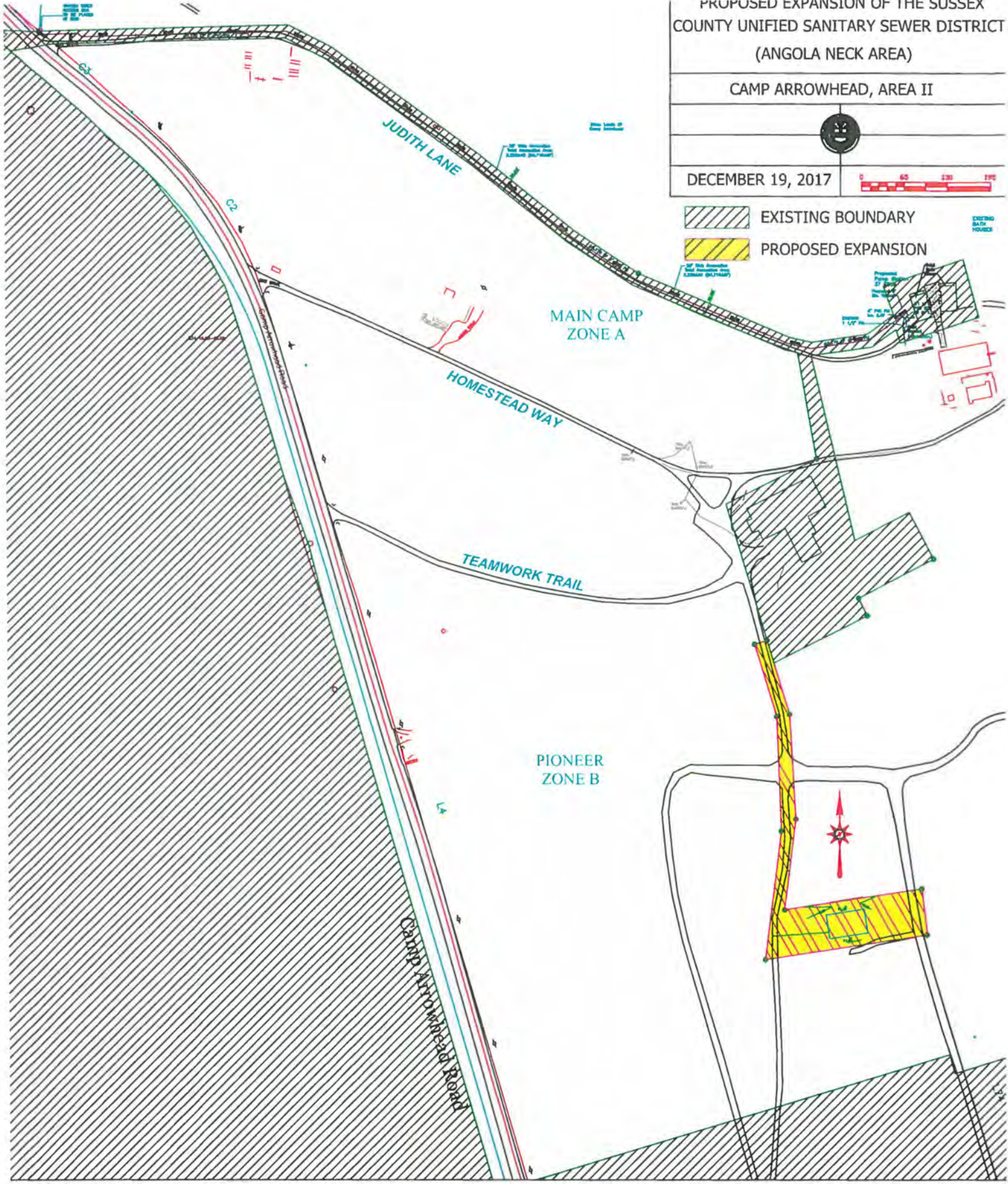
(Concord Road-Subsequent Funding Ordinance)

## **Camp Arrowhead Expansion II Facts**

- This is for a second section of the Camp requesting annexation in order to serve a proposed new bath house.
- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- Requested by the Diocesan Council for Camp Arrowhead.
- Camp responsible for pumpstation for their parcel and a forcemain to a connection point near Woods on Herring Creek. This work has not yet begun.
- There is an existing MOU in place that identifies what buildings on the Camp parcel can currently be connected. This bath house will be in addition to the building on the existing MOU.
- The expansion will consist of 25,875 sq. ft.
- The parcels will be responsible for System Connection Charges of \$6360.00 or the rate in place at the time of connection.
- Questions?



PROPOSED EXPANSION OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (ANGOLA NECK AREA)  
 CAMP ARROWHEAD, AREA II  
 DECEMBER 19, 2017



The proposed annexation is scheduled to be discussed on February 13, 2018 at 10:15 am in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947  
 For more information please visit: <https://www.sussexcountyde.gov/legal-notice/ sewer-water>.  
 Or call the Sussex County Utility Planning Department at 302-855-1299.



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



**Sussex County**  
DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 6, 2018

RE: County Council Old Business Report for CZ 1838 Two Farms, LLC

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The County Council held a public hearing on December 12, 2017. The County Council deferred action for further consideration.

The following are the minutes and motion for the Conditional Use from the November 16, 2017 Planning and Zoning Commission meeting.

The Planning and Zoning Department received an application (CZ 1838 Two Farms, Inc.) to allow for a change of zone from AR-1 to B-1. The Planning and Zoning Commission held a public hearing on November 16, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, a survey, comments from Sussex County Utility Planning Division, results from DelDOT regarding the Service Level Evaluation.

The Commission found that William Scott, Attorney with Scott and Shuman, Mike Riemann Engineer from Becker Morgan Group, Randy Bendler, representing Two Farms, and Mr. Harold and Mr. Dodd, owners of the property were present on behalf of the application; that Mr. Scott stated the application is to rezone the property from AR-1 to B-1; that the property is located southeast corner of Route 9 and Gravel Hill Road; that it currently has two single family homes that are vacant at this time; that Mr. Riemann stated the intent is for a 15,500 square foot of retail space; that this is not intended to be a Royal Farms; that the intent is to develop this property as a retail center; that the intersection has recently been upgraded by DelDOT and this site has provided right-of-way dedication; that the TIS has been completed for this site; that the site would have a right-in and a right-out on Route 9; that full access will be on Route 30; that Artesian will serve sewer; that they will screen the parcel to east and south with a fence and landscaping; that there is quite a bit of commercial zoning in the area; that B-1 is consistent with zoning and other commercial uses in the area; that Mr. Scott stated that the Low Density land use allows for B-1; that it will provide convenience for the neighborhood; that the property is in State Strategies 3 and 4; and that they would be ok with interconnectivity in the future to the south of the property.



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

The Commission found that there was no one in support of the application or in opposition to the application.

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

Ms. Stevenson, moved that the Commission recommend approval of Change of Zone #1838 for Two Farms, LLC for a change in zone from AR-1 to B-1 based on the record made during the public hearing and for the following reasons:

1. This site is located at the intersection of Route 9 and Gravel Hill Road. There are other commercially zoned properties at this intersection. This an appropriate location for B-1 Zoning.
2. The Commission previously recommended approval of a change in zone to CR-1 for this property. This recommendation for B-1 Zoning is consistent with that prior motion.
3. According to the Zoning Code, B-1 Zoning is appropriate “to provide retail shopping and personal service uses, ...to serve the needs of a relatively small area, primarily nearby rural, low density, or medium density residential neighborhoods.” This application satisfies this purpose of B-1 Zone.
4. The B-1 District is the most limited commercial zoning district in Sussex County. It is appropriate in this location since it will limit the size and type of uses that can occur on the site.
5. The rezoning is consistent with other zoning and uses at the Route 9 and Gravel Hill Road intersection and it will not adversely affect neighboring properties or roadways.
6. The rezoning meets the purpose of the Zoning Ordinance because it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
7. Any future development of the site will require site plan approval be the Sussex County Planning and Zoning Commission.
8. No parties appeared in opposition to the proposed rezoning.

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

**Introduced 08/08/17**

**Council District No. 3 - Burton**

**Tax I.D. No. 135-11.00-78.00**

**911 Address: 24616 Lewes-Georgetown Highway, Georgetown**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 2.85 ACRES, MORE OR LESS**

**WHEREAS, on the 28th day of June 2017, a zoning application, denominated Change of Zone No. 1838, was filed on behalf of Two Farms, Inc.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1838 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 B-1 Neighborhood Business 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 at the southeast corner of Lewes-Georgetown Highway (Route 9) and Gravel Hill Road, and being more particularly described per the attached deed, said parcel containing 2.85 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.**





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Seaford Elite American Youth Football Travel Club (AYF)

PROJECT NAME: Football & Cheerleaders Uniforms and Equipment

FEDERAL TAX ID: 82-2836893

NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION:

The mission of the Seaford Elite Travel Football Club is to provide a positive and enjoyable learning experience for youth, teaching: Sportsmanship, Fair Play, Integrity, Honor, Respect, Loyalty, Personal Courage, and Dedication through the game of football. Seaford Elite provides a comprehensive program based on the core values of age appropriate coaching and encouragement with a focus on the fundamental skills of football, cheer and drill. We believe it is essential that the overall mission be accomplished through growing and nurturing a respected organization guided by values-based choices and parental involvement. This organization was formed and is operated under the premise that every child should have access to quality sports instruction to enhance their physical, mental and social abilities. Seaford Elite Travel Football Club will always remain committed to offering "Free to Play" sports programs.

ADDRESS: 22578 Eskridge Road

Seaford

(CITY)

Delaware

(STATE)

19973

(ZIP)

CONTACT PERSON: Adair Williams

TITLE: President

PHONE: 302-339-7789 EMAIL: adairwilliams73@gmail.com

TOTAL FUNDING REQUEST: \$20,000.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 50%

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

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

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

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

### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	2,000.00
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Stipends (Workshops/Classes for staff (football & cheerleading)	\$ 2,000.00
<small>Uniforms (pants, socks, belt, helmet and jersey and mouth guard) (\$70 per player and Cheerleader) for all equipment x 100</small>	\$ 7,000.00
Field Maintenance and Equipment (grass cutter/weed killer/ field paint machine/paint)	\$ 6,000.00
Supplies (water cooler, paper, balls, cones, etc.)	\$ 1,000.00
Concessions (snacks/drinks)	\$ 3,000.00
<small>Printing Services (American Youth Football Applications, Flyers, Fundraising Information)</small>	\$ 250.00
Staff Uniforms	\$ 250.00
Transporation (Vans/Gas)	\$ 500.00
<b>TOTAL EXPENDITURES</b>	<b>\$ 20,000.00</b>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 22,000.00</b>


### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Seaford Elite Travel Football Club agrees that:  
(Name of Organization)

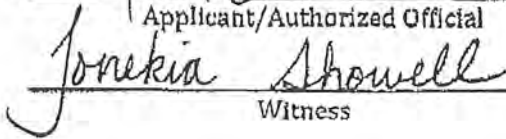
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. 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.



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

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

12-20-17  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Witness

12/20/2017  
\_\_\_\_\_  
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.

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

\_\_\_\_\_  
Witness

12/20/17  
\_\_\_\_\_  
Title

12/20/2017  
\_\_\_\_\_  
Date

Vincent  
12-21-17





# SUSSEX COUNTY GOVERNMENT

## GRANT APPLICATION

### SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **Immanuel Shelter, Inc.**  
PROJECT NAME: **Utilities for Homeless Shelter**  
FEDERAL TAX ID: **47-2705523** NON-PROFIT:  YES  NO

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

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

ORGANIZATION'S MISSION: **Serving those who experience homelessness in Rehoboth Beach, Lewes, and surrounding areas. The goal of Immanuel Shelter, Inc. is to provide a sanctuary which addresses the needs of those experiencing homelessness in our community. We provide refuge, a hot meal, and other basic human necessities to lessen the potentially life-threatening effects of exposure to the cold - frostbite, hypothermia, and secondary permanent physical and emotional injury caused by prolonged exposure to extreme weather conditions**

ADDRESS: **17601 Coastal Highway**  
**Unit 11, Box 431**  
**Nassau DE 19969**  
(CITY) (STATE) (ZIP)

CONTACT PERSON: **Janet B. Idema**  
TITLE: **President, Board of Directors**  
PHONE: **(516) 330-4760** EMAIL: **janetidema@gmail.com**

**TOTAL FUNDING REQUEST: \$4,780**

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **89%**

## SECTION 2: PROGRAM DESCRIPTION

### PROGRAM CATEGORY (choose all that apply)

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

### BENEFICIARY CATEGORY

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

### BENEFICIARY NUMBER

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

145

## 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.

Funds will be used to provide resources to pay for utility costs (gas, electric, oil, water, sewer, phone, and trash removal) for the approximate 4 months we provide services. Immanuel Shelter is open 4:00 p.m.-7:30 a.m. daily, 7 days a week from early December, 2017 through the end of March, 2018.

Our goal is to save lives during the winter months when individuals experiencing homelessness are exposed to harsh weather conditions. The shelter serves at-risk adults in our area, many of whom have emotional and physical health issues and/or struggle with substance abuse, as well as individuals recently released from prison. Drugs, alcohol and/or weapons are absolutely forbidden. All who are served have little or no support and no place to live. The shelter provides nutritious hot evening meals, clothing for the winter temperatures, hot showers, a safe place to sleep, and friendly companionship. Our volunteers and staff are trained to care for our guests using a trauma-based approach demonstrating compassion and respect for the dignity of all Immanuel guests realizing that homelessness is in itself a destabilizing and traumatizing experience.

Our shelter has monthly costs for utilities, and we are asking for your financial support for gas, electric, oil, water, sewer, phone and trash removal. This application is not asking for funding for internet or cable.



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

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

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

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



### SECTION 4: BUDGET

<b>REVENUE</b>	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
<b>TOTAL REVENUES</b>	\$0.00 <del>4,780.00</del>
<b>EXPENDITURES</b>	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. <b>(Put amounts in as a negative)</b>	
Electricity	-\$ 1,440.00
Gas	-\$ 960.00
Oil	-\$ 960.00
Water	-\$ 280.00
Sewer	-\$ 200.00
Trash Removal	-\$ 400.00
Telephone	-\$ 540.00
<b>TOTAL EXPENDITURES</b>	<del>-\$4780.00</del>
<b>TOTAL DEFICIT FOR PROJECT OR ORGANIZATION</b>	<b>\$ 4,780.00</b>

### SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Immanuel Shelter, Inc. agrees that:  
(Name of Organization)

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

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

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

Garet B. Dima  
Applicant/Authorized Official

Dec 20, 2017  
Date

Diane E. Raynes  
Witness

12/20/17  
Date

Completed application can be submitted by:

Email: [gjennings@sussexcountype.gov](mailto:gjennings@sussexcountype.gov)

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



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

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

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

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

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

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

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

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

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

Janet B Aldema  
Applicant/Authorized Official

President, Board of Directors  
Title

Diane E. Raynes  
Witness

12/20/17  
Date

Cole  
1/02/18

**To Be Introduced 1/9/18**

**Council District No. 2 - Wilson  
Tax I.D. No. 530-9.00-4.00 & 530-4.00-23.00  
911 Address: 6939 Hickman Road, Greenwood**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RETIREMENT COMMUNITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 43.748 ACRES, MORE OR LESS**

**WHEREAS, on the 12th day of December 2017, a conditional use application, denominated Conditional Use No. 2123, was filed on behalf of Mark Yoder, Jr.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2123 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2123 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 Northwest Fork Hundred, Sussex County, Delaware, and lying at the southeast corner of Hickman Road and University Drive and being more particularly described in the attached deeds prepared by Smith & McCartney, LLC, said parcel containing 43.748 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 1/9/18**

**Council District No. 3 - Burton  
Tax I.D. No. 235-22.00-424.00  
911 Address: 16040 Hudson Road, Milton**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN AGRICULTURAL EDUCATIONAL FACILITY WITH COMMERCIAL KITCHEN TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 3.9785 ACRES, MORE OR LESS**

**WHEREAS, on the 6th day of December 2017, a conditional use application, denominated Conditional Use No. 2124, was filed on behalf of Jeri Berc; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2124 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County determined, based on the findings of facts, that said conditional use is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County, and that the conditional use is for the general convenience and welfare of the inhabitants of Sussex County.**

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2124 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 west side of Hudson Road approximately 400 feet south of Eagles Crest Road and being more particularly described in the attached deed prepared by Ellis & Szabo, LLP, said parcel containing 3.9785 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 01/09/18**

**Council District No. 5 - Arlett  
Tax I.D. No. 533-11.00-82.00  
911 Address: 36161 Zion Church Road, Frankford**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-1 HIGH - DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 14.8455 ACRES, MORE OR LESS**

**WHEREAS, on the 6th day of December 2017, a zoning application, denominated Change of Zone No. 1849, was filed on behalf of Batson Oaks, LLC.; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1849 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 HR-1 High - Density Residential 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 Baltimore Hundred, Sussex County, Delaware, and lying on the northeast side of Zion Church Road approximately 0.27 mile northwest of Bayard Road, and being more particularly described as per the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 14.8455 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.**

MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B HUDSON  
ROBERT C. WHEATLEY



2 THE CIRCLE | PO BOX 417  
GEORGETOWN, DE 19947  
(302) 855-7878 T  
(302) 854-5079 F  
sussexcountyde.gov

# Sussex County Planning & Zoning Commission

## PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date December 14, 2017

Application: CU 2108 Bella Terra, LLC KS

Applicant: Bella Terra, LLC  
13482 Spicer Rd.  
Ellendale, DE 19941

Owner: Michael Schimmel  
21429 Bella Terra Dr.  
Lincoln, DE 19960

Site Location: West side of Spicer Rd. approximately 370 ft. south of Milton-  
Ellendale Hwy.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Landscape business with outdoor storage & a retail garden center

Comprehensive Land  
Use Plan Reference: Low Density Area

Councilmatic  
District: Mr. Burton

School District: Milford School District

Fire District: Ellendale Fire District

Sewer: On-Site Septic

Water: On-Site Well

Site Area: 39.004 ac. +/-

Tax Map ID.: 230-27.00-70.00



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



**Sussex County**

DELAWARE  
sussexcountype.gov

## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: December 6, 2017  
RE: Staff Analysis for CU 2108 Bella Terra, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2108 Bella Terra, LLC to be reviewed during the December 14, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 230-27.00-70.00 to allow for landscape business with outdoor storage & a retail garden center. The size of the property is 39.004 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land use to the north are Low Density Areas and Developing Areas. The surrounding land use to the south, east and west are Low Density Areas. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation.

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

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for a landscape business with outdoor storage & a retail garden center could be considered consistent with the land use, surrounding zoning and uses.





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



**Sussex County**

DELAWARE  
sussexcountyde.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 6, 2018

RE: County Council Report for CU 2108 Bella Terra, LLC

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The Planning and Zoning Department received an application (Group CU 2108 Bella Terra, LLC) to allow for a landscape business with outdoor storage & a retail garden center to be located on Spicer Rd. The Planning and Zoning Commission held a public hearing on December 14, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, comments from Sussex Conservation District, and conceptual site plan.

The Commission found that Michael Schimmel was present on behalf of the application; that Mr. Schimmel stated the company has grown; that he used a seven acres parcel down the road which has a conditional use; that he has purchased this land and wants a conditional use for a landscaping business and retail garden center; that he was to starting growing plants, shrubs, trees, etc.; that he would like to open a retail garden center along with the landscape business; that the use does exist; that they have 45 to 50 employees now and expect another 20 or more employees for the retail center; that they intend to grow most of the items and bring in other items; that the hours of operation for the retail center are 7:00 am to 7:00 pm Monday through Saturday; that they are closed on Sunday; that the retail center would be open on Sunday; that they have a snow removal operation which will have different hours depending on weather; that approximately 20 acres of the property is wooded and 20 acres of the property has been cleared; that they plan to leave the woods; that they would like a 32 square foot sign; that there will be approximately 50 parking spaces for the retail center; however, start off with 20 parking spaces; that there are 30 parking spaces for the landscaping business trucks; that there is no chipping or mulching on the site; that the proposed hours of operation of the landscape business is 6:00 am to 8:00 pm; that this will allow for closing of the store in the evening and staff to pick up equipment in the morning; that they have 15 trailers; that they will have 50 employee parking spaces; that some of the employees have company vehicles, reducing the number of personal vehicles on site; that they will store mulch for use and sales; that they have an in house mechanic and all the work is done indoors; and that the hours of operation for the landscaping business is Monday through Saturday 6:00 am to 8:00 pm and the retail center will be Monday through Sunday 6:00 am to 8:00 pm.



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

The Commission found that no one spoke in favor of the application or in opposition to the application.

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

Motion by Ms. Stevenson, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on December 21, 2017, the Planning Commission discussed the application which had been deferred since December 14, 2017.

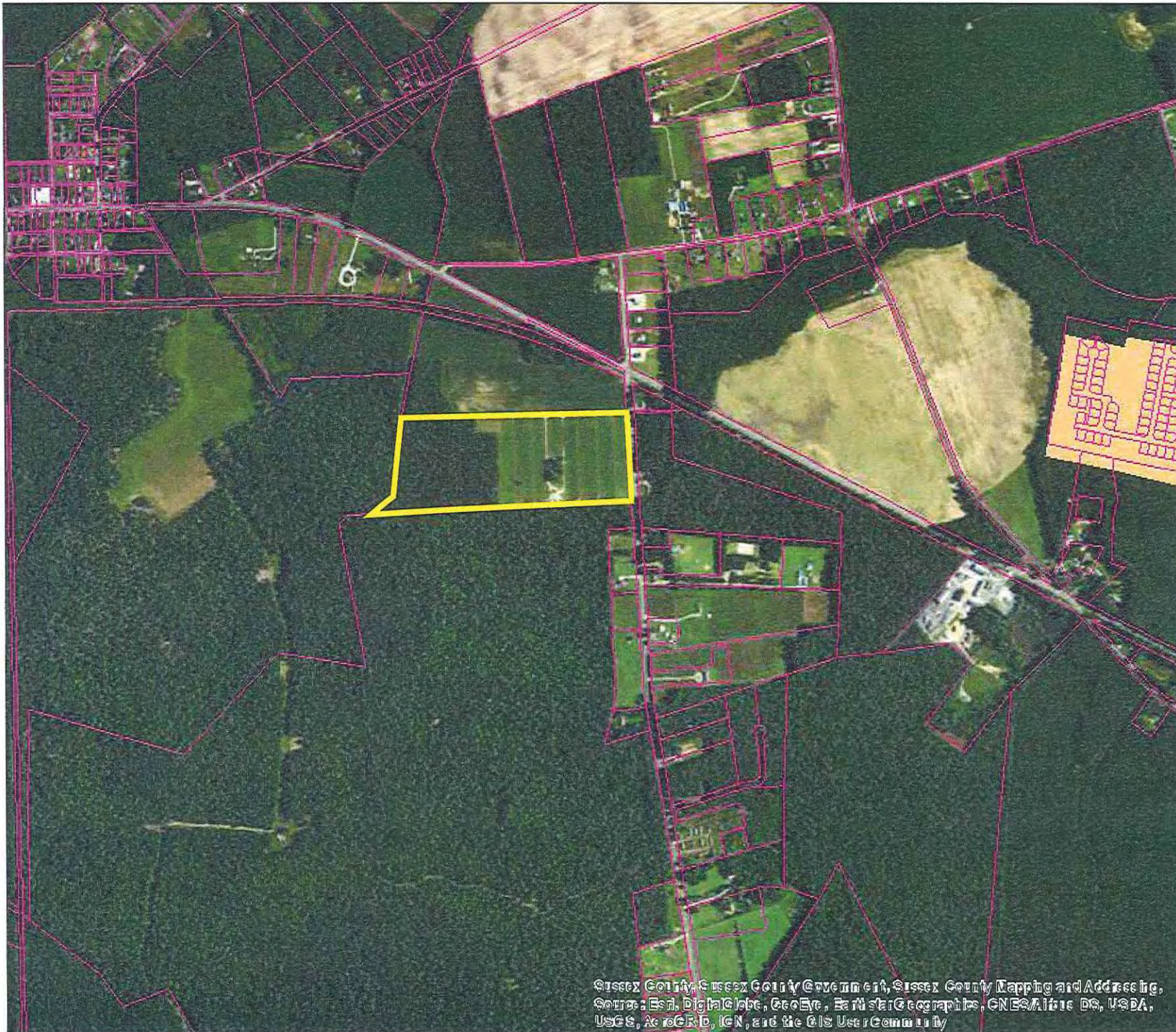
Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2108 for Bella Terra, LLC for a landscape business with outdoor storage and a retail garden center based upon the record made during the public hearing and for the following reasons:

1. The property is a large parcel consisting of 30.004 acres more or less and is located in a Low Density Area which designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture.
2. The property is zoned AR-1 Agricultural Residential. The use of the property as a landscaping business with outdoor storage and a retail garden sales center is consistent with the underlying agricultural zoning.
3. The use will not adversely affect the nature of the area or neighboring properties.
4. The intended use of the property as a material storage and landscaping sales facility is of a public or semi-public character that will benefit the residents and visitors of Sussex County.
5. With the conditions and limitations placed upon the use, it will not have an adverse impact upon traffic, roadways or area properties.
6. This recommendation is subject to the following conditions:
  - A. The use shall be limited to landscaping business with outdoor storage and a retail garden sales center. Storage and sale of mulch is permitted.
  - B. No manufacturing shall occur on the site. This prohibition includes the chipping, shredding, or grinding of any materials and also includes the dyeing of mulch or similar materials.
  - C. Any security lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
  - D. The Applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
  - E. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.
  - F. Except as otherwise provided, all materials shall be stored in bins on a concrete or hot mix base. All runoff from the bins shall be controlled so that it does not travel to neighboring or adjacent properties, or adversely affect groundwater on the site.
  - G. Any chemicals related to this conditional use shall be stored in a building, shed, or covered structure so that chemicals are not left outside.
  - H. Repairs of any tools, equipment, machinery, vehicles, devices, or any other instruments used in the operation of the business shall performed in a building, shed, or covered structure.
  - I. One lighted sign, not to exceed 32 square feet per side shall be permitted.

- J. The area permitted under this conditional use is limited to the front portion of the Property closest to Spicer Road and shall not include the rear portion of the Property where there are existing woodlands. The area of the conditional use must be clearly marked on the Final Site Plan.
- K. The Applicant shall be permitted to store up to 30 work trucks with trailers.
- L. The landscape business shall only operate between the hours of 6:00 am until 8:00 pm, Monday through Saturday. The retail garden center shall operate between the hours of 6:00 am until 8:00 pm, Monday through Sunday.
- M. The parking and storage areas shall be shown on the Final Site Plan, and clearly marked on the site itself.
- N. The failure to abide by these conditions shall result in the termination of the conditional use approval.
- O. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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





**Addresses / Parcels**

■ TaxParcels

**Council Districts**

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

**Schools/Libraries**

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

**Hydrology**

~ Streams / Rivers

■ Lakes, Ponds, Bays

**Flood Zones**

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

■ VE

■ Public Protected Lands

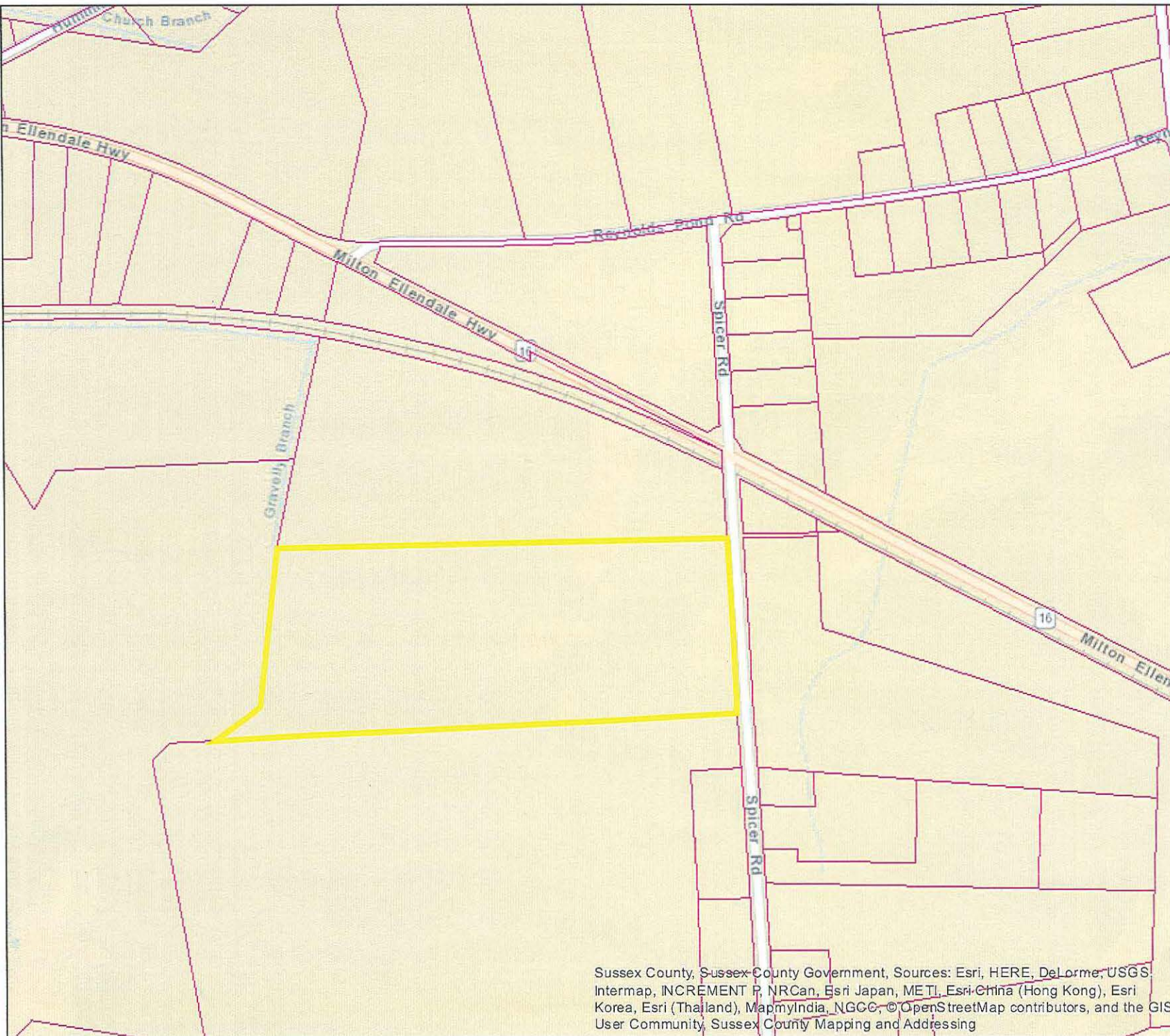
■ Municipalities

■ Communities

■ Boundaries State County

Sussex County, Sussex County Government, Sussex County Mapping and Addressing,  
Source: Esri, DigitalGlobe, GeoEye, EarthstarGeographics, CNES/Airbus DS, USDA,  
USGS, AeroGRID, IGN, and the GIS User Community





**Addresses / Parcels**

□ TaxParcels

**Council Districts**

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

**Schools/Libraries**

□ School Buildings (Various)

□ School Library

□ Public Library

□ Special Library

□ DOE School Districts

□ DOE VoTech School Districts

**Hydrology**

□ Streams / Rivers

□ Lakes, Ponds, Bays

**Flood Zones**

□ 0.2% Annual Chance Flood Hazard

□ A

□ AE

□ AO

□ Open Water

□ VE

□ Public Protected Lands

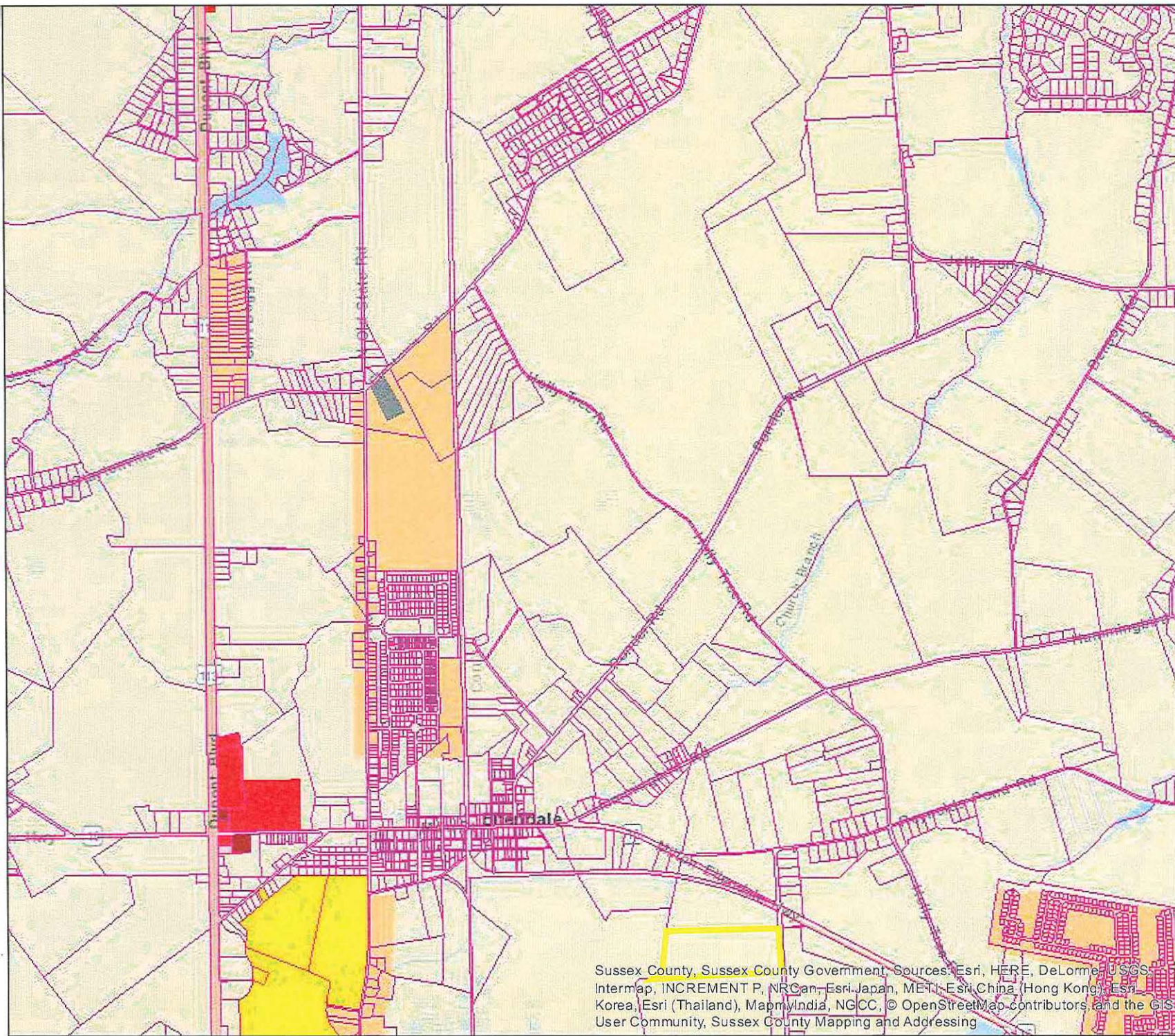
□ Municipalities

□ Communities

□ Boundaries State County

Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri-China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing





**Addresses / Parcels**

- TaxParcels

**Council Districts**

- Fire Districts
- County District 01
- County District 02
- County District 03
- County District 04
- County District 05
- County Boundaries

**Schools/Libraries**

- ▤ School Buildings (Various)
- ▤ School Library
- ▤ Public Library
- ▤ Special Library
- ▤ DOE School Districts
- ▤ DOE VoTech School Districts

**Hydrology**

- ▤ Streams / Rivers
- ▤ Lakes, Ponds, Bays

**Flood Zones**

- ▤ 0.2% Annual Chance Flood Hazard
- ▤ A
- ▤ AE
- ▤ AO
- ▤ Open Water
- ▤ VE

- ▤ Public Protected Lands
- ▤ Municipalities
- ▤ Communities
- ▤ Boundaries State County

Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing

**Sussex County Map**





**Introduced 08/08/17**

**Council District No. 3 – Burton  
Tax I.D. No. 230-27.00-70.00  
911 Address: 13482 Spicer Road, Ellendale**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A LANDSCAPING BUSINESS WITH OUTDOOR STORAGE AND A RETAIL GARDEN CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK AND BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 39.004 ACRES, MORE OR LESS**

**WHEREAS, on the 30th day of June 2017, a conditional use application, denominated Conditional Use No. 2108, was filed on behalf of Bella Terra, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2108 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2108 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 Cedar Creek and Broad Creek Hundred, Sussex County, Delaware, and lying on the west side of Spicer Road, approximately 370 feet south of Milton-Ellendale Highway, and being more particularly described per the attached deed prepared by Baird Mandalas Brockstedt, LLC, said parcel containing 39.004 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.**

MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B HUDSON  
ROBERT C. WHEATLEY



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# Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET  
Planning Commission Public Hearing Date December 14, 2017

Application: CU 2109 Quakertown Wellness Center KS

Applicant/Owner: Kim Furtado, Furtado LLC  
1307 Savannah Rd.  
Lewes, DE 19958

Site Location: South east side of Savannah Rd, approximately .85 mile east of  
Wescoats Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Holistic Treatment Center including massage, acupuncture and  
Chiropractor

Comprehensive Land  
Use Plan Reference: Environmentally Sensitive Developing Areas

Councilmatic  
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: On-Site Septic

Water: City of Lewes

Site Area: 0.55 ac. +/-

Tax Map ID.: 335-8.14-49.00 & 335-8.00-35.00



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PLANNING & ZONING DIRECTOR  
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janelle.cornwell@sussexcountyde.gov



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## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: December 5, 2017  
RE: Staff Analysis for CU 2109 Quakertown Wellness Center

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2109 Quakertown Wellness Center to be reviewed during the December 14, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcels 335-8.14-49.00 and 35.00 to allow for a holistic treatment center including massage, acupuncture and chiropractor. The size of the property is 0.55 ac. +/- . The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land use to the north, east and west are Environmentally Sensitive Developing Areas. The properties to the south are located within the City of Lewes. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and west are zoned AR-1 (Agricultural Residential District) and B-1 (Neighborhood Business District). The properties to the east are zoned AR-1 (Agricultural Residential District) with some located in the City of Lewes. The properties to the south are located in the City of Lewes. There are multiple Conditional Uses in the area for office uses.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use request to allow for holistic treatment center including massage, acupuncture and chiropractor could be considered consistent with the land use, surrounding zoning and uses.



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## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 6, 2018

RE: County Council Report for CU 2109 Quakertown Wellness Center

---

The Planning and Zoning Department received an application (CU 2109 Quakertown Wellness Center) to allow for a holistic treatment center including massage, acupuncture and Chiropractor to be located on Savannah Rd. The Planning and Zoning Commission held a public hearing on December 14, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, a site plan, comments from the Sussex Conservation District, results from the DeIDOT Service Level Evaluation that stated a TIS is not required, and a number of letters in support.

The Commission found that Kim Furtado was present on behalf of the application; that Ms. Furtado stated that the business has been in operation since 2001; that they were operating their practice about five doors down the street; that they are an established center that provides wellness services; that are asked to moving their practice and found this location; that they have practitioners ranging from massage therapy, acupuncture, naturopathic medicines and natural healings; that the hours of operation are 7:00 am to 9:00 pm Monday through Saturday; that all the work is by private appointment; that most appointments are between 9:00am and 5:00pm; that there are some classes or meditation classes in the evening; that are some workshops on Saturday; that there are some Sunday classes or treatment session; that there will be one 32 square foot lighted sign per side; that they will have trash pick-up, using residential containers, and there will not be a dumpster on the site; that there will be a buffer on the southwest of the property; that they offered a living hedge but the owner wants a fence and they are willing to install a fence; and that they will have parking; that they will comply with all DeIDOT requirements; that they will do a site plan; that the use is consistent with other medical uses along the road; and that she submitted 25 letters of support in addition to the 65 letters of support that were already submitted.

The Planning Commission found that Rev. Sue Grier and Athena Aldridge spoke in favor of the application; that they have worked with the center; that that this was a good location; that this would create a lot of new jobs; and that they have community support and it is a good location for a healing center.



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The Commission found that no one spoke in opposition of the application.

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

Motion by Ms. Stevenson, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on December 21, 2017, the Planning Commission discussed the application which had been deferred since December 14, 2017.

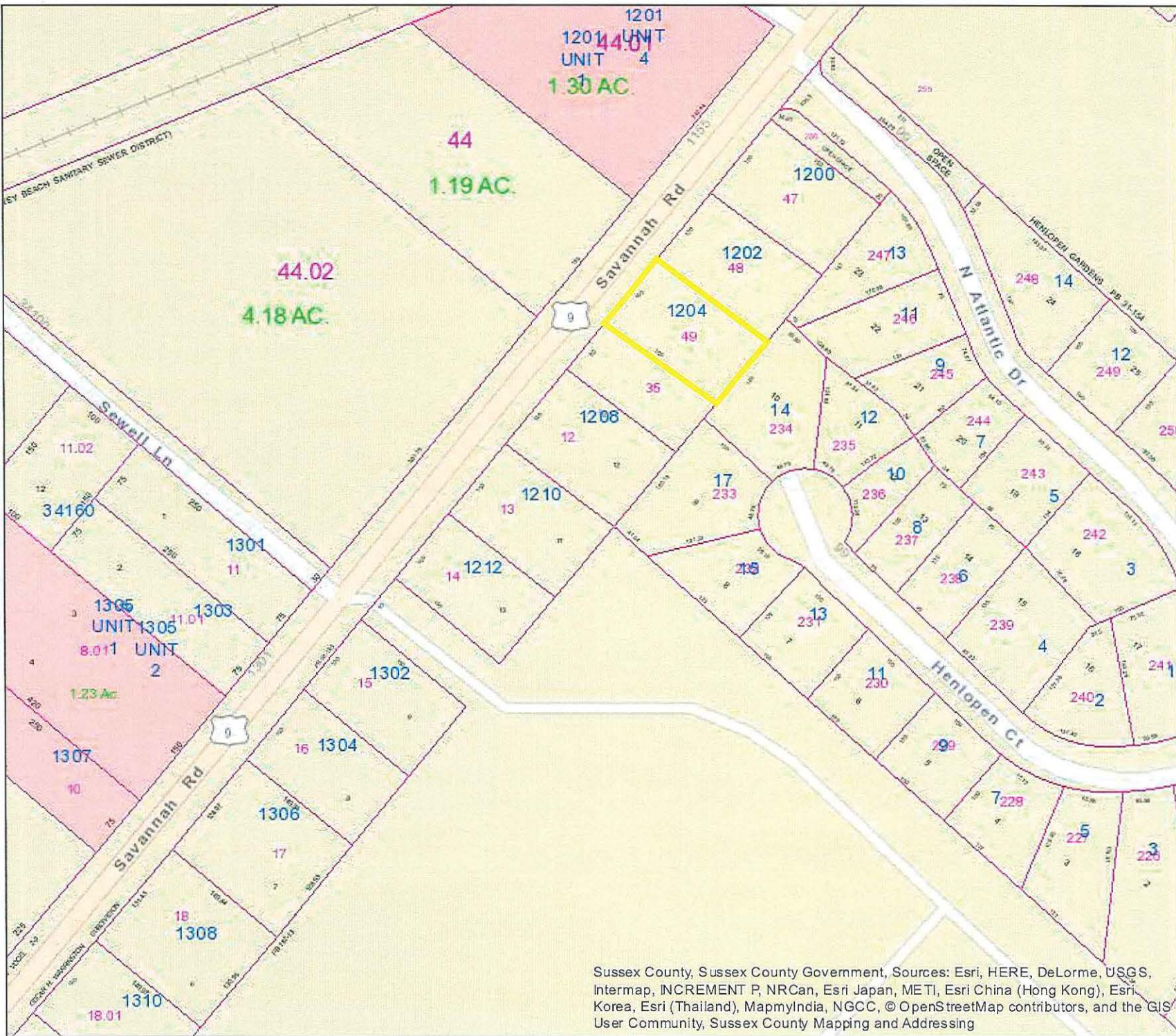
Mr. Wheatley moved that the Commission recommend approval of Conditional Use #2109 for Quakertown Wellness Center for a holistic treatment center including massage, acupuncture, and chiropractor based upon the record made during the public hearing and for the following reasons:

1. The project is located on the southeast side of Savannah Road in an area where there are mixed uses of residences and businesses. The primary uses in the area are offices and residential. There are multiple conditional uses in the area for office uses.
2. With the conditions imposed on this use, this is an appropriate location for the conditional use.
3. The Property is currently zoned AR-1 (Agricultural Residential) and the proposed project meets the purposes and requirements of that District. This application is for a conditional use in an AR-1 district.
4. The proposed project will be served by central water and will have on-site septic in accordance with Federal, State, and County requirements.
5. The property will be used as a holistic treatment center including massage, acupuncture, and chiropractor and will have a minimal impact on the character of the neighborhood.
6. The project, with the conditions and limitations placed upon it, will not have an adverse impact on the neighboring properties or community.
7. The proposed project meets the purposes and standards of the Sussex County Zoning Code and the purposes of the AR-1 district.
8. This recommendation for approval is subject to the following conditions and stipulations:
  - a. The project shall be served by a publicly regulated central water system providing drinking water and fire protection as required by applicable regulations.
  - b. As stated by the applicant, there shall be no more than 3,500 square feet of holistic health and professional office space on the site.
  - c. One lighted sign, not to exceed 32 square feet per side shall be permitted.
  - d. Trash generated by the business shall be managed by residential trash bins in a fashion similar to trash bins for residential usage.
  - e. All entrances, intersections, roadway improvements, and multi-modal facilities required by DelDOT shall be completed by the Applicant as required by DelDOT.
  - f. A fence and a landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the facility will be screened from view from any residential properties. The fence and landscape buffer must be located on the project site. The Final Site Plan shall contain a landscape plan showing the planned vegetation within this buffer area.
  - g. Any security lighting shall be low-level lighting on a timer and downward screened so that it does not shine onto neighboring properties or roadways.

- h. Hours of operation shall be between 7 am and 9 pm, Monday through Saturday with limited Sunday hours by appointment provided that there shall be no appointments after 5 pm on Sundays.
- i. The failure to abide by these conditions shall result in the termination of the conditional use approval.
- j. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.
- k.

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





**Addresses / Parcels**

□ TaxParcels

**Council Districts**

□ Fire Districts

- County District 01
- County District 02
- County District 03
- County District 04
- County District 05

□ County Boundaries

**Schools/Libraries**

- ▣ School Buildings (Various)
- ▣ School Library
- ▣ Public Library
- ▣ Special Library
- ▣ DOE School Districts
- ▣ DOE VoTech School Districts

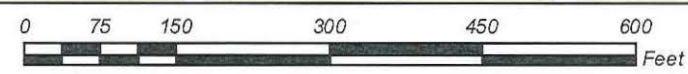
**Hydrology**

- ~ Streams / Rivers
- ▣ Lakes, Ponds, Bays

**Flood Zones**

- ▣ 0.2% Annual Chance Flood Hazard
- ▣ A
- ▣ AE
- ▣ AO
- ▣ Open Water
- ▣ VE
- ▣ Public Protected Lands
- ▣ Municipalities
- ▣ Communities
- ▣ Boundaries State County

Sussex County, Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCAN, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community, Sussex County Mapping and Addressing







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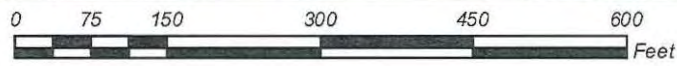
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**Flood Zones**

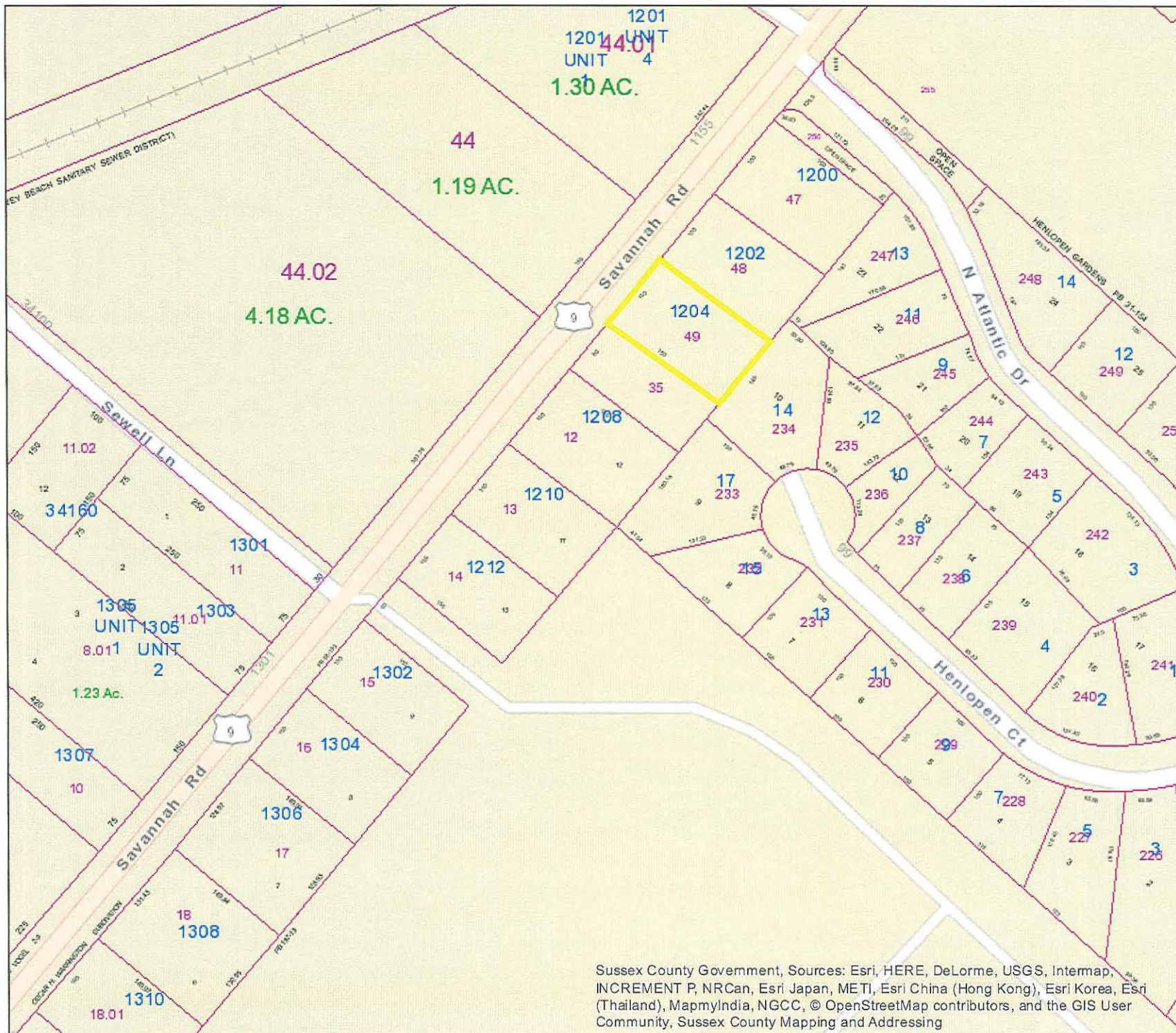
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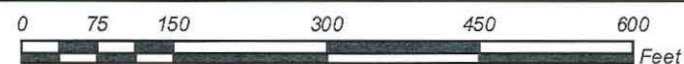
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**Introduced 08/22/17**

**Council District No. 3 – Burton  
Tax I.D. No. 335-8.14-49.00 and 335-8.00-35.00  
911 Address: 1204 Savannah Road, Lewes**

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

**AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOLISTIC TREATMENT CENTER INCLUDING MASSAGE, ACUPUNCTURE, AND CHIROPRACTOR TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.55 ACRE, MORE OR LESS**

**WHEREAS, on the 12th day of July 2017, a conditional use application, denominated Conditional Use No. 2109, was filed on behalf of Quakertown Wellness Center; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2109 be \_\_\_\_\_; and**

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

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

**Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2109 as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southeast side of Savannah Road, approximately 0.85 mile east of Wescoats Road, and being more particularly described per the attached deed prepared by Smith McCartney & Owens, LLC, said parcel containing 0.55 acre, more or less.**

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



MARTIN L. ROSS, CHAIRMAN  
KIM HOEY STEVENSON, VICE CHAIRMAN  
R. KELLER HOPKINS  
DOUGLAS B HUDSON  
ROBERT C. WHEATLEY



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# Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET  
Planning Commission Public Hearing Date December 14, 2017

Application: CZ 1835 HKLS, LLC KH

Applicant/Owner: HKLS, LLC  
128 East Side Dr.  
Rehoboth Beach, DE 19971

Site Location: South west corner of Plantations Rd. and Cedar Grove Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: B-1 (Neighborhood Business District)

Comprehensive Land  
Use Plan Reference: Environmentally Sensitive Developing Areas & Mixed Residential  
Areas

Councilmatic  
District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 4.48 ac. +/-

Tax Map ID.: 334-12.00-51.00



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**Sussex County**

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## Memorandum

To: Sussex County Planning Commission Members  
From: Janelle Cornwell, AICP, Planning & Zoning Director  
CC: Vince Robertson, Assistant County Attorney and applicant  
Date: December 5, 2017  
RE: Staff Analysis for CZ 1835 HKLS, LLC

---

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1835 HKLS, LLC to be reviewed during the December 14, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 334-12.00-51.00 to allow for the change in zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District). The size of the property is 4.48 ac. +/-.

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

The surrounding land use to the north, south and east are Environmentally Sensitive Developing Areas, Mixed Residential Areas. The surrounding land use to the west are Environmentally Sensitive Developing Areas. The Environmentally Sensitive Developing Areas land use designations recognizes that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. Retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. Institutional uses can be appropriate to provide for convenient services and allow people to work from home. The Mixed Residential Areas land use designation recognizes that the full range of housing types are appropriate including single family, townhouses and multi-family with non-residential development not encouraged. The B-1 (Neighborhood Business District) zoning district is a zoning classification that can be considered within the Environmentally Sensitive Developing Areas and Mixed Residential Areas.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and west are zoned AR-1 (Agricultural Residential District) and MR (Medium Density Residential District). The properties to the south and east are zoned AR-1 (Agricultural Residential District). There was a Conditional Use (CU 1848) on the property for business and professional office that has expired. There are no other known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone request to allow for the change in zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) could be considered consistent with the land use and it could be considered consistent with some of the surrounding uses and surrounding zoning.



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**Sussex County**

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sussexcountype.gov

## Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 6, 2018

RE: County Council Report for CZ 1835 HKLS, LLC

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The Planning and Zoning Department received an application (CZ 1835 HKLS, LLC) to allow for a Change of Zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) to be located on the southwest corner of Plantations Rd. and Cedar Grove Rd. The Planning and Zoning Commission held a public hearing on December 14, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a site plan, exhibit booklet, 3 letters of support, comments from the Sussex Conservation District, staff analysis, and staff would amend the staff analysis due to the Board of Adjustment granted approval for an assisted living facility adjacent to this property; therefore, the change of zone could be consistent with the uses in the neighborhood.

The Commission found that Robert Gibbs, Esquire of Morris James Wilson Halbrook and Bayard, LLP, three of the four members of HKLS, LLC, and Ring Lardner with Davis, Bowen and Friedel were present on behalf of the application; that Mr. Gibbs stated that the property is zoned AR-1 and is vacant that the proposed zoning classification is B-1; that this property was previously granted an conditional use for medical offices in 2009; that the project did not go forward; that the intent of the property is for the use of general business and professional offices as permitted in the B-1 Zoning District; that this is an Environmental Sensitive Developing Area and Mixed Residential Area per the Future Land Use plan in the 2008 Comp Plan; that it is in the a Level 2 in the State Strategies; that the use is consistent with the strategies and land use; that DelDOT previously granted a letter of no objection in 2009 for the prior application; that a Service Level Evaluation was completed for the new application and the results are in the file; that a TIS was not required for the rezoning; that the property does not contain any federal wetlands, it is not in any floodplain and no known historical places; that the property is served by Sussex County sewer and Tidewater Utilities for water; that Plantations Road is beginning to develop for economic growth; that the Board of Adjustment just granted a Special Use Exception for an assisted living facility on the adjacent property; that this property is located at the new intersection of Plantations Rd. and Cedar Grove Rd.; that this an ideal use for the site; that there is mixed use holistic center, Plantations Park Community Center, Metropolitan Community Church of Rehoboth and an Sussex County Paramedic station in the area;



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that there is another pending rezoning to B-1 in the area; that Lowes in at the other end of Plantations Rd.; that the Beebe Complex is located on Route 24 and plans to expand and this would be consistent with that use; that there are many different zoning districts in the area; that is could help reduce the need to go out onto Rt. 1 for services; that Mr. Lardner state that the primary access would be off of Cedar Grove Rd.; that DelDOT left an entrance off of Cedar Grove Rd. when the intersection was redesigned; that there could be access off of Plantations Road depending on discussion with DelDOT; that there has been some discussion about the possibility of interconnectivity with the potential assisted living facility; that this would be reviewed as part of the site plan if the Change of Zone is approved; that Mr. Gibbs stated that the propose of the B-1 Zoning District is consistent with the area and would be a permitted use the area; and that there is a cemetery in the area that will be delineated.

The Commission found that no one spoke in favor of or in opposition to the application.

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

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 5-0.

At their meeting on December 21, 2017, the Planning Commission discussed the application which had been deferred since December 14, 2017.

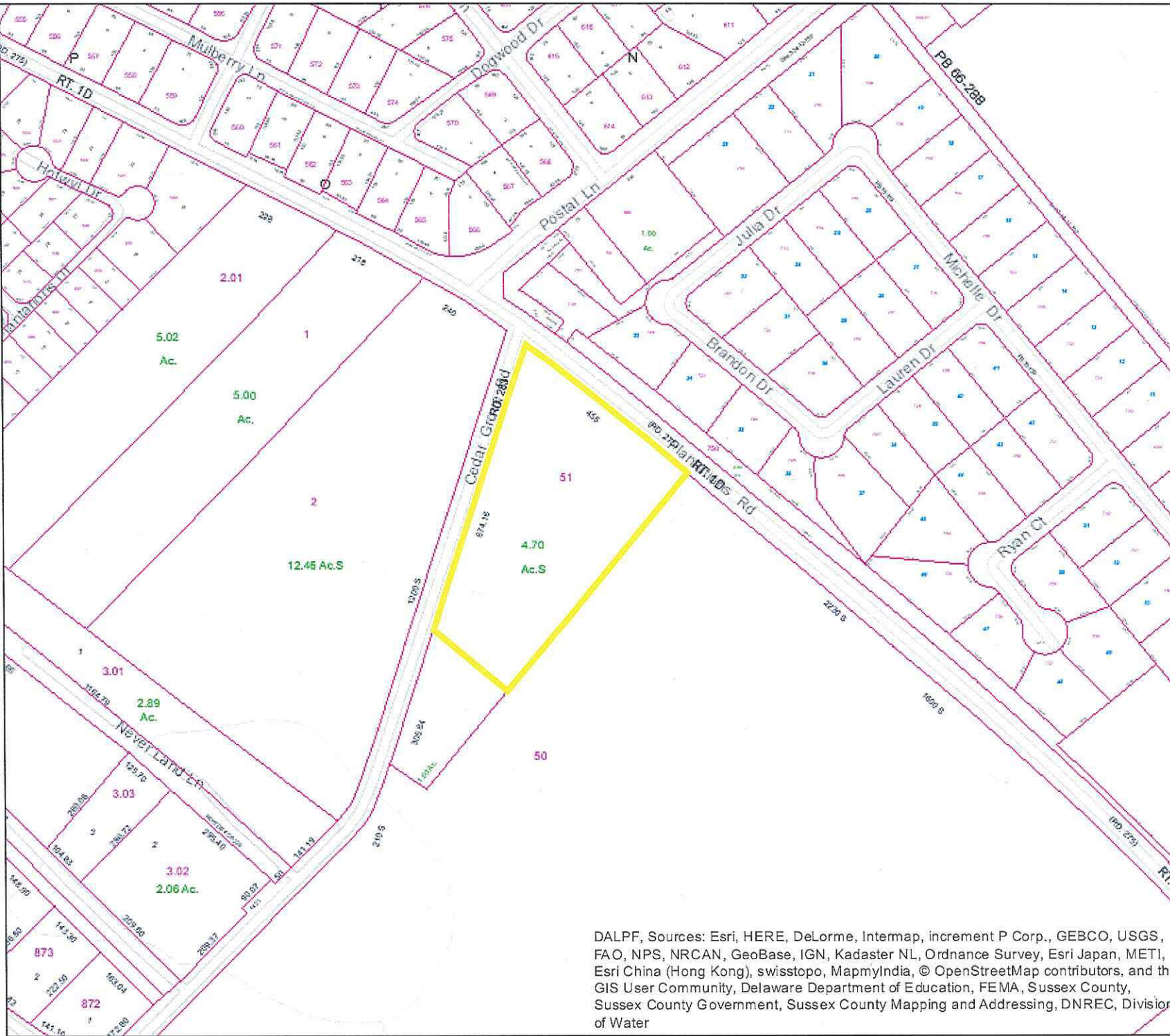
Mr. Hopkins moved that the Commission recommend approval of Change in Zone # 1834 for HKLS, LLC, for a change in zone from AR-1 to B-1 based upon the record made during the public hearing and for the following reasons:

1. The site is located on the southern corner of the intersection of Plantations Road and Cedar Grove Road. Existing residential developments are located nearby and preliminary approval for a special use exception for an assisted living facility on an adjacent parcel was recently granted. These uses make the site an appropriate location for B-1 zoning and it will provide neighborhood business uses in a location that is convenient to many homes. It will also eliminate the current need to travel to Route 1 for certain needs.
2. According to the County's Comprehensive Land Use Plan, the site is identified as being within the Environmentally Sensitive Developing Areas and Mixed Residential Areas. B-1 Zoning is appropriate within these Areas according to the Plan.
3. According to the Zoning Code, B-1 Zoning is appropriate "to provide retail shopping and personal service uses, ... to serve the needs of a relatively small area, primarily nearby rural, low density or medium density residential neighborhoods." This application satisfies this purpose of B-1 Zoning.
5. The B-1 District is the most limited commercial zoning district in the County. It is appropriate in this location since it will limit the type and size of the uses that may occur at the site.
6. The rezoning is consistent with the developing character of the area and will not adversely affect the neighboring properties and roadways.
7. The proposed zoning meets the purpose of the Zoning Ordinance since it promotes the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
8. The site is served by central water and Sussex County will provide wastewater service to the site.

9. Any future development of the site will require site plan approval by the Sussex County Planning & Zoning Commission as well as entrance and roadway improvements from the Department of Transportation.
10. No parties appeared in opposition to the proposed rezoning.

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





**Addresses / Parcels**

- Tax Parcels
- Council Districts**
- Fire Districts
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- County Boundaries

**Schools/Libraries**

- School Buildings (Various)
- School Library
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- DOE VoTech School Districts

**Hydrology**

- Streams / Rivers
- Lakes, Ponds, Bays

**Flood Zones**

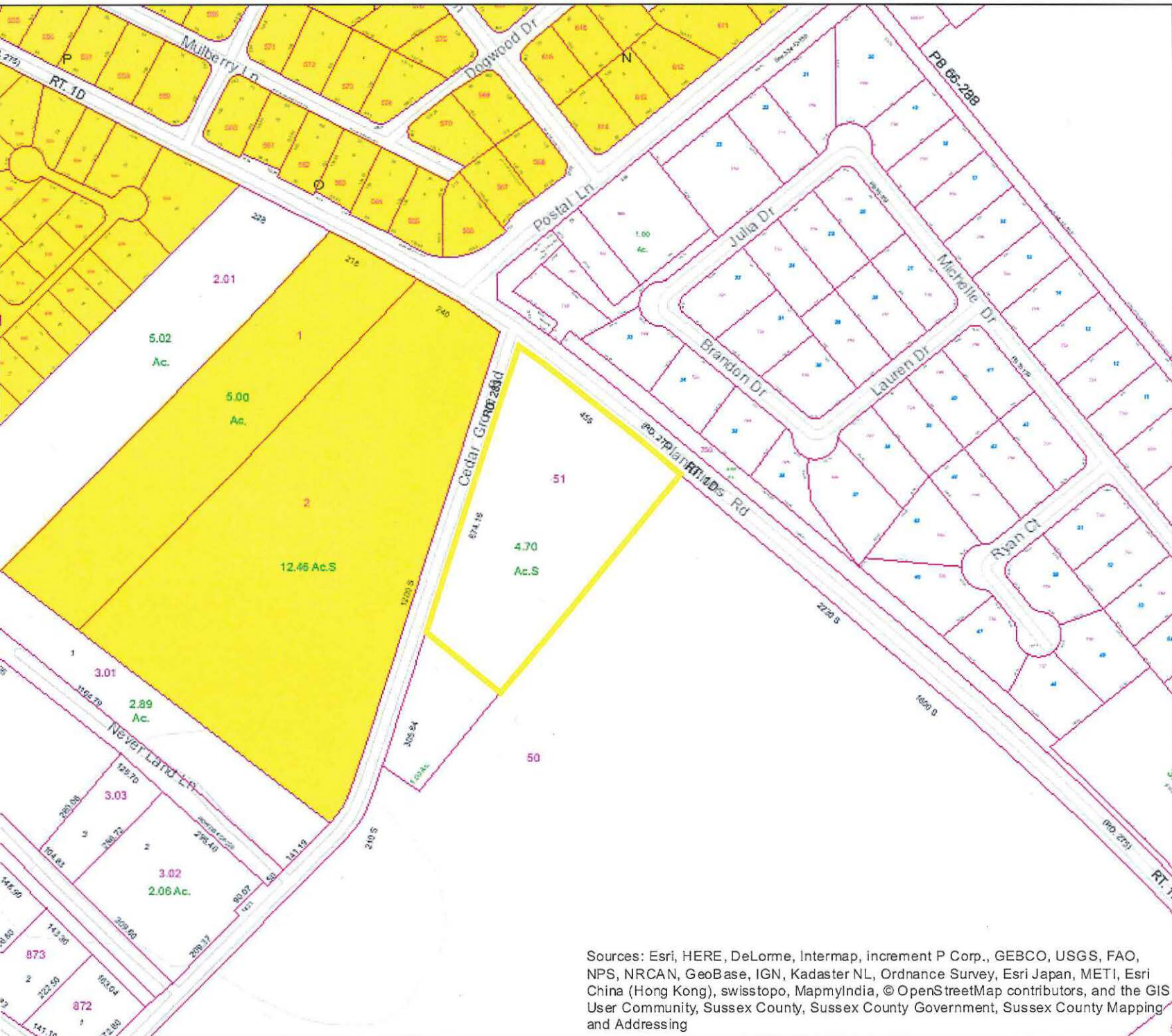
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DALPF, Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Delaware Department of Education, FEMA, Sussex County, Sussex County Government, Sussex County Mapping and Addressing, DNREC, Division of Water







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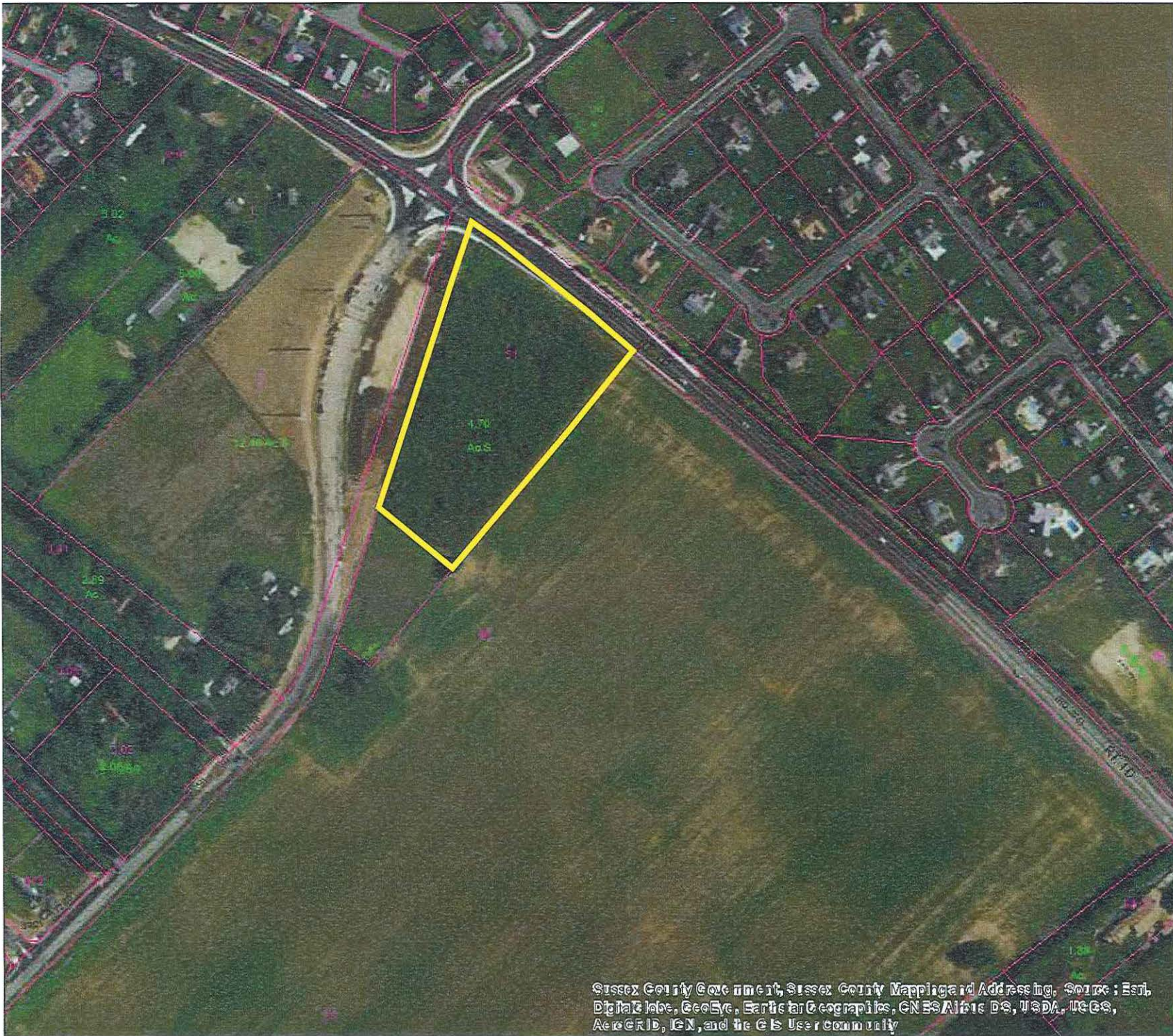
**Flood Zones**

- ▤ 0.2% Annual Chance Flood Hazard
- ▤ A
- ▤ AE
- ▤ AO
- ▤ Open Water
- ▤ VE
- ▤ Public Protected Lands
- ▤ Municipalities
- ▤ Communities
- ▤ Boundaries State County

Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community, Sussex County, Sussex County Government, Sussex County Mapping and Addressing







### Addresses / Parcels

□ TaxParcels

### Council Districts

□ Fire Districts

□ County District 01

□ County District 02

□ County District 03

□ County District 04

□ County District 05

□ County Boundaries

### Schools/Libraries

▮ School Buildings (Various)

▮ School Library

▮ Public Library

▮ Special Library

▮ DOE School Districts

▮ DOE VoTech School Districts

### Hydrology

▮ Streams / Rivers

▮ Lakes, Ponds, Bays

### Flood Zones

▮ 0.2% Annual Chance Flood Hazard

▮ A

▮ AE

▮ AO

▮ Open Water

▮ VE

▮ Public Protected Lands

▮ Municipalities

▮ Communities

▮ Boundaries State County

Sussex County Government, Sussex County Mapping and Addressing. Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User community



**Introduced 07/18/17**

**Council District No. 3 – Burton  
Tax I.D. No. 334-12.00-51.00  
911 Address: Not Available**

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

**AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 4.484 ACRES, MORE OR LESS**

**WHEREAS, on the 21st day of June 2017, a zoning application, denominated Change of Zone No. 1835, was filed on behalf of HKLS, LLC; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1835 be \_\_\_\_\_; and**

**WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_ 2017, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 B-1 Neighborhood Business District as it applies to the property hereinafter described.**

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

**ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the southwest corner of Plantations Road and Cedar Grove Road, and being more particularly described per the attached legal description, said parcel containing 4.484 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.**