



Sussex County Council Public/Media Packet

**MEETING:
February 5, 2019**

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**Sussex County Council
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Georgetown, DE 19947
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COUNTY COUNCIL

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



Sussex County

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SUSSEX COUNTY COUNCIL

AGENDA

FEBRUARY 5, 2019

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Presentation by Bill Andrew, President & CEO, Delaware Electric Cooperative

Todd Lawson, County Administrator

1. Caroling on The Circle Food Drive Recognition
2. Appointment to the Board of Adjustments & Appeals
3. Appointment to the Board of Assessment Review
4. Wetlands and Buffer Working Group Discussion
5. Administrator's Report

10:15 a.m. Public Hearing

Community Development Block Grant Program



10:30 a.m. Public Hearing

“AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III AND VI, §§99-5, 99-18 AND 99-31, OF THE CODE OF SUSSEX COUNTY REGARDING STREETS, STREET DESIGN STANDARDS AND INSPECTIONS AND CLOSEOUT PROCEDURES”

Gina Jennings, Finance Director

- 1. Discussion and Possible Introduction of Pension Ordinance for IRS Compliance Purposes entitled “AN ORDINANCE TO AMEND CHAPTER 26 OF THE CODE OF SUSSEX COUNTY RELATING TO PENSION BENEFITS FOR SUSSEX COUNTY EMPLOYEES TO BRING THE CODE INTO COMPLIANCE WITH THE UNITED STATES INTERNAL REVENUE CODE”**

Brandy Nauman, Housing Coordinator and Fair Housing Compliance Officer

- 1. Affordable Housing RFP Discussion and Recommendation**

Hans Medlarz, County Engineer

- 1. GHD, Inc. Base Contract**
 - A. Amendment 16 – Ocean Outfall Discharge Modelling and Wetlands Delineation for the Expansion of the South Coastal Regional Wastewater Facilities and Additional Design Services for the Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program Upgrade, Phase 2**

John Ashman, Director of Utility Planning

- 1. Holiday Inn Express at Midway – Use of Existing Infrastructure Agreement**
- 2. God’s People for Purpose Ministries – Use of Existing Infrastructure Agreement**

Grant Requests

- 1. Greater Lewes Foundation for the Lewes In Bloom Children’s Learning Garden**
- 2. American Cancer Society for Relay For Life of Sussex County**
- 3. Friends of the Georgetown Public Library for library programming costs**
- 4. Selbyville Middle School for National Blue Ribbon Tile Flooring**
- 5. Delaware Technical Community College for Sussex County Science Fair**

Introduction of Proposed Zoning Ordinances

Council Members’ Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2153 filed on behalf of Cassandra Torodian

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE AND INVESTING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5005 ACRE, MORE OR LESS” (lying on the southwest side of Airport Road, approximately 100 feet southeast of Old Landing Road) (Tax Parcel 334-13.00-181.00) (911 Address: 35568 Airport Road, Rehoboth Beach)

Conditional Use No. 2154 filed on behalf of Arturo Granados-Gonzalez

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE CONSTRUCTION BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.51 ACRES, MORE OR LESS” (lying at the southwest corner of Burbage Road and Jones Road, and on the south side of Burbage Road approximately 251 feet, and 401 feet west of Jones Road) (Tax I.D. No. 134-14.00-20.00, 20.03 & 20.04) (911 Address: None Available).

Conditional Use No. 2162 filed on behalf of Yellow Metal, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR A PAVING CONSTRUCTION BUSINESS WITH AN OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.630 ACRES, MORE OR LESS” (lying on the north side of Lewes-Georgetown Highway (Route 9), approximately 0.64 miles west of Gravel Hill Road) (Tax I.D. No. 135-11.00-31.00) (911 Address: 20288 Broadogs Place, Georgetown).

Change of Zone No. 1866 filed on behalf of Triple B Farms, LLC

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18.3155 ACRES, MORE OR LESS” (lying on the northeast corner of Hudson Road and Lewes-Georgetown Highway (Route 9) (Tax I.D. No. 235-27.00-11.01) (911 Address: None Available).

Adjourn

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

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on January 29, 2019 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, JANUARY 29, 2019

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, January 29, 2019, at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
Irwin G. Burton III	Vice President
Douglas B. Hudson	Councilman
John L. Rieley	Councilman
Samuel R. Wilson Jr.	Councilman
Todd F. Lawson	County Administrator
Gina A. Jennings	Finance Director
J. Everett Moore Jr.	County Attorney

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

**Call to
Order**

Mr. Vincent called the meeting to order.

**M 041 18
Approve
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to approve the Agenda, as posted.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of January 15, 2019 were approved by consent.

**Corre-
spondence**

Correspondence

**JEFFERSON AWARDS FOUNDATION, WILMINGTON, DELAWARE.
RE: Letter in appreciation of grant.**

**SUSSEX COMMUNITY CRISIS HOUSING SERVICE, GEORGETOWN,
DELAWARE.
RE: Letter in appreciation of grant.**

**HISTORIC LEWES FARMERS MARKET, NASSAU, DELAWARE.
RE: Letter in appreciation of grant.**

**Public
Comments**

Public Comments

Paul Reiger commented on the Planning and Zoning Commission Nominee, the political affiliations of the Planning and Zoning Commission members,

**Public
Comments
(continued)**

and the Delaware Code statute regarding the structure of the Commission.

Dan Kramer commented on the structure of the Planning and Zoning Commission (districts) and the Delaware Code statute regarding the structure of the Commission.

Donna DePiano commented on the need for an Adequate Public Facilities Ordinance.

Ave' Monaghan commented on the need for communications improvements (networks) in the County.

**Mark
Isaacs/
Carvel
Research
and
Education
Center
Research
and
Extension
Programs**

Mark Isaacs, Director, University of Delaware Carvel Research and Education Center, thanked Council for its continued support of the research and extension programs at the Carvel Research and Education Center. Dr. Isaacs gave an overview of how the County's funding is used by the Center in Sussex County: Extension Programs, Family Consumer Sciences, Production Agriculture Programs, Lasher Lab Poultry Research, Crop Programs, and Safety Programs, as well as the Internship Program which was first funded by Sussex County. A video was shown of Sussex County interns thanking Council for their support of the Internship Program and the opportunity they were provided to participate. Also present was Cory Whaley, County Agriculture Extension Agent and Sussex County Extension Director.

**Public
Hearing/
Lakeside
Expansion
of the
SCUSSD/
Blades
Area**

A Public Hearing was held on the Proposed Lakeside Expansion of the Sussex County Unified Sanitary Sewer District (Blades Area).

John Ashman, Director of Utility Planning, reported that the request was made by Lakeside Mobile Home Community for Parcel 132-2.00-274.00; three other parcels are included in the proposed expansion to make the project contiguous. The expansion will consist of 31.27 acres. The property owners will be responsible for system connection charges of \$6,360.00.

Public comments were heard.

Dan Kramer stated that he has no objection to the proposed expansion. Mr. Kramer commented on the wording of the advertisement of this public hearing on the agenda.

Donna DePiano raised a question about the mobile home park, which is an existing mobile home park.

Debra Gains (representing the Russell L. Gains Trust) questioned when connection will be required.

Mr. Ashman and Hans Medlarz, County Engineer, responded to Ms. Gains' questions and explained connection guidelines.

**Public
Hearing
(continued)**

There were no additional public comments.

The Public Hearing and public record were closed.

**M 042 19
Adopt
R 006 19**

A Motion was made by Mr. Mr. Wilson, seconded by Mr. Burton, to Adopt Resolution No. R 006 19 entitled “A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS 132-2.00-271.05, 272.00, 273.00 AND 274.00 ON THE EAST SIDE OF SUSSEX HIGHWAY. THE PARCELS ARE LOCATED IN BROAD CREEK HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE”.

Motion Adopted: 5 Yeas.

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

**Wastewater
Agreement**

Mr. Lawson presented a wastewater agreement for the Council’s consideration.

**M 043 19
Execute
Wastewater
Agreement**

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, for Sussex County Project No. 81-04, Agreement No. 1027-4, that the Sussex County Council execute a Construction Administration and Construction Inspection Agreement between Sussex County Council and Silverstock WP, LLC for wastewater facilities to be constructed in Batson Creek Estates – Silver Woods – Phase 5A, located in the Miller Creek Sanitary Sewer District.

Motion Adopted: 5 Yeas.

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

**Public
Interview**

The Council conducted a public interview for Planning and Zoning Commission nominee Bruce Mears (District No. 4).

**M 044 19
Approve
Appointment
of
Bruce
Mears/
Planning
& Zoning
Commission**

A Motion was made by Mr. Hudson, seconded by Mr. Wilson, that the Sussex County Council approves the appointment of Bruce Mears to the Sussex County Planning and Zoning Commission, effective immediately, and until such time as the term expires in June 2020.

Motion Adopted: 5 Yeas.

**M 044 19
(continued)**

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

**Appoint-
ments/
Advisory
Committee
for the
Aging
and Adults
with
Physical
Disabilities**

Mr. Lawson reviewed recommended appointments to the Advisory Committee for the Aging and Adults with Physical Disabilities. He noted that there are members interested in being reappointed and also, there are vacancies to be filled. The Aging Committee consists of 11 members; however, Mr. Lawson noted that, on this date, Council is to consider 9 members:

- District 1 Cathy Parker (reappointment)**
- District 1 Helen Smith (reappointment)**
- District 1 Paul Rosa (new appointment)**
- District 2 Fran Smith (reappointment)**
- District 2 Linda Rogers (new appointment)**
- District 3 Larry Savage (reappointment)**
- District 3 Francine Shockley (reappointment)**
- District 4 Jamie Magee (reappointment)**
- District 5 Scott Phillips (reappointment)**

Mr. Lawson noted that two members of the Committee are fulfilling terms that will expire in 2020 (Antionette Johnson – District 4 and Linda Forte – District 5).

**M 045 19
Approve
Appoint-
ments/
Advisory
Committee
for the
Aging and
Adults with
Physical
Disabilities**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, that the Sussex County Council approves the appointments, as outlined, to the Sussex County Advisory Committee on Aging and Adults with Physical Disabilities, effective immediately, for a term of two years.

Motion Adopted: 5 Yeas.

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

**Adminis-
trator's
Report**

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

1. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, Breakwater Beach (Parcels 421-428) and Governors – Phase 1A, 1B & 1C (Construction Record) received Substantial Completion effective January 18th.

2. Oscar Perez

It is with sadness that we note the passing of County pensioner Oscar Perez on Sunday, January 13th. Mr. Perez began his career with

Administrator's Report (continued)

Sussex County in September 1989 and retired from the Public Works Division as Director in March 1999 with over nine years of service. We would like to extend our condolences to the Perez family.

Update/ MOU/ Litter Collection

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

Mike Costello, Government Affairs Manager, provided an update on the litter collection / clean-up activities that has taken place under the 2018 Memorandum of Understanding for the collection of roadside litter and trash between the Department of Corrections, DelDOT, and Sussex County.

T-Hangar/ Ground Lease

Jim Hickin, Airport Manager, reported that the current tenant of Lot C6 at the Airport (Frank Martin) owns the T-Hangar on the lot and he wishes to sell the hangar to Ronald Covais and has requested a ground lease be offered to Mr. Covais. Mr. Hickin reviewed the terms of the proposed lease.

M 046 19 Approve Ground Lease Agreement/ T-Hangar/ Lot C6

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, that the Sussex County Council approves the Ground Lease Agreement with Ronald Covais for Lot C6 at Delaware Coastal Airport, as presented.

Motion Adopted: 5 Years.

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

Sussex County Landfill #3 Buffer Site/ Reforestation and Meadow Creation

Hans Medlarz, County Engineer, presented a proposal by the Delaware Center for the Inland Bays to partner with them on the implementation of a project to re-establish forest and meadow on approximately 6.89 acres of land formerly used for crops and owned by Sussex County. The site serves as a buffer property for a landfill site. The proposed reforestation work would address multiple elements of water quality and habitat management plans for the Inland Bays watershed. The total project cost would be \$10,386.07. The project is known as the Sussex County Landfill #3 Buffer Site Project.

M 047 19 Approve Reforestation and Meadow Creation/ Sussex County Landfill #3 Buffer Site

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the "Reforestation and Meadow Creation at Sussex County Landfill #3 Buffer Site" proposal between Sussex County and the Delaware Center for Inland Bays to reforest the Angola Landfill Buffer Area, providing measures of environmental protection for land and waterways, in the amount of \$10,386.07.

Motion Adopted: 5 Years.

**M 047 19
(continued)**

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

**Wolfe
Neck
Regional
Facility/
Lease
Agreement/
Hunting
Program
Agreement/
Center
for Inland
Bays/
MOU**

Hans Medlarz, County Engineer, presented a Lease Agreement between Sussex County and the State of Delaware, Department of Natural Resources and Environmental Control (DNREC), Division of Parks and Recreation for the Wolfe Neck Regional Facility. Mr. Medlarz discussed the land conversion proposal and requested approval of the three items guaranteeing the long-term viability of the Wolfe Neck Facility, benefitting the environment by modifying the treated effluent disposal approach, and enhancing the recreational opportunities for the citizens of Sussex County. Mr. Medlarz presented information on the design and construction of an onsite trail system that would be open to the public with implementation responsibility and long-term maintenance by DNREC, Division of Parks. He also commented on the design and construction of public sanitary restroom facilities at the trail head parking lot with ongoing future facility maintenance performed by DNREC, Division of Parks.

DNREC Director Raymond Bivens thanked the Council for this innovative project in which the State partnered with Sussex County and which will result in residents and visitors having an accessible trail and access to land that they have never had access to in the past.

Mr. Medlarz reported that the Lease establishes a need for the hunting of deer which pose a threat to the forestation effort. David Rutt, Assistant County Attorney, reported on the hunting regulations that would be implemented.

**M 048 19
Approve
Lease
Agreement
and
Hunting
Agreement/
Wolfe
Neck
Regional
Facility**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Spray Irrigation Site and Agricultural Silviculture Lease Agreement, as presented, and the Hunting Program Agreement, as a condition of said Lease.

Motion Adopted: 5 Yeas.

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

**M 049 19
Approve
MOU
with
Center
for the
Inland
Bays**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Memorandum of Understanding between Sussex County and the Center for the Inland Bays to convert land at the Wolfe Neck Wastewater Facility from spray irrigation farm land to spray irrigation forest at a cost not to exceed \$400,000.00.

Motion Adopted: 5 Yeas.

**M 049 19
(continued)**

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

**Ellendale
Water
District
Agreement/
Artesian**

Hans Medlarz, County Engineer, presented the proposed Ellendale Water District Agreement with Artesian Water Company. He noted that, as a result of the County Council approving the Water District, a combined State Drinking Water SRF and USDA capital funding package will have to be submitted. The first step in this process was the filing of a Notice of Intent which reflects Artesian Water Company as the supplier of potable water and provider of certain services at rates and terms necessary to meet the referendum approved maximum annual user rate of \$430.00 for the average residential account within the District.

**M 050 19
Approve
Ellendale
Water
District
Agreement
with
Artesian**

A Motion was made by Mr. Burton, seconded by Mr. Hudson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Ellendale Water District Agreement between Sussex County and Artesian Water Company, as presented.

Motion Adopted: 5 Yeas.

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

**Delaware
Coastal
Airport &
Business
Park/
Bulk
Wastewater
Services
Agreement/
Artesian**

Hans Medlarz, County Engineer, presented a Bulk Wastewater Services Agreement for the Delaware Coastal Business Park and Airport. He reported that the Coastal Airport along Rudder Lane currently receives wastewater treatment services from the Town of Georgetown. However, given the limited availability of municipal sewer capacity, the Agreement has an allowance for the surrender of capacity by redirecting it to an alternate wastewater service provider with twelve (12) months' notice. Mr. Medlarz reported that the Agreement with Artesian provides alternate transmission and treatment at the same metered user rate as the Town of Georgetown. Mr. Medlarz noted that the Agreement allows for cost effective alternative transmission and treatment while at the same time offering the Town some capacity relief.

**M 051 19
Approve
Bulk
Wastewater
Services
Agreement/
Delaware
Coastal
Business
Park and
Airport**

A Motion was made by Mr. Burton, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approve the Bulk Wastewater Services Agreement for the Delaware Coastal Business Park and Airport between Sussex County and Artesian Wastewater Management, as presented.

Motion Adopted: 5 Yeas.

**M 051 19
(continued)**

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

**Delaware
Coastal
Airport &
Business
Park/Bulk
Wastewater
Services
Agreement
Addendum/
Artesian**

Hans Medlarz, County Engineer, presented Amendment No. 1 to the 2016 Bulk Wastewater Services Agreement with Artesian Wastewater Management Inc. Mr. Medlarz noted that major improvements for the Inland Bays Facility have been budgeted, including treatment upgrades, spray upgrades, and agricultural engagement. He further noted that the proposed amendment allows for a clean effluent diversion to a facility which is under-utilized (Artesian Wastewater Resources facility on Route 5). This Amendment would allow for the exchange of raw wastewater for clean effluent at a 4 to 1 ratio. Mr. Medlarz further noted that this proposed amendment allows the County to do things at the Inland Bays that it currently cannot and it ties to the Master Plan to provide wastewater service at the Inland Bays.

**M 052 19
Approve
Addendum
to Bulk
Wastewater
Services
Agreement/
Artesian**

A Motion was made by Mr. Wilson, seconded by Mr. Rieley, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Addendum to the Bulk Wastewater Services Agreement between Sussex County and Artesian Wastewater Management, as presented.

Motion Adopted: 5 Yeas.

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

**Use of
Existing
Infra-
structure
Agreement
with
Suitewater
LLC for
Home 2
Suites
by Hilton**

John Ashman, Director of Utility Planning, presented a Use of Existing Infrastructure Agreement with Suitewater, LLC for the Home 2 Suites by Hilton project in the Sussex County Unified Sanitary Sewer District (West Rehoboth Area). It allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County; 41.67 EDUs would be connected to existing infrastructure in exchange for \$28,184.00. The arrangement would not modify the underlying land use decision in any form.

A Motion was made by Mr. Rieley, seconded by Mr. Wilson, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Use of Existing Infrastructure Agreement between Sussex County and Suitewater, LLC for capacity allocation in the Regional Transmission System, as presented.

Motion Adopted: 5 Yeas.

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

**M 053 19
Approve
Use of
Existing
Infra-
structure
Agreement
with
Suitewater
LLC**

Grant Requests

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

**M 054 19
County-wide
Youth
Grant**

A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,090.00 from Countywide Youth Grants to the Delaware 4-H Association for the Sussex County 4-H Interstate Exchange Program.

Motion Adopted: 4 Yeas, 1 Abstention.

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

**M 055 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Burton, to give \$100.00 from Mr. Wilson's Councilmanic Grant Account to the Veterans of Foreign Wars of the United States Auxiliary for the Department of DE VFW Auxiliary Convention Year Book.

Motion Adopted: 5 Yeas.

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

**M 056 19
Council-
manic
Grant**

A Motion was made by Mr. Wilson, seconded by Mr. Hudson, to give \$750.00 from Mr. Vincent's Councilmanic Grant Account to the Trinity Foundation for the Annual Heart & Sole 5K Fundraiser.

Motion Adopted: 5 Yeas.

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

**Intro-
ductions
of Proposed
Ordinances**

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A GR GENERAL RESIDENTIAL DISTRICT FOR A DOG BAKERY WITH STORAGE AND WAREHOUSE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 5.3981 ACRES, MORE OR LESS" (Conditional Use No. 2171) filed on behalf of Lisa St. Clair (Tax I.D. No. 234-21.00-213.00) (911 Address: 24500 Hollyville Road, Millsboro).

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRANSITIONAL HOME TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 0.3028 ACRES, MORE OR LESS" (Conditional

Introduction of Proposed Zoning Ordinances (continued) Use No. 2172) filed on behalf of Iris Downing (Tax I.D. No. 230-26.20-18.00) (911 Address: 18366 Wild Cherry Street, Ellendale).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A CR-1 COMMERCIAL RESIDENTIAL DISTRICT AND A MR MEDIUM DENSITY RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 49.94 ACRES, MORE OR LESS” (Change of Zone No. 1877) filed on behalf of Schiff Land Development Company, LLC (Tax I.D. No. 234-29.00-66.00, 66.01 & 66.02) (911 Address: None Available).

The Proposed Ordinances will be advertised for Public Hearing.

M 057 19 Go Into Executive Session At 12:01 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Burton, to recess the Regular Session and go into Executive Session for the purpose of discussing matters relating to potential/pending litigation.

Motion Adopted: 5 Yeas.

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

Executive Session At 12:03 p.m., an Executive Session of the Sussex County Council was held in the Council Chambers for the purpose of discussing matters relating to potential/pending litigation. The Executive Session concluded at 12:10 p.m.

M 058 19 Reconvene Regular Session At 12:11 p.m., a Motion was made by Mr. Hudson, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 5 Yeas.

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

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

M 059 19 Adjourn At 12:12 p.m., a Motion was made by Mr. Burton, seconded by Mr. Wilson, to adjourn.

Motion Adopted: 5 Yeas.

**M 059 19
(continued)**

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

Respectfully submitted,

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

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

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Sussex County
DELAWARE
sussexcountyde.gov

MEMORANDUM

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

FROM: Brad D. Whaley

RE: **2019 CDBG Application**

DATE: January 29, 2019

During Tuesday's Council meeting, I will be presenting the County's Community Development Block Grant application request for the 2019 CDBG grant year. My department has held Public Hearings at all of the Towns/Cities listed and the projects represent their requests.

For the Rural Communities, I have attended Strong Community meetings throughout the County. These meetings are sponsored by First State Community Action and allow me to hear the concerns of the area residents. Additionally, I have consulted my Advisory Committee for guidance and approval for selecting these targeted rural areas.

Attached is the proposed application request for your review.



**STATE OF DELAWARE
DELAWARE STATE HOUSING AUTHORITY
DELAWARE CDBG PROGRAM-PROJECT
COST SUMMARY**

**CONTRACT PERIOD FROM: JULY 1, 2019 TO JUNE 30, 2020
SUMMARY OF PROGRAM ACTIVITIES**

PROGRAM ACTIVITIES	PROGRAMS	CDBG PROGRAM FUNDS	LOCAL MATCH	OTHER FUNDS	TOTAL REQUESTED
Blades	(4) Rehab	\$80,000.00			\$80,000.00
Bridgeville	(4) Rehab	\$80,000.00			\$80,000.00
Ellendale	(4) Rehab	\$80,000.00			\$80,000.00
Frankford	(4) Rehab	\$80,000.00			\$80,000.00
Georgetown	(6) Rehab	\$105,000.00			\$105,000.00
Laurel	(8) Rehab	\$140,000.00			\$140,000.00
Millsboro	Infrastructure	\$89,913.00	\$10,000.00		\$99,913.00
Milford	(6) Rehab	\$105,000.00			\$105,000.00
Milton	(6) Rehab	\$105,000.00			\$105,000.00
Seaford	(8) Rehab	\$140,000.00			\$140,000.00
Selbyville	(6) Rehab	\$105,000.00			\$105,000.00
Scattered Rehab	(20) Rehab	\$300,000.00			\$300,000.00
Scattered Demo	(4) Demo	\$40,000.00			\$40,000.00
Scattered Emergency Rehab	(12) Rehab	\$78,000.00			\$78,000.00
Handicapped Accessibility	(8) Rehab	\$48,000.00			\$48,000.00
Scattered Hookups	(20) Hookups	\$40,000.00			\$40,000.00
Scattered Roofing	(22) Rehab	\$182,000.00			\$182,000.00
Cedar Creek	(4) Rehab	\$44,000.00			\$44,000.00
Cool Springs	(4) Rehab	\$58,000.00			\$58,000.00
Coverdale Crossroad.	(4) Rehab	\$64,000.00			\$64,000.00
Rural Ellendale/Old State Rd.	(6) Rehab	\$74,000.00			\$74,000.00
TOTALS		\$2,037,913.00	\$10,000.00	\$0.00	\$2,047,913.00
TOTAL PROJECTS:	1 Infrastructure	136 Rehabs	4 Demos	20 Hookups	
ADMINISTRATION	CDBG PROGRAM	LOCAL MATCH FUNDS	OTHER FUNDS	TOTAL REQUESTED	
Salaries	\$172,000.00	\$122,331.00		\$294,331.00	
Other Employment Costs	\$0.00	\$194,970.00	\$0.00	\$194,970.00	
TOTAL ADMINISTRATION COSTS	\$172,000.00	\$317,301.00	\$0.00	\$489,301.00	
TOTAL PROGRAM COSTS	\$2,209,913.00	\$327,301.00	\$0.00	\$2,537,214.00	

CITIZEN PARTICIPATION
CERTIFICATE OF ASSURANCE

It is hereby assured and certified to the Delaware State Housing Authority that Sussex County, Delaware has met application requirements of (Attachment E Delaware Community Development Block Grant Program Policies and procedures) citizen participation requirements, and that Sussex County has:

- (1) made available information concerning the amount of funds that may be applied for;
- (2) made known the range of activities that may be undertaken with these funds;
- (3) made known the fact that more applications will be submitted to the State of Delaware than can be funded;
- (4) outlined the processes to be followed in soliciting and responding to the views and proposals of citizens, communities, nonprofit agencies, and others in a timely manner; and
- (5) provided a summary of other important program requirements.

The Sussex County Council has held a public hearing on February 5, 2019 with required notice for all citizens, including low and moderate-income persons, to have an opportunity to present their views and proposals.

The Sussex County Council has by resolution and after one public hearing, endorsed this application.

ATTEST:

SUSSEX COUNTY COUNCIL

Todd F. Lawson
County Administrator

RESOLUTION NO. R

AUTHORIZATION TO SUBMIT APPLICATIONS

BE IT KNOWN, The Sussex County Council resolves to apply for Community Development funds from the Delaware State Housing Authority in accordance with appropriate regulations governing Community Development Block Grants for the State of Delaware Community Development Block Grant Program; and

WHEREAS, the County Administrator, Todd F. Lawson, is hereby authorized to certify that matching funds in excess of \$172,000.00 will be made available upon the approval by the Delaware State Housing Authority.

BE IT FURTHER RESOLVED by the Sussex County Council that Todd F. Lawson, County Administrator, is hereby authorized to submit the Fiscal Year 2019 Community Development Block Grant applications with all understandings and certifications contained therein to the State of Delaware Housing Authority.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R PASSED BY THE SUSSEX COUNTY COUNCIL ON THE 5th DAY OF February, 2019.

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

RESOLUTION NO. R

WHEREAS, the Sussex County Council recognizes the importance of fair housing for the citizens of Sussex County; and

WHEREAS, the Sussex County Council supports the goals of the State and Federal fair housing laws;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council heartily encourages all parties involved in the renting, selling or financing of housing in Sussex County to insure that no person shall, on the grounds of race, color, national origin, religion, handicap/disability, creed, sex, marital status, familial status, age, sexual orientation or gender identity be discriminated against or denied a fair and equal opportunity for housing; and

BE IT FURTHER RESOLVED that the Sussex County Council, when acting as Administrator of a Community Block Grant, is hereby authorized to take such actions as deemed necessary to affirmatively further fair housing in connection with applying for the Community Development Block Grant funding.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. R ADOPTED BY THE SUSSEX COUNTY COUNCIL ON THE 5th DAY OF February 2019.

ROBIN A. GRIFFITH
CLERK OF THE COUNTY COUNCIL

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



Sussex County

DELAWARE
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 29, 2019

RE: County Council Report for Ord. 19-1 Chapter 99 Amendments

The Planning and Zoning Commission held a public hearing on January 10, 2019. The following are the draft minutes for the proposed Ordinance from the Planning and Zoning Commission meeting.

The Commission found that Mr. Hans Medlarz, County Engineer was present to explain the background to the proposed Ordinance. Mr. Medlarz stated that the intent of the Ordinance was to remove the minimum Right-of-Way width for proposed subdivisions, to allow some flexibility for smaller subdivisions where a 50' wide Right-of-Way may be more difficult to achieve; that there are now different close-out procedures for sidewalks and curbs; that it is proposed to introduce changes in required slopes; that there are currently issues with dead-end streets without a turnaround, and that the Ordinance seeks to allow flexibility but only where the number of houses is four or less; that there needs to be a cleanup on the verbiage within the Code in relation to the provision of sidewalks; that it is also now proposed that, if sidewalks are offered as part of a subdivision,, they must be in the Right-of-Way.

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 Ms. Stevenson and carried unanimously to forward the Ordinance to the Sussex County Council with a recommendation that the Ordinance be approved for the reasons and stipulations stated in the motion. Motion carried 4-0.



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

ORDINANCE NO. _____

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AN ORDINANCE TO AMEND CHAPTER 99, ARTICLES I, III AND VI, §§99-5, 99-18 AND 99-31, OF THE CODE OF SUSSEX COUNTY REGARDING STREETS, STREET DESIGN STANDARDS AND INSPECTIONS AND CLOSEOUT PROCEDURES

WHEREAS, Chapter 99 of the Code of Sussex County contains certain technical requirements for the design, submission and subsequent approval of Final Site Plans for subdivisions, including the provision for the approval of the Sussex Conservation District; and

WHEREAS, at the direction of the Sussex County Engineering Department, the street design requirements contained in Chapter 99 of the Code of Sussex County were revised and improved through the adoption of Ordinance Number 2489; and

WHEREAS, after implementation of Ordinance Number 2489 the Sussex County Engineering Department recognized that further, minor, modifications or corrections are necessary with regard to street design standards and inspection and closeout procedures; and

WHEREAS, Sussex County Council has determined that the minor modifications and/or corrections set forth in this Ordinance are appropriate and necessary to carry out the original intent of Ordinance Number 2489; and

WHEREAS, Sussex County Council has determined that the provisions of this Ordinance promote the health, safety and welfare of Sussex County and its residents, property owners and visitors.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 99, Article I, §99-5 “Definitions” is hereby amended by deleting the language in [brackets] in the definition of “STREET (GENERAL)” within the Section as follows:

§99-5 Definitions.

...

STREET (GENERAL) A public or private thoroughfare which affords the principal means of access to abutting properties, whether designated as a “freeway”, “expressway”, “highway”, “road”, “avenue”, “boulevard”, “lane”, “place”, “circle” or however otherwise designated. [The minimum width of a street right of way shall be 50 feet.]

....

36 **Section 2.** The Code of Sussex County, Chapter 99, Article III, §99-18 “Street Design Standards”
37 is hereby amended by deleting the language in brackets and inserting the italicized and underlined
38 language as follows:

39 **§ 99-18. Street design standards.**

40 A. Construction plans shall be prepared by a registered Delaware professional engineer or a
41 licensed Delaware land surveyor.
42

43 B. Streets dedicated to public use shall be designed and constructed in accordance with
44 standards established by the Delaware Department of Transportation, Division of
45 Highways.
46

47 C. All entrances to the subdivision from a public street shall be designed and constructed in
48 accordance with standards established by the Delaware Department of Transportation. A
49 letter of no objection or other appropriate entrance approval from the Delaware
50 Department of Transportation shall be required prior to final approval of the plan.

51 D. Private streets to be initially maintained by the developer and ultimately the owners of lots
52 within the development may be designed and constructed in accordance with Subsection B
53 or must comply with the following standards:
54

55 E. Road Geometry.

56 All roads regulated by Sussex County shall meet fire access requirements as
57 required pursuant to the Delaware State Fire Prevention Regulations (DSFPR).
58

59 1. Road Width.

60
61 a. The minimum clear/unobstructed road width when using curb and
62 gutter shall be 24 feet measured *in the case of a vertical curb* from
63 face of curb to face of curb, *and in the case of a rolled curb from*
64 *flowline to flowline*. The curb and gutter shall meet the DelDOT
65 Standard Construction Details, latest edition, or stone set in place.
66

67 b. The minimum clear/unobstructed road width when using open
68 drainage shall be 24 feet.
69

70 c. The minimum clear/unobstructed road width for one-way traffic
71 shall be 14 feet.
72

73 d. See Sub-Section 7 in this Section E for additional information
74 regarding on-street parking.
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76 2. Centerline Radii.

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- a. The minimum centerline radii for all roads posted at 17 MPH or less shall be 50 feet.
- b. The centerline for roads posted higher than 17 MPH shall be increased using the AASHTO (American Association of State Highway and Transportation Officials) Green Book for normal crown roads.
- 3. Minimum and Maximum Longitudinal Slope.
 - a. The minimum slope for a curbed street is ~~0.50%~~ 0.30%.
 - b. The minimum slope for an open ditch street is ~~0.30%~~ 0.50%.
 - c. The minimum slope across a flowline is 0.50% unless a concrete valley gutter is used.
 - d. The maximum longitudinal slope for all roads shall be 10%.
 - e. Vertical curves are required when the algebraical longitudinal slope difference is greater than 1.00%.
- 4. Cul-de-Sacs.
 - a. No Island: The minimum radius for cul-de-sacs without an internal Island is 38 feet.
 - b. Island: The paved area of a cul-de-sac with an internal grass island shall be 14 feet wide for one-way traffic and 20 feet for two-way traffic. The outer and inner radii shall be able to accommodate a ladder truck and subject to approval by the State Fire Marshal's Office.
 - c. [No cul de sac or additional turn-around area shall be required for a dead end street that is less than 300 feet in length measured from the nearest approved turn-around area.] *Cul de sacs are required for dead end streets: (i) greater than 300 feet in length as measured from the nearest turnaround area; or (ii) that serve more than 4 dwellings.*
- 5. Alternative Turn Arounds.

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The following alternative turn arounds are permitted:

- a. Those listed in the DSFPR.
- b. A looped road that meets DSFPR.
- c. Alternative accesses not listed above that meets DSFPR.
- d. The maximum length of a dead end street (as measured from the nearest approved turn-around area) shall [be] neither exceed 300 feet without an additional alternative turnaround nor serve more than 4 dwellings.

6. Cross Slope.

- a. The road cross slope can be a normal crown, superelevated or reverse crown.
- b. The maximum cross slope shall be 4%.
- c. The minimum cross slope shall be 2%.

7. On-Street Parking

- a. On street parking shall be prohibited within the following locations:
 - (1) 15 feet of both sides of a fire hydrant and marked in accordance with DSFPR.
 - (2) 20 feet of a traffic control device (i.e. stop sign / signal).
 - (3) 10 feet of the Point of Tangent / Point of Curvature of an intersection.
 - (4) 10 feet of a crosswalk.
 - (5) 10 feet of a driveway.
- b. These on-street parking requirements shall not affect nor be calculated as part of the parking requirements of Chapter 115, Section 162.A and B.

161 8. Right-of-Way and/or Access Easements
162 Rights of way shall be used in major subdivisions. Access easements shall
163 be used in developments where all of the underlying land of the development
164 will be held in common ownership. The right-of-way or access easements
165 for non State-Maintained Roads shall be:

166
167 a. Placed [1 foot] 3 feet behind the back of curb [if a sidewalk is not
168 required].

169
170 [b. Placed 1 foot behind the back of sidewalk if a sidewalk is required].

171
172 [c.]b. Placed 1 foot behind the 10-year storm water surface of roadside
173 swales.

174
175 9. Sidewalks.
176 Sidewalks [required to be installed by Code or by project approval] shall
177 satisfy the following requirements:

178
179 a. They shall be placed within the right of way or deeded easement in
180 favor of the owner of the common elements.

181
182 b. A Sidewalk can be adjacent to the travel lane using additional
183 pavement that can be added but must be differentiated from the
184 travel lane using demarcation every 300 feet.

185
186 c. If the sidewalk is to be located between the parking space(s) and the
187 roadway, the parking space shall extend a minimum of 18 feet
188 beyond the edge of the sidewalk.

189
190 d. For projects with open drainage (with or without grass strips) the
191 sidewalk must be placed along the edge of the travel lane.

192
193 e. Sidewalks must have 5 feet of clear width.

194
195 f. Sidewalks that are not constructed adjacent to the travel lane using
196 additional pavement must be constructed using a 4,000 PSI mix with
197 fibre mesh.

198
199 g. All sidewalks must have a minimum cross slope of 1% [in any
200 direction] and a 2% maximum cross slope.

201

202 h. All sidewalk expansion joints shall consist of rubber or other non-
203 biodegradable material approved by the Sussex County Engineer or
204 his or her designee.

205
206 i. All sidewalks adjacent to curbing shall have expansion joints that
207 are sealed and caulked with materials approved by the Sussex
208 County Engineer or his or her designee.

209
210 *j. Street crosswalk markings shall be placed at intersections and mid-*
211 *block crossings where Average Daily Traffic Counts are equal to or*
212 *greater than 1,000.*

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215

216 **Section 3.** The Code of Sussex County, Chapter 99, Article VI, §99-31 “Inspections, Closeout
217 Procedures and Fees” is hereby amended by deleting the language in brackets and inserting the
218 italicized language in subsection E thereof as follows:

219 **§99-31 Inspections, Closeout Procedures and Fees.**

220 . . .

221
222 E. Project Close-Out Procedures.

223
224 . . .

225
226 (3) If sidewalk or driveway apron damage is evident as determined by the
227 County Engineer or his or her designee the following repairs are required:

228
229 [a. If a vertical crack is less than 1/32 of an inch wide then the curb is
230 acceptable.]

231
232 b. If a vertical crack is more than 1/32 of an inch wide then the crack
233 must be sawcut and filled with a backer rod and sealant.

234
235 c. If the curb is chipped with a width and or height 2 inches or less and
236 less than ¼ inches deep then the chip must be patched with a sealant.

237
238 d. If there are more than 6 chips and / or 3 vertical cracks or a total of
239 6 chips and vertical cracks within a 4 foot section of concrete then
240 the concrete must be replaced from joint to joint.]

241
242 [e] a. _____ If there is a vertical difference greater than ¼ inch at a joint,

243 then the concrete sidewalk must be preplaced from joint to joint.

244
245 [f] b. If replacement is required, the concrete shall be saw cut and
246 replaced in a minimum of 4 foot sections [at the joints] beginning at a
247 joint.

248
249 [g] c. As new technology emerges it may be considered as a
250 method to repair or replace curb sidewalk. One such example includes
251 milling grinding a section of curb sidewalk adjacent to the roadway
252 a vertical separation.

253
254 [h] d. The County Engineer or his or her designee may require
255 concrete core samples.

256
257

258
259 **Section 4.** Effective Date.

260 This ordinance shall become effective upon adoption.

261

262

263

GINA A. JENNINGS, MBA, MPA
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Sussex County

DELAWARE
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MEMORANDUM:

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

FROM: Gina A. Jennings
Finance Director/Chief Operating Officer

RE: **Possible Pension Ordinance Introduction**

DATE: January 31, 2019

On Tuesday, I will be requesting the introduction of the attached ordinance that amends the County's pension section of the Code.

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

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

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

GAJ/nc

Attachment

pc: Todd F. Lawson

Sussex County Pension Ordinance Update

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

Why is Qualification So Important?

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

Proposed Code Changes

- A. **Section 1 (A) – Add the Definition of a Covered Employee**
Per IRS, the plan must be established for the exclusive benefit of employees of the government and their beneficiaries. This definition is consistent on how it is applied today.
- B. **Section 2 – Limit Compensation**
Per IRS, the plan must limit the compensation to \$280,000 in 2019 in determining benefits (adjusting for inflation). No one in the County's plan is affected by this language; however, it is required, nonetheless to be in a qualified plan.
- C. **Section 3 (G) – Limits on Benefits**
Per IRS, the plan must limit the benefits from a defined benefit plan. This limit is \$225,000 in 2019 and is adjusted by inflation every year. No one in the County's plan is affected by this language; however, like the limitation on compensation, it is required to be in the Code.
- D. **Section 3 (H) – Military Service**
Per IRS, we must provide benefits to military service. This includes providing the pension to the beneficiary of a deceased retiree. The County already provides this benefit; however, it is not reflected in the Code.
- E. **Section 3 (I) – Required Minimum Distributions**
Pursuant to IRS requirements, certain minimum amounts must begin to be annually distributed from a plan commencing the later of when a participant attains age 70½ or retires. The County already provides this benefit; however, it is not reflected in the Code.
- F. **Benefits Not Assignable**

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

ORDINANCE NO. _____

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

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

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

NOW THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

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

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

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

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

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

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

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

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

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

I. Required Minimum Distributions. The Required Minimum Distribution provisions of § 401(a)(9) of the United States Internal Revenue Code [26 U.S.C. § 401(a)(9)] and Treasury Regulations § 1.401(a)(9)-1

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

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

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

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

E. Benefits Not Assignable

(1) General. Subject to the exceptions provided in Paragraph B below, no benefit under this chapter shall in any manner or to any extent be assignable or transferable by any covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee or joint pensioner under this chapter or subject to attachment, garnishment or other legal process. No attempted assignment or transfer of any benefit under this chapter shall be recognized and, notwithstanding any provisions of this chapter to the contrary as to benefits, Sussex County shall, upon proof of any attempt on the part of any such covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner to be forfeited; provided that Sussex County shall give such covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner notice in writing of the effect of the provisions of this Section upon his benefits and if prior to the time he shall cease to be an employee or within thirty (30) days after such notice, whichever is longer, as to such covered employee, or within thirty (30) days after such notice as to such, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner, valid cancellation of such attempted transfer or assignment shall have been effected and satisfactory proof thereof furnished to the trustees, then such covered employee, retired covered employee, former covered employee, spouse or child (including its guardian) of a deceased covered employee, or joint pensioner shall be entitled to the

same (but no greater) benefits under this chapter as in the case he had not attempted to make any such assignment or transfer.

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

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

Synopsis

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

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

BRANDY BENNETT NAUMAN
HOUSING COORDINATOR &
FAIR HOUSING COMPLIANCE OFFICER
(302) 855-7777 T
(302) 854-5397 F
bnauman@sussexcountyde.gov



Sussex County
DELAWARE
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MEMORANDUM

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

FROM: Brandy B. Nauman, Housing Coordinator & Fair Housing Compliance Officer

RE: **Affordable Housing Request for Proposals (RFP) Recommendation**

DATE: January 31, 2019

During Tuesday's Council meeting, I will be presenting to you the RFP Review Panel's consultant recommendation.

County Council approved the Affordable Housing Analysis RFP on October 23, 2018. The RFP was officially released on October 24, 2018. The deadline for submission was November 29, 2018 and the County received seven (7) proposals. All 7 firms exhibited professionalism, applicable experience and competence. The RFP Review Panel met on December 18, 2018 to review the 7 proposals. It was a difficult decision, but ultimately the RFP Review Panel selected two firms to interview. On January 10, 2019, the Review Panel interviewed BAE Urban Economics, Inc. (BAE) and Lisa Sturtevant & Associates (LSA).

Both BAE and LSA interviewed well. However, it was clear that LSA had a true grasp of the County's RFP deliverables and timeline. Further, LSA outlined a clear and strong public outreach and engagement strategy, specifically with elected officials and commissioners. LSA has a team of four individuals, that work out of the same, relatively local, office in D.C. Further, the firm offered a Tool Kit that would be available to County following the project's completion. The Tool Kit gives the County measurable goals, objectives, and an implementation plan to follow. LSA has worked with communities very similar to Sussex County on issues related to inclusionary zoning, market analysis, and housing trust funds. Notably, LSA has worked with Hilton Head, South Carolina, Cambridge, Maryland, James City



County, Virginia, and Arlington County, Virginia. Finally, the cost effectiveness of this proposal was significantly more than the other applicants.

It is the recommendation of the RFP Review Panel to seek Sussex County Council's approval to enter into a contract with Lisa Sturtevant & Associates reflective of the requirements outlined in the County's RFP.

Thank you. Please do not hesitate to contact me with any questions.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

Memorandum

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

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

RE: ***GHD, Inc. Base Contract
Approval of Amendment No.16***

- ***SCRWF Ocean Outfall Discharge Modelling***
- ***Wetlands Delineation for SCRWF Expansion***
- ***Additional Design Services for the Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program Upgrade Phase 2***

DATE: February 5, 2019

On August 8, 2017, the County Council approved an agreement with the City of Rehoboth Beach for wastewater treatment. Treatment capacity allocation and associated debt service was based on a percentage of the facility's year-round permitted design capacity. The County's initial capacity allocation was set at the historical 42% mark however, the Agreement allows for an allocation increase up to 50% after the first full year of operation of the City's upgraded facility.

The City funded and completed the outfall related projects and Phase 1 of the treatment facility's capital upgrade project through the Delaware State Revolving Loan Fund. Payment for the associated debt service will be allocated by the aforementioned capacity percentages. On July 20, 2018, the City Council agreed to accept the County's offer to assume the design and construction responsibilities of Phase 2 of the upgrade project, consisting mostly of electrical and structural reliability issues and on July 24, 2018, County Council approved the associated alternative financing agreement. The City is now in the process of determining how to complete the remaining phases 3 & 4 of the City's upgrade project.

GHD, Inc., held the County's engineering services contract associated with the SCRWF since December 7, 2001 and Council reaffirmed GHD as the "Engineer of Record" in 2016. Since contract inception, Sussex County awarded fifteen (15) amendments for additional services



under said base contract. Amendments 11, 12 & 13 were associated with the ongoing 3rd capital upgrade project at the SCRWF. On July 24, 2018, Council approved Amendment 14 for design services of the City's Phase 2 capital upgrade project in the amount not to exceed \$398,413.20. The parties finalized a scope for Phase 2 allowing project schedule synchronization of schedules.

On October 2, 2018, Council approved GHD, Inc.'s Amendment No. 15 for design services associated with the wastewater transmission line crossing of the Lewes-Rehoboth Canal as well as the tie-ins to the existing County owned sewer forcemains on both sides of the crossing. The Department is currently developing the project scope for the SR-1 related design work with GHD. We will be presenting the associated amendment in the near future.

The Engineering Department is now requesting Council's approval of Amendment No. 16 in an amount not to exceed \$181,200.00 covering the following scope:

1. South Coastal RWF ocean outfall mixing model in support of the Facility's NPDES permit reissuance. The biomonitoring component of the NPDES permit is based on is modelling first performed at the original facility construction. GHD will provide the updated CORMIX modeling for the existing outfall at the design flow, based on the same ambient ocean discharge characteristics used for the adjacent Rehoboth Beach outfall model, to determine the appropriate dilution factor for the existing South Coastal outfall under the design discharge conditions for the planned 10 mgd plant capacity expansion. Valued at \$15,000.00
2. South Coastal Wetland Delineation. The South Coastal facility parcel is bisected by a tax ditch system which had to be relocated for the planned upgrades authorized under amendments 11 - 13. DNREC originally considered the activities outside federal jurisdiction but later on required a delineation to support the original assessment. Valued at \$15,000.00
3. Expansion of Electrical Motor Control Center (MCC) Design Scope. Additional MCC were included in Phase 2 of the City of Rehoboth project based on equipment condition for Buildings B-1, B-2, B-10, PS1, and T-1. In addition, new partial duct banks were needed at Buildings PS-1 and T-1 to route power cables to new MCC locations as well as lighting panelboards in Building B-1. Valued at \$151,200.00 and cost shared with the City of Rehoboth identical to Amendment 14.

SOUTH COASTAL REGIONAL WASTEWATER FACILITIES

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 16

This contract amendment, **Contract Amendment No. 16** dated _____, **2019** amends our original contract dated December 7, 2001, between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and GHD Inc., a State of Maryland Corporation, hereinafter referred to as CONSULTANT, whose address is 16701 Melford Boulevard, Suite 330, Bowie, Maryland 20715. Except as specifically amended herein, the provisions of the Original Contract dated December 7, 2001, as thereafter amended, remain in effect and fully valid.

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

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 15** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated December 7, 2001.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **Ocean Outfall Discharge Modeling and Wetlands Delineation for the Expansion of the South Coastal Regional Wastewater Facilities, and Additional Design Services for the Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program Upgrade Phase 2** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **One Hundred Eighty-One Thousand, One Hundred Sixteen dollars and Sixty-Two cents (\$181,116.62)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN
INCORPORATED DOCUMENTS

- 14.2 **Attachment A: Consultant’s Scope of Services, Ocean Outfall Discharge Modeling and Wetlands Delineation for the Expansion of the South Coastal Regional Wastewater Facilities, and Additional Design Services for the Rehoboth Beach Wastewater Treatment Plant Capital Improvement Program Upgrade Phase 2 with Man-hour Spreadsheets. (Contract Amendment No. 16).**

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

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

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 16 to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

PREVIOUSLY APPROVED FORM


Date

ATTEST:

Clerk of the Sussex County Council


FOR THE CONSULTANT:

GHD Inc.



Thor Young, P.E.

WITNESS:





ATTACHMENT A

January 31, 2019

Mr. Hans M. Medlarz, PE
Sussex County
PO Box 589
2 The Circle
Georgetown, DE 19947

Dear Mr. Medlarz:

**Re: Design Engineering Services Proposal
Ocean Outfall Discharge Modeling and Wetlands Delineation for the SCRWF Expansion,
and Additional Design Services for the RBWWTP CIP Upgrade Phase 2**

GHD is pleased to submit this proposal for Design Engineering Services for Ocean Outfall Discharge Modeling, Wetlands Delineation, and Additional Design Services for joint SCRWF Treatment Upgrade No. 3 and Rehoboth Beach WWTP CIP Upgrade Phase 2 project.

Overview

Under Amendment No. 12 (signed September 19, 2017) GHD is preparing bid documents for the expansion of the South Coastal Regional Wastewater Facilities (SCRWF). Under Amendment No. 14 (signed July 31, 2018) this project was expanded to be a multi-prime, joint contract with the Rehoboth Beach Wastewater Treatment Plant (RBWWTP) CIP Upgrade Phase 2. The scope and fee presented herein covers modeling of the existing ocean outfall to assist Sussex County with the establishment of monitoring and compliance requirements with DNREC, wetlands delineation for the SCRWF site to support permit applications to the US Army Corps of Engineers, and additional detailed design engineering to provide Bid Documents and Bid Phase engineering services for additional scope to be included in the Rehoboth Beach WWTP CIP Upgrade Phase 2. It is anticipated that construction engineering and inspection will be covered under a future amendment to be negotiated once the project is bid and awarded for construction.

PER Scope of Services

GHD will provide the following additional design services for the joint project, noting that the Scope of Services for Amendments 12 and 14 remain valid:

1. Ocean Outfall Modeling utilizing CORMIX
 - a. Develop CORMIX model of the existing outfall at the design flow based on the ambient ocean discharge characteristics for the adjacent Rehoboth Beach WWTP outfall model.
 - b. Use CORMIX model results to determine appropriate dilution factor.



- c. Reporting (draft and final technical memorandum).
2. Wetlands Delineation
 - a. Wetland delineations for the SCRWF site, completed by a subconsultant to GHD (GTA) to support an application for the US Army Corps of Engineers Nationwide Permit.
3. Additional Detailed Design Scope for the Rehoboth Beach WWTP CIP Upgrade Phase 2:
 - a. New MCC in Buildings B-1, B-2, B-10, PS1, and T-1.
 - b. New electrical building to house new MCC-T1, new lighting transformer, new lighting panelboard, and existing Screening and Grit removal CPS, and existing Building T-1 RTU.
 - c. New motor starters for each piece of equipment currently controlled by motor starters located in existing MCCs.
 - d. New partial duct banks at Buildings PS-1 and T-1 to route power cables to new MCC locations.
 - e. New conduits and conductors from new MCC to nearest termination associated with each piece of equipment powered out of new MCCs.
 - f. New lighting panelboards in Building B-1 to replace the lighting panelboards integral to existing MCC-B1.
 - g. New local disconnect switches for equipment that where required by code.
 - h. Replace existing start/stop control stations with new H/O/A control stations to facilitate automatic restart of equipment after a power outage.
 - i. New timing relays in MCC-B3 motor starter panels to facilitate generator load staging.
 - j. New conduits and conductors to replace control circuits between new MCCs and existing RTUs.
 - k. New air conditioning units in existing B-1 and B-10 electrical rooms.

Schedule

The following schedule is proposed for the joint project:

1. Ocean Outfall Discharge Model: 4 weeks after authorization to proceed.
2. Wetlands Delineation: In progress.
3. Rehoboth Beach WWTP Design Milestones:
 - a. Submission of 100% documents by February 28, 2019.
 - b. Six weeks for final bid documents after the 100% SCRWF design review meeting.

Exclusions

The following items are not included in GHD's Scope of Services:



1. Design of items not noted here or in Amendments 12 or 14.
2. Construction Phase services including inspection.
3. Materials testing services.
4. Additional meetings or tasks beyond those identified in Amendments 12 or 14.
5. Additional budgeted effort beyond that included in the attached Hour and Cost Summary Table.
6. Field data collection for ocean outfall model.
7. RBWWTP grading and stormwater permitting efforts beyond those for the Standard Non-Residential Construction Permit Application.

Engineering Fee

GHD proposes to provide engineering services for the Design Engineering Scope of Services based on direct hourly payroll costs paid to technical staff engaged on the project plus overhead and fringe benefit costs at GHD's annually adjusted audited overhead rate, plus out-of-pocket and subconsultant expenses at cost, plus a fixed fee of 10% on direct costs plus overhead and fringe benefit costs. Total engineering cost for the scope of work presented herein is estimated to be the following, not to be exceeded without County Engineer approval:

Description	Cost
Direct Wage Costs	\$59,132.00
Overhead and Fringe Benefits	\$93,428.56
Expenses	\$13,300.00
Fixed Fee	\$15,256.06
TOTAL	\$181,116.62

Please let us know if you have any questions or comments regarding this proposal.

Sincerely,

GHD

Thor Young, PE

Principal

TAY/SPC/kab

Attachments: GHD 2017 Hourly Rates
Hour and Cost Summary Table

GHD, Inc.
Hourly Direct Rate Ranges By Classification
Effective July 1, 2017

Personnel Category	Hourly Rate (\$/Hr)	
	Minimum	Maximum
Principal	72.00	78.00
Associate	58.00	70.00
Senior Engineer	50.00	70.00
Project Manager	45.00	56.00
Project Engineer	38.00	48.00
Engineer	25.00	36.00
Managing Designer	45.00	50.00
Senior Designer	30.00	35.00
Designer	24.00	30.00
Drafter	20.00	25.00
Senior Rep	30.00	42.00
Project Rep	24.00	30.00
Administrative Assistant	22.00	25.00

Rates are subject to annual adjustment
Rates do not include overhead and profit

CLIENT : <u>Sussex County</u>	PREPARED BY: <u>SPC</u>	DATE: <u>1/31/2019</u>	CLIENT : <u>Sussex County</u>	PREPARED BY: <u>SPC</u>	DATE: <u>1/31/2019</u>																																				
PROJECT: <u>AMD 16 - Outfall, Wetlands, Add'l RBWWTP P2</u>			PROJECT: <u>AMD 16 - Outfall, Wetlands, Add'l RBWWTP P2</u>																																						
CHECKED BY : _____			CHECKED BY : _____																																						
TASK DESCRIPTION	HOURS BY CATEGORY																				HOURS	TASK DESCRIPTION	EXPENSES										SUMMARY								
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20			Car	Truck	Over-	Airfare	Eqpmt	Copiers	Tele-	HOURLY W/ SELECTED PROFIT											
	Principal	Sr Assoc	Assoc	Sr E II	Sr E I	PM II	PM I	PE II	PE I	Eng III	Eng II	Eng I	M Des	S Des	Des	Drafter	Sr Rep	Pr Rep	Intern	Sec/WP			Miles	Miles	nights	Car rent	CAD	& Misc	Out/Tech	Drawings	Direct Labor	Indirect	Expenses	Cost	Profit	Total Price					
Ocean Outfall Modelling	4	32					8	52																					5,272.00	8,329.76		13,601.76	1,360.18	14,961.94							
Wetlands Delineation									16						8					2									810.00	1,279.80	12,800.00	14,889.80	208.98	15,098.78							
Additional RBWWTP Scope																																									
Project Management	4			20	10						20																	3,142.00	4,964.36		8,106.36	810.64	8,917.00								
Engineering							8	60		8						200												8,824.00	13,941.92		22,765.92	2,276.59	25,042.51								
Coordination Meetings/Workshops					12	6		40																				2,986.00	4,717.88		7,703.88	770.39	8,474.27								
Site Visits								16																	400			736.00	1,162.88	200.00	2,098.88	189.89	2,288.77								
Utility Coordination (Power)				2	4			8																				724.00	1,143.92		1,867.92	186.79	2,054.71								
Concept Desgin/Design Criteria				12	6			16																				1,882.00	2,973.56		4,855.56	485.56	5,341.12								
Unit Process Workshops				4	4			16																				1,228.00	1,940.24		3,168.24	316.82	3,485.06								
Power Distribution Design				4	4			80																				4,172.00	6,591.76		10,763.76	1,076.38	11,840.14								
Instrumentation Design				4	4			20																				1,412.00	2,230.96		3,642.96	364.30	4,007.26								
Process/Pump Controls				4	4			80																				4,172.00	6,591.76		10,763.76	1,076.38	11,840.14								
HVAC				2				26									56			8								2,764.00	4,367.12		7,131.12	713.11	7,844.23								
Drawing Development								150					40	200														13,620.00	21,519.60	300.00	35,439.60	3,513.96	38,953.56								
Specifications				4	4			8																				1,060.00	1,674.80		2,734.80	273.48	3,008.28								
Cost Estimate				4	4			8																				860.00	1,358.80		2,218.80	221.88	2,440.68								
QA/QC				12	12			4																				1,660.00	2,622.80		4,282.80	428.28	4,711.08								
Additional Bid Phase Services				16	16			40																				3,808.00	6,016.64		9,824.64	982.46	10,807.10								
TOTALS	8	32		100	78		16	644		24				40	408	56			18			1424						400				12,800	400			59,132.00	93,428.56	13,300.00	165,860.56	15,256.06	181,116.62
	78.00	68.00	62.00	68.00	55.00	52.00	49.00	46.00	38.00	34.00	31.00	27.00	47.00	33.00	27.00	22.00	35.00	25.00	18.00	25.00								0.500	0.500	150.00		16.00			0.75	0.15	0.050	1.00			

ENGINEERING DEPARTMENT

ADMINISTRATION (302) 855-7718
AIRPORT & INDUSTRIAL PARK (302) 855-7774
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FAX (302) 855-7799



Sussex County


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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
Rehoboth Midway Hospitality, LLC
File: OM 9.01

DATE: January 22, 2019

On July 19, 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

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

Under the proposed arrangement, **Holiday Inn Express at Midway** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **Rehoboth Midway Hospitality, LLC** will contribute **\$21,642.00** for the financial catch-up contribution of the existing infrastructure to serve an additional **30.99** Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility.



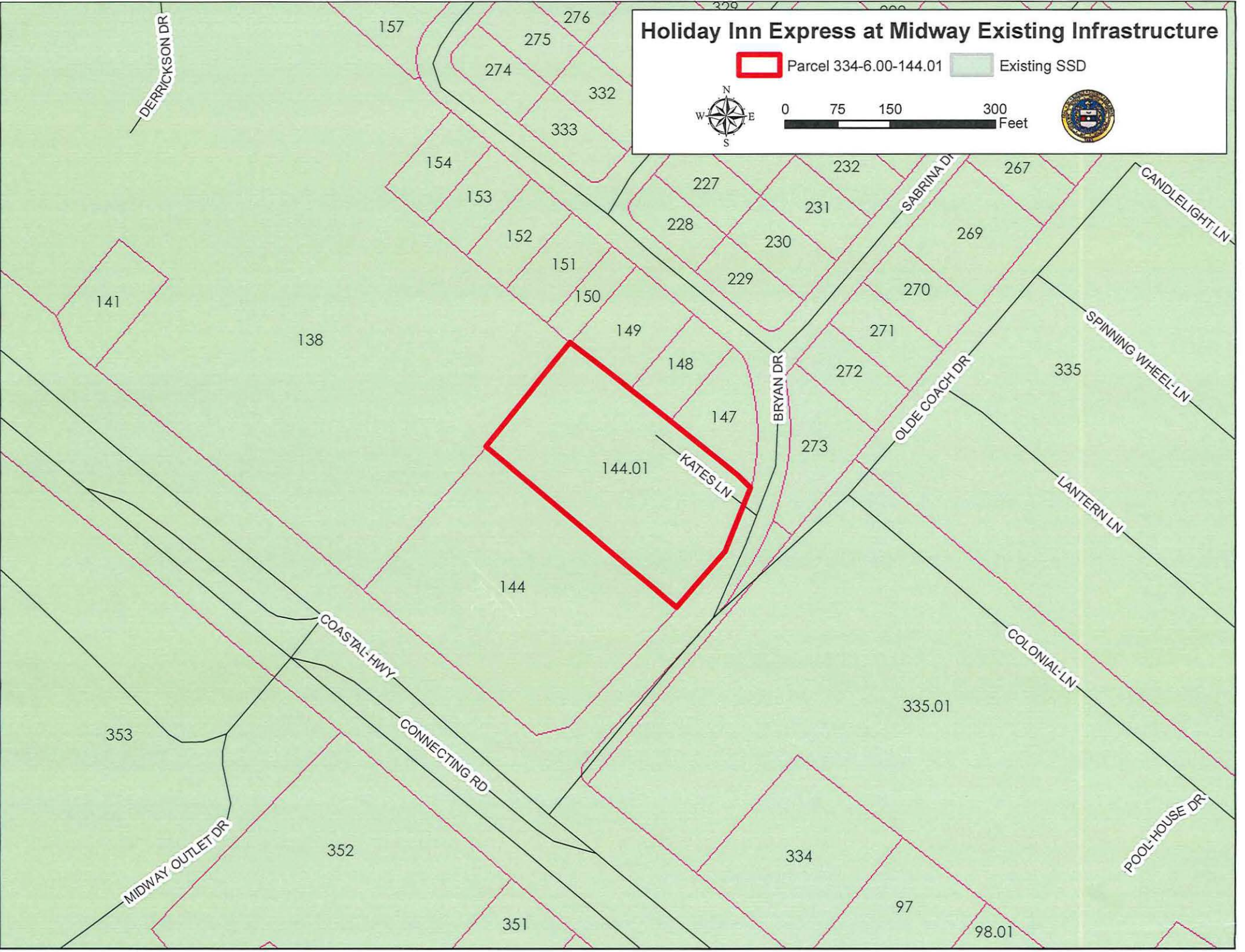
Holiday Inn Express at Midway Existing Infrastructure



Parcel 334-6.00-144.01



Existing SSD



USE OF EXISTING INFRASTRUCTURE AGREEMENT

HOLIDAY INN EXPRESS AT MIDWAY

THIS AGREEMENT ("Agreement"), made this 18th day of DECEMBER 2018, by and between:

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

REHOBOTH MIDWAY HOSPITALITY, LLC a Delaware Limited Liability Company and developer of a project known as Holiday Inn Express at Midway, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 334-6.00-144.01 to be known as Holiday Inn Express at Midway ("Project") and;

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

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to 30.99 additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of \$21,642.00 for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) Payment of the contribution must be submitted prior to receiving a connection permit for the facility.
- (5) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement

may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.

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

in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 212 West Route 38, Suite 700, Moorestown, New Jersey 08057.

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

(DATE)

ATTEST:

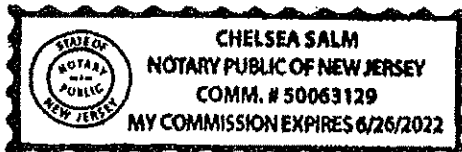
Robin A. Griffith
Clerk of the County Council

FOR REHOBOTH MIDWAY HOSPITALITY

By: _____ (Seal)
Harry Singh - Authorized Signatory

12-18-2018 (DATE)

WITNESS: Chelsea



ENGINEERING DEPARTMENT

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



Sussex County


DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Memorandum

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

FROM: John Ashman 
Director of Utility Planning

RE: *Use of Existing Infrastructure Agreement*
God's People for Purpose Ministries, Inc.
File: OM 9.01

DATE: January 22, 2019

On July 19, 2016, the Engineering Department gave a presentation on Sussex County's proactive wastewater infrastructure planning in the North Coastal Planning Area. The planning effort identified infrastructure needs and matched them to transmission and treatment capacity upgrades respectively. This arrangement collects financial contributions based on development built out flows for available capacity in the existing wastewater transmission infrastructure previously funded by the County while at the same time eliminating the granting of "oversizing" credits.

The Department requests approval of an agreement for the Use of Existing Infrastructure with **God's People for Purpose Ministries, Inc.** for the **God's People for Purpose Ministries Church** project in the Oak Orchard Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, **God's People for Purpose Ministries Church** project will connect to the existing County owned infrastructure. In return for utilization of said infrastructure **God's People for Purpose Ministries, Inc.** will contribute **\$4,591.00** for the financial catch-up contribution of the existing infrastructure to serve an additional **4.50** Equivalent Dwelling Units. Payment will be required prior to receiving a connection permit for the facility.



God's People for Purpose Ministries Existing Infrastructure



Parcel 234-29.00-269.00



Existing SSD



0 112.5 225 450 Feet



USE OF EXISTING INFRASTRUCTURE AGREEMENT

God's People for Purpose Ministries Church

THIS AGREEMENT ("Agreement"), made this 16TH day of JANUARY 2018, by and between:

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

GOD'S PEOPLE FOR PURPOSE MINISTRIES, INC. a Delaware Corporation and developer of a project known as God's People for Purpose Ministries Church, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcels 234-29.00-269.00 to be known as God's People for Purpose Ministries Church ("Project") and;

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

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

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

- (1) Developer is proposing to utilize County's existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect up to **4.50** additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to financial catch-up contribution in the amount of **\$4,591.00** for said existing facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) **Payment of the contribution must be submitted prior to receiving a connection permit for the facility.**

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

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

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is ~~32490 Lewes-Georgetown Highway, Lewes DE 19956.~~

32111 Oak Orchard Rd., Millsboro, De. 19966

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

FOR THE COUNTY:

{Seal}

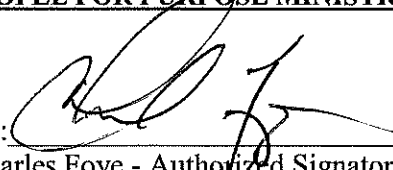
By: _____
(President - Sussex County Council)

(DATE)

ATTEST:


Robin A. Griffith
Clerk of the County Council

FOR GOD'S PEOPLE FOR PURPOSE MINISTRIES, INC

By:  (Seal)
Charles Foye - Authorized Signatory

1-16-19 (DATE)

WITNESS:

 _____



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: LEWES IN BLOOM

PROJECT NAME: CHILDREN'S LEARNING GARDEN

FEDERAL TAX ID: 51-0400365 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 CHILDREN'S GARDEN WAS CREATED AS A LEARNING GARDEN WHERE CHILDREN AND FAMILIES CAN SEE HOW LOCAL FRUITS AND VEGETABLES AND FLOWERS GROW. THE GARDEN PROVIDES HANDS-ON EXPERIENCES THROUGH SUPERVISED ACTIVITIES BY LIB VOLUNTEERS AND COMMUNITY MEMBERS.

ADDRESS: LEWES IN BLOOM

PO BOX 308

LEWES

DE

19958

(CITY)

(STATE)

(ZIP)

CONTACT PERSON: NANCY PHILLIPS

TITLE: CHAIR - CHILDREN'S LEARNING GARDEN

PHONE: 302-827-8032 EMAIL: NANDPP@YAHOO.COM

TOTAL FUNDING REQUEST: \$700.00

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

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

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 25%

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 ¹ | <input checked="" type="checkbox"/> Other <u>ENVIRONMENTAL</u> | <input checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

400-500

SECTION 3: PROGRAM SCOPE

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

THE CHILDREN'S LEARNING GARDEN WAS ESTABLISHED 7 YEARS AGO IN STANGD PARK, LEWES. THE GARDEN HAS IT'S OWN BOARD AND BUDGET AND WE DO OUR OWN FUNDRAISING. WE INVITE LOCAL CHILDREN AND FAMILIES TO COME AND PLANT, MAINTAIN AND PARTICIPATE IN LEARNING EXPERIENCES AT THE GARDEN FROM APRIL TO THE END OF AUGUST. OUR BI-WEEKLY ACTIVITIES INCLUDE STORYTELLING, SCIENCE, COOKING, MUSIC AND ARTS AND CRAFTS. THESE ACTIVITIES ARE LED BY LOCAL EXPERTS AND LIB VOLUNTEERS. EACH YEAR OUR ATTENDANCE AT THESE ACTIVITIES GROWS IN NUMBERS WITH AN AVERAGE OF 60 CHILDREN AND PARENTS. ALL THE ACTIVITIES ARE HANDS-ON LEARNING EXPERIENCES THAT PROMOTE A HEALTHY LIFESTYLE. AFTER SEVEN YEARS A NUMBER OF RAISED PLANTERS, A TRELIS AND IRRIGATION NEED TO BE REBUILT. WE HAVE A LARGE DEDICATED GROUP OF VOLUNTEERS WHO SUPPORT THE GARDEN'S ACTIVITIES AND FAMILIES EACH WEEK.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	\$ 500.00
TOTAL REVENUES	\$ 500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
OPERATING COSTS: SEEDS, PLANTS, SOIL,	
ADVERTISING MATERIALS, GARDEN TOOLS AND	
SUPPLIES, FERTILIZER, TEACHING SUPPLIES,	
SNACKS AND WATER	\$ 1,200.00
GARDEN REBUILD: NEW RAISED BEDS, TRELIS,	
MULCH AND IRRIGATION SYSTEM	\$ 2,700.00
TOTAL EXPENDITURES	\$ 3,900.00 \$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 3,400.00 \$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

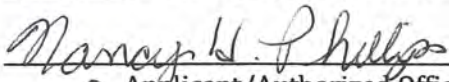
LEAVES IN BLOOM

If this grant application is awarded funding, the CHILDREN'S LEAVES IN BLOOM GARDEN agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

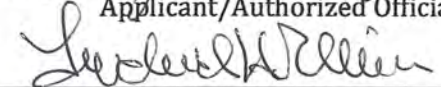
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



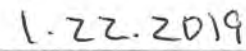
Applicant/Authorized Official



Date



Witness



Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

[Handwritten initials]

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.

Nancy H. Phillips
Applicant/Authorized Official

Chair - Children's Learning
Title *Garden*

Linda K. Allen
Witness

1-22-2019
Date

Burton
1/29/19
Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: American Cancer Society

PROJECT NAME: Relay For Life of Sussex County

FEDERAL TAX ID: 13-1788491 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 American Cancer Society is the nationwide community-based voluntary health organization dedicated to eliminating cancer as a major health problem by preventing cancer, saving lives, and diminishing suffering from cancer, through research, education, advocacy, and service.

ADDRESS: 1315 Mt. Hermon Road, Suite D

Salisbury Maryland 21804
(CITY) (STATE) (ZIP)

CONTACT PERSON: Ashley Webb

TITLE: Community Development Manager

PHONE: 410-749-1635 EMAIL: ashley.webb@cancer.org

TOTAL FUNDING REQUEST: \$1,500

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

If YES, how much was received in the last 12 months? \$1,500

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
3,000

SECTION 3: PROGRAM SCOPE

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

The American Cancer Society is committed to saving lives from cancer with programs to help those fighting currently as well as ground breaking research for treatments as well as the hope that we will find a cure once and for all to cancer. Your donations help us fight every type of cancer, for individuals from all walks of life, in communities around the globe. Donations to the American Cancer Society's Relay For Life help find programs such as Hope Lodge which provides free lodging for cancer patients receiving treatments away from home. Road To Recovery provides transportation to treatments for cancer patients. Through our local offices we provide free wigs and wig fittings for local cancer patients. The American Cancer Society participates in numerous health fairs to increase education and awareness about early detection. At each of our Relay For Life events we kick off the night with a survivor and caregiver lap following by a survivor luncheon to honor those who are or have fought cancer and their families.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

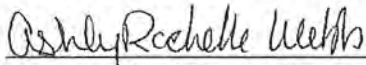
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Relay For Life of Sussex County agrees that:
 (Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)


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



Applicant/Authorized Official

01-25-2019

Date



Witness

01-25-2019

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.

Ashley Rochelle Webb
Applicant/Authorized Official

Community Development
Title Manager

[Signature]
Witness

01-25-2019
Date

Vincent
1-25-19
Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Friends of the Georgetown Public Library		
PROJECT NAME:	Library Programming		
FEDERAL TAX ID:	51-0403103	NON-PROFIT:	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
DOES YOUR ORGANIZATION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFFILIATION?			
<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO *IF YES, FILL OUT SECTION 3B.			
ORGANIZATION'S MISSION:			
ADDRESS:	123 W. Pine Street		
	Georgetown	DE	19947
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Debby Eckrich		
TITLE:	Board Member at Large		
PHONE:	(302) 856-2186	EMAIL:	finishstrong6212@gmail.com

TOTAL FUNDING REQUEST:	\$300.00
Has your organization received other grant funds from Sussex County Government in the last year?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, how much was received in the last 12 months?	\$300.00
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	<input type="checkbox"/> YES <input type="checkbox"/> NO
Are you seeking other sources of funding other than Sussex County Council?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
If YES, approximately what percentage of the project's funding does the Council grant represent?	6%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

This request is being made on behalf of the Friends of the Georgetown Public Library.

Our mission is to raise money in an effort to help finance the Georgetown Public Library's budget. In the past, "The Friends" have allocated funds for the library's e-book collection, tablets with educational testing (SAT prep, Math, Learning a Foreign Language, Brain Games, etc.) and toys for the children's area.

Throughout the year "The Friends" group hosts events to raise funding that goes directly to the Georgetown Library. These events include a 5K Race/1 Mile Walk through Georgetown, a dinner auction, two book sales, etc.

All members of the community, but especially residents of Sussex County benefit from the many services the Georgetown Public Library offers. One of the greatest opportunities to residents is the use of computers and internet access to those residents who do not have internet service (or slow internet service) in their homes.

One hundred percent (100%) of this grant will be used to supplement Library programs operating costs.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
	Operating Costs
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00


SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Friends of the Georgetown Library agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official



Witness

January 16, 2019

Date

January 16, 2019

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

*Sam
1/29/19*

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

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

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

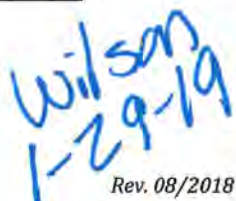

Applicant/Authorized Official

Witness

Board Member at Large

Title
January 16, 2019

Date


Rev. 08/2018



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Selbyville Middle School
PROJECT NAME: National Blue Ribbon Tile Flooring
FEDERAL TAX ID: 51-6000279 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 Selbyville Middle School is to effectively assist young adolescents in the transition from the elementary school to the high school. Students, parents, and staff of Selbyville Middle School will work cooperatively to provide a warm, safe learning environment that will encourage every child to develop the knowledge, skills and attitudes to be successful in an ever-changing society.

ADDRESS: 80 Bethany Rd.

Selbyville DE 19975
(CITY) (STATE) (ZIP)

CONTACT PERSON: Jason M. Macrides
TITLE: Principal
PHONE: 302.436.1020 EMAIL: jason.macrides@irsd.k12.de.us

TOTAL FUNDING REQUEST: \$13,600.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

740+

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.

Selbyville Middle School was named a National Blue Ribbon School for Exemplary High Performance for 2018 by the US Department of Education. This recognition is significant in that Selbyville Middle School is 1 of 2 Title I public middle school's in the nation to earn this recognition (there are over 133,000 schools eligible for National Blue Ribbon recognition annually). Additionally, Selbyville Middle School is the first public Title I secondary school in the state of Delaware to earn recognition as a National Blue Ribbon School for Exemplary High Performance. We would like to incorporate the US Department of Education's National Blue Ribbon Logo into our tile floor in our main entrance area. Doing so would permanently remind all who enter the school house of the remarkable recognition achieved by the students, parents, community, educators, and support staff of Selbyville Middle School.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
	\$ 13,600.00
TOTAL EXPENDITURES	\$ 13,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 13,600.00

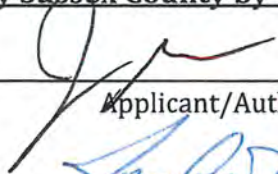
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Selbyville Middle School agrees that:
(Name of Organization)

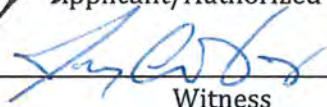
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SECTION 5: STATEMENT OF ASSURANCES (continued)

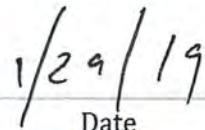
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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



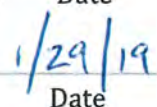
Applicant/Authorized Official



Witness



Date



Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

[Handwritten initials]

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

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

Jason M. Macrides

Applicant/Authorized Official

Jeff Forjan

Witness

[Handwritten signature of Jason M. Macrides]
[Handwritten signature of Jeff Forjan]

Principal

Title

Assistant Principal

Date

1/29/19

Ricker 1/29/19



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:

Sussex County Science Fair / *Delaware Technical Community College*

PROJECT NAME:

Annual Science Fair Held at Del Tech in Georgetown

FEDERAL TAX ID:

SCSF Tax ID # ~~46-5047566~~ *51-6000279*

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:

Organize and hold an annual science fair for all students in Sussex County from 6th to 12th grade. Since SCSF is not a 5013C check to be made to Del Technical and Community College (Attn Ms. Erin Schutt) on the group's behalf.

ADDRESS:

check to be sent Delaware Technical Community College

Delaware Technical and Community College

21179 College Drive

Georgetown

DE

19947

(CITY)

(STATE)

(ZIP)

CONTACT PERSON:

Lew Killmer

TITLE:

Treasure SCSF

PHONE:

302-537-2881

EMAIL:

lew.killmer@mac.com

TOTAL FUNDING REQUEST: \$1000.00

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?

\$1000.00

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 30%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

Each year the Sussex County Science Fair (SCSF) organizes a science fair for all students in Sussex County from 6th grade to 12th grade. Students from public, private, religious as well as home schooled are eligible to participate. The purpose of the SCSF is to encourage students to be personally involved with STEM (Science Technology Engineering and Math) by creating an individual or team research project.

Each project is judged by a team composed of teachers, college students, active and retired professional scientists and engineers. Winners are given small cash award ranging from \$50 to \$100 and the winners from the SCSF are eligible to compete at the Delaware Valley Science Fair (DVSF) which is a three state science fair that each year awards over a million dollars in the form of full paid college scholarships to significant cash awards.

Funding is difficult to generate at the local level because of the limited number of firms in Sussex County willing to participate. The funds are used to pay for lunches for our students, teachers and judges who attend the all day event, cash awards, printing of programs as well paying for the use of the facility at Del Tech. Each year it costs about \$3000 to put on the SCSF and we are requesting a \$1000 from our County Council members.

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.

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

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

SECTION 4: BUDGET

REVENUE	\$ 1000 County Council \$ 2000 from various sources
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	\$3000
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Del Tech Food and Staff Support Services	-1500.00
Student Prizes, Awards and Gifts to Staff and Keynote Speaker	-1000.00
Printing of Brochures and Programs	-500.00
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

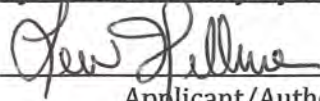
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Sussex County Science Fair agrees that:
(Name of Organization)

- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application. All accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.
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SECTION 5: STATEMENT OF ASSURANCES (continued)

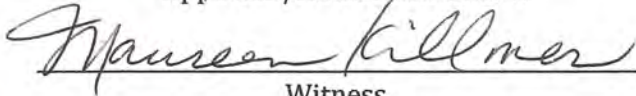
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Applicant/Authorized Official

24 January 2019

Date



Witness

1/24/19

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

SUSSEX COUNTY COUNCIL NON-PROFIT GRANT PROGRAM
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All expenditures must have adequate documentation and must be expended within one (1) year of award of funds.

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

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

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

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

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

Debra Killmer
Applicant/Authorized Official

Margaret Killmer
Witness

Treasurer SCSF
Title

24 January 2019
Date

Vincent
1-29-19
Rev. 08/2018

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Sussex County

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 29, 2019

RE: County Council Report for CU 2153 Cassandra Toroian

The Planning and Zoning Department received an application (CU 2153 Cassandra Toroian) to allow for a Conditional Use to allow for a real estate and investing office for parcel 334-13.00-181.00 to be located at 35568 Airport Rd. The Planning and Zoning Commission held a public hearing on January 10, 2019. The following are the minutes 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, staff analysis, comments from the Sussex Conservation District, Sussex County Department of Engineering Utility Planning Division, and results from the DelDOT Traffic Improvement Study ("TIS"). One letter received in opposition to the Application was read into the record. Four letters received in support of the application were read by Ms. Cornwell into the record.

The Commission found that Ms. Taylor Trapp, Attorney with Tunnell and Raysor and Ms. Cassandra Toroian, the Applicant were present on behalf of the application; that Ms. Trapp stated the Applicant Sussex County office is a small professional office with four full-time staff members and one part-time staff member; that the Applicant is currently renting office space at another location; that the request for a Conditional Use of land in this location is consistent with the Comprehensive Plan; that a TIS was not required by DelDOT; that the property is more suited for a business use rather than a residential use due to its close proximity to Route 1; that there are 14 other businesses in the area; that the character of the community is moving towards a business character; that the proposed use is similar to the other uses in the area and it would not have an adverse impact on the neighborhood; that the Applicant would maintain the residential look of the property; that the Applicant has increased the curb appeal since purchasing the property; that this business would not generate increases in noise or traffic; that there would be a limited number of clients visiting the site; that most of the Applicant's clients do not physically meet at the site and usual communicate via telephone, e-mail, video or other electronic means; that Ms. Toroian stated that she established the business 10 years ago; that she helps in the community; that she needs more office space; that she sees less of her clients in the office; that with more space, she could have more people in this facility; that she would like to display a sign for the business; that there is existing lighting on the house and garage; that the hours of operation would be Monday through Friday with no weekend hours; that the hours of operation are 8:30 am to 5:00



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pm; that she has an average of one to two clients a week; and that she would like to extend her hours to 8:00 am to 5:00 pm on weekdays.

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

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

Ms. Wingate moved that the Commission recommend approval of Conditional Use # 2153 for Cassandra Toroian for a real estate investing office based upon the record made during the public hearing and for the following reasons:

1. The site is located along Airport Road, which is near Route 1, and which has become a busy access road to Route 1. This is an appropriate location for this use.
2. There are approximately 14 other businesses in this immediate vicinity. This area is trending towards business uses and this proposed use is consistent with the trend of development along Airport Road.
3. The use is relatively small in nature with a small number of employees and few on-site customers.
4. The use will not generate any significant traffic and it will not adversely affect nearby roadways.
5. The use will not adversely affect the neighborhood or adjacent properties.
6. The use as a real estate and investing office is located conveniently for use by Sussex County residents.
7. The Applicant has stated that the property will maintain its residential appearance.
8. This recommendation is subject to the following conditions:
 - A. The use shall be limited to a real estate and investing office.
 - B. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
 - C. Any pole-mounted lights shall be downward screened so that the lights do not shine on neighboring properties or roadways.
 - D. The hours of operation shall be weekdays only, from 8:00 am until 6:00 pm. There shall not be any weekend hours.
 - E. The applicant shall comply with all DelDOT entrance and roadway improvement requirements.
 - F. Any dumpsters shall be screened from view of neighboring properties and roadways.
 - G. Parking in the front yard setback shall be permitted. This is consistent with other properties in the area. No parking spaces shall have direct access to Airport Road and no vehicles shall be permitted to back out of a parking space directly onto Airport Road.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Ms. Stevenson 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.

PLANNING & ZONING

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 3, 2019
RE: Staff Analysis for CU 2153 Cassandra Toroian

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2153 Cassandra Toroian to be reviewed during the January 10, 2019 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 334-13.00-181.00 to allow for a real estate and investing office to be located at 35568 Airport Rd. The size of the property is 0.5005 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 Area.

The surrounding land use to the north, south, east and west is Environmentally Sensitive Developing Area. The Developing Areas land use designation recognizes that a variety of office uses would be appropriate in many areas and that business and industrial parks with good road access would be appropriate. It also recognizes that mixture of homes with light commercial and institutional uses could be appropriate to provide for convenient services and let people work close to home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and CR-1 (General Residential District). The properties to the south are zoned AR-1 (Agricultural Residential District), CR-1 (Commercial Residential District) and C-1 (General Commercial District). The properties to the east are zoned C-1 (General Commercial District) and CR-1 (Commercial Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and CR-1 (Commercial Residential District). There are several Conditional Uses in the area (multi-family developments).

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a real estate and investing office would be considered consistent with the land use, area zoning and uses.





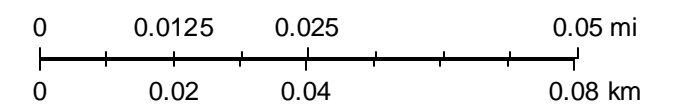
Sussex County



PIN:	334-13.00-181.00
Owner Name	BELLISA LLC
Book	4897
Mailing Address	63 KINGS CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	S/W SD HWY THRU
Description 2	MIDWAY TO AIRPORT
Description 3	N/A
Land Code	

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

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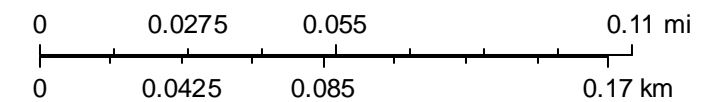
Sussex County



PIN:	334-13.00-181.00
Owner Name	BELLISA LLC
Book	4897
Mailing Address	63 KINGS CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	S/W SD HWY THRU
Description 2	MIDWAY TO AIRPORT
Description 3	N/A
Land Code	

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

1:2,257



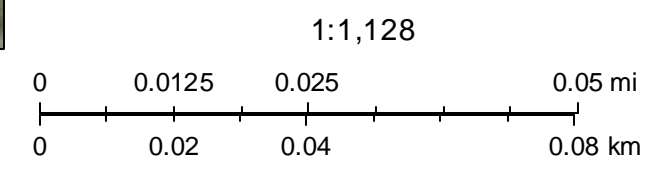


Sussex County



PIN:	334-13.00-181.00
Owner Name	BELLISA LLC
Book	4897
Mailing Address	63 KINGS CREEK CIR
City	REHOBOTH BEACH
State	DE
Description	S/W SD HWY THRU
Description 2	MIDWAY TO AIRPORT
Description 3	N/A
Land Code	

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



Introduced 09/18/18

**Council District No. 4 – Cole
Tax I.D. No. 334-13.00-181.00
911 Address: 35568 Airport Road, Rehoboth Beach**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A REAL ESTATE AND INVESTING OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5005 ACRE, MORE OR LESS

WHEREAS, on the 26th day of July 2018, a conditional use application, denominated Conditional Use No. 2153, was filed on behalf of Cassandra Toroian; 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. 2153 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. 2153 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 side of Airport Road, approximately 100 feet southeast of Old Landing Road, and being more particularly described in the attached deed prepared by Tunnell & Raysor, P.A., said parcel containing 0.5005 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.

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Sussex County
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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: January 29, 2019

RE: County Council Report for CU 2154 Arturo Granados-Gonzalez

The Planning and Zoning Department received an application (CU 2154 Arturo Granados-Gonzalez) to allow for a Conditional Use to allow for a concrete construction business with equipment storage for parcel 134-14.00-20.00, 20.03 & 20.04 to be located on Burbage Rd. The Planning and Zoning Commission held a public hearing on January 10, 2019. The following are the minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were an exhibit booklet, Site Plan, staff analysis, comments from the Sussex County Engineering Department of Utility Planning Division, Sussex Conservation District and the results from the DelDOT Traffic Impact Study.

The Commission found that Mr. David Hutt, Attorney with Morris, James, Wilson, Halbrook and Bayard, LLP and Mr. Arturo Granados-Gonzalez, the Applicant were present on behalf of the application; that Mr. Hutt stated this application is similar to an application that was presented to the Commission in 2017; that the Applicant moved his business from Vines Creek Road; that the Planning and Zoning Commission previously recommended that the prior application be approved and that the Sussex County Council then denied that application; that the Applicant then had to re-locate his business and is now proposing a Conditional Use application for the current site; that the Applicant uses the parcel with the house in addition to the parcel behind the house; that the property is zoned AR-1 (Agricultural Residential Zoning District); that the Land Use Classification per the 2008 Comprehensive Plan the land is "Low-Density Area"; that the Land Use Classification per the 2018 Comprehensive Plan is "Coastal Area"; that the Applicant has had his property vandalized in the past and that he only intends to use the lot with the house and lot 2 (parcel 20.03); that the Applicant has a concrete form business, brick and paving work; that there are no construction activities physically undertaken at this site; that the employees meet at the site and go to the client's job-site where the contracted work is then undertaken; that the Applicant does physically store equipment on the site; that the proposed hours of operation are 7:00 am until 6:30 pm; that the types of equipment stored on-site are trucks, dump truck, skid steers, mini-excavators, flatbed trailers, and some concrete forms; that all maintenance of vehicles would take place in the existing garage; that parking for employees would be provided; that typically there would be 12 employees; that screening would be provided for the site; that there would not be any retail sales of stored materials to the public; that this site would operate more like a park and ride for employees; that employees would not bring any products back



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to the site and that there would not be storage of waste materials; that the Applicant's nephew lives in the house on-site; that the proposed use is consistent with the Comprehensive Plan; that the property is located in an area where development is occurring; that the proposed findings is similar to the previous Conditional Use application; that Mr. Granados-Gonzalez stated he has 14 employees with only six drivers; that the employees arrive between 7:00 am to 7:15 am and return to the site between 5:00 pm to 5:45 pm; that six or seven employees would drive to the site; that there would be 10 work vehicles parked at the site; that there would be a total of 15 vehicles on the site including the company and employees vehicles; that they have six trailers and they are parked in the back near the concrete forms and that the concrete forms are stored in the trailers; that the other equipment is typically kept on job sites; that they own two skid loaders and two mini-excavators; that some of the equipment would be stored in the garage; that the trailer pump is kept in the garage at all times; that the applicant would like to display a business sign; and that the hours of operation would be 7:00 am until 6:30 pm.

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

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

Motion by Ms. Wingate, seconded by Ms. Stevenson and carried unanimously to defer action for further consideration. Motion carried 4-0.

At their meeting of January 24, 2019, the Planning Commission discussed the application which has been deferred since January 10, 2019.

Ms. Wingate moved that the Commission recommend approval of Conditional Use 2154 for Arturo Granados-Gonzalez for a concrete construction business with equipment storage based on the record made during the public hearing and for the following reasons:

1. There is a need for this type of use in this area of Sussex County. The Applicant submitted information showing that this site is centrally located in an area where a lot of construction is underway.
2. There will be no retail sales or similar business conducted from the site. It will only be used for storage of concrete forms and equipment.
3. The Applicant has stated that all work is performed off-site, and that there will not be any dumping or storage of concrete or similar materials on the site.
4. The use does not require any regular deliveries during the day. The only traffic is typically in the morning and afternoon when employees take the equipment to off-site job locations.
5. With the conditions and limitations of this approval, the continuation of the use of the site for storage purposes will not adversely affect neighboring properties, roadways or traffic.
6. The applicant has stated that his company provides a service to the construction industry in Sussex County. This use is of a public or semi-public character that will benefit the residents and businesses of Sussex County.
7. This recommendation is subject to the following conditions;
 - A. This use shall be limited to the applicant's concrete form business with equipment storage. No retail sales or other business shall be conducted from the site.
 - B. No manufacturing or concrete mixing shall occur on the site. This prohibition includes the shredding or grinding of any materials.
 - C. One lighted sign, not to exceed 32 square feet per side, shall be permitted.

- D. The hours of operation shall be limited to 7:00 am through 6:00 pm, Monday through Saturday only.
- E. Any security lighting shall be screened so that it does not shine on neighboring properties or roadways.
- F. A fence with landscaping shall be constructed along the perimeter of the site. The fencing and landscaping shall be shown on the Final Site Plan.
- G. The applicant shall comply with all DelDOT requirements, including any entrance or roadway improvements.
- H. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District.
- I. As stated by the Applicant, there shall be no dumping or storage of concrete or similar materials on the site. Also, all trucks and equipment shall be cleaned off-site.
- J. All maintenance of vehicles and equipment shall be performed indoors.
- K. The Final Site Plan shall clearly show all areas for vehicle equipment storage and parking, and these areas shall be clearly marked on the site itself. There shall not be any parking or storage within the property's setbacks.
- L. All concrete forms shall be stored in location that is screened from view from neighboring properties and roadways. These storage areas shall be shown on the Final Site Plan.
- M. Failure to comply with any of these conditions shall be grounds for termination of the Conditional Use Approval.
- N. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Wingate, seconded by Mr. Hopkins 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 3-0. Ms. Stevenson was absent.

PLANNING & ZONING

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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: January 3, 2019
RE: Staff Analysis for CU 2154 Arturo Granados-Gonzalez

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2154 Arturo Granados-Gonzalez to be reviewed during the January 10, 2019 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 134-14.00-20.00, 20.03 & 20.04 to allow for concrete construction business with equipment storage to be located on Burbage Rd. The size of the properties are 4.51 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 Low Density Area.

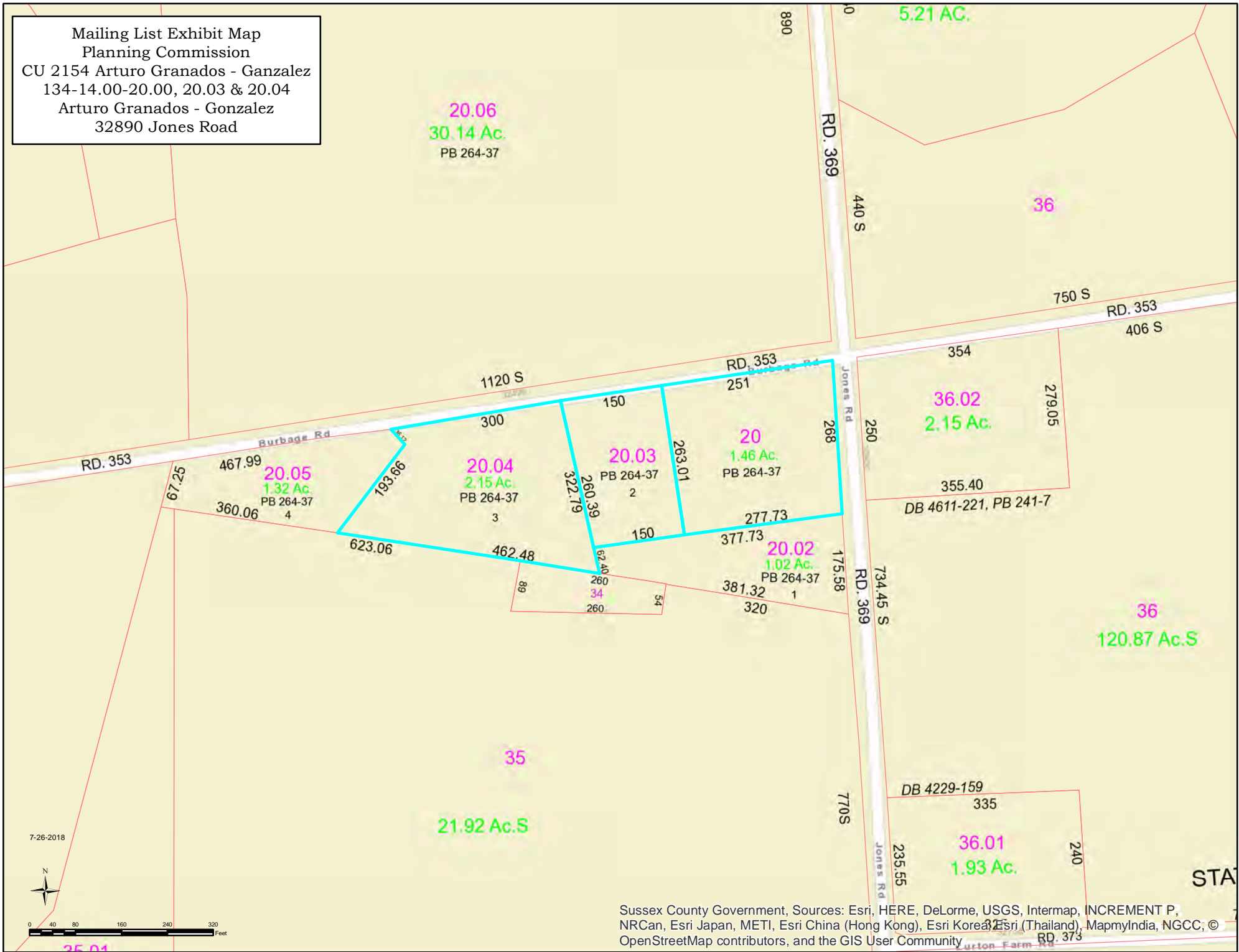
The surrounding land use to the north, south, east and west is Low Density Area. The Low Density Areas land use designation recognizes that a business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial 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 use as auto repair and gasoline sales, should be avoided in these areas.

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 for a concrete construction business with equipment storage could be considered consistent with the land use, area zoning and uses.

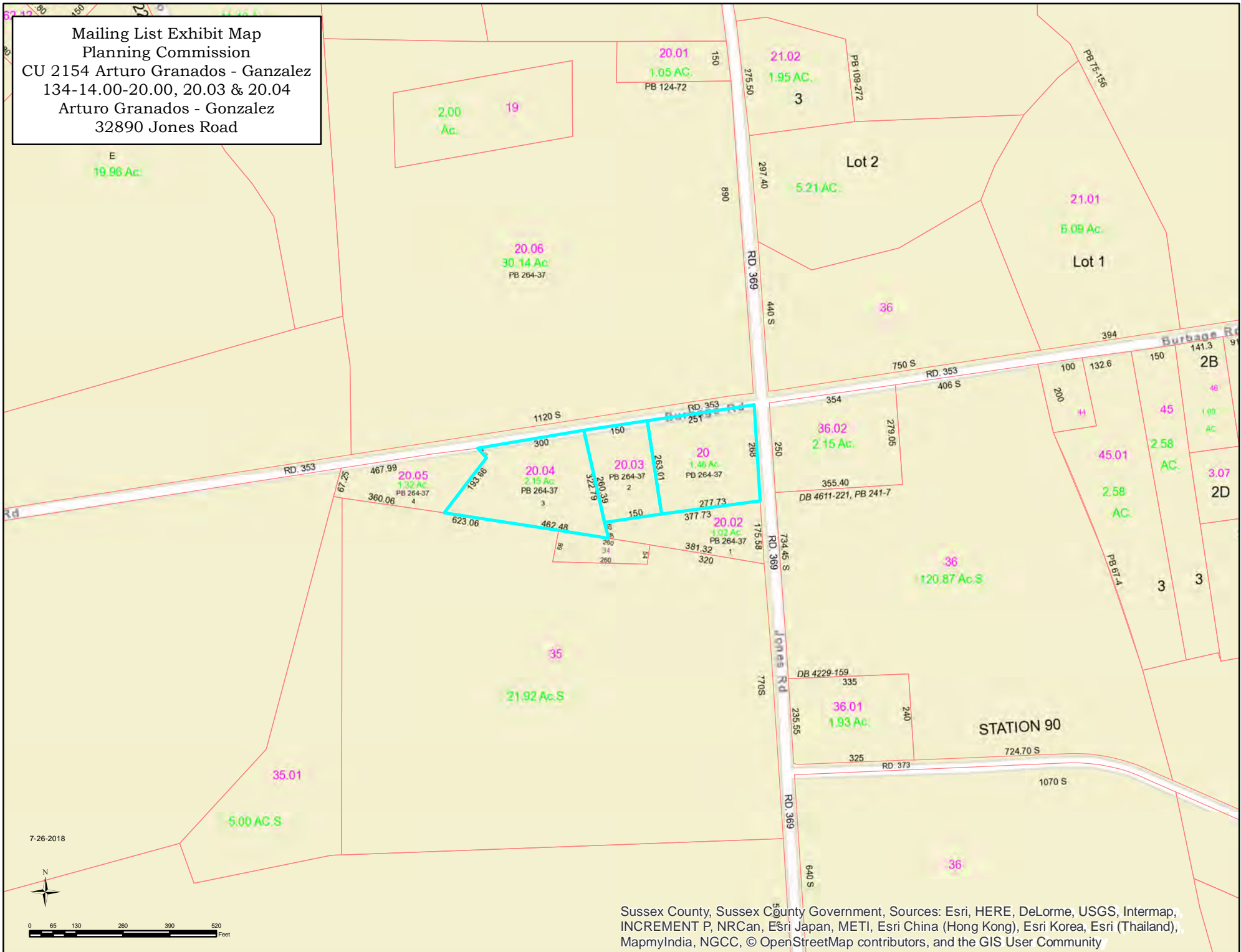


Mailing List Exhibit Map
 Planning Commission
 CU 2154 Arturo Granados - Ganzalez
 134-14.00-20.00, 20.03 & 20.04
 Arturo Granados - Gonzalez
 32890 Jones Road



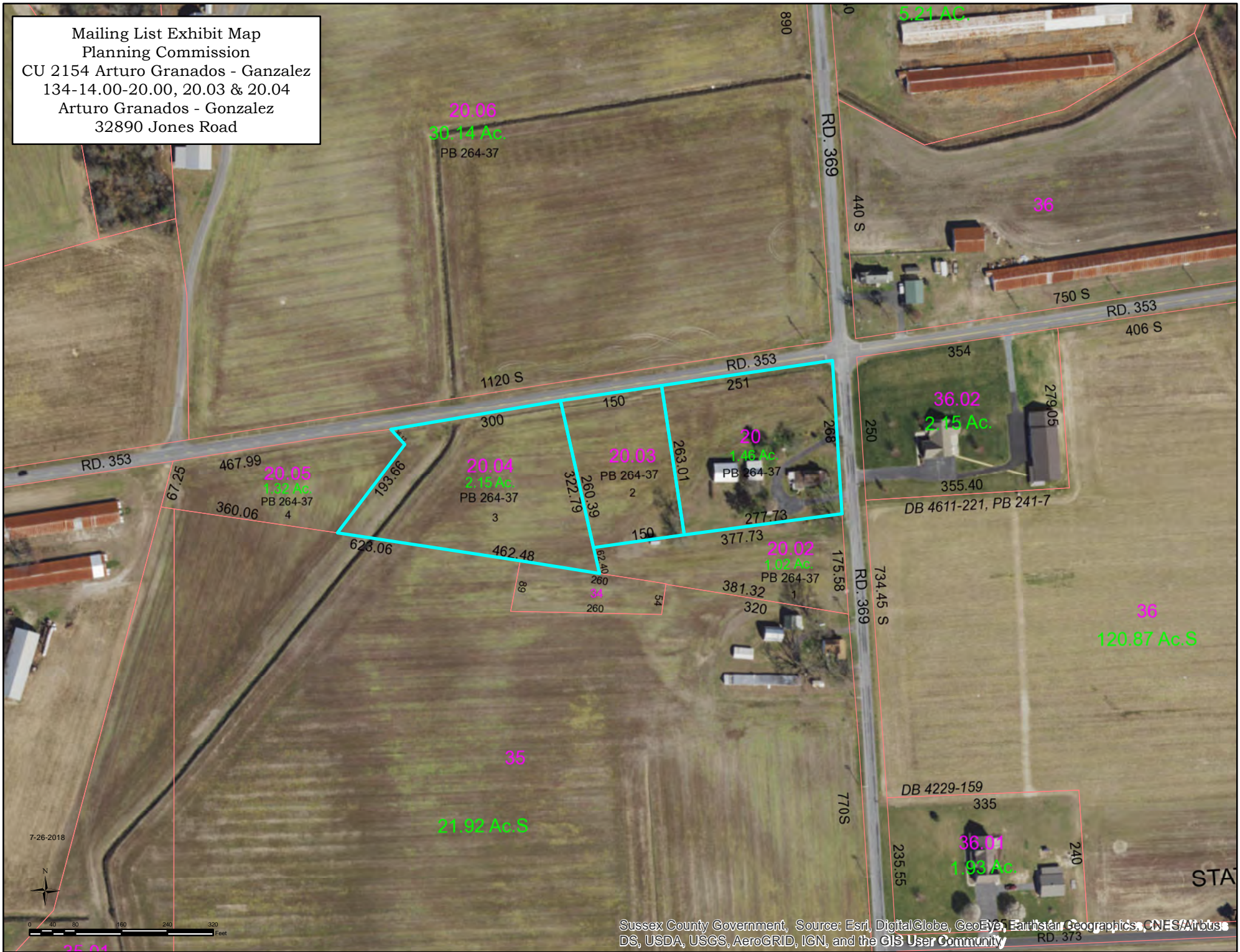
Sussex County Government, Sources: Esri, HERE, DeLorme, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), MapmyIndia, NGCC, © OpenStreetMap contributors, and the GIS User Community

Mailing List Exhibit Map
 Planning Commission
 CU 2154 Arturo Granados - Ganzalez
 134-14.00-20.00, 20.03 & 20.04
 Arturo Granados - Gonzalez
 32890 Jones Road



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

Mailing List Exhibit Map
 Planning Commission
 CU 2154 Arturo Granados - Ganzalez
 134-14.00-20.00, 20.03 & 20.04
 Arturo Granados - Gonzalez
 32890 Jones Road



Introduced 11/13/18

**Council District No. 5 – Arlett
Tax I.D. No. 134-14.00-20.00, 20.03 & 20.04
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CONCRETE CONSTRUCTION BUSINESS WITH EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 4.51 ACRES, MORE OR LESS

WHEREAS, on the 8th day of August 2018, a conditional use application, denominated Conditional Use No. 2154, was filed on behalf of Arturo Granados-Gonzalez; 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. 2154 be _____; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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. 2154 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 at the southwest corner of Burbage Road and Jones Road, and on the south side of Burbage Road approximately 251 feet, and 401 feet west of Jones Road, and being more particularly described in the attached legal description prepared by Haller & Hudson, said parcel containing 4.51 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.

JANELLE M. CORNWELL, AICP
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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 29, 2019

RE: County Council Report for CU 2162 Yellow Metal, LLC

The Planning and Zoning Department received an application (CU 2162 Yellow Metal, LLC) to allow for a Conditional Use to allow for a paving construction business with an office and equipment storage for parcel 135-11.00-31.00 to be located on Broadogs Pl. off of Lewes-Georgetown Hwy. (Rt. 9). The Planning and Zoning Commission held a public hearing on January 10, 2019. The following are the minutes for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record is a staff analysis, Applicant's exhibit booklet, comments from the Sussex County Engineering Department of Utility Planning Division, Sussex Conservation District, results of the Preliminary Land Use Service ("PLUS") response, and results from the DelDOT TIS.

The Commission found that Mr. Blake Carey, Attorney with Tunnell and Raysor and Mr. Fletcher Kenton, Principal of Yellow Metal, LLC were present on behalf the application; that Mr. Carey stated a portion of the property is zoned C-1 (General Commercial Zoning District) and that is narrow in shape; that the Applicant would like to extend his business back to the AR-1 area; that the Applicant has outgrown the existing site; that there is an existing office building in the C-1 portion of the property that would be used for two to four employees with no retail sales; that the storage of the equipment would be undertaken in the AR-1 portion of the site; that there are 25 to 30 pieces of equipment for the paving business as well as 15 trucks and he has 15 to 20 employees depending on the time of year; that the employees typically arrive at 5:45 am; that there is no work physically undertaken at the site; that there would be two to four employees in the office; that there would not be any manufacturing or retail sales to the public on the site; that there are a lot of trees out front shielding the equipment that is stored in the rear of the property; that the property would be served by an on-site well and on-site septic system; that there are several construction and industrial sites in the area; that there are thick, dense trees on-site; that the first few feet of the property is zoned C-1 and it is very narrow; that the AR-1 portion of the property is low density; that this is not an intense commercial use; that the Applicant does provide convenient service to the area; that the Applicant would like to have a 32 square foot sign; that any exterior lighting on the property would be downward screened; that the dumpsters would be screened from any neighboring properties; that the hours of operation would be 5:30 am to 6:30 pm; that Mr. Kenton stated that all maintenance of trucks would take place inside the building wherever possible; that there would not be any sales on the site and with



very few clients visiting the site; that they would transport unused asphalt back to the site and would recycle it into stone with small milling machines each day; that they would typically recycle one or two tons of 'black-top' material into stone each day; that they would typically be undertaking 20 to 30 minutes (max) of milling each day; that the milled items are moved on the front of the skid steer; that they would keep stone on-site; that he is okay with any conditions on the hours restricting the milling the asphalt and possible restriction of the amount of crushed piles of material to be stored on-site; that it would just be asphalt and no other waste materials from other third parties; that he is okay to limit the time to crush and/or mill waste to between 3:00 pm to 6:00 pm; that he would limit the amount of cubic yards of materials to five to six tons for a maximum amount of material on site at any given time of 50 tons; that there was a discussion on whether the whole 39 acres would be needed for the Conditional Use for the business; that Mr. Carey stated the Applicant would like to grow his business in the future; and that the Applicant is operating his business on six acres and it would be preferable to have space to be able to grow his business in future.

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

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

The Commission held a discussion on the proposed use, and the maximum amount of storage on-site; that the business would need to comply with all requirements of the Zoning Code; that the Commission would prefer to ensure that there are no additional waste materials coming to the site from elsewhere; that there is a limit on any hours of grinding/milling and the overall amount of materials capable of being stored on-site; that the Applicant should be allowed to grind for one hour per day between the window of 3:00 pm to 6:00 pm, to allow for flexibility in the return time of employees; that the stored materials should be stored in a specific location on the site; and that any conditions of approval should reference a list of ancillary activities permitted.

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 4-0.

At their meeting of January 24, 2019, the Planning Commission discussed the application which has been deferred since January 10, 2019.

Motion by Mr. Hopkins, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 3-0. Ms. Stevenson was absent.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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(302) 854-5079 F



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 3, 2019
RE: Staff Analysis for CU 2162 Yellow Metal, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2162 Yellow Metal, LLC to be reviewed during the January 10, 2019 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 135-11.00-31.00 to allow for paving construction business with an office and equipment storage to be located on Broadogs Pl. off of Lewes-Georgetown Hwy. (Rt. 9). The size of the properties are 39.630 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 Low Density Area and Commercial Highway Area.

The surrounding land use to the north is Low Density Area. The land use to the east and west is Low Density and Highway Commercial. The land use to the south is Highway Commercial. The Low Density Areas land use designation recognizes that a 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 use as auto repair and gasoline sales, should be avoided in these areas. The Highway Commercial land use designation recognizes that primarily shopping destinations along with hotels, car washes, auto dealerships and other larger scaled commercial uses not primarily targeted to the residential of the immediate residential areas would be appropriate.

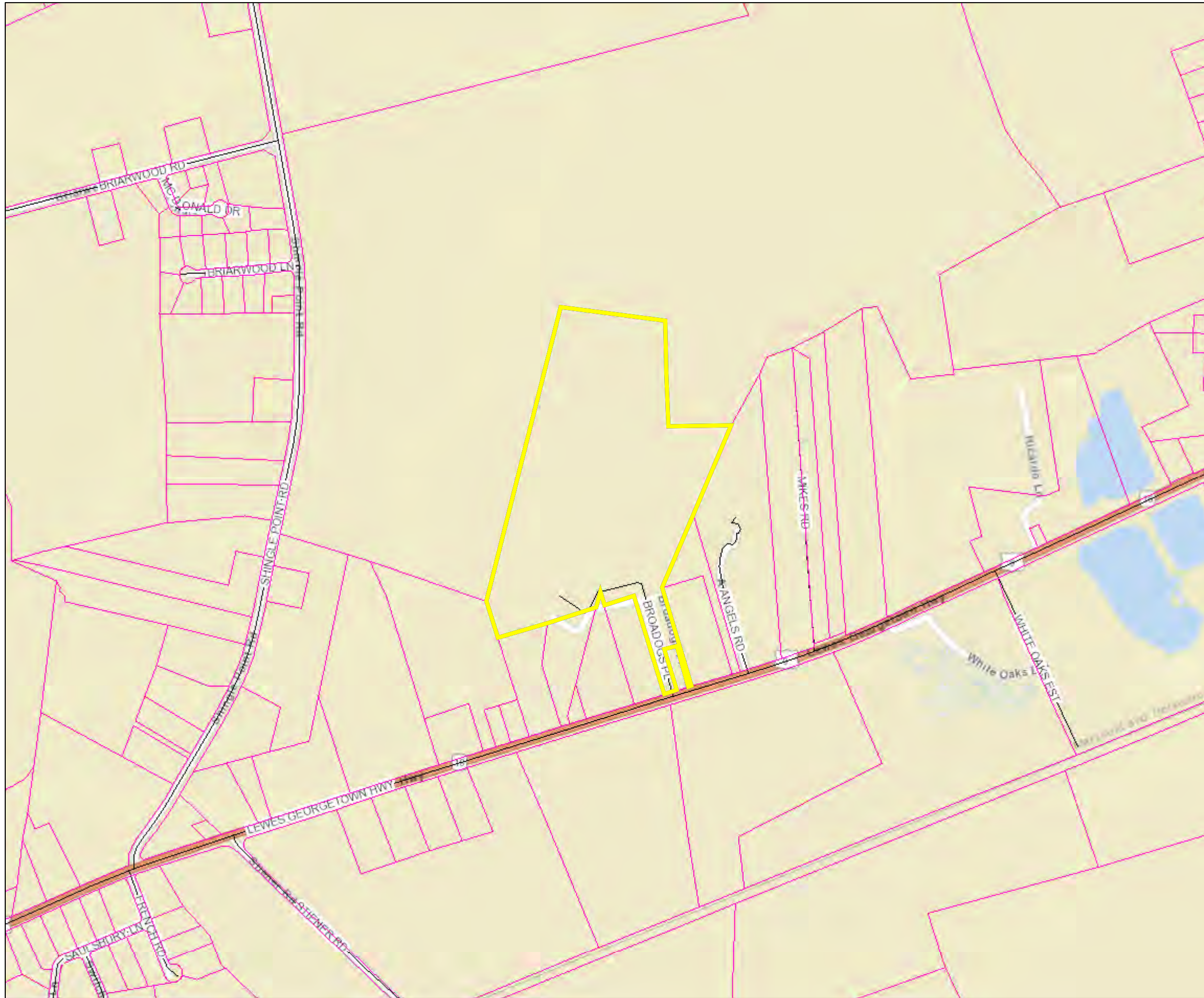
The property is zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the north are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned C-1 (General Commercial District), CR-1 (Commercial Residential District) and AR-1 (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the west are zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and LI-1 (Light Industrial District). There are no known active Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use for a paving construction business with an office and equipment storage could be considered consistent with the land use, area zoning and uses.





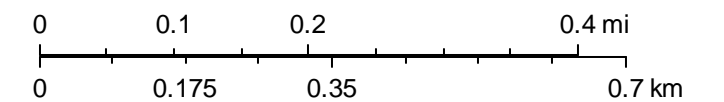
Sussex County



PIN:	135-11.00-31.00
Owner Name	DESCHAIINE- THOMPSON DAWN L
Book	3467
Mailing Address	20288 BROADOGS PL
City	GEORGETOWN
State	DE
Description	NW/RT 404
Description 2	3138.76' NE/RD 249
Description 3	PARCEL B
Land Code	

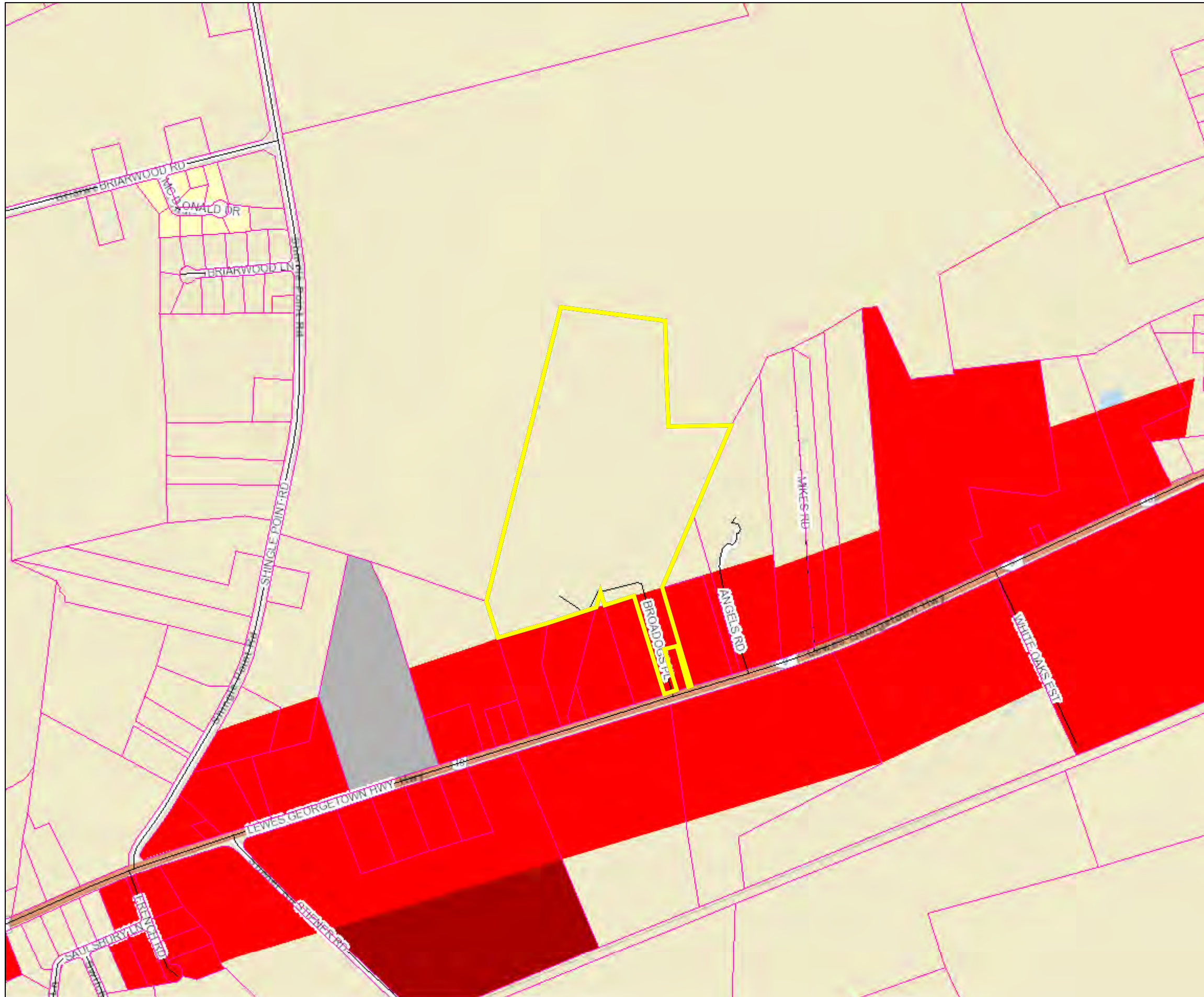
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- Override 1
- Tax Parcels
- Streets
- County Boundaries

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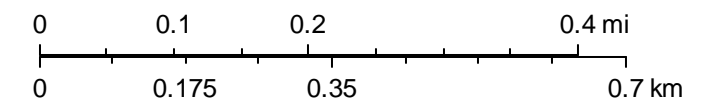
Sussex County



PIN:	135-11.00-31.00
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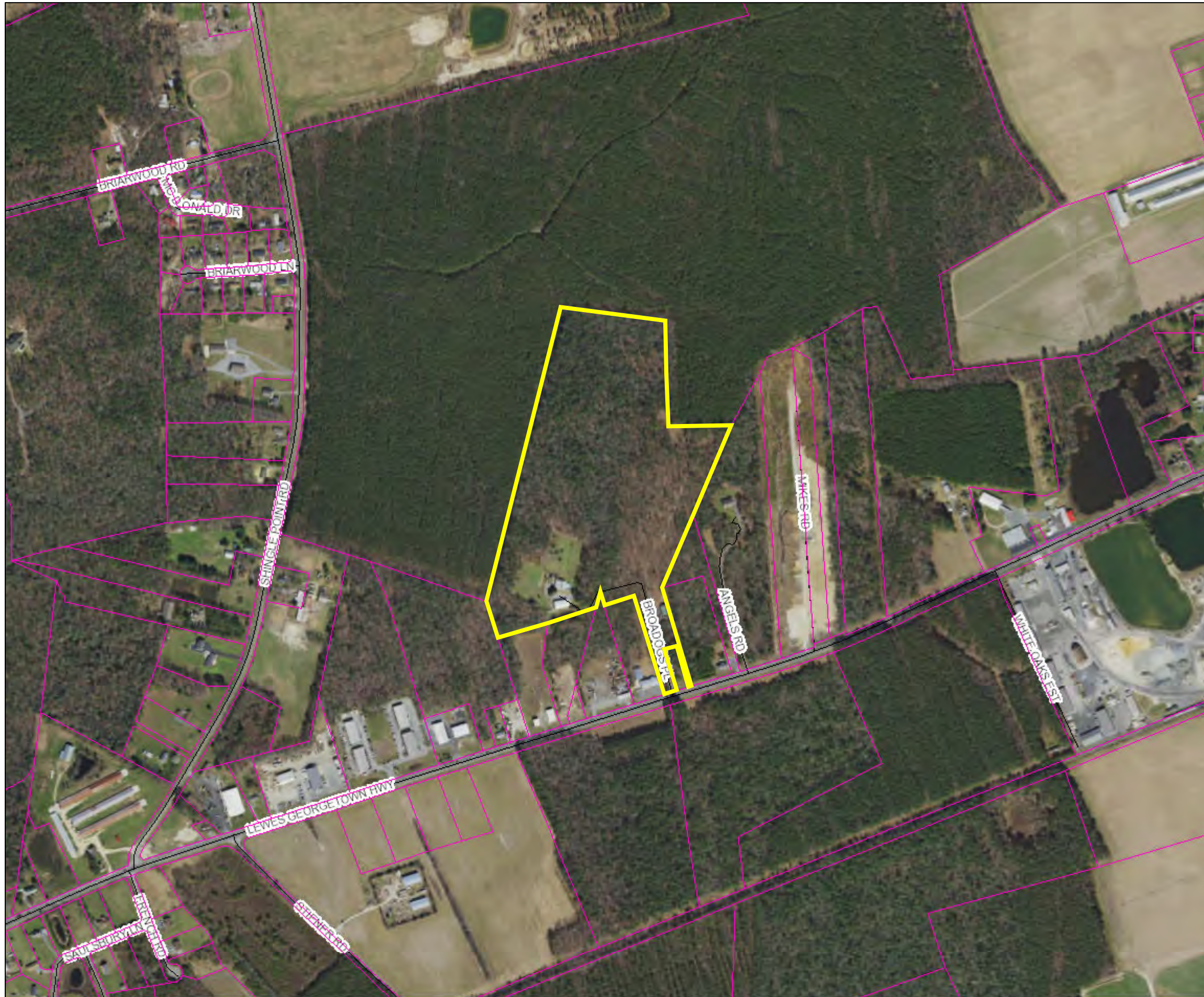
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 - Streets
- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
 - Commercial Residential - CR-1
 - Marine - M
 - Limited Industrial - LI-1
 - Limited Industrial - LI-2
 - Heavy Industrial - HI-1

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





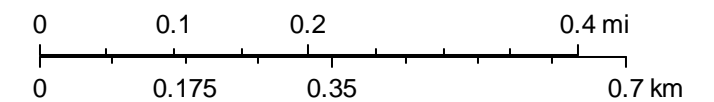
Sussex County



PIN:	135-11.00-31.00
Owner Name	DESCHAIINE-THOMPSON DAWN L
Book	3467
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- polygonLayer**
Override 1
- polygonLayer**
Override 1
-  Tax Parcels
-  Streets
-  County Boundaries

1:9,028



Introduced 11/27/18

**Council District No. 3 – Burton
Tax I.D. No. 135-11.00-31.00
911 Address: 20288 Broadogs Place, Georgetown**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT AND C-1 GENERAL COMMERCIAL DISTRICT FOR A PAVING CONSTRUCTION BUSINESS WITH AN OFFICE AND EQUIPMENT STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 39.630 ACRES, MORE OR LESS

WHEREAS, on the 14th day of November 2018, a conditional use application, denominated Conditional Use No. 2162, was filed on behalf of Yellow Metal, LLC; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2162 be _____; and

WHEREAS, on the ____ day of _____ 2019, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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, Articles IV and XI, Subsections 115-22 and 115-79, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2162 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Highway (Route 9), approximately 0.64 mile west of Gravel Hill Road, and being more particularly described in the attached legal description, said parcel containing 39.630 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.

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
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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 29, 2019

RE: County Council Report for CZ 1866 Triple B Farms, LLC

The Planning and Zoning Department received an application (CZ 1866 Triple B Farms, LLC) to allow for a Change of Zone to allow a change from AR-1 (Agricultural Residential District) to I-1 (Institutional District) to be located at the northeast corner of Hudson Rd. and Lewes-Georgetown Hwy. (Rt. 9). The Planning and Zoning Commission held a public hearing on January 10, 2019. The following are the minutes 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 and an exhibit booklet, Site Plan, comments from Sussex Conservation District, results from DelDOT TIS, and comments from the Sussex County Engineering Department of Utility Planning Division.

The Commission found that Mr. Gene Bayard, Attorney with Morris, James, Wilson, Halbrook and Bayard, LLP, Mr. Mike Reimann, with Becker Morgan Group and Mr. Jerry Peters, with Bayhealth Central and Southern Delaware were present on behalf of the application; that Mr. Bayard stated per the proposed 2018 Comprehensive Plan the land is classified as a growing business corridor; that over the years there have been a dozen Zoning Map changes approved in the area; that there are a variety of retail, commercial, medical, and agricultural activities in the area; that the most recent Change of Zone request was from the Dollar General store, and a mini-storage business that is currently under construction in the area; that there are residential developments in the area; that there are over 600 homes in the area; that Mr. Reimann stated the property is approximately 18 acres in size; that the site is currently vacant with agricultural use and woodlands; that there is a stormwater management facility that is at the corner of the nearby highway intersection and is a part of the proposed intersection upgrade; that they are seeking a rezoning to I-1 Institutional Zoning District; that the property does not have any wetlands on-site; that the property is not in a floodplain; that there is a 12" water main from Artesian and an 8" force main adjacent to the property and they have obtained a letter confirming the ability of Artesian water to serve the site; that DelDOT did not request a TIS for the rezoning application and that DelDOT would evaluate that need as part of any site plan prepared in the future, should the Change of Zone be approved; that the Site Plan submitted is very conceptual at this point; that the access would be located off of Hudson Road and there are no plans for access off of Route 9; that the proposed building would be in the rear of the parcel; that they did receive comments from PLUS and that, as a result of those comments, there is potential for a cemetery to be delineated in any



Final Site Plan; that Mr. Peters, speaking to the strategic need for healthcare services in Sussex County, stated that more health care services are being provided in the area and that the Route 9 location is a convenient location for the provision of such services; that diagnostic and walk-in clinics are needed in this area due to the growing population; that Mr. Bayard stated that the proposal is consistent with the development in this area of Route 9; and that the proposal meets the purposes of the I-1 zoning classification in both the 2008 and 2018 Comprehensive Plans.

Ms. Stevenson stated that, when any Site Plan is submitted for consideration, that she would be looking for inter-connectivity to be provided to plan for future growth and to provide a means of connection to other parcels nearby.

The Commission found that no-one wished to speak in favor of the application.

The Commission found that William Mueller spoke in opposition to the application; that Mr. Mueller stated he was not specifically in favor of or in opposition to the application, but that he had questions about the proposed healthcare facility; that he wanted to know the number of employees on-site and the likely hours of operation; that he had concerns with the potential traffic; and that he wished to know if there would be any medical waste stored on site and how would it be managed.

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

Motion by Ms. Stevenson, seconded by Ms. Wingate and carried unanimously to defer action for further consideration. Motion carried 4-0.

At their meeting of January 24, 2019, the Planning Commission discussed the application which has been deferred since January 10, 2019.

Mr. Hopkins moved that the Commission recommend approval of Change of Zone 1866 for Triple B Farms, LLC (now Bayhealth Medical Center as the owner) for a change in zone from AR-1 to I-1 Institutional based on the record made during the public hearing and for the following reasons:

1. This is a change of zone for the new I-1 Zoning District. The I-1 Zoning District has permitted uses that focus on healthcare and institutional uses.
2. The rezoning is consistent with the stated purpose of the I-1 District, which is to allow public, quasi-public and institutional to occur on properties that are compatible with surrounding districts and uses. There are properties nearby that are zoned CR-1 and C-1, and this property is located along Route 9, which is a Major Arterial Roadway. The purpose of the I-1 Zoning and the permitted uses within the I-1 District are consistent with this area.
3. The rezoning will not adversely affect neighboring properties, public facilities, traffic or area roadways.
4. The site is located at an intersection along Route 9, which will provide convenient access to the public uses permitted under I-1 Zone.
5. The property is served by central water and sewer.
6. The rezoning to I-1 promotes the health, safety and general welfare of Sussex County and its present and future residents by providing a convenient location for needed medical office space.
7. Any further development of this site will require a site plan review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Ms. Wingate 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 3-0. Ms. Stevenson was absent.

PLANNING & ZONING

JANELLE M. CORNWELL, AICP
DIRECTOR

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Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 3, 2019
RE: Staff Analysis for CZ 1866 Triple B Farms, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1866 Triple B Farms, LLC to be reviewed during the January 10, 2019 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 235-27.00-11.01 to allow for a change in zone from AR-1 (Agricultural Residential District) to I-1 (Institutional District) to be located at the northeast corner of Hudson Rd. and Lewes-Georgetown Hwy. (Rt. 9). The size of the properties are 8.3155 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 Mixed Residential Area.

The surrounding land use to the north is Low Density Area and Mixed Residential Areas. The land use to the south is Mixed Residential Areas and Developing Areas. The land use to the east is Low Density. The land use to the west is Mixed Residential Areas. The Mixed Residential Areas land use designation recognizes that a full range of housing types should be permitted including single-family homes, townhouses and multi-family units. Non-residential development is not encouraged.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned C-1 (General Commercial District), CR-1 (Commercial Residential District) and AR-1 (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District) and GR (General Residential District). There are several Conditional Uses in the area (electrical substation).

Based on the analysis of the land use, surrounding zoning and uses, the Change of Zone from AR-1 (Agricultural Residential District) to I-1 (Institutional District) could be considered consistent with the area zoning and uses; however, it could be considered inconsistent with the land use.





Sussex County



PIN:	Text
Owner Name	Text
Book	Text
Mailing Address	Text
City	Text
State	Text
Description	
Description 2	
Description 3	
Land Code	

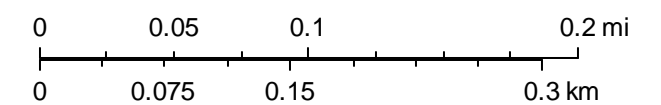
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□ Tax Parcels
— Streets

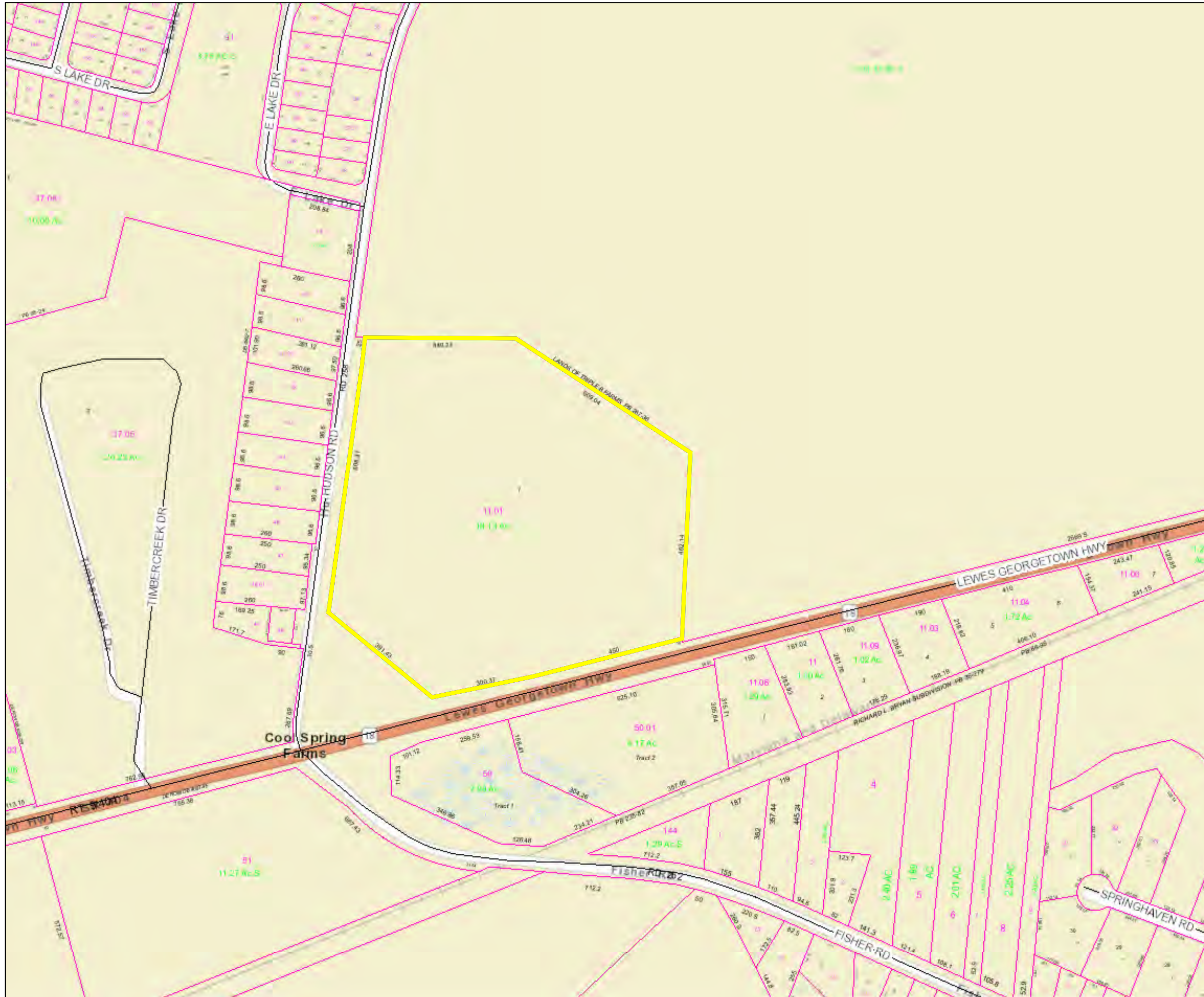
- Zoning**
- Agricultural Residential - AR-1
 - Agricultural Residential - AR-2
 - Medium Residential - MR
 - General Residential - GR
 - High Density Residential - HR-1
 - High Density Residential - HR-2
 - Vacation, Retire, Resident - VRP
 - Neighborhood Business - B-1
 - General Commercial - C-1
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

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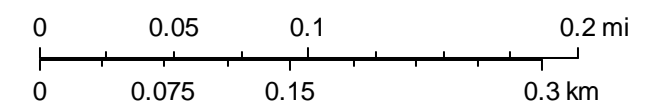
Sussex County



PIN:	Text
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Book	Text
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City	Text
State	Text
Description	
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- Tax Parcels
- Streets
- County Boundaries

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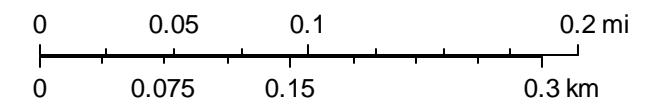
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Land Code	

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Override 1
- Tax Parcels
- Streets
- County Boundaries

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Introduced 07/24/18

**Council District No. 3 - Burton
Tax I.D. No. 235-27.00-11.00 (portion of)
911 Address: N/A**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 18.3155 ACRES, MORE OR LESS

WHEREAS, on the 29th day of June 2018, a zoning application, denominated Change of Zone No. 1866, was filed on behalf of Triple B Farms, LLC; 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 Change of Zone No. 1866 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 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 I-1 Institutional 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 Broadkill Hundred, Sussex County, Delaware, and lying on the northeast corner of Hudson Road and Lewes-Georgetown Highway (Route 9), and being more particularly described in the attached legal description prepared by Becker Morgan Group, Inc., said parcel containing 18.3155 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.