



Sussex County Council Public/Media Packet

**MEETING:
February 14, 2017**

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**Sussex County Council
2 The Circle | PO Box 589
Georgetown, DE 19947
(302) 855-7743**

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



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ROBIN GRIFFITH
CLERK

Sussex County Council

AGENDA

FEBRUARY 14, 2017

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Public Interview for Planning and Zoning Commission Nominee Kimberly Hoey Stevenson
2. Administrator's Report

Hans Medlarz, County Engineer

1. Whitman, Requardt & Associates North Coastal Planning Area Base Contract
 - A. Amendment 10 – Angola North and Route 54 Construction Administration and Inspection
2. Whitman, Requardt & Associates EJCDC Agreement
 - A. Amendment 1 – Irons Lane and PS #311 Construction Administration and Inspection
3. Heron Bay Associates, LLC – Memorandum of Understanding

John Ashman, Director of Utility Planning

1. Request to prepare and post notices for the Mulberry Knoll Area



Grant Requests

1. **Delmarva Clergy United in Social Action Foundation (DCUSA Foundation) for Dolls Tea Program**

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

12:00 Noon – Sussex County Profile Luncheon

**Location: Sussex County Association of Realtors
223407 Park Avenue, Georgetown**

1:30 p.m. Public Hearings

Conditional Use No. 2062 filed on behalf of RDK&A Investments, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,163 SQUARE FEET, MORE OR LESS” (located on the north side of Burbage Road (Road 353) approximately 1,456 feet west of Windmill Drive) (Tax I.D. No. 134-12.00-373.50) (911 Address: 36017 Burbage Road, Ocean View)

Conditional Use No. 2063 filed on behalf of Michael and Faith Whaley

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS” (located on the west side of Cedar Creek Road (Route 30), approximately 130 feet north of Fork Road (Road 270A) (Tax I.D. No. 330-15.00-60.01) (911 Address: 7512 and 7524 Cedar Creek Road, Lincoln)

Change of Zone No. 1811 filed on behalf of Dustin Yoder

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS” (located on the northwest side of Shawnee Road (Route 36), approximately 3,500 feet northeast of Coon Den Road (Road 628) (Tax I.D. No. 430-3.00-11.01 (Part of) (911 Address: 10862 Shawnee Road, Harrington)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 7, 2017, at 5:10 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 7, 2017

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 7, 2017 at 10:00 a.m., in the Council Chambers, Sussex County Administrative Office Building, Georgetown, Delaware, with the following present:

Michael H. Vincent	President
George B. Cole	Vice President
Robert B. Arlett	Councilman
Irwin G. Burton III	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 049 17
Approve
Amended
Agenda**

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to amend the Agenda by deleting "Introduction of Proposed Zoning Ordinances" and to approve the Agenda, as amended.

Motion Adopted: 5 Yeas.

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

Minutes

The minutes of January 31, 2017 were approved by consent.

**Corre-
spondence**

Mr. Moore read the following correspondence:

MILTON HISTORICAL SOCIETY, MILTON, DELAWARE.
RE: Letter in appreciation of grant.

MILTON 9/10 ALL STARS / DELAWARE STATE CHAMPIONS,
MILTON, DELAWARE.
RE: Card and plaque in appreciation of grant.

**Public
Comments**

Public Comments

Paul Reiger commented on appointments to the Planning and Zoning Commission and the Board of Adjustment. Mr. Reiger also commented on permit, map and zoning issues.

**Public
Comments
(continued)**

Dan Kramer commented on his dog.

William Kinnick commented on manufactured home communities and the need for inspections and licensing.

**Caroling
on The
Circle
Food Drive/
Recognition
of Partici-
pants**

Mr. Lawson announced that over 18,850 food items were collected during the Caroling on The Circle Food Drive held on December 5, 2016; additionally, monetary donations were collected in the amount of \$5,342.50 and used to purchase food items.

The Council recognized participants who helped in this effort. The following were present and received a plaque from Council: ALOFT AeroArchitects (2,835 items), Colonial East, L.P. (\$450.00), Delaware Manufactured Home Owners Association (395 items), First State Manufactured Housing Association of Delaware (\$1,672.50), Fuqua, Willard, Stevens & Schab, P.A. (\$500.00), Georgetown Elementary School (1,550 items), H.O. Brittingham Elementary School (805 items), Little Einstein Preschool (200 items), Milton Elementary School (1,100 items), Sussex Academy (135 items) and Sussex County Association of Realtors (\$250.00). Participating schools not in attendance were also recognized: Georgetown Middle School (500 items), Millsboro Middle School (1,485 items), and Seaford Senior High School (525 items). Mr. Lawson reported that the food items were distributed to various food pantries throughout Sussex County.

Mr. Lawson recognized Mark Roethel for donating the pod that was used for storing food items as they were collected during the month of December and Best Equipment, Inc. for donating the use of a wagon for the festivities.

**Adminis-
trator's
Report**

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

1. Delaware Department of Transportation Workshop

The Delaware Department of Transportation will be holding a public workshop regarding the US 113 North/South Study, Millsboro-South Area, on Tuesday, February 7th, from 4:00 to 8:00 p.m. at the Millsboro Civic Center, 322 Wilson Highway, Millsboro. Public comments will be received regarding the Supplemental Draft Environmental Impact Statement (SDEIS) recently completed by the Federal Highway Administration (FHWA) and Delaware Department of Transportation (DelDOT). The Millsboro-South Area includes the towns of Millsboro, Dagsboro, Frankford, and Selbyville.

**Angola
North
Expansion
Project/
Bid
Award**

Hans Medlarz, County Engineer, presented the bid results for the Angola North Expansion – SR 24, Love Creek & Camp Arrowhead Road, Project 17-04. Four bids were received; the lowest responsive bidder was Pact One, LLC of Ringoes, New Jersey with a total bid of \$5,826,250.00 which is within budget. The Engineering Department recommends awarding the project to Pact One, LLC contingent upon concurrence from the State SRF (State Revolving Fund Program).

M 050 17
Award
Bid/
Angola
North
Expansion
Project

A Motion was made by Mr. Cole, seconded by Mr. Wilson, based upon the recommendation of the Engineering Department, that Contract 17-04, Angola North Expansion, SR 24, Love Creek & Camp Arrowhead Roads, be awarded to Pact One, LLC of Ringoes, New Jersey, at the total bid amount of \$5,826,250.00 pending State Revolving Loan Fund concurrence.

Motion Adopted: 5 Yeas.

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

Bridgeville/
Greenwood/
Seaford
Alternative
Sewer
Evaluation

Hans Medlarz, County Engineer, presented a proposal to enter into a planning effort with Bridgeville, Greenwood and Seaford, led by Sussex County, to potentially provide central wastewater treatment to the greater Bridgeville / Greenwood area similar to the existing Blades model of the Sussex County Unified Sanitary Sewer District. If successful, such a project could eliminate point source discharges, provide service to areas currently using on-site systems, and service the Towns of Bridgeville and Greenwood in a more cost effective manner. The City of Seaford already provides wastewater treatment and disposal services for the Blades portion of the Sussex County Unified Sanitary Sewer District and the City of Seaford's wastewater treatment plant could ultimately provide treatment for the expanded area.

The Towns of Bridgeville and Greenwood both have already taken official action requesting the exploration of a potential County wastewater district. The City of Seaford has requested the County utilize George, Miles & Buhr, Inc. as the lead in the study on a reimbursement basis at the rates in effect under the City's current contract. In addition, assistance is needed from the Town of Bridgeville's Engineer of Record, Davis, Bowen & Friedel, for the Town's portion of the infrastructure under identical terms.

Mr. Medlarz presented for consideration Regional Sewer Evaluation Agreements with the City of Seaford and the Town of Bridgeville which allow for a mutual planning effort to evaluate the feasibility of expanding municipal sewer collection and treatment to accommodate flows from a newly created County sewer district to include contribution from the Towns of Bridgeville and Greenwood and unincorporated Sussex County as mapped.

Mr. Medlarz reported that the initial scope is limited to determine the financial viability of the alternative. The overall scope is estimated at \$30,000 and funds are available in the FY 2017 Budget.

M 051 17
Approve
Regional
Sewer
Evaluation
Agreements

A Motion was made by Mr. Cole, seconded by Mr. Arlett, based upon the recommendation of the Sussex County Engineering Department, that the Sussex County Council approves the Regional Sewer Evaluation Agreements with the City of Seaford and the Town of Bridgeville at an

M 051 17
Approve
Regional
Sewer
Evaluation
Agreements
(continued)

initial overall estimate of \$30,000.00, not to exceed without prior Council approval.

Motion Adopted: 5 Yeas.

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

Public
Hearing/
CDBG

A Public Hearing was held on the development of a Community Development Block Grant application, which is to be submitted to the Delaware State Housing Authority. The Community Development Block Grant (CDBG) is a federal grant from the Department of HUD to the Delaware State Housing Authority (DSHA). Kent and Sussex Counties compete for the funding by making application to the DSHA.

Brad Whaley, Director of Sussex County Community Development & Housing, announced that the purpose of the Public Hearing is to give the citizens the opportunity to participate in the application process. Mr. Whaley stated that Sussex County's application will consist of projects in the County and in the municipalities. He reported that staff has met with all the municipalities who have asked for the County's assistance to make application to the DSHA and that the Department has held Public Hearings in all of the municipalities listed and the projects presented represent their requests.

Mr. Whaley reported that, over the past five years, the County and the communities within the County have received over \$7.1 million in Community Development Block Grant and HOME funding and have been able to assist 849 households and over 1,365 residents (including housing rehabilitation, demolition, and sewer and water hook-ups).

Mr. Whaley advised that part of the CDBG requirements is that a status report be given. Mr. Whaley reported on the allocation of the funding during FY2015: approximately \$1.3 million was received in CDBG & HOME funding and 127 low-to-moderate income households received assistance. Mr. Whaley noted that more than 70% of these projects were completed by companies that qualify under Section 3 and/or WBE/MBE/VBE designations.

Mr. Whaley presented a status update for projects in 2016.

Mr. Whaley reviewed the income guidelines and other requirements to qualify for housing rehabilitation.

Mr. Whaley noted that the public hearing on this date is held to collect information to make application for funding.

Public
Hearing/
CDBG
(continued)

Mr. Whaley presented a list of the projects to be submitted to the Delaware State Housing Authority for CDBG funding, as follows:

Municipality Applications:

Blades (Rehabs)	\$ 80,000.00
Bridgeville (Rehabs)	\$140,000.00
Delmar (Rehabs)	\$ 80,000.00
Ellendale (Rehabs)	\$ 80,000.00
Greenwood (Rehabs)	\$ 80,000.00
Georgetown (Rehabs)	\$105,000.00
Laurel (Rehabs)	\$140,000.00
Milford (Rehabs)	\$105,000.00
Milton (Rehabs)	\$ 80,000.00
Seaford (Rehabs)	\$140,000.00
Selbyville (Rehabs)	\$105,000.00

County Application:

Scattered Rehab	\$414,480.00
Scattered Demo:	\$ 40,000.00
Scattered Emergency Rehab:	\$ 78,000.00
Scattered Hookups:	\$ 40,000.00
Handicapped Accessibility	\$ 48,000.00
Cool Spring (Rehabs):	\$ 60,000.00
Coverdale (Rehabs):	\$ 60,000.00
Mount Joy (Rehabs):	\$ 60,000.00
Rural Dagsboro/Millsboro (Rehabs)	\$ 60,000.00

TOTAL REQUESTED **\$2,441,073.00**

Mr. Whaley noted that the total funding available is \$2,000,000 - \$2,500,000 for Sussex and Kent Counties and that the Delaware State Housing Authority will review the applications and determine how the funding will be awarded.

Mr. Whaley stated that, over the years, the County Council has provided funding for emergency projects: FY2013 - \$220,000; FY2014 - \$250,000; FY2015 - \$300,000; FY2016 - \$100,000; and FY2017 - \$150,000. Mr. Whaley reviewed the primary uses for this funding and the number of households assisted.

Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer, was in attendance to assist with the presentation and presented two proposed Resolutions for the Council's consideration.

Mr. Arlett suggested that the Department reach out to the private sector contractors for assistance.

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

M 052 17
Adopt
R 006 17/
Fair
Housing

A Motion was made by Mrs. Deaver, seconded by Mr. Arlett, to Adopt Resolution No. R 006 17 entitled “RECOGNIZING THE IMPORTANCE OF FAIR HOUSING”.

Motion Adopted: 5 Yeas.

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

M 053 17
Adopt
R 007 17
Submit
CDBG
Applica-
tions

A Motion was made by Mr. Cole, seconded by Mrs. Deaver, to Adopt Resolution No. R 007 17 entitled “AUTHORIZATION TO SUBMIT APPLICATIONS” (COMMUNITY DEVELOPMENT BLOCK GRANT).

Motion Adopted: 5 Yeas.

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

Grant
Requests

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

M 054 17
Council-
manic
Grant

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to give \$500.00 from Mr. Vincent’s Councilmanic Grant Account to the Trinity Foundation for the Heart & Sole 5K fundraiser for medical equipment.

Motion Adopted: 5 Yeas.

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

M 055 17
Countywide
Youth
Grant

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to give \$500.00 from Countywide Youth Grants to Friends of Sussex CASA for annual volunteer training.

Motion Adopted: 5 Yeas.

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

M 056 17
Recess

At 11:23 a.m., a Motion was made by Mr. Burton, seconded by Mr. Arlett, to recess the Regular Session and go into Executive Session.

Motion Adopted: 5 Yeas.

M 056 17
(continued)

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

Executive Session

At 11:33 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to land acquisition, personnel, and job applicants' qualifications. The Executive Session concluded at 1:26 p.m.

M 057 17
Reconvene
Regular
Session

At 1:28 p.m., a Motion was made by Mr. Arlett, seconded by Mr. Burton, to come out of Executive Session and to reconvene the Regular Session.

Motion Adopted: 3 Yeas, 2 Absent.

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

E/S Action

There was no action on Executive Session matters.

M 058 17
Recess

At 1:28 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess.

Motion Adopted: 4 Yeas, 1 Absent.

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

M 059 17
Reconvене

At 1:40 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to reconvene.

Motion Adopted: 4 Yeas, 1 Absent.

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

Mr. Wilson joined the meeting/workshop.

Reconvene/ Compre- hensive Land Use Plan Workshop

The members of the Sussex County Council reconvened at the County's West Complex for a Comprehensive Land Use Plan Workshop with members of the Planning and Zoning Commission, representatives of McCormick Taylor (the County's consultant), a representative of DelDOT, and staff. Information presented included an overview of the goals and objectives. Proposed key themes for the Plan were presented: balance growth, preserve community and rural character, protect natural resources and open space, improve housing options, enhance economic vitality while preserving the economic base, and provide for safe and efficient movement

Workshop (continued) of people and goods. Also discussed was the development of a vision statement.

Discussions were held regarding the information presented and the path forward.

The next step in the Comprehensive Land Use Plan process is Round Two of Public Meetings which will be held in Spring 2017.

M 060 17 Adjourn A Motion was made by Mr. Cole, seconded by Mr. Arlett, to adjourn at 3:52 p.m.

Motion Adopted: 5 Yeas.

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

Respectfully submitted

Robin A. Griffith
Clerk of the Council

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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

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

RE: ***North Coastal Planning Area – Angola North -Sr 24 & Route 54 Expansions
EJCDC Agreement - Millville Northwest Expansion II- Irons Lane
Professional Services WRA Associates, Inc.
Amendments No. 10 & 1 for Construction Administration and Inspection***

DATE: February 14, 2017

On January 24, 2014, County Council awarded a five (5) year, cost plus fixed fee type, base engineering services contract for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Since then, Council utilized the contract by approving nine (9) amendments totaling \$4,572,240.00 in value. The latest amendment was approved on November 29, 2016, for Chapel Branch's Preliminary Engineering Report, Environmental Review and Aerial Mapping.

County Council awarded Whitman, Requardt and Associates, LLP a separate contract in the amount of \$74,906.00 for the Millville Northwest Expansion II under the Engineers Joint Contract Documents Committee (EJCDC) format to comply with USDA/RUS contractual requirements. No amendments to the EJCDC contract have been executed to date.

Council approved the northern sewer extension of the Angola Neck area of the Unified Sewer District on October 7, 2014, the Millville Northwest Expansion II on March 26, 2013 and the Route 54 expansion on June 4, 2015.

Angola North contains the Fox Hall & Love Creek Woods developments, Peddlers Village and other commercial parcels along John L. Williams Highway (SR 24). The SR 54 Expansion of the Fenwick Island Sanitary Sewer District includes parcels along Lighthouse Road (SR 54) primarily from Zion Church Road to Williamsville Road. The Millville Sanitary Sewer District Northwest Expansion II contains sections of SR 26 as well as Irons Lane.



Council awarded construction project #15-10, "Millville Sanitary Sewer District Northwest Expansion II on January 3, 2017, and construction project #17-04, "Angola North Expansion-SR 24, Love Creek & Camp Arrowhead Road" on February 7, 2017. The Route 54 Expansion of the Fenwick Island Sanitary Sewer District includes parcels along Lighthouse Road (SR 54) primarily from Zion Church Road to Williamsville Road. It is in the final design phase and expected to bid in spring of 2017.

With three (3) projects moving forward in reasonably close proximity at the same time the Engineering Department negotiated a comprehensive contract administration and on-site inspection package utilizing a shared staffing approach rather than staffing each project individually. In our negotiation with WRA, we also expressed the County's desire to have in house staff play a role in the inspection and tracking of the improvements. The underlying scope of work of the proposed amendments reflects that approach and ultimately results in a reduction of cost over the traditional approach of approximately 33%.

The Department is hence presenting requests for the approval of the attached Contract Amendments No.10 and No.1 in the amounts of **\$430,102.00 and \$79,668.00** respectively for construction administration and inspection for all three (3) projects listed above, contingent upon the concurrence of the respective funding agency.

NORTH COASTAL PLANNING AREA

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 10

This contract amendment, **Contract Amendment No. 10** dated _____, **2017** amends our original contract dated January 14, 2014 between Sussex County, a political subdivision of the State of Delaware, as First Party, hereinafter referred to as the COUNTY and Whitman, Requardt and Associates, LLP, a State of Maryland Limited Liability Partnership, hereinafter referred to as CONSULTANT, whose address is 801 South Caroline Street, Baltimore, Maryland 21231 (Original Contract). Except as specifically amended herein, the provisions of the Original Contract dated January 14, 2014, as thereafter amended, remain in effect and fully valid.

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

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in **Contract Amendment Nos. 1 to 9** are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated January 14, 2014.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for **ANSSD: Angola North Expansion (County Contract 17-04) and Route 54 Expansion of the FISSD (County Contract 14-10) Construction Administration and Project Inspection** as set forth in **Attachment A**, which is attached hereto and incorporated by reference, shall not exceed **Four Hundred Thirty Thousand One Hundred and Two Dollars (\$430,102.00)**. In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN
INCORPORATED DOCUMENTS

- 14.1.2 **Attachment A: Consultant's Scope of Services, ANSSD: Angola North Expansion (County Contract 17-04) and Route 54 Expansion of the FISSD (County Contract 14-10) Construction Administration and Project Inspection with Man-hour Spreadsheets. (Contract Amendment No. 10).**

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. **10** to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL

FOR THE COUNTY:
SUSSEX COUNTY

President, Sussex County Council

STANDARD FORM
PREVIOUSLY APPROVED:

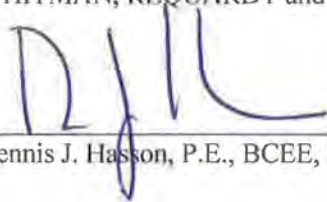
Date

ATTEST:

Clerk of the Sussex County Council

FOR THE CONSULTANT:

WHITMAN, REQUARDT and ASSOCIATES, LLP



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

WITNESS:





SCOPE OF SERVICES

ANGOLA NECK SANITARY SEWER DISTRICT (ANSSD): ANGOLA NORTH EXPANSION (COUNTY CONTRACT 17-04) AND ROUTE 54 EXPANSION OF THE FENWICK ISLAND SANITARY SEWER DISTRICT (FISSD) (COUNTY CONTRACT 14-10)

CONSTRUCTION ADMINISTRATION AND PROJECT INSPECTION

This attachment outlines the required Scope of Services for **ANSSD: Angola North Expansion (County Contract 17-04) and Route 54 Expansion of the FISSD (County Contract 14-10) Construction Administration and Project Inspection**. This work effort will generally include services during the Construction Phases of the Project for Contract Administration, Submittal Reviews, Observation of the Work, and Project Inspection, unless noted below for each specific project. The Derivation of Man-hours and Estimated Fee for these tasks are provided in the summary spreadsheets included with this document. This proposal assumes the two (2) contracts will be inspected based on the following:

ANSSD Contract 17-04: Project duration from April 2017 through March 2018, with one additional month for closeout.

FISSD Contract 14-10: Project duration from April 2017 through September 2017, with one additional month for closeout.

PART A - CONSTRUCTION ADMINISTRATION

1. ***General Construction Administration.*** WRA will consult with Sussex County and act as the County's representative during the duration of all construction projects. This effort involves the day to day coordination of in-house and field personnel during the construction phase.
2. ***Preconstruction and Monthly Progress Meetings.*** WRA will prepare meeting agendas, conduct monthly progress meetings and issue meeting minutes. It is assumed that there will be one progress meeting day per month for each contract during the durations noted above, which will be attended by the construction manager and resident project representative.
3. ***Specialized Site Visits by Specialized Inspectors. (Contract 17-04 Only)*** During the startup of the pump station, WRA will make visits to the site by specialized inspectors (SCADA, electrical, mechanical) when requested by Sussex County. WRA will produce a project completion list for use by the County.
4. ***Requests for Information (Clarifications).*** When requested by Sussex County, respond to Requests for Information (RFIs) relating to the contract documents. This proposal assumes a total of three (3) RFIs total will be required.
5. ***Change Orders and Work Change Directives.*** Upon the request of Sussex County, WRA will review the Contractor's change order requests. WRA will document its findings in a memorandum to Sussex County. It is assumed that no more than Two (2) change order requests

in total (including the final balancing change order submitted by the Contractor for each contract).

6. ***Shop Drawings and Samples. (Contract 17-04 Only)*** WRA will review and approve or take other appropriate action with respect to Shop Drawings, Samples, and other data which the Contractor is required to submit for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed project as a functioning whole as indicated in the Contract Documents. Such reviews and approvals or other action will not extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions or programs incidental thereto.
7. ***Applications for Payment.*** Based on WRA's observations and on a review of the Contractor's Monthly Applications for Payment and accompanying supporting documentation, determine the amounts that WRA recommends the Contractor be paid by Sussex County. Such observations and review, mean that, to the best of WRA's knowledge, information and belief, the Contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents, subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, and the conditions precedent to the Contractor being entitled to such payment appear to have been fulfilled insofar as it is WRA's responsibility to observe the Contractor's Work. In the case of unit price work, WRA's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).
8. ***Substantial Completion.*** At the request of the County, WRA will assist the County in conducting an inspection for each contract to determine if the Work is Substantially Complete.

PART B - PROJECT INSPECTION

WRA shall furnish one Project Inspector who will share duties for the inspection and field contract administration. The Project Inspector will observe the work done by the Contractor and promptly inform the County of deviations from the Contract Documents. The Project Inspectors will serve as WRA's representatives in the field, providing information on the daily progress of the job to WRA technical personnel. It is assumed that the Project Inspector will the following time periods:

- ANSSD Contract 17-04: Full Time Inspection (40 hours/week) for a 52 week duration plus one month of project closeout.
- FISSD Contract 14-10: Part Time Inspection (20 hours/week) for a 14 week duration and full time inspection (40 hours/week) for remaining 10 weeks of anticipated construction.

Phase B - Resident Project Representation		Use Labor Cost Rates for year: 2017B														T, R, E (See S, or L Legend)		T, R, E (See S, or L Legend)					
B1	Project Inspector													2240			2240	T	\$3,885			-	\$
B2																	0	-	\$			-	\$
B3																	0	-	\$			-	\$
B4																	0	-	\$			-	\$
B5																	0	-	\$			-	\$
B6																	0	-	\$			-	\$
PHASE B SUBTOTALS =		0	0	0	0	0	0	0	0	0	0	0	0	2240	0	0	2240	\$3,885		Subcontractor Total		\$0	
PHASE B SUB-TOTAL DOLLARS =		\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$195,955	\$0	\$0	\$195,955			Profit on Sub		0.0%		
			Civil	\$0	Geotech	Structural	Mech.	\$0	0	Electrical	\$0	2,240	\$195,955	0					WR&A Total		\$199,840		
																PHASE B TOTAL		\$199,840					

TOTAL	\$358,866
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		Project Manager	Civil Engineer	Civil Designer / CAAD	Geotech Engineer	Struct. Engineer	Mech. Engineer	Mech. Designer /CAAD	Elect. Eng.	Electrical CAAD	SCADA Engineer	Resident Inspector	Project Inspector	Construction Manager
Bare Labor Cost rates for year	2017A	\$77.25	\$48.50	\$37.65	\$50.30	\$65.00	\$59.20	\$47.35	\$52.25	\$44.35	\$58.25	\$40.50	\$28.00	\$61.00
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.34	\$180.77	\$113.49	\$88.10	\$117.70	\$152.10	\$138.53	\$110.80	\$122.27	\$103.78	\$136.31	\$94.77	\$65.52	\$142.74
Bare Labor Cost rates for year	2017B	\$77.25	\$48.50	\$37.65	\$50.30	\$65.00	\$59.20	\$47.35	\$52.25	\$44.35	\$58.25	\$40.50	\$28.00	\$61.00
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.16	\$166.86	\$104.76	\$81.32	\$108.65	\$140.40	\$127.87	\$102.28	\$112.86	\$95.80	\$125.82	\$87.48	\$60.48	\$131.76
Bare Labor Cost rates for year	2017	\$77.25	\$48.50	\$37.65	\$50.30	\$65.00	\$59.20	\$47.35	\$52.25	\$44.35	\$58.25	\$40.50	\$28.00	\$61.00
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.34	\$180.77	\$113.49	\$88.10	\$117.70	\$152.10	\$138.53	\$110.80	\$122.27	\$103.78	\$136.31	\$94.77	\$65.52	\$142.74

**WR&A
EXPENSES**

T = Travel @.48 mile
R = Reproduction
E = Equipment Rental
S = Subcontractor
L = Laboratory Cost



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

**AMENDMENT TO OWNER-ENGINEER AGREEMENT
Amendment No. 1**

The Effective Date of this Amendment is: _____.

Background Data

Effective Date of **Scope of Services**: February 8, 2017

Owner: Sussex County

Engineer: Whitman, Requardt & Associates LLP

Project: Millville Sanitary Sewer District (MVSSD): Northwest Expansion II – Irons Lane and PS#311

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

☒ Additional Services to be performed by Engineer

Description of Modifications:

See attached Scope of Work for construction administration and inspection

Agreement Summary:

Original agreement amount:	\$74,906.00
Net change for prior amendments:	\$ _____
This amendment amount:	\$79,668.00
Adjusted Agreement amount:	\$154,574.00

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

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

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

OWNER:

Sussex County Council

By: _____

Print

name: _____

Title: President, Sussex County Council

Date Signed: _____

(SEAL)

ENGINEER:

Whitman, Requardt and Associates, LLP

By:  _____

Print

name: Dennis J. Hasson, P.E., BCEE

Title: Partner

Date Signed: February 8, 2017

PREVIOUSLY APPROVED FORM

ATTEST:

Ms. Robin Griffith
Clerk of the County



SCOPE OF SERVICES

MVSSD COLLECTION SYSTEM NORTHEAST EXPANSION II: IRONS LANE AND PS#311

CONSTRUCTION ADMINISTRATION AND PROJECT INSPECTION

This attachment outlines the required Scope of Services for the **MVSSD Collection System Northeast Expansion II: Irons Lane and PS#311 Construction Administration and Project Inspection**. This work effort will generally include services during the Construction Phases of the Project for Contract Administration, Submittal Reviews, Observation of the Work, and Project Inspection. The Derivation of Man-hours and Estimated Fee for these tasks are provided in the summary spreadsheets included with this document. This proposal assumes one (1) contract will be inspected on a part time basis and administered over the project's six (6) month duration from March 2017 through August 2017, with one month allowed for close-out.

PART A - CONSTRUCTION ADMINISTRATION

1. **General Construction Administration.** WRA will consult with Sussex County and act as the County's representative during the duration of all construction projects. This effort involves the day to day coordination of in-house and field personnel during the construction phase.
2. **Preconstruction and Monthly Progress Meetings.** WRA will prepare meeting agendas, conduct monthly progress meetings and issue meeting minutes. It is assumed that there will be one progress meeting day per month for each contract during the durations noted above, which will be attended by the construction manager and resident project representative.
3. **Specialized Site Visits by Specialized Inspectors.** During the startup of the pump station, WRA will make visits to the site by specialized inspectors (SCADA, electrical, mechanical) when requested by Sussex County. WRA will produce a project completion list for use by the County.
4. **Requests for Information (Clarifications).** When requested by Sussex County, respond to Requests for Information (RFIs) relating to the contract documents. This proposal assumes a total of three (3) RFIs total will be required.
5. **Change Orders and Work Change Directives.** Upon the request of Sussex County, WRA will review the Contractor's change order requests. WRA will document its findings in a memorandum to Sussex County. It is assumed that no more than Two (2) change order requests in total (including the final balancing change order submitted by the Contractor for each contract).
6. **Shop Drawings and Samples.** WRA will review and approve or take other appropriate action with respect to Shop Drawings, Samples, and other data which the Contractor is required to submit for conformance with the information given in the Contract Documents and compatibility with the design concept of the completed project as a functioning whole as indicated in the Contract Documents. Such reviews and approvals or other action will not

extend to means, methods, techniques, sequences, or procedures of construction or to safety precautions or programs incidental thereto.

7. *Applications for Payment.* Based on WRA's observations and on a review of the Contractor's Monthly Applications for Payment and accompanying supporting documentation, determine the amounts that WRA recommends the Contractor be paid by Sussex County. Such observations and review, mean that, to the best of WRA's knowledge, information and belief, the Contractor's work has progressed to the point indicated, the quality of such work is generally in accordance with the Contract Documents, subject to an evaluation of the Work as a functioning whole prior to or upon Substantial Completion, and the conditions precedent to the Contractor being entitled to such payment appear to have been fulfilled insofar as it is WRA's responsibility to observe the Contractor's Work. In the case of unit price work, WRA's recommendations of payment will include final determinations of quantities and classifications of Contractor's Work (subject to any subsequent adjustments allowed by the Contract Documents).

8. *Substantial Completion.* At the request of the County, WRA will assist the County in conducting an inspection for each contract to determine if the Work is Substantially Complete.

PART B - PROJECT INSPECTION

WRA shall furnish one Project Inspector who will share duties for the inspection and field contract administration. The Project Inspector will observe the work done by the Contractor and promptly inform the County of deviations from the Contract Documents. The Project Inspectors will serve as WRA's representatives in the field, providing information on the daily progress of the job to WRA technical personnel. It is assumed that the Project Inspector will work an eight hour workday, five days a week for a total of 14 weeks of the entire projects 24 week duration.

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T, R, E S, or L (See Legend)																
Subcontractor Total																
Profit on Sub																
WR&A Total																
PHASE B TOTAL																

TOTAL \$79,668

		Project Manager	Civil Engineer	Civil Designer / CADD	Geotech Engineer	Struct. Engineer	Mech. Engineer	Mech. Designer / CADD	Elect. Eng.	Electrical CADD	SCADA Engineer	Resident Inspector	Project Inspector	Construction Manager
Bare Labor Cost rates for year	2017a	\$77.25	\$48.50	\$37.65	\$50.30	\$65.00	\$59.20	\$47.35	\$52.25	\$44.35	\$58.25	\$40.50	\$25.00	\$61.00
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.16	\$166.86	\$104.76	\$81.32	\$108.65	\$140.40	\$127.87	\$102.28	\$112.86	\$95.80	\$125.82	\$87.48	\$54.00	\$131.76
Bare Labor Cost rates for year	2017b	\$77.25	\$48.50	\$37.65	\$50.30	\$65.00	\$59.20	\$47.35	\$52.25	\$44.35	\$58.25	\$40.50	\$25.00	\$61.00
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.34	\$180.77	\$113.49	\$88.10	\$117.70	\$152.10	\$138.53	\$110.80	\$122.27	\$103.78	\$136.31	\$94.77	\$58.50	\$142.74
Bare Labor Cost rates for year	2017													
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00

WR&A EXPENSES

T = Travel @ .48 mile
R = Reproduction
E = Equipment Rental
S = Subcontractor
L = Laboratory Cost

WRA
Whitman, Reardon and Associates, LLP

Millville Breakdown:	
Scope: 3,400 l.f. of gravity sewer and 1,200 l.f. of FM, 1 elec/mechanical for PS and 30 laterals	
Estimated Construction Days (1.)	70
Estimated Construction Weeks (Pipeline)	14
Contract Duration (Total Weeks)	26
Item	Cost
General CA with Shop Drawing Review, RFIs, Change Orders, Final PS Inspection	\$30,075
Inspection (20 hours/Week for 14 weeks of estimated construction)	\$15,763
Gilbert (Meetings, Payment apps, Misc constuction) 8 hours/week for 30 weeks (Includes 4 weeks closeout)	\$33,830
Total	\$79,668
Assumes As-builts, cut sheet reviews done by the County	

SR 54 Breakdown:	
Scope: 6,200 l.f. of gravity sewer, 15 MH's & 60 laterals assumed	
Estimated Construction Days (1.)	120
Estimated Construction Weeks (1.) (All Pipeline)	24
Item	Cost
General CA: NA	\$0
Inspection (20 hours/Week for 14 weeks and 40 hours for remaining 10 weeks of estimated Construction Duration)	\$37,420
Administration (Meetings, Payment, Misc. Construction) 8 hours/week for 30 weeks	\$33,816
Total	\$71,236
Assumes shop drawings, As-builts, change order prep, cut sheet review done by the County	

Notes

(1.) Estimated construction days based on 100 lf/day for sewer, 200 l.f./day for FM, 1 day per manhole, 4 laterals per day for normal and 2 laterals per day for SR 54

With 2 weeks for restoration/testing

(2.) Inspection costs based on \$25/hour base rate at 2.16 multiplier.

Inspection costs based in a \$30/hour rate would increase by \$3K for Millville and \$8K for SR 54.

Angola Breakdown	
Scope: 15,300 l.f. of gravity sewer 12,500 l.f. of FM, 72 manholes, 228 laterals, and 1 PS	
Estimated Construction Days (1.)	365
Item	Cost
General CA with Shop Drawing Review, RFIs, Change Orders, Final PS Inspection	\$62,204
Project Inspection (40 hours/Week over 56 weeks)	\$199,840
Administration (Meetings, Payment apps, misc. additional) 12 hours/week for 56 weeks	\$96,821
Total	\$358,866
Assumes As-builts cut sheet review done by the County	

(1.) Estimated construction days based on 100 lf/day for sewer, 200 l.f./day for FM, 1 day per manhole,

4 laterals per day, with 2 weeks for restoration/testing. 260 days is contract time. Therefore, multiple crews are estimated to be needed.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOSEPH WRIGHT, P.E.
ASSISTANT COUNTY ENGINEER

Memorandum

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

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

RE: ***Heron Bay Subdivision***
Approval of Memorandum of Understanding w/ Heron Bay Associates, LLC

DATE: February 14, 2017

The Heron Bay Subdivision located off RT 23 southwest of Lewes is served by a private road system with open drainage designed to the original (1980ties) County road and drainage standards. The construction plan was approved by the Engineering Department on May 4, 2005. The construction plan depicts three (3) phases with a total of 325 single family lots. Phases 1 and 2 were processed as Project #480 and Phase 3 as Project #342. Notice to proceeds for the two projects were issued in December 2005.

One performance bond covers road, drainage and storm water improvements for all 3 phases but does not cover amenities. This bond is shared between Sussex County and the Sussex Conservation District. All of the roads were paved in 2006 and 2007 with base course pavement. The roadway and lot drainage had significant issues which the current developer Heron Bay Associates, LLC has been addressing in an ongoing effort. In addition to the design based drainage issues the system has also been affected by improper placement of driveway as well as cross road culverts. The most significant drainage issues have largely been corrected however substantial work remains. This progress in the overall drainage was achieved in part by halting building permit issuance during 2016.

The Heron Bay, Community Center Plan (aka Amenities Plan) was initially approved by the Planning Commission on March 14, 2007. To date the clubhouse and pool have been constructed but the remaining amenities are not installed in part due to inconsistencies on the original plan. The Engineering Department in conjunction with community members modified the plan and it was re-approved by the Planning Commission on January 26, 2017.



The Engineering department has been negotiating with Heron Bay Associates, LLC as well as LC Homes, the builder to come up with an implementation plan for the remaining drainage repairs and amenities in return for a controlled release of building permits. This arrangement as well as remedial action for future driveway culvert issues has been incorporated in the attached Memorandum of Understanding. The Engineering Department recommends approval by Council in order to allow the completion of the remaining scope of work in a controlled process.

This MOU does not address the question of whether or not to install sidewalks. This question will have to be resolved between Heron Bay Associates, LLC and the residents at a later time. If the resolution between said parties include any changes to the approved subdivision plan the Planning Commission must approve the proposed change.

MEMORANDUM OF UNDERSTANDING
SUSSEX COUNTY, HERON BAY ASSOCIATES, LLC AND LC HOMES

THIS MEMORANDUM OF UNDERSTANDING (“MOU” or “Agreement”) between **Sussex County**, a political subdivision of Delaware with an address of 2 The Circle, Georgetown, Delaware 19947 and **Heron Bay Associates, LLC** (“HBA”) with an address of 105 Foulk Road, Wilmington, Delaware 19803 and **LC Homes Delaware, Inc.** (“LC Homes”) with an address of 105 Foulk Road, Wilmington, Delaware 19803, entered this ____ day of _____, 2017.

WHEREAS, HBA is the developer of the residential development known as Heron Bay and located off of Route 23 southwest of Lewes, Delaware (“Development”); and

WHEREAS, the Development consists of three phases with a total of 325 single family home lots; and

WHEREAS, LC Homes is the builder associated with the Development; and

WHEREAS, Sussex County has approved subdivision plans for the Development (“Plans”), including an amenities plan approved by the Sussex County Planning and Zoning Commission on January 26, 2017 (“Amenities Plan”); and

WHEREAS, the Development has experienced significant road and off-road drainage issues in addition to incorrect driveway pipe setting issues, and HBA is in the process of addressing those drainage issues but significant work remains to be completed; and

WHEREAS, the HBA and LC Homes wish to have building permits released for Phases 1, 2 and part of Phase 3 of the Development, and the County is in agreement with a release of permits subject to the terms and conditions of this Agreement.

THEREFORE, in consideration of the mutual covenants, conditions, and payment contained herein, the sufficiency of which is hereby acknowledged by the parties' signature of this Agreement, the parties agree as follows:

1. Sussex County shall agree to release building permits under the following schedule, subject to the terms set forth below. HBA's or LC Homes' failure to meet any of the deadlines or to violate any of the provisions of this Agreement shall give the County the right to withhold the issuance of all building permits for the Development until the subject deadline is met or violation corrected.
2. Upon execution of this Agreement by all parties, Sussex County will release three (3) building permits.
3. On or before March 6, 2017, HBA shall mobilize its contractor, Christiana Excavating Company, Inc. to begin completion of the drainage improvements and corrections for the Development listed on attached Exhibit A, which is hereby incorporated by reference in this Agreement. Beginning on the date of mobilization, the work under this paragraph must be continuous and uninterrupted with at least one crew on site until completion of all of the items on Exhibit A. Upon the full mobilization of the contractor, Sussex County will release two (2) building permits.
4. On or before April 15, 2017, HBA will complete the following improvements depicted on the Amenities Plan: 1) hedgerow, 2) playground relocation, 3) storage shed, and 4) landscaping around clubhouse. Upon completion of the work in this paragraph, Sussex County will release four (4) building permits.
5. On or before July 15, 2017, HBA will complete the improvements located within the jogging loop trail as depicted on the Amenities Plan, which specifically are as follows: the tennis court, basketball court, bocce ball court and horseshoe pits. Upon the completion of the work in this paragraph, Sussex County will release five (5) building permits.

6. On or before October 15, 2017, HBA will complete the jogging loop trail and all remaining landscaping as depicted on the Amenities Plan. Upon completion of the work in this paragraph, Sussex County will release five (5) building permits.
7. No building permits will be eligible for release for any lots adjacent to the yellow highlighted areas shown in attached Exhibit B, which is hereby incorporated by reference, until all associated road and off-road drainage in that portion of Phase 3 meets the final design documents approved by the Engineering Department on May 4, 2005 and until all other County requirements under the applicable laws, policies, and plans are met.
8. Upon the date the last party hereto executes this Agreement, LC Homes agrees to have all future driveway pipes in the Development staked and an as-built survey prepared by a licensed surveyor. Any pipe inverts found in the as-built survey to be deviating by more than 0.15 feet from the final design documents approved by the Engineering Department on May 4, 2005 shall be removed and replaced in the required location within four (4) weeks after date of the issuance of certificate of occupancy for the Development lot on which the driveway pipe is located. Failure to correct any driveway pipe in accordance with this Agreement will result in the County's withholding of any future building permits for the entire Development.
9. HBA and LC Homes agree that they shall perform this Agreement in good faith and shall not contest, through litigation or otherwise, the County's refusal to issue a building permit for their non-compliance with this Agreement.
10. Any forbearance by either party in exercising its rights hereunder shall not be construed as a waiver thereof, unless expressly set forth in writing and signed by the parties. Any waiver by either party of any provision or condition of this Agreement shall not be construed or deemed to be a waiver of any other provision or condition of this Agreement, nor a waiver of a subsequent breach of the same provision or condition.
11. This Agreement constitutes the entire understanding of the parties regarding this matter and supersedes any prior agreements or representations, whether

verbal or written. This Agreement shall not be modified except by a writing signed by both parties. Time shall be of the essence, and any reference to “days” shall mean calendar days unless otherwise indicated as a business day.

12. This Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, without regard to principles of conflict of laws. The parties agree that any suit or action shall be filed in a court of appropriate jurisdiction in Sussex County, Delaware.
13. This Agreement shall be binding upon each of the parties hereto and their respective heirs, successors, and assigns. HBA and LC Homes shall give the County written notice prior to the sale, transfer, or assignment of their interest in the Development, in whole or in part.
14. Neither the provisions of this Agreement nor the performance of the parties hereunder is intended to benefit, nor shall inure to the benefit, of any third party.
15. The parties acknowledge that each had the ability to negotiate terms and conditions, and this Agreement shall not be construed against the party who prepared and drafted the Agreement documents. If one or more of the provisions of the Agreement is held to be invalid, illegal or unenforceable in any respect for any reason, such invalidity, illegality, or unenforceability shall not affect any other provision of the Agreement, and the Agreement shall be construed as if the invalid, illegal, or unenforceable provision had never been included.

[signature pages follow]

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day first above-mentioned.

SUSSEX COUNTY

WITNESS

(Seal)
Council President, Michael H. Vincent

STATE OF)
DELAWARE
) ss.
SUSSEX COUNTY)

Be it remembered that on this _____ day of _____, 2017, personally came before me, a notary public in and for the State and County aforesaid, MICHAEL H. VINCENT, known or satisfactorily proven to me to be the President of the Sussex County Council, party to the foregoing Agreement, and acknowledged that, in his capacity as such, he executed this Agreement in his own hand for the County.

As given under my hand and seal of office this day and year aforesaid.

Notary Public
Name: _____

HERON BAY ASSOCIATES, LLC

Witness

Print Name:_____

_____(Seal)

Louis J. Capano, III

Managing Member

STATE OF)
DELAWARE

) ss.
SUSSEX COUNTY)

Be it remembered that on this _____ day of _____, 2017, personally came before me, a notary public in and for the State and County aforesaid, LOUIS J. CAPANO, III known or satisfactorily proven to me to be the MANAGING MEMBER of HERON BAY ASSOCIATES, LLC, party to the foregoing Agreement, and acknowledged that, in his capacity as such, he executed this Agreement in his own hand and has the authority to sign for the above-named entity.

As given under my hand and seal of office this day and year aforesaid.

Notary Public

Name: _____

LC HOMES DELAWARE, INC.

Board Secretary

Print Name:_____

_____(Seal)

Louis J. Capano, III

President

STATE OF)
DELAWARE

SUSSEX COUNTY) ss.
)

Be it remembered that on this _____ day of _____, 2017, personally came before me, a notary public in and for the State and County aforesaid, LOUIS J. CAPANO, III known or satisfactorily proven to me to be the PRESIDENT of LC HOMES DELAWARE, INC., party to the foregoing Agreement, and acknowledged that, in his capacity as such, he executed this Agreement in his own hand and has the authority to sign for the above-named entity.

As given under my hand and seal of office this day and year aforesaid.

Notary Public

Name:

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

MICHAEL E. BRADY
DIRECTOR OF PUBLIC WORKS

Exhibit 'A'

Remaining Drainage Improvements in the Heron Bay Development Phases 1, 2 and 3

as of February 14, 2017

The below listed road names and lot numbers within the Heron Bay Development represent sections of road drainage swales requiring investigative elevation survey and subsequent regrading and vegetative stabilization to establish positive drainage in accordance with the construction plans approved by the Engineering Department on May 4, 2005.

PHASE 1:

1. Regatta Bay Boulevard: Lots Numbers 214 and 215.

PHASE 2:

1. Trade Winds Trail (AKA Sand Dollar): Lot Numbers 6 thru 26; 230 thru 240; 241 thru 244; and 262 thru 267.
2. West Barrier Reef Boulevard: Lot Numbers 1 thru 5; 27 thru 35; 162; 227 thru 230; and 267 thru 270.

PHASE 3:

1. West Barrier Reef Boulevard: Lot Numbers 36 thru 39; 137, 138 and 161;





ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed Mulberry Knoll Area of the Sussex County Unified Sanitary Sewer District

FACT SHEET

- March 28, 2015 Engineering Department was requested to give a brief presentation of the process of establishing a district and potential costs to the Mulberry Knoll/Bayshore Hills Civic Association.
- The Engineering Department reviewed the potential for sewer service to this area as part of the Goslee Creek Planning Study in 2016 and determined that service can be obtained.
- October 1, 2016 Engineering Department was requested to return for a more in-depth explanation of the process, potential costs, the petition process and impacts to the communities. Petitions were circulated at the meeting and additional ones provided for those unable to attend.
- Sufficient number of Petitions have been received, (52) out of approximately (80) parcels. Some being multiple petitions from legal voters in the same household.
- We will be requesting permission to prepare and post notices for a Public Hearing to establish the boundary. Results to be presented to Council for approval at a future meeting.
- Tentative Public Hearing on the Boundary currently scheduled for March 11, 2017 at the Metropolitan Community Church on Plantations Road, Rehoboth Beach.



ENGINEERING DEPARTMENT

ADMINISTRATION	(302) 855-7718
AIRPORT & INDUSTRIAL PARK	(302) 855-7774
ENVIRONMENTAL SERVICES	(302) 855-7730
PUBLIC WORKS	(302) 855-7703
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DELAWARE
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HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

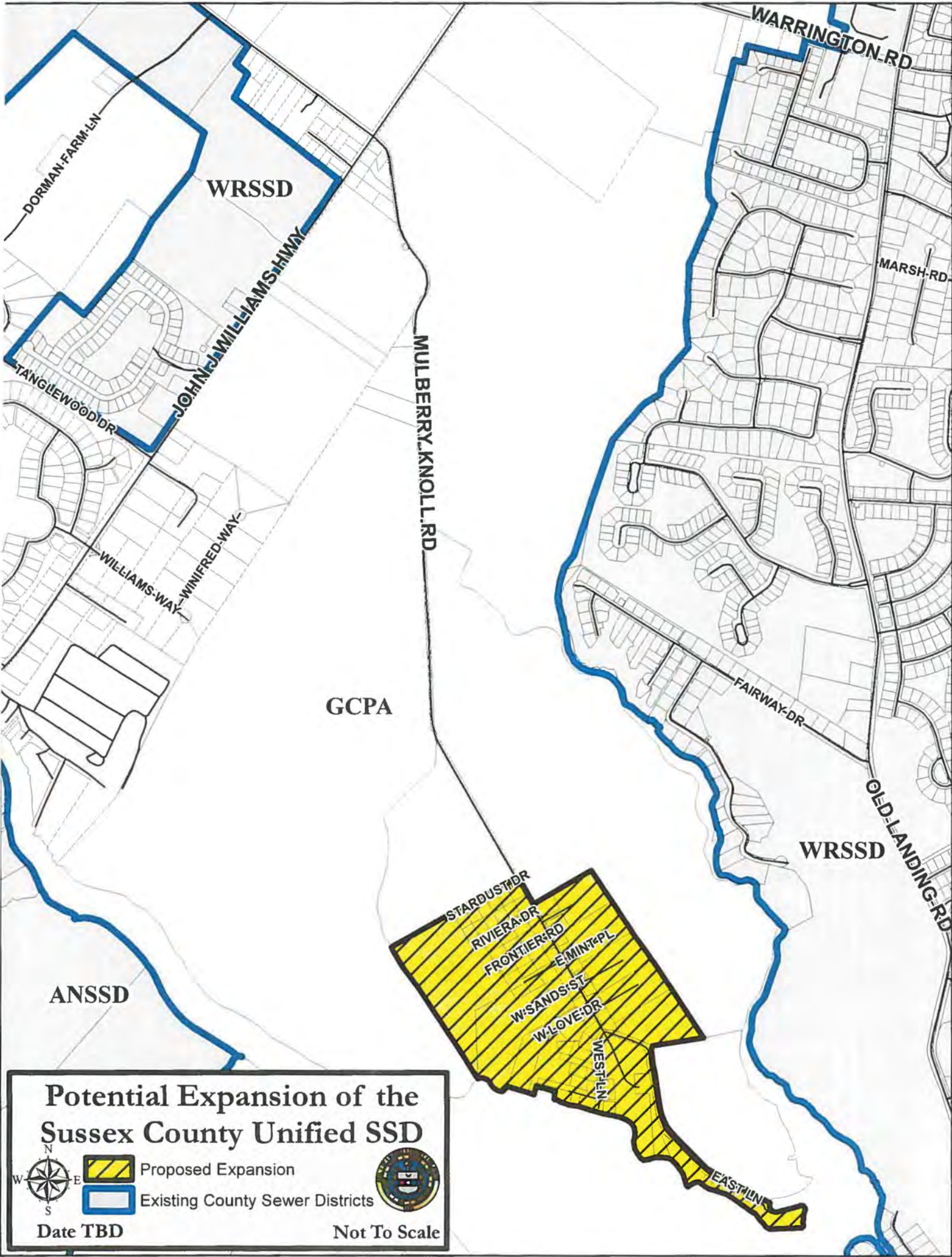
PROPOSED MOTION

BE IT MOVED THAT BASED ON THE RECEIPT OF PETITIONS SUBMITTED PURSUANT TO 9 DEL.C §6503, THE SUSSEX COUNTY COUNCIL HEREBY GRANTS PERMISSION FOR THE SUSSEX COUNTY ENGINEERING DEPARTMENT TO PREPARE AND POST NOTICES FOR A PUBLIC HEARING TO ESTABLISH A BOUNDARY FOR THE PROPOSED MULBERRY KNOLL AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT.



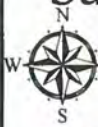
JOHN J. ASHMAN

FILE: MK-1.03
FEBRUARY 14, 2017





Potential Expansion of the Sussex County Unified SSD



Proposed Expansion

Existing County Sewer Districts

Date TBD

Not To Scale



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **DCUSA, Foundation**

PROJECT NAME: **Dolls Tea Program**

FEDERAL TAX ID: **22-5330018**

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: DCUSA, Foundation is a 501 3(c) non-profit organization that orginated in 1986. For over 2 decades, has provided services to single adolescent parents, Youth at Risk, including pregnancy, disease, crime, poverty, homeless, and education. DCUSA, will be a catalyst in which people in the community will be able to acquire their education and everday life skills from our programs.

ADDRESS: **13726 South Old State Road**

Ellendale

(CITY)

Delaware

(STATE)

19941

(ZIP)

CONTACT PERSON: **Helena Gibbs**

TITLE: **COO**

PHONE: **302-422-2350** EMAIL: **info@dcusafoundation.org**

TOTAL FUNDING REQUEST: \$13, 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? **\$1200.00**

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? **50%**

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 checked="" type="checkbox"/> Educational |

BENEFICIARY CATEGORY

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input checked="" 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:

70

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 major goals of the DollsTea is to create a safe gathering place for young girls to develop into a positive and successful teenager. We equip them for their ministry in this challenging world. The purpose is to teach the young ladies how to become long life survivors. The Dolls Tea program provides an academic and learning environment that will produce success with students in their regular school setting. It is also a safe, structured and a supportive environment. It is designed to address the academic, cognitive and social challenges for girls ages 6 to 12 years of age. This Dolls Tea program for the past 4 years have provided guidance from our highly educated staff which will increase their knowledge in the subjects they find challenging. We are empowering the girls to become critical thinkers and problem solvers for their futures. We provide and encourage a love for learning with a comprehensive plan for their future advancement. The Dolls Tea is a collaborative effort combining students, parent, school, and social gathering. With this program the girls will understand that education provides a foundation for them to base the rest of their life on; and without a firm solid education, it becomes impossible for an individual to provide for themselves and their families.

The Dolls Tea Provides the following:

- *Tutoring (Math, Language Arts, History)
- *Tutoring (Safety, Home Alone, Bullying, Body Cleanliness and First Aide)
- *Academic Improvement
- *Strategic for test taking skills

- 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	9,000.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Operational Utilities Expenses (Annually)	-\$ 2,400.00
Equipment and Supplies	-\$ 3,000.00
Rent	-\$ 2,400.00
Brochures/Advertisment	-\$ 1,000.00
Personnel/Administration	-\$ 2,400.00
Learning/Material/Booklets	-\$ 2,500.00
TOTAL EXPENDITURES	-13,700 -\$ 2,900.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	(4700) \$11,900.00

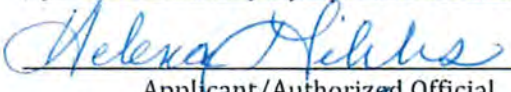
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the DCUSA Foundation 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)

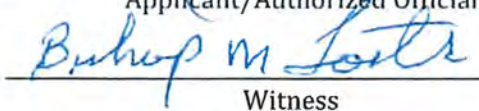
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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

287

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.

Helen H. Hester
Applicant/Authorized Official
Burton M. Foster
Witness

2/1/17
Title
2/1/17
Date

Burton
2/06/17

To Be Introduced 02/14/17

Council District No. 2 – Wilson

Tax I.D. No. 230-26.00-115.00, 115.04, 122.00; and 230-31.00-33.00, 33.01

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM 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 CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 141.086 ACRES, MORE OR LESS

WHEREAS, on the 14th day of September 2016, a zoning application, denominated Change of Zone No. 1817 was filed on behalf of Liborio Ellendale, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1817 be _____; and

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

NOW, THEREFORE,

THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying west of Old State Road (Road 213) and southeast of Sharons Road (Road 641) and also 118 feet south of Wild Cherry Street (a subdivision street) and being more particularly described as follows:

BEGINNING at an iron rod found on the westerly right-of-way of Road 213, 118 feet south of Wild Cherry Street; thence south $00^{\circ} 36' 27''$ west 1,606.89 feet along the westerly right-of-way of Road 213; thence southerly and continuing along the westerly right-of-way of Road 213, 567.09 feet with 6,330.00 foot radius to a point; thence south $12^{\circ} 51' 22''$ west 243.73 feet along the westerly right-of-way of Road 213 to a point; thence south $09^{\circ} 11' 04''$ west 20.00 feet along the westerly right-of-way of Road 213 to a point; thence by and along the northerly property line of Randall Raser, 571.01 feet to an iron rod; thence southerly approximately 700 feet along the meandering rear line of said Raser lands and lands of Daniel P. Lynch to an iron rod; thence south $70^{\circ} 08' 01''$ west 1,832.08 feet along lands of Raymond and Sherry L. White to an iron rod; thence north $01^{\circ} 48' 27''$ west 1,277.29 feet along lands of the State of Delaware to a point; thence continuing northerly along the meandering rear line of said State lands, lands of Clifford D. Short, lands of James and Kimberly Burns, and lands of Robert P. Short Jr. and Virginia L. Short, approximately 1,200 feet to a point; thence north $06^{\circ} 19' 30''$ east 195.78 feet along lands of Robert P. Short Jr. and Virginia L. Short, lands of Shannon M. Showell, and lands of Bayview Loan Servicing, LLC to a point; thence north $52^{\circ} 17' 33''$ west 178.32 feet along said Bayview Loan Servicing, LLC lands to a point; thence north $49^{\circ} 55' 15''$ east 571.50 feet along the rear of lots 5 through 9 of John H. Walker Subdivision to a point; thence following the entrance road right-of-way from Road 641 the following five (5) courses: north $40^{\circ} 04' 45''$ west 167.50 feet to a point, 39.27 feet along a radius of 25.00 feet with a chord bearing of north $85^{\circ} 04' 45''$ west to a point, north $49^{\circ} 55' 15''$ east 100.00 feet along the southeasterly right-of-way of Road 641 to a point, 39.27 feet along a radius of 25.00 feet with a chord bearing of south $04^{\circ} 55' 15''$ west to a point, and south $40^{\circ} 04' 45''$ east 167.50 feet to a point; thence north $49^{\circ} 55' 15''$ east 700.22 feet along the rear of lots 1 through 4 of John H. Walker Subdivision to a point; thence north $89^{\circ} 42' 00''$ east 560.79 feet and north $89^{\circ} 23' 00''$ east 724.35 feet along Walker Acres Subdivision to the point and place of beginning, said parcel containing 141.086 acres, more or less, per survey by Davis, Bowen & Friedel, Inc.

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
(302) 855-7878 T
(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: February 8, 2017

RE: County Council Report for CU 2062 RDK & A Investments, LLC

On September 12, 2016, the Planning and Zoning Department received an application CU 2062 RDK & A Investments, LLC to allow for an office. The Planning and Zoning Commission held a public hearing on January 12, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that the Commission found Richard H. Swear, President of North East Express, was present on behalf of North East Express along with Mr. Hal Dukes, Esquire of Tunnel & Raysor, and that they state in their presentation and in response to questions raised by the Commission that this is a business for a mail order medical supply company specializing in colostomy bags, catheters etc.; that employees in this industry are highly paid because of the special programs required to learn terminology and how to use devices; that there is no inventory; that the supplier ships directly to the patients; that the business deals directly with patients, insurance companies, and third parties; that the exhibit book describes the history of the activities on the site; that they applied for a Conditional Use to allow for the continuation and growth of the business activities on the stated site; that the survey/site plan included in the packet depicts the building and parking on the site; that the parking lot accommodates 8-10 vehicles and there is adequate land in the back if needed for additional parking; that the business will reuse the current building on site, which is double what they have now; that the business is currently full time and year round with hours being Monday through Friday from 9:00 A.M. to 4:00 P.M.; that only five are employed with an estimate doubling the number of employees within the next year; that there will be no deliveries coming in or out of the site as all supplies go directly from warehouse to patient; that the condition proposed is reasonably compatible with the surrounding area.

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

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

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried unanimously to defer action for further consideration. Motion carried 3 – 0.



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

At their meeting of January 26, 2017 the Commission discussed this application which has been deferred since January 12, 2017.

Mr. Hudson stated that he would recommend approval for the Conditional Use for an office based upon the record and for the following reasons:

1. The project is located on the north side of Burbage Rd. with conditions imposed for this use and is an appropriate location for this Conditional Use.
2. The project with conditions and limitations placed upon it will not have an adverse impact on the neighboring properties or community.
3. The property will be used and an office for a mail order medical supply company and will have minimal impact on the character of the neighborhood.
4. This recommendation for approval is subject to the following stipulations and conditions:
 - a. There shall not be any building contractor or subcontractor's office or workshop on the site.
 - b. No medical supply, device or product shall be manufactured, created, or assembled, or stored on the property except that such medical supplies, devices or products which are customarily found in an office setting shall be permitted on this premises.
 - c. Any security lighting shall be downward screened so that it doesn't shine on any neighboring properties or roadways.
 - d. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the office shall be screened from the view of any residential properties.
 - e. The site shall not be used for the storage or deliver of medical supplies, devices or products or other items sold as part of the mail order medical supply business.
 - f. All inventory for the mail order medical supply business shall be maintained at a different location.
 - g. Only one unlit sign shall be permitted on the property and shall not exceed 32 SF per side.
 - h. All vehicles parking shall be clearly shown on the final site plan and clearly marked on the site.
 - i. The site shall not be used for any on-site retail business sales.
 - j. The final site plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hudson, seconded by Mr. Hopkins, and carried with 3 votes to grant preliminary approval. Motion carried 3 – 0, 1 abstention by Mr. Ross.

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



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director Appointee
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 5, 2017
RE: Staff Analysis for C/U #2062 RDK&A Investments

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U #2062 RDK&A Investments to be reviewed during the January 12, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 134-12.00-373.05 to allow for the use of an office. The size of the property to be used for the Conditional Use is 25,163 SF +/- . The property is zoned AR-1 (Agricultural Residential District).

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

The surrounding land uses to the south, east and west are Environmentally Sensitive Developing Areas. The land use to the north is Low Density. The Environmentally Sensitive Developing Areas land use designations recognize that a range of housing types should be permitted including single-family homes, townhouses and multi-family units. It also notes that retail and office uses are appropriate; however, larger retail and office uses should be located along arterial roads. This will allow for convenient services and allow people to work from home.

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, east and west are located within the town of Millville. The properties to the south are zoned AR-1 (Agricultural Residential District) and B-1 (Neighborhood Business District). The primary uses in the area are residential and agricultural. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for an office could be considered consistent with the land use, surrounding zoning and uses.

Staff notes that if the Conditional Use is approved that there is an opportunity to provide some type of Landscape Buffer around the site to provide a visual buffer for the residential uses.



Introduced 10/11/16

Council District No. 4 – Cole

Tax I.D. No. 134-12.00-373.05

911 Address: 36017 Burbage Road, Ocean View

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 25,163 SQUARE FEET, MORE OR LESS

WHEREAS, on the 22nd day of August 2016, a conditional use application, denominated Conditional Use No. 2062 was filed on behalf of RDK&A Investments, LLC; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2062 be _____; and

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


NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2062 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 north of Burbage Road (Road 353), and being more particularly described as Lot 4 in Plot Book 28, Page 92, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 25,163 square feet, more or less.

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

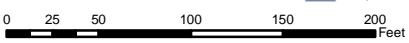


**Conditional Use
Application #2062**



Legend

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

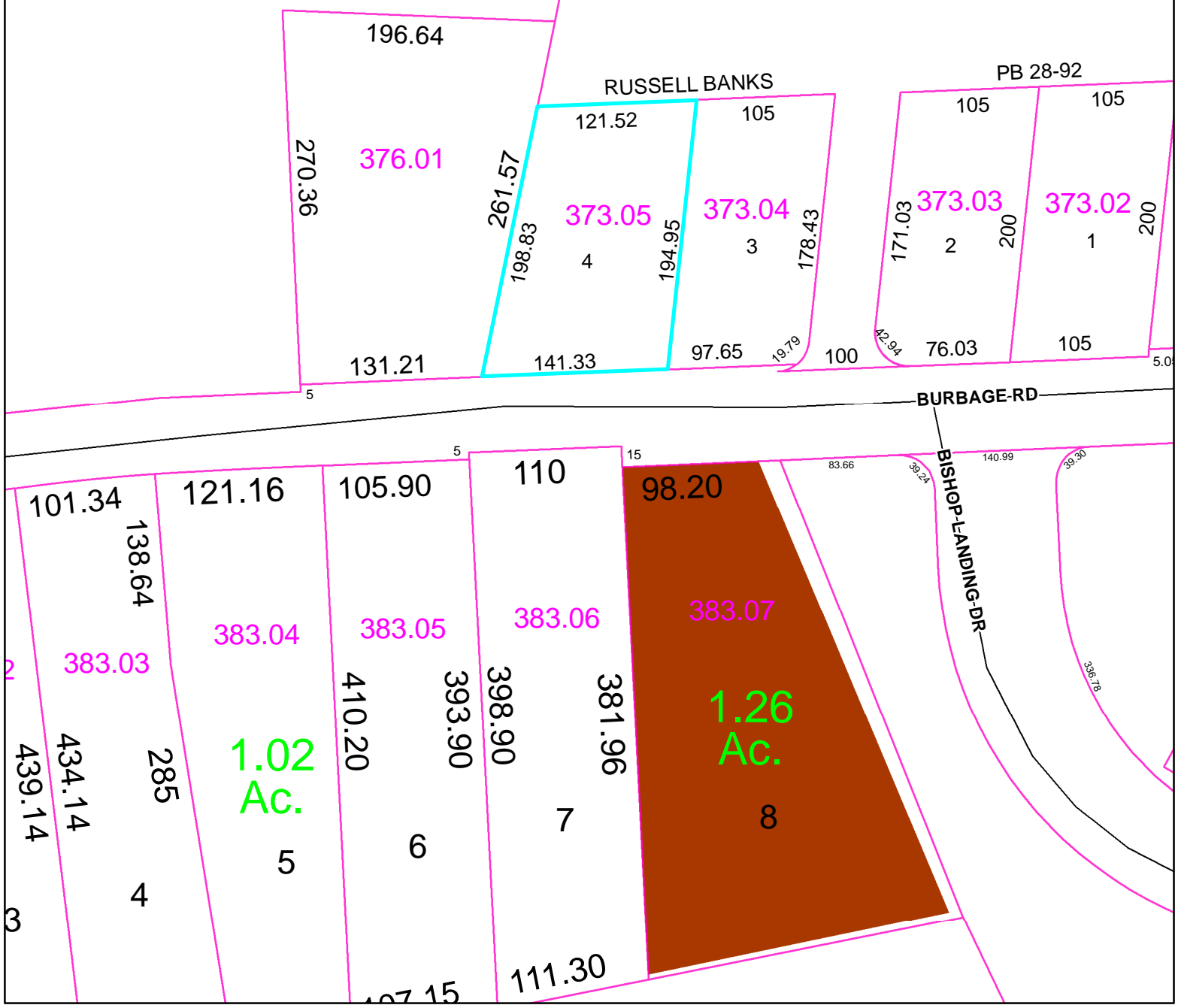


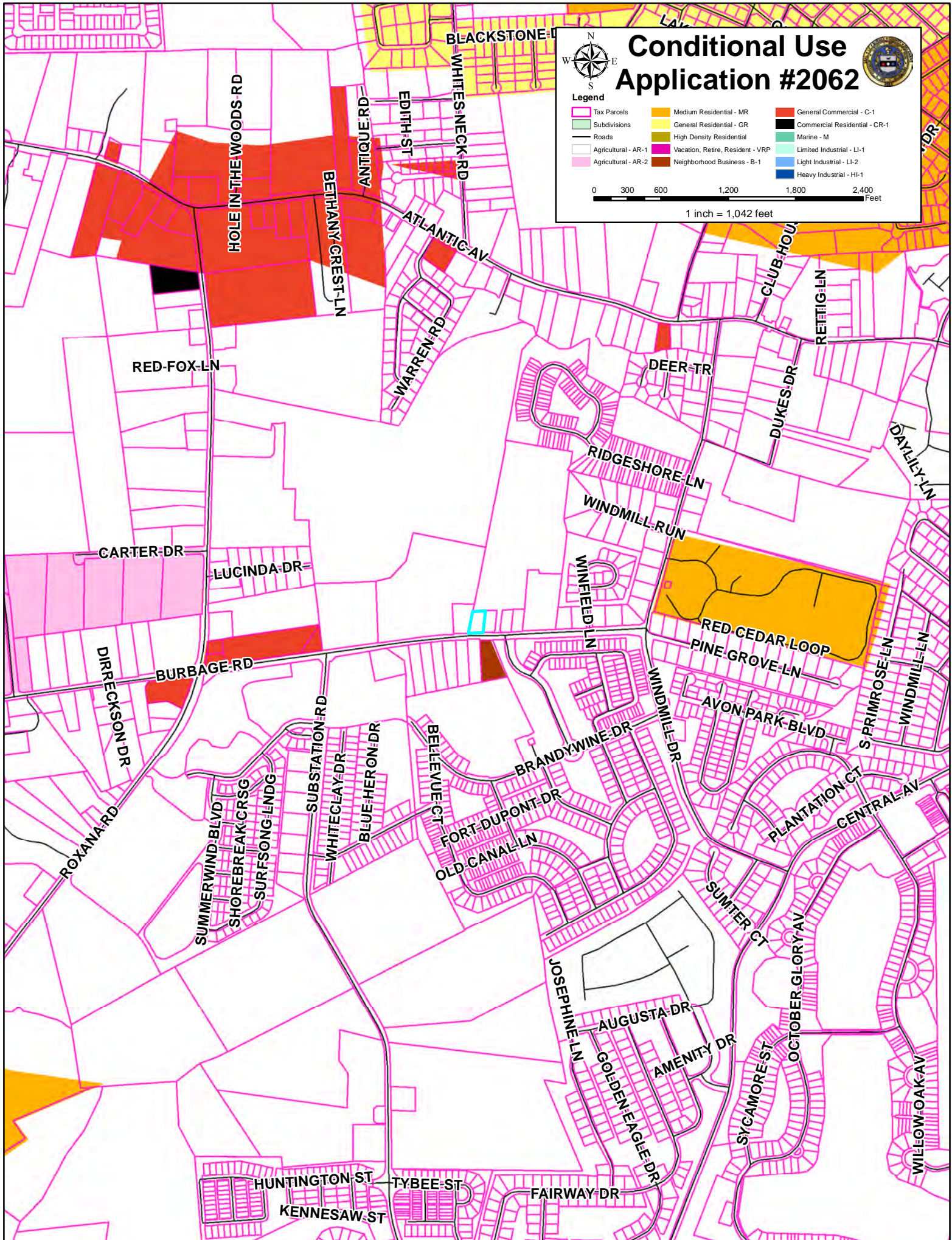
0 25 50 100 150 200 Feet

1 inch = 104 feet

76

02 Ac.





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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: February 8, 2017

RE: County Council Report for CU 2063 Lands of Whaley

On August 26, 2016, the Planning and Zoning Department received an application CU 2063 Lands of Whaley to allow for an office and storage area for U-Haul vehicles and trailers. The Planning and Zoning Commission held a public hearing on January 12, 2017. The following are the minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that the Commission found that Michael and Faith Whaley were present on behalf of their application; that they keep submitted a letter in support of this application from Irene Bonville who was not in attendance; that their hours of operation will be Monday – Friday from 10:00 am – 4:30 pm and Sundays from 6:00 am – 9:00 am; that the maximum amount of vehicles at a time being stored will be no more than two but there will be many months without any; that the equipment in a rural area is an issue; that there will not be any repairs on site, all repairs will be taken to another locations to be worked on; that U-Haul provides a sign to show there is equipment, currently unlit, unless provided otherwise by U-Haul; that they request permission to allow for a lighted sign if need be; that the area is 1 mile from the proposed hospital; that the area is not fenced in because the property north of and behind is owned by applicant; that the applicant understands the Conditional Use is contained only on the lot that is part of the application and not on the adjacent lots owned by the applicant; and that there is a hair salon on the property.

The commission found that Irene Bonville is in support of this application; that she stated in a letter that she is sound of mind and not a protester and the applicant has her permission to run the U-Haul business.

The commission found that there were no parties in opposition to this application.

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

Mr. Hopkins stated that he would move that the Commission recommend approval of Conditional Use No. 2063 for Michael and Faith Whaley for storage of U-Haul vehicles based on the record made during the public hearing and for the following reasons:



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

- 1) The project is located on the west side of Cedar Creek Road in close proximity to Route One. It is also in the same area where a new hospital is being constructed. With the conditions imposed on this use, this is an appropriate location for the conditional use.
- 2) The project, with the conditions and limitations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 3) The use as a U-Haul office and storage area is of a public or semi-public character and is desirable for the general convenience and welfare of residents of Sussex County.
- 4) This recommendation for approval is subject to the following conditions and stipulations:
 - A. There shall not be any building contractors or subcontractor's offices or workshops within the site.
 - B. There shall not be any storage of building materials or other construction materials on the site.
 - C. Any security lighting shall be downward screened so that it does not shine onto neighboring properties or roadways.
 - D. A landscape buffer of Leyland Cypress or similar vegetation shall be maintained or planted along the boundaries of the project adjacent to any residential properties so that the storage areas are screened from view from any residential properties.
 - E. No U-Haul vehicles shall be parked or stored within the front yard setbacks of the property.
 - F. Only one [lighted] sign shall be permitted on the property. It shall not exceed 32 square feet in size per side.
 - G. All vehicle and trailer parking areas shall be clearly shown on the Final Site Plan and clearly marked on the site itself.
 - H. Hours of operation shall be between 10:00 am and 4:30 pm, Monday - Friday, and Sundays 6:00 am to 9:00 am.
 - I. No more than 2 U-Haul vehicles or trailers (or similar vehicles and trailers for rent) may be stored on the site at any one time. And some months there will be none at all.
 - J. No vehicle or trailer repairs shall be performed on the site.
 - K. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director Appointee
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 5, 2017
RE: Staff Analysis for C/U #2063 Michael and Faith Whaley on Cedar Creek Rd.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application C/U #2063 Michael and Faith Whaley to be reviewed during the January 12, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Conditional Use for parcel 330-15.00-60.01 to allow for the use of an office, storage area for U-Haul vehicles and trailers. The size of the property to be used for the Conditional Use is 34,788 SF +/- . The property is zoned AR-1 (Agricultural Residential District).

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

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

The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south east and west are zoned AR-1 (Agricultural Residential District) and parcels further west are located within the town of Milford. The primary uses in the area are residential and agricultural. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Conditional Use request to allow for an office, storage area for U-Haul vehicles and trailers could be considered consistent with the land use, surrounding zoning and uses.

Staff notes that if the Conditional Use is approved that there is an opportunity to provide some type of Landscape Buffer around the site to provide a visual buffer for the adjacent residential uses.



Introduced 10/11/16

Council District No. 2 – Wilson

Tax I.D. No. 330-15.00-60.01

911 Address: 7512 and 7524 Cedar Creek Road, Lincoln

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN OFFICE AND STORAGE AREA FOR U-HAUL VEHICLES AND TRAILERS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 34,788 SQUARE FEET, MORE OR LESS

WHEREAS, on the 26th day of August 2016, a conditional use application, denominated Conditional Use No. 2063 was filed on behalf of Michael and Faith Whaley; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2063 be _____; and

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


NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2063 as it applies to the property hereinafter described.


Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Cedar Creek Hundred, Sussex County, Delaware, and lying west of Cedar Creek Road (Route 30), 130 feet north of Fork Road (Road 270A), and being more particularly described as Lot Number 1 on plot of lands of Michael A. Whaley and Faith M. Whaley as recorded in Plot Book 198, Page 79, in the Office of the Recorder of Deeds in and for Sussex County, said parcel containing 34,788 square feet, more or less.

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



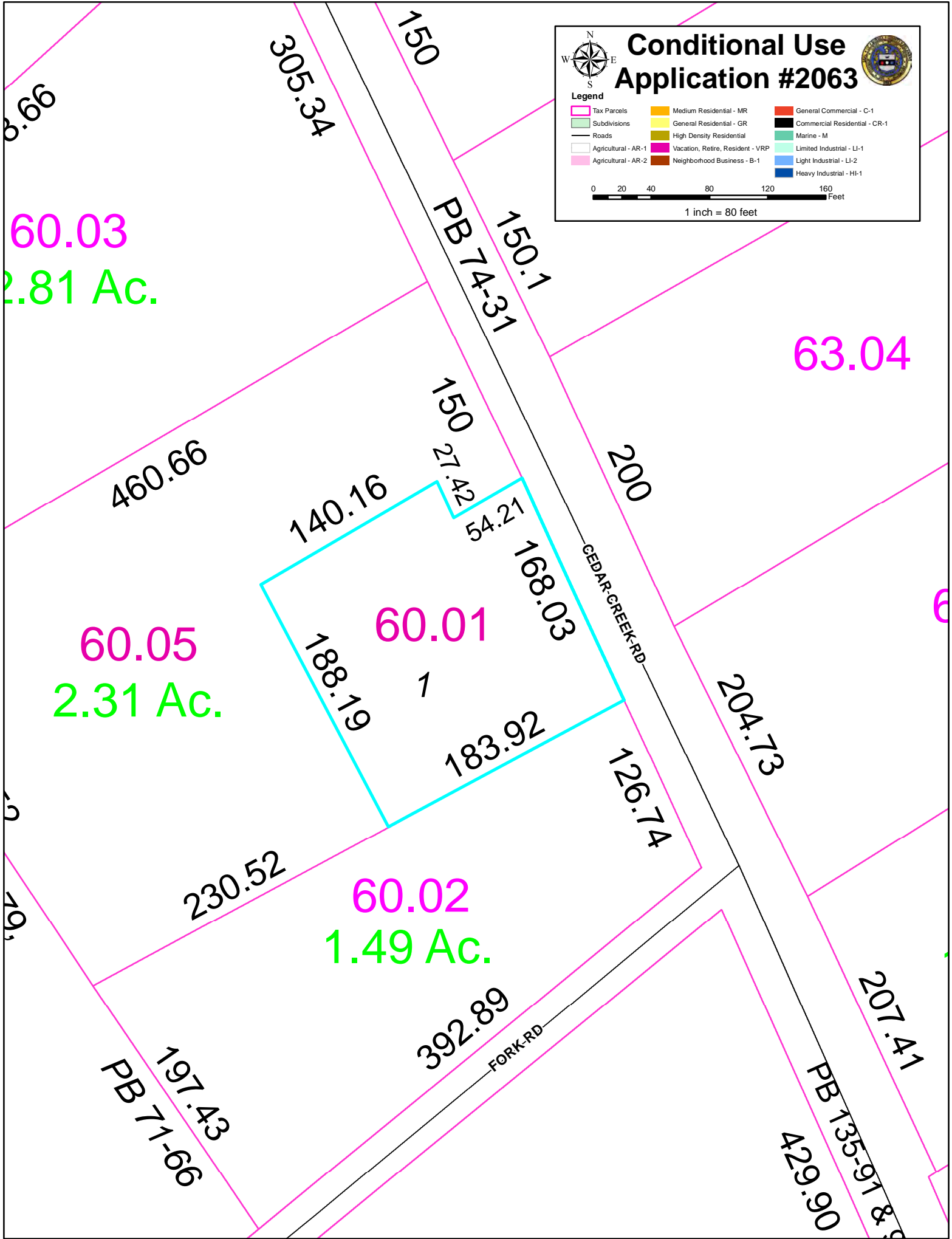
Conditional Use Application #2063

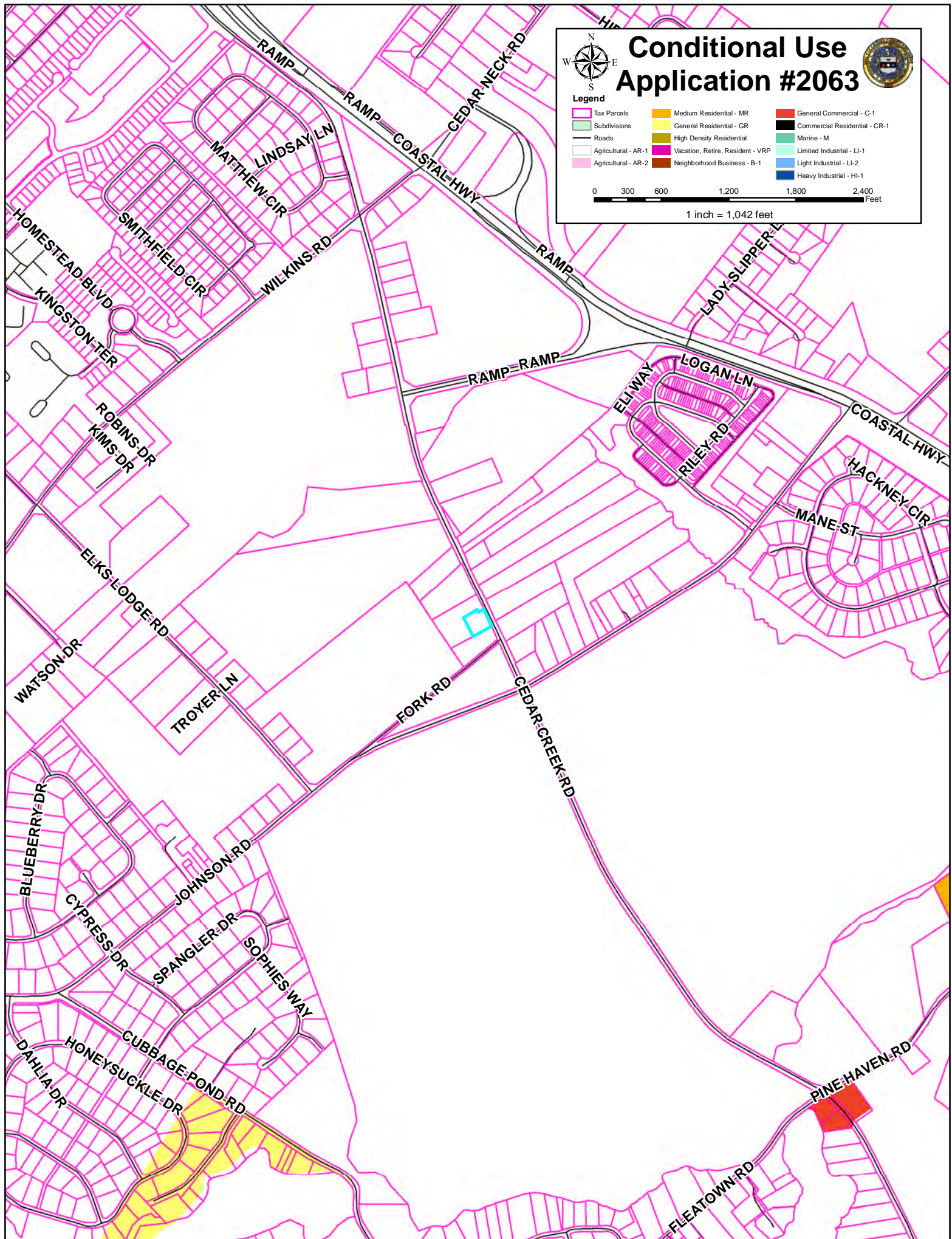


Legend

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

0 20 40 80 120 160 Feet
1 inch = 80 feet



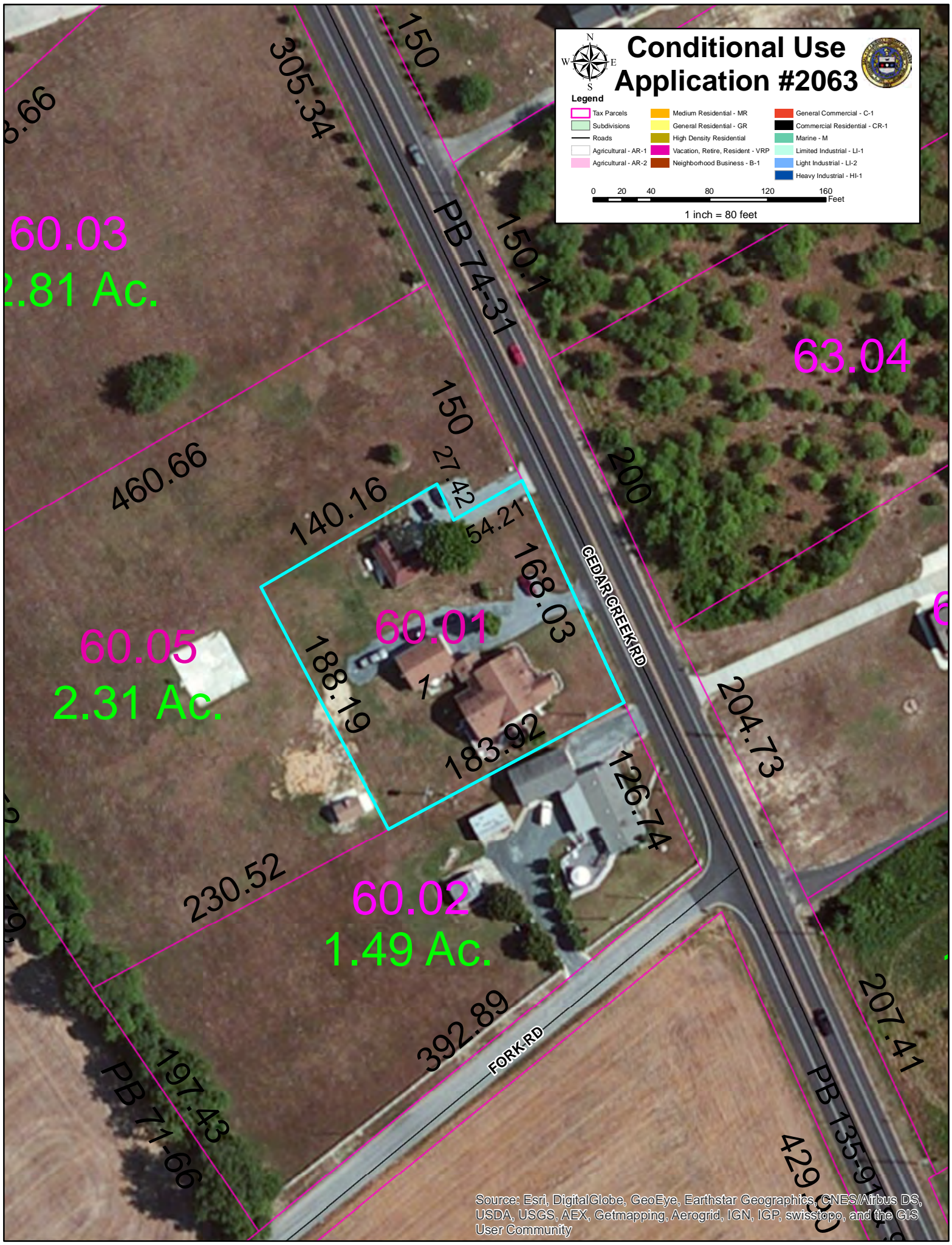


Conditional Use Application #2063

Legend

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

1 inch = 80 feet



60.03
2.81 Ac.

60.05
2.31 Ac.

60.02
1.49 Ac.

63.04

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Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: February 8, 2017

RE: County Council Report for CZ 1811 Lands of Dustin Yoder

On August 23, 2016, the Planning and Zoning Department received an application CZ 1811 Lands of Dustin Yoder to allow for a change of zone from AR-1 to LI-2. The Planning and Zoning Commission held a public hearing on January 12, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that there was a staff analysis submitted into the record as part of the application; and that comments were received from the Department of Agriculture regarding drainage and soils.

The Commission found that Dustin Yoder was present on behalf of the application; that he plans to build additional buildings, one straddling the existing zoning line which will spill over into the AR-1 area, other building will need additional vehicle turn around area; that the property map from February 2, 2015 shows the current property line as well as proposed buildings and storage area; that if additional employees are added there is sufficient parking for employees provided; that the business manufactures doors and windows with business hours being Monday - Friday from 5:00 am – 6:00 pm with around 19 employees; that the traffic includes delivery of rough lumber; that one additional building is for extra lumber storage; that more of the same manufacturing will continue along with some importing of metal windows that are not manufactured there; that a cell tower is located on the adjacent property that is close to the proposed expansion; that the Yoder family owns nearby properties; that his mother and father own adjacent land and the business; that the business has been under the Yoder family ownership since the late 1980's; that prior to it was owned by Nanticoke Homes in which the current building has existed many years.

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

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

Mr. Hopkins stated that he would move that he recommend the approval of C/Z #1811 for Dustin Yoder for a change in zone from AR-1 Agricultural to LI-2 Light Industrial based upon the record made during the public hearing and for the following reasons:



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

- 1) The land that is the subject of this application is adjacent to other lands of the applicant that are zoned LI-2. This small 1.079-acre parcel will be a reasonable expansion of the existing LI-2 District.
- 2) The rezoning will not have an adverse impact on neighboring properties, roadways or other public facilities.
- 3) This small expansion of the LI-2 zone satisfies the stated purposes of the district according to the Sussex County Zoning Code.
- 4) This rezoning will bring most of the property under one consistent zoning category.
- 5) This property is also the site of a large communications tower. LI-2 zoning is compatible with this existing use on the property.
- 6) No parties appeared in opposition to this application.
- 7) Any development of this additional property under LI-2 zoning will be subject to Site Plan review by the Sussex County Planning and Zoning Commission to ensure that it complies with all requirements of the Zoning Code.

Motion by Mr. Hopkins, seconded by Mr. Hudson, and carried unanimously to forward this application to the Sussex County Council with the recommendation that the application be approved for the reasons and with the conditions stated. Motion carried 3 – 0.

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Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director Appointee
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 5, 2017
RE: Staff Analysis for CZ 1811 Dustin Yoder at 10862 Shawnee Rd.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1811 Lands of Dustin Yoder to be reviewed during the January 12, 2017 Planning Commission Meeting. This analysis should be included in the record of this application and is subject to comments and information that may be presented during the public hearing.

The request is for a Change of Zone for parcel 430-3.00-11.01 (portion of). The request to change the zoning from AR-1 (Agricultural Residential District) to LI-2 (Light Industrial District). The portion of the property to be rezoned is 1.079 ac. +/- . The overall size of the parcel is 3.581ac. +/- . 2.502 +/- acres is currently zoned LI-2 (Light Industrial District).

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

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

The property is split zoned AR-1 (Agricultural Residential District) and LI-2 (Light Industrial District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). The uses in the area are primarily single family residences and agriculture. There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses the Change of Zone request from AR-1 (Agricultural Residential District) to LI-2 (Light Industrial District) could be considered consistent with the surrounding zoning and uses.



Introduced 10/11/16

**Council District No. 2 – Wilson
Tax I.D. No. 430-3.00-11.01 (Part of)
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A LI-2 LIGHT INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 1.079 ACRES, MORE OR LESS

WHEREAS, on the 23rd day of August 2016, a zoning application, denominated Change of Zone No. 1811 was filed on behalf of Dustin Yoder; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1811 be _____; and

WHEREAS, on the ____ day of _____ 2016, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County 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 LI-2 Light Industrial 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 Nanticoke Hundred, Sussex County, Delaware, and lying northwest of Shawnee Road (Route 36), 3,500 feet northeast of Coon Den Road (Road 628), and being more particularly described as follows:

BEGINNING at an iron pipe on the northwesterly right-of-way of Shawnee Road (Route 36), a corner for these lands and lands of Larry L. and Jeanette H. Yoder; thence North 31°18'05" West 448.56 feet to an iron pipe; thence continuing along said

Yoder lands the following six (6) courses: North 58°53'36" East 80.00 feet to an iron pipe; North 31°06'24" West 80.00 feet to an iron pipe; North 58°53'36" East 125.21 feet to an iron pipe; South 59°34'20" East 158.48 feet to an iron pipe; South 58°43'46" West 230.43 feet to an iron pipe; and South 31°18'05" East 448.51 feet to a point on the northwesterly right-of-way of Shawnee Road; and thence South 58°49'53" West 50.09 feet along the northwesterly right-of-way of Shawnee Road to the point and place of beginning, and containing 1.079 acres, more or less.

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

PROPOSED

