



Sussex County Council Public/Media Packet

**MEETING:
February 20, 2018**

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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

A G E N D A

FEBRUARY 20, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

Todd Lawson, County Administrator

1. Sussex Central FFA Proclamation
2. Wastewater Agreement No. 1011-2
Sussex County Project No. 81-04
Saddle Ridge – Phase 1B PS & FM
Goslee Creek Planning Area
3. Consideration of the Construction Loan Agreement with the Sussex Sports Center Foundation
4. Administrator's Report

10:15 a.m. Public Hearing

Camp Arrowhead Area II Expansion of the Sussex County Unified Sanitary Sewer District

William Pfaff, Economic Development Director

1. Discover Bank Presentation



John Ashman, Director of Utility Planning

1. **Criswell Annexation of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area)**

- A. **Request Permission to Prepare and Post Notices**

Hans Medlarz, County Engineer

1. **Millville Sanitary Sewer District, Northwest Expansion II, Irons Lane and PS #311**

- A. **Balancing Change Order and Substantial Completion**

2. **Wolfe Neck Regional Wastewater Facilities – Pole Buildings, Project #18-10**

- A. **Final Balancing Change Order and Substantial Completion**

Old Business

Change of Zone No. 1841 filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.29 ACRES, MORE OR LESS” (Tax I.D. No. 134-19.00-22.00 (portion of) (911 Address: Not Available)

“AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA, AND XII BY AMENDING SECTIONS §§115-20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 AND 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM “SPECIAL EVENTS” AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 AND M DISTRICTS”

Grant Requests

1. **Friends of the Georgetown Public Library for library programs**
2. **Cape Henlopen Senior Center for Rehoboth Concert Band Fundraiser**
3. **Greater Millsboro Chamber of Commerce for Annual Stars & Stripes Event**
4. **John M. Clayton Elementary School for Student Mentoring Program**
5. **Cape Henlopen School District for Youth Summit Expenses**

Introduction of Proposed Zoning Ordinances

Council Members' Comments

11:30 a.m. Luncheon and Discussion - Sussex Conservation District

Location: CHEER Center, Georgetown

1:30 p.m. Public Hearings

Change of Zone No. 1843 filed on behalf of Shailesh Patel

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.181 ACRES, MORE OR LESS” (located at the end of Circle Drive, approximately 124 feet southwest of Concord Road and on the southeast side of Chevrolet Avenue (a private road) (Tax I.D. No. 132-2.00-325.01 (portion of) (911 Address: 11342 Circle Drive, Seaford)

Conditional Use No. 2114 filed on behalf of Spangler Strategic Advisers, LLC

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 70.0 ACRES, MORE OR LESS” (located at the southeast corner of DuPont Blvd. (Route 113) and Betts Lane) (Tax I.D. No. 133-6.00-123.00 (portion of) (911 Address: Not Available)

Conditional Use No. 2113 filed on behalf of CleanBay Renewables, LLC, Sussex I

“AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 16.71 ACRES, MORE OR LESS” (located at the southwest corner of DuPont Blvd. (Route 113) and Breasure Road) (Tax I.D. No. 133-6.00-123.00 (portion of) (911 Address: Not Available)

Adjourn

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

In accordance with 29 Del. C. §10004(e)(2), this Agenda was posted on February 13, 2018 at 4:30 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

###

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, FEBRUARY 6, 2018

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, February 6, 2018, 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 080 18
Approve
Agenda**

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

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 30, 2018 were approved by consent.

**Public
Comments**

Public Comments

Paul Reiger raised questions about setbacks for private/public stables, feed lots, etc. Mr. Reiger also commented on the agenda item on this date relating to various County Code updates.

Dan Kramer commented on information read into the record and questioned why it is not available on the internet. Mr. Kramer also commented on and raised questions on Woodbridge getting "99 chicks".

Bill Andrew, President and Chief Executive Officer of the Delaware Electric Cooperative (DEC), presented a check in the amount of \$9,504.93 to the Sussex County Council representing a capital credit allocation.

M 081 18

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

**M 081 18
Approve
Consent
Agenda
Items
(continued)**

- 1. Wastewater Agreement No. 387-2
Sussex County Project No. 81-04
Oak Creek – Phase 2 (aka Sawgrass North)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**
- 2. Wastewater Agreement No. 387-3
Sussex County Project No. 81-04
Oak Creek – Phase 3 (aka Sawgrass North)
West Rehoboth Expansion of the Dewey Beach Sanitary Sewer District**

Motion Adopted: 5 Yeas.

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

**Caroling
on The
Circle
Food
Drive**

Mr. Lawson announced that 27,772 food items were collected during the Caroling on The Circle Food Drive held in December 2017. The Council recognized participants who helped in this effort. Mr. Lawson reported that the food items were distributed to various food pantries throughout Sussex County.

**Adminis-
trator's
Report**

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

**1. Advisory Committee on Aging & Adults with Physical Disabilities for
Sussex County Subcommittee Meeting**

The Advisory Committee on Aging & Adults with Physical Disabilities Conference Planning Subcommittee will meet on Monday, February 12th, at 10:00 a.m. at the Sussex County Administrative Offices West Complex, 22215 North DuPont Boulevard, in Georgetown. A copy of the agenda is attached.

2. Council Meeting Schedule

A reminder that Council will not meet on February 13th. The next regularly scheduled Council meeting will be held on Tuesday, February 20th, at 10:00 a.m.

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

**Public
Hearing/
Bonds/
Concord
Road
Wastewater
Expansion**

A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH". This Ordinance provides for the issuance of up to

**Public
Hearing
(continued)**

\$250,000 of Sussex County General Obligation Bonds in order to finance or reimburse the County for a portion of the costs for the design, construction and equipping of the wastewater collection, conveyance and transmission facilities for the Concord Road Wastewater Expansion.

Hans Medlarz, County Engineer, reported that this ordinance is supplemental to the already committed \$729,000 loan and \$449,000 grant and that the debt will be paid by the users over 40 years.

There were no public comments.

The Public Hearing and public record were closed.

**M 082 18
Adopt
Ordinance
No. 2547**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2547 entitled “AN ORDINANCE AUTHORIZING THE ISSUANCE OF UP TO \$250,000 OF GENERAL OBLIGATION BONDS OF SUSSEX COUNTY IN CONNECTION WITH THE CONSTRUCTION AND EQUIPPING OF THE CONCORD ROAD WASTEWATER EXPANSION AND AUTHORIZING ALL NECESSARY ACTIONS IN CONNECTION THEREWITH”.

Motion Adopted: 5 Yeas.

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

**County
Code
Updates/
Draft
Ordinances**

Vince Robertson, Assistant County Attorney, and Janelle Cornwell, Planning and Zoning Director, presented an overview of various County Code updates for Council’s consideration.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-188 RELATING TO TOWNHOUSE AND MULTIFAMILY DWELLING OUTSIDE WALL DIMENSIONS”.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY”.

Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVII, §115-213 RELATING LAPSES OF SPECIAL EXCEPTIONS AND VARIANCES”.

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVIII, §115-220 and §115-221 RELATING

County Code Updates/Draft Ordinances (continued)	<p>INTERCONNECTIVITY REQUIRED FOR CERTAIN USES”.</p> <p>Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXVIII, §115-222 RELATING TO AMENDMENTS OF PRIOR APPROVALS”.</p> <p>Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-183 RELATING TO DECKS, PORCHES PLATFORMS OR STEPS IN SIDE AND REAR YARDS”.</p> <p>Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-181 RELATING TO YARDS AND OPEN SPACES GENERALLY”.</p> <p>Mr. Wilson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXIII, §115-168 RELATING TO MODIFICATION OF OFF-STREET LOADING REQUIREMENTS”.</p> <p>Mr. Arlett introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND CHAPTER 115 OF THE CODE OF SUSSEX COUNTY BY AMENDING ARTICLE XXV, §115-182 AND §115-183, AND TABLE 1 RELATING TO FRONT, SIDE AND REAR YARD SETBACKS IN SMALL, LEGALLY NONCONFORMING LOTS”.</p> <p>The Proposed Ordinances will be advertised for Public Hearing.</p>
Grant Requests	<p>Mrs. Jennings presented grant requests for the Council’s consideration.</p>
M 083 18 Councilmanic Grant	<p>A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to give \$7,500.00 (\$3,750.00 each from Mr. Vincent’s and Mr. Arlett’s Councilmanic Grant Accounts) to the Laurel Lions Club Foundation for recreation complex renovation project.</p> <p>Motion Adopted: 5 Yeas.</p> <p>Vote by Roll Call: Mr. Arlett, Yea; Mr. Burton, Yea; Mr. Wilson, Yea; Mr. Cole, Yea; Mr. Vincent, Yea</p>
M 084 18 County-wide Youth Grant	<p>A Motion was made by Mr. Cole, seconded by Mr. Arlett, to give \$1,000.00 from Countywide Youth Grants to Delaware Technical & Community College for the Sussex County Science Fair.</p> <p>Motion Adopted: 5 Yeas.</p>

M 084 18
(continued)

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

Introduction of Proposed Ordinances

Mr. Cole introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTIFAMILY DWELLING STRUCTURES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 11.53 ACRES, MORE OR LESS” (Conditional Use No. 2131) filed on behalf of CBB Cedar Pines, LLC (Tax I.D. No. 134-9.00-21.00) (911 Address: Not Available).

Mr. Burton introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HAIR STUDIO TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.504 ACRE, MORE OR LESS” (Conditional Use No. 2132) filed on behalf of Dorothy Darley (Tax I.D. No. 335-12.06-58.00) (911 Address: 33995 Clay Road, Lewes).

The Proposed Ordinances will be advertised for Public Hearing.

M 085 18
Go Into Executive Session

At 11:06 a.m., a Motion was made by Mr. Cole, seconded by Mr. Wilson, to recess the Regular Session and go into Executive Session.

Motion Adopted: 5 Yeas.

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

Executive Session

At 11:08 a.m., an Executive Session of the Sussex County Council was held in the Basement Caucus Room to discuss matters relating to potential litigation. The Executive Session concluded at 11:48 a.m.

M 086 18
Reconvene

At 11:50 a.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, 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, Absent;
Mr. Wilson, Absent; Mr. Cole, Yea;
Mr. Vincent, Yea

E/S Action

There was no action on Executive Session matters.

M 087 18 **At 11:50 a.m., a Motion was made by Mr. Arlett, seconded by Mr. Cole, to**
Recess **recess until 1:30 p.m.**

Motion Adopted: 3 Yeas, 2 Absent.

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

M 088 18 **At 1:33 p.m., a Motion was made by Mr. Cole, seconded by Mr. Burton, to**
Reconvene **reconvene.**

Motion Adopted: 3 Yeas, 2 Absent.

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

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

Mr. Arlett and Mr. Wilson joined the meeting.

Public **A Public Hearing was held on the Proposed Ordinance entitled “AN**
Hearing/ **ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN**
CU 2110 **AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOUSE**
 CONSTRUCTION AND SALES BUSINESS TO BE LOCATED ON A
 CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND
 REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709
 ACRE, MORE OR LESS” (Conditional Use No. 2110) filed on behalf of
 Gaw Venture Group, LLC c/o John Gaw (Tax I.D. No. 334-12.00-24.00)
 (911 Address: 20028 John J. Williams Highway, Lewes).

The Planning and Zoning Commission held a Public Hearing on the
Proposed Ordinance on January 11, 2018 at which time action was
deferred. On January 25, 2018, the Commission recommended approval
with conditions.

(See the minutes of the Planning and Zoning Commission dated January 11
and 25, 2018.)

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

The Council found that Rick Berl, Attorney, presented on behalf of the
Applicants. He stated that the Applicants have a small custom building
business (in-fill builders); that the business is a small family business and
the brothers run the business; that they propose to use the site as an office;
that the site has been used previously under a Conditional Use as a windows
treatment business; that they have no employees and they work with
subcontractors; that the office will not be used as a showroom, only a work

**Public
Hearing/
CU 2110
(continued)**

and meeting place; that the site will not be a staging area and there will be no equipment on the site; that no Traffic Impact Study was required; that DelDOT will address entrance requirements; that they would like a free standing 4 foot by 8 foot lighted sign; that the property is currently served by a cesspool, however, County sewer service is expected in the next 12 to 18 months; that they ask that hours of operation not be made a condition, however, they propose Monday through Saturday from 8:00 a.m. to 5:00 p.m. with an occasional meeting outside of those hours; that there is adequate parking; and that the proposed use will have less of an impact than the prior Conditional Use. Mr. Berl reviewed the zonings and uses in the surrounding area.

There were no public comments.

The Public Hearing and public record were closed.

**M 089 18
Adopt
Ordinance
No. 2548/
CU 2110**

A Motion was made by Mr. Arlett, seconded by Mr. Wilson, to Adopt Ordinance No. 2548 entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A HOUSE CONSTRUCTION AND SALES BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.709 ACRE, MORE OR LESS" (Conditional Use No. 2110) filed on behalf of Gaw Venture Group, LLC c/o John Gaw, with the following conditions:

- A. The use shall be limited to an office for home construction and sales within the existing structure.
- B. No outside storage of construction materials or equipment shall be permitted on the site.
- C. One lighted sign shall be permitted. It shall not exceed 32 square feet per side.
- D. The Applicant shall comply with any DelDOT entrance and roadway improvement requirements.
- E. Parking shall be permitted in the front yard setback. In addition, sufficient space shall be set aside for parking elsewhere on the property in the event that Route 24 is widened at some point.
- F. Failure to comply with these conditions shall result in the revocation of the Conditional Use approval.
- G. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

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/
CU 2111**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A RV/PARK MODEL/TRAILER REPAIR AND REFURBISHMENT BUSINESS WITH OUTDOOR STORAGE AND SALES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 1.0 ACRE, MORE OR LESS, OF A 32.16-ACRE PARCEL OF LAND” (Conditional Use No. 2111) filed on behalf of Michael Moutzalias (Tax I.D. No. 134-8.00-5.00 (portion of) (911 Address: 30190 Whites Neck Road, Dagsboro).

The Planning and Zoning Commission held a Public Hearing on this application on January 11, 2018 at which time action was deferred. The Commission deferred action on this application again on January 25, 2018.

(See the minutes of the Planning and Zoning Commission dated January 11 and 25, 2018.)

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

The Council found that Linn Hickman was present on behalf of the Applicant. Ms. Hickman stated that the purpose of the application is to allow the Applicant to transport campers, trailers, and motor homes to this site for repairs, refurbishing and/or storage until they can be moved to the primary business location in Frankford; that the Applicant has a commercial location in Frankford for the sale of campers, trailers and motor homes; that occasionally a customer may come to the site to look at and/or purchase a unit; and that the storage area is located behind the house and barn on the property.

Public comments were heard.

There were no public comments in support of the application.

Kami Banks Kane spoke in opposition to the application stating that the use does not fit in the agricultural – residential area; that the Applicant has been making sales from the property; that if the Conditional Use is approved, sales from the site should not be allowed; that the Applicant has been running the business for years without being compliant; that the site does not have a buffer from other properties, but only horse pasture-type fencing; that the site is a RV graveyard; that the Applicant is not the property owner; and that the property owner is her Uncle and that the property is in a farm preservation trust. Ms. Kane stated that the Trust was submitted to the Planning and Zoning Commission along with pictures of the site.

There were no additional public comments.

(continued) Council requested a legal determination as to the Agriculture Trust. Ms. Cornwell noted that this document is part of the record.

The Public Hearing and public record were closed.

M 090 18 A Motion was made by Mr. Cole, seconded by Mr. Burton, to defer action
Defer on Conditional Use No. 2111 filed on behalf of Michael Moutzalias.

Action on
CU 2111 Motion Adopted: 5 Yeas.

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

Public A Public Hearing was held on the Proposed Ordinance entitled "AN
Hearing/ ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN
CU 2112 AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL
OFFICE AND ANCILLARY MEDICAL USES TO BE LOCATED ON A
CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND
REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 3.30
ACRES, MORE OR LESS" (Conditional Use No. 2112) filed on behalf of
Mitchell Family Limited Partnership (Tax I.D. No. 335-8.00-37.01 and 335-
8.00-37.00 (portion of) (911 Address: Not Available).

The Planning and Zoning Commission held a Public Hearing on this application on January 11, 2018 at which time action was deferred. The Commission deferred action on this application again on January 25, 2018.

(See the minutes of the Planning and Zoning Commission dated January 11 and 25, 2018.)

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

An Exhibit Book was previously submitted by the Applicant and distributed to Council members.

The Council found that David Hutt, Attorney, was present on behalf of the Applicant with Robert Mitchell and Jerry Mitchell, members of the Mitchell Family Limited Partnership. Also present were Ring Lardner of Davis, Bowen & Friedel; David Blaeuer and Michael Fiori of the Development Group; and Bob McLeish and Mike Glick with Lighthouse Construction.

Mr. Hutt, Mr. Lardner, Mr. Blaeuer and Mr. Fiori discussed the proposal for a 39,000 square foot medical facility, the background of the property, information on the surrounding area including zonings and uses, the project's compatibility with other office and commercial uses in the area, the layout of the site including setbacks, the concept for the proposed medical facility; building rendering, information on the Kings Highway and

**Public
Hearing/
CU 2112
(continued)**

Gills Neck Road intersection, the Lewes Scenic and Historic Byway, DelDOT's review of the planned project; entrance and access plans, water and sewer availability, parking, and stormwater management. Mr. Hutt discussed the project's compliance with Sussex County's Comprehensive Plan and with the State Strategies for State Policies and Spending. They stated that the project will serve the local community by providing supporting services in the same building, i.e. medical examination, diagnostic radiology, MRI, physical therapy, etc., providing continuity of care to cut down on numerous trips to different facilities.

Mr. Rutt stated that proposed conditions were submitted in the Exhibit Book and he commented on two additional conditions that were discussed during the Planning and Zoning Commission's process: one relating to access to the site and one relating to signage (request made was for one 50 square foot sign on the building and two 32 square foot signs, one on each road).

There were no public comments.

The Public Hearing and public record were closed.

**M 091 18
Defer
Action on
CU 2112**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to defer action on Conditional Use No. 2112 filed on behalf of Mitchell Family Limited Partnership.

Motion Adopted: 5 Yeas.

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

**M 092 18
Adjourn**

A Motion was made by Mr. Arlett, seconded by Mr. Burton, to adjourn at 2:55 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.}

SUSSEX COUNTY COUNCIL



TRIBUTE

*Be it hereby known to all that the
Sussex County Council
joins in the celebration of*

NATIONAL FFA WEEK

The Sussex County Council recognizes the Sussex Central High School FFA for its work to cultivate interest among students in agriculture and in becoming the leaders of tomorrow, and directs this Tribute to be presented to the FFA program's students and faculty advisors on this 20th day of February 2018.



Samuel R. Wilson, Jr.
Councilman

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 01, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04
SADDLE RIDGE - PHASE 1B PS&FM
AGREEMENT NO. 1011 - 2

DEVELOPER:

Mr. Tim Green
SB Saddle Ridge LLC
20184 Phillips Street
Rehoboth Beach, DE 19971

LOCATION:

NE/Corner of John J. Williams Hwy & Tanglewood Drive. A private Street providing access to Briarwood Estates Subdivision and also being 0.6 miles SW/RD 284 (Mullberry Knoll Way).

SANITARY SEWER DISTRICT:

Goslee Creek Planning Area

TYPE AND SIZE DEVELOPMENT:

Residential Subdivision - RPC, 81 Single Family Lots (current location of Windswept Stables Pump station and force main in this phase.

SYSTEM CONNECTION CHARGES:

\$0.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval
10/28/15

Department of Natural Resources Plan Approval
11/10/15

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 240
Construction Admin and Construction Inspection Cost – \$47,942.25
Proposed Construction Cost – \$319,615.00



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

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountype.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

February 20, 2018

PROPOSED MOTION

BE IT MOVED THAT BASED UPON THE RECOMMENDATION OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, FOR SUSSEX COUNTY PROJECT NO. 81-04, AGREEMENT NO. 1011-2 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "SB SADDLE RIDGE, LLC" FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "SADDLE RIDGE – PHASE 1B PS & FM", LOCATED IN GOSLEE CREEK PLANNING AREA.

ORDINANCE NO. 38
AGREEMENT NO. 1011-2

TODD LAWSON
COUNTY ADMINISTRATOR



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

MEMORANDUM

TO: SUSSEX COUNTY COUNCIL

**The Honorable Michael H. Vincent
The Honorable Samuel R. Wilson, Jr.
The Honorable George B. Cole
The Honorable Irwin G. Burton, III
The Honorable Robert B. Arlett**

FROM: COUNTY ATTORNEY

J. Everett Moore, Jr.

**RE: SUSSEX COUNTY LOAN TO SUSSEX SPORTS CENTER
FOUNDATION, INC.**

DATE: FEBRUARY 16, 2018

Sussex Sports Center Foundation, Inc. (“SSCF”) and Sussex County (“County”) entered into a Memorandum of Understanding which was approved by Sussex County Council on January 23, 2018. In the MOU, SSCF agrees to accept donated land for the construction of a sports center on the property with Tax Parcel Nos. 135-15.00-26.06 and 135-15.00-26.00 (“Property”). The County plans to contribute to the sports center by making an interest-free loan in the amount of \$1,500,000.00 to SSCF, subject to the terms set forth in the Loan Commitment Agreement, Note, Mortgage, Construction Loan Agreement, and Option to Purchase Agreement (collectively hereinafter “Loan Documents”). Each document is briefly described below:

LOAN COMMITMENT AGREEMENT

The Loan Commitment Agreement outlines the conditions that SSCF must meet in order to receive the Loan from the County. The conditions include, but are not limited to the following: (1) execute the requisite Note, Mortgage, and Construction Loan documents; (2) record the Mortgage as security for the loan; (3) present a copy of the Deed evidencing the donation and required deed restrictions; and (4) other conditions set forth by the previously approved MOU. Parties will agree upon a settlement date to conduct the Loan closing in which all the relevant documents will be signed, and this Loan Commitment Agreement terminates. The Loan Commitment Agreement expires four months after its execution if the parties have not settled on the loan.

NOTE

The Note evidences SSCF's obligation to repay the County for the borrowed funds and is based upon the standard form used in Sussex County. The Note includes the interest rate (0%) and other repayment terms.

CONSTRUCTION LOAN

The Construction Loan Agreement provides the terms upon which the loan will be disbursed during the construction and converts this loan into a permanent loan upon completion of the improvements. In accordance with the MOU, the funds will begin to be disbursed after SSCF has spent \$1,500,000.00 in design, permitting, and/or construction and satisfied the other conditions set forth therein. The funds shall be released upon SSCF's presentation of documentation evidencing the expenditure of funds for construction in amounts no less than \$100,000.00. The Construction Loan Agreement also includes various terms addressing the construction process and timing.

COMMERCIAL MORTGAGE

The Commercial Mortgage document grants the County a lien against the Property as security for the funds that are loaned. This Mortgage includes the typical terms, including but not limited to, SSCF's obligations to maintain the Property, pay applicable taxes, procure insurance, and comply with environmental laws. The Mortgage also expressly sets forth the County's remedies in the event that SSCF defaults. The Mortgage document is recorded in the Recorder of Deeds Office.

OPTION TO PURCHASE AGREEMENT

Consistent with the MOU, the Option to Purchase Agreement memorializes the County's thirty-day Option to purchase the Property and all improvements thereon for a purchase price of \$1.00. This Option is available to the County for a period of thirty (30) days after SSCF has operated the sports center for ten years. SSCF has also agreed to an additional Option period if the Property is proposed to be sold in full or in part, at any time during that first ten years of operation. This Option period is available to the County for thirty (30) days commencing upon its receipt of a purchase offer for the Property and its improvements, in full or in part. After expiration of the last Option period upon the ten-year anniversary of the commencement of operations, the County will no longer have the option to purchase the Property for \$1.00, but the County, pursuant to the Note and Mortgage, will continue to be able to enforce repayment of its loan. The terms of the Option are further detailed in this Agreement.

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

Camp Arrowhead Expansion II Facts

- Permission to post was granted on January 9th, 2018
- Expansion of the Sussex County Unified Sanitary Sewer District (Angola Neck Area).
- Requested by the Diocesan Council for Camp Arrowhead.
- Camp responsible for pumpstation for their parcel and a forcemain to a connection point near Woods on Herring Creek. This work has not yet begun.
- There is an existing MOU in place that identifies what buildings on the Camp parcel can currently be connected. This bath house will be in addition to the building on the existing MOU.
- The expansion will consist of 25,875 sq. ft.
- The parcels will be responsible for System Connection Charges of \$6360.00 or the rate in place at the time of connection.
- The area was posted on January 23rd, 2018 and placed on the county website, to date we have heard nothing in support or opposition to the expansion.

RESOLUTION

A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) ANGOLA NECK AREA, TO INCLUDE THE CAMP ARROWHEAD II AREA, ON THE EAST SIDE OF CAMP ARROWHEAD ROAD LOCATED IN THE INDIAN RIVER HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE.

WHEREAS, Sussex County has established the Sussex County Unified Sanitary Sewer Sanitary Sewer District (SCUSSD); and

WHEREAS, in the best interests of the present district and to enhance the general health and welfare of that portion of Sussex County in the vicinity of Camp Arrowhead, the inclusion of this area will be beneficial; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (a), the Sussex County Council may, upon request of the County Engineer, revise the boundary of an established sewer district when 50 or more houses have been connected by posting a public notice in four public places in the district describing the new or revised boundary; and

WHEREAS, the Sussex County Council has caused to be posted a public notice in at least four public places in the district, as verified by the affidavit of Phillip C. Calio, a copy of which affidavit and public notice is attached hereto and made a part hereof; and

WHEREAS, in accordance with 9 Del.C., Section 6502 (b), the Sussex County Council shall, within ninety days after posting the public notices pass a formal resolution establishing the new boundary of the district;

NOW, THEREFORE,

BE IT RESOLVED the Sussex County Council hereby revises the boundary of the SCUSSD to encompass the lands mentioned above in the Camp Arrowhead II area and further described as follows:

Beginning at a point, said point being on the SCUSSD boundary, said point also being a corner of lands N/F "Camp Arrowhead" annexed into the aforementioned SCUSSD, thence turning and running along the lines of the herein defined annexation the following 11 bearings and distances:

Thence having a bearing of North 16°59'08" West for a distance of 36.00 feet, to a point;

thence having a bearing of South 73°12'39" West for a distance of 20.00 feet, to a point;

thence having a bearing of South 16°59'08" East for a distance of 115.43 feet, to a point;

thence having a bearing of South 02°15'06" East for a distance of 175.21 feet, to a point;

thence having a bearing of South 07°14'07" West for a distance of 198.24 feet, to a point;

thence having a bearing of North 81°21'53" East for a distance of 252.17 feet, to a point;

thence having a bearing of North 06°31'09" West for a distance of 70.97 feet, to a point;

thence having a bearing of South 81°21'53" West for a distance of 213.83 feet, to a point;
thence having a bearing of North 07°14'07" East for a distance of 139.40 feet, to a point;
thence having a bearing of North 03°20'41" West for a distance of 160.63 feet, to a point;
thence having a bearing of North 16°59'08" West for a distance of 82.23 feet, to a point, said point being that of the **BEGINNING**.

NOTE: The above description has been prepared using Sussex County Tax Map 234-12.00 and Sussex County property assessment records. The annexation contains 25,875 square feet more or less.

A map outlining and describing the extension of the SCUSSD is attached. The area involved is crosshatched and highlighted.

NOTE: The above description has been prepared using Sussex County Tax Map 234-12.00 and Sussex County property assessment records.

BE IT FURTHER RESOLVED that the Sussex County Council directs the County Engineer and the Attorney for the County Council to procure the necessary lands and right-of-way by purchase, agreement, or condemnation in accordance with the existing statutes; and

BE IT FURTHER RESOLVED that the County Engineer is hereby authorized to prepare maps, plans, specifications, and estimates, let contracts for and supervise the construction and maintenance of, or enlarging and remodeling of, any and all structures required to provide for the safe disposal of sewage in the sanitary sewer district, as amended.

SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
CAMP ARROWHEAD II EXPANSION
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(

COUNTY OF SUSSEX)(

BE IT REMEMBERED, That the subscriber, PHILLIP C. CALIO, personally appeared before me and known to me personally to be such, who being by me duly sworn to law did depose and say as follows:

- A. On January 24, 2018 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On January 24, 2018 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post @ entrance to Camp Arrowhead in the easterly ROW of Camp Arrowhead Road,
 - 2. On DEC Pole 8636 in the easterly ROW of Camp Arrowhead Road,
 - 3. On DEC Pole 21110 in the easterly ROW of Camp Arrowhead Road,
 - 4. On a post in front of stop sign in the southerly ROW of Angola Road (CR 277),
 - 5. On a post in front of DEC Pole 18431 in the easterly ROW of Angola Road.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 23 day of Jan, A.D., 2018


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on July 14, 2018

My Commission Expires _____

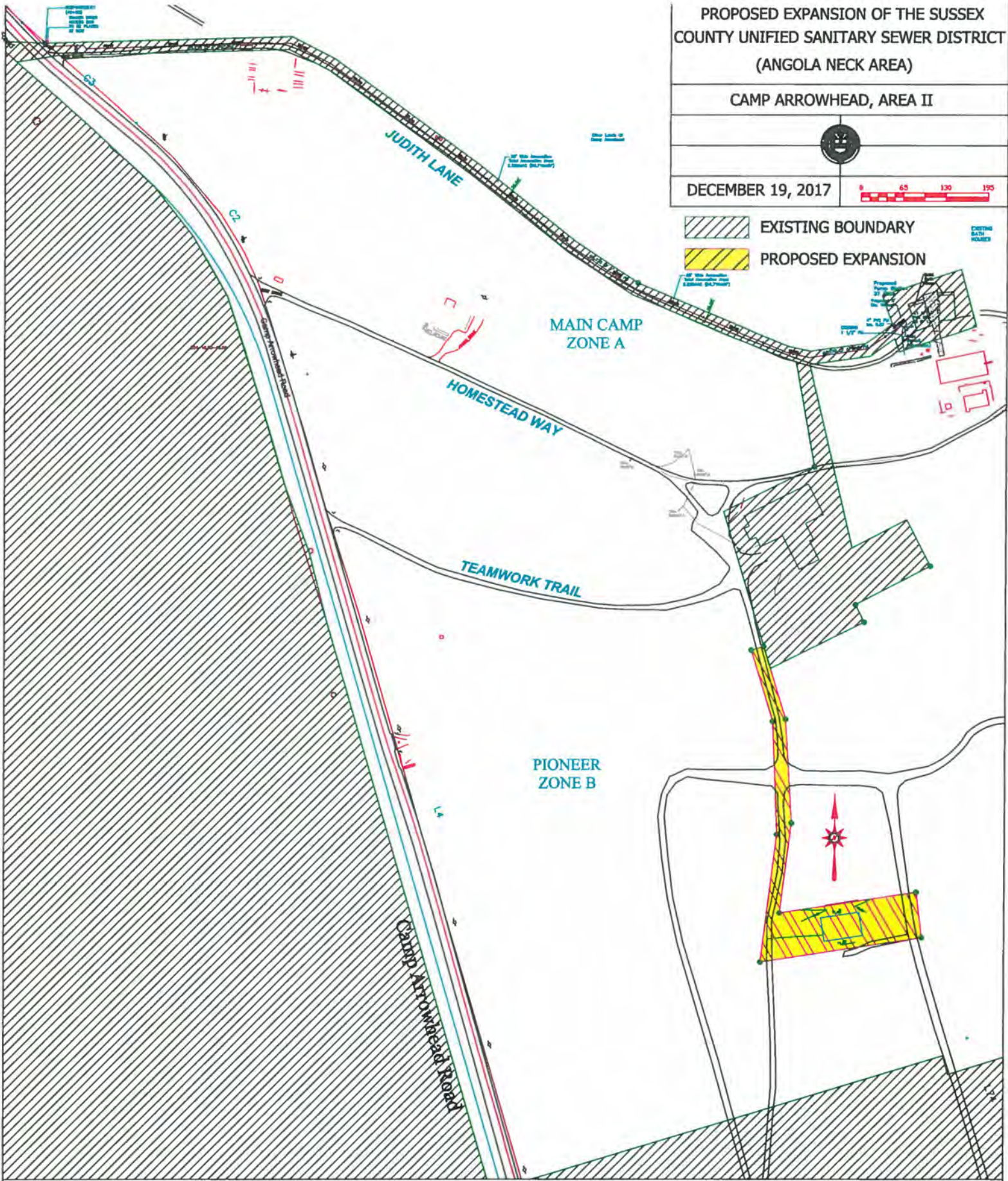
PROPOSED EXPANSION OF THE SUSSEX
COUNTY UNIFIED SANITARY SEWER DISTRICT
(ANGOLA NECK AREA)

CAMP ARROWHEAD, AREA II

DECEMBER 19, 2017



- EXISTING BOUNDARY
- PROPOSED EXPANSION



The proposed annexation is scheduled to be discussed on February 20, 2018 at 10:15 am
in Sussex County Council Chambers, 2 The Circle, Georgetown, DE 19947
For more information please visit: <https://www.sussexcountyde.gov/legal-notice/ sewer-water>.
Or call the Sussex County Utility Planning Department at 302-855-1299.

Criswell Expansion Fact Sheet

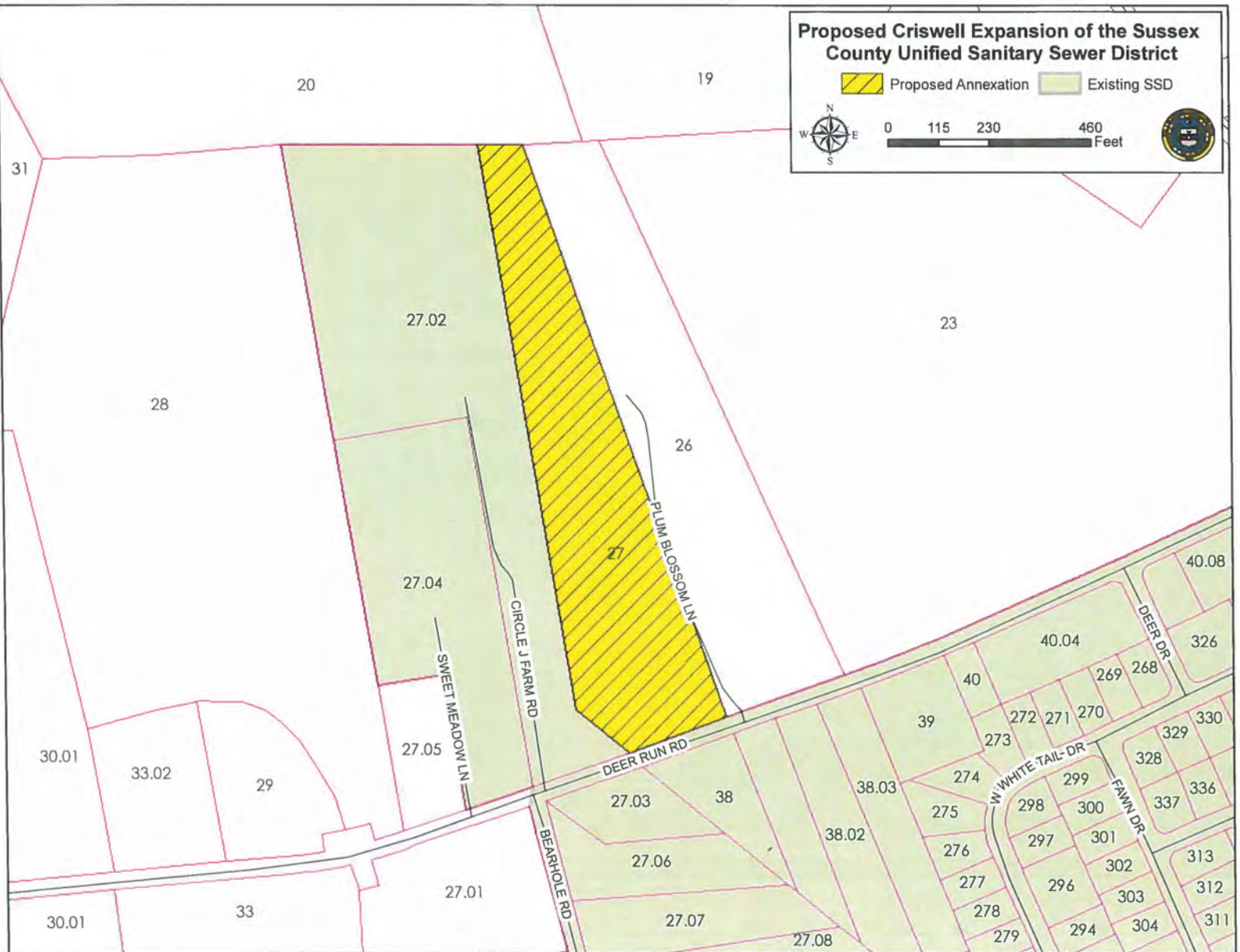
- Expansion of the Sussex County Unified Sanitary Sewer District (Johnson's Corner Area).
- The district expansion was requested by the property owners of 533-11.00-27.00, Billie & Daren Criswell.
- The property owner has submitted a letter requesting annexation along with the appropriate funds.
- The expansion will consist of 6.84 acres more or less.
- The parcel will be responsible for System Connection Charges of \$6,360.00 based on current rates.
- There will be a Public Hearing February 20, 2018 at 10:15 am at the regular County Council meeting if the motion passes to Post Notices.

Proposed Criswell Expansion of the Sussex County Unified Sanitary Sewer District

 Proposed Annexation  Existing SSD

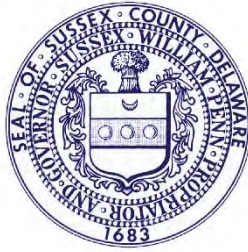


0 115 230 460 Feet



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 George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

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

RE: ***Millville Sanitary Sewer District:
Northwest Expansion II – Irons Lane and PS #311
Balancing Change Order and Substantial Completion***

DATE: February 20, 2018

On March 26, 2013 Council approved the SR-26 Phase III expansion of the Millville Area of the Unified Sanitary Sewer District which included Irons Lane and pump station no. 311. A funding request was submitted to USDA, Rural Development, Rural Utility Service and on January 12, 2016, County Council accepted the conditions and approved the loan resolutions associated with the original \$1,200,000.00 loan and the supplemental \$138,000.00 loan.

On January 3, 2017, Council awarded Project No. 15-10, Millville Sanitary Sewer District, Northwest Expansion II – Irons Lane and pump station no. 311 to George & Lynch, Inc. in the amount of \$1,167,258.00. The attached balancing change order reduces the contract amount by \$106,283.40 and adjusts all quantities to their final amounts; thereby lowering the final contract amount to \$1,060,974.60. The overall project cost is now estimated at less than \$1,200,000 which would allow not to utilize the supplemental loan funding saving on overall closing costs and debt service.

Construction began on March 27, 2017, and was declared substantially complete on November 22, 2017. Sussex County Engineering Department now recommends Substantial Completion for the construction project and approval of the balancing change order.



Change Order No. 1 - Final

Date of Issuance: February 5th, 2018 Effective Date: February 20th, 2018

Project: Northwest Expansion II	Owner: Sussex County	Owner's Contract No.: 15-10
Contract: Irons Lane and P.S. #311		Date of Contract: March 27 th , 2017
Contractor: George & Lynch, Inc. (G&L)		Engineer's Project No.: 14256-024

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Includes cost increases and/or cost credits associated with providing/installing (2) 14" x 14" M.J. wyres and M.J. 14" x 10" reducers with joint restraints to the Contract work scope at P.S. #311 (Line Item 1 - Cost), a Non-Compensatory, 61 calendar day Contract Time Extension (Line Item 2 - No Cost) and the Balancing of Used/Unused Contract Bid Item Quantities (Line Item 3 - Cost Credit).

Attachments: Cost Summary Sheet and Line Item 1, Line Item 2 and Line Item 3 documents which provide details for all cost credits and/or cost increases.

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 1,167,258.00

Changed from previously approved Change Orders No. 0 to No. 0:

\$ 0.00

Contract Price prior to this Change Order:

\$ 1,167,258.00

Decrease on this Change Order:

\$ (106,283.40)

Contract Price incorporating this Change Order:

\$ 1,060,974.60

CHANGE IN CONTRACT TIMES:

Original Contract Times: 180 Calendar Days

Substantial Completion (days or date): 180 days

Ready for final payment (days or date): _____

Unchanged from previously approved Change Orders No. 0 to No. 0:

Substantial Completion (days): 0 days

Ready for final payment (days): _____

Contract Times prior to this Change Order:

Substantial Completion (days or date): 180 days

Ready for final payment (days or date): _____

Changed/Increased on this Change Order: 61 days

Substantial Completion (days or date): 241 days

Ready for final payment (days or date): _____

Contract Times with all approved Change Orders:

Substantial Completion (days or date): 241 days

Ready for final payment (days or date): _____

RECOMMENDED:

By: Michael J. Gilbert
Engineer (Whitman, Requardt & Assoc.)

Date: 2/6/18

ACCEPTED:

By: _____
Owner (Sussex County)

Date: _____

ACCEPTED:

By: Alex B.
Contractor (George & Lynch, Inc.)

Date: 2/5/18

Contract 15-10

Northwest Expansion II - Irons Lane and P.S. #311
Change Order No. 1 - Final / Cost Summary Sheet
(Addition and/or Substitution of Various Items)

Change Order Cost Summary Sheet with Proposed Line Item Costs and/or Credits							
Line Item No.	Description of Individual PCO Line Items	Proposed Quantity	Unit	Unit Price	Actual Quantity	Contract Added Cost	Contract Credit
1	Provide/Install (2) 14" x 14" Wyes, 14" x 10" Reducers/Joint Restraints at P.S.	1	LS	\$ 4,954.42	1	\$ 4,954.42	\$ -
2	Non-Compensatory Contract Time Extension - 61 Calendar Days	1	LS	\$ -	1	\$ -	
3	Balancing of Final Used/Unused Contract 15-10 Bid Item Quantities - (Credit)	1	LS	\$ (111,237.82)	1	\$ -	\$ (111,237.82)

Sub-Totals for Costs and Credits \$ 4,954.42 \$ (111,237.82)

Total Change Order No. 1 - Final (Credit) \$ (106,283.40)

Summary of Contract Change Orders - Contract 15-10

Original Contract Amount	\$ 1,167,258.00
Amount of Previous Change Orders: No. 0 through No. 0	\$ -
 Contract Total Including Previous Change Orders	 \$ 1,167,258.00
+	
Total of Change Order No. 1 - Final	Decrease \$ (106,283.40)
=	
Revised Contract No. 15-10 Total (Including Change Order No. 1 - Final)	\$ 1,060,974.60

Line Item No. 1

14" x 14" Wyes (2) and 14" x 10" Reducers (2)
with Joint Restraints

Contract 15-10 Cost Increase = \$4,954.42



February 1, 2018

Mr. Brad Hawkes
Sussex County Engineering Dept
2 The Circle
Georgetown, Delaware 19947

Re: **MVSSD Contract 15-10**
Force Main Tie-In

Dear Mr. Hawkes:

As discussed is a proposed change order for the installation of two 14"x14" wyes on the existing forcemain at the tie in point coming from the valve vault of PS 311. Per drawing 6.01 Sheet C-1 of the drawings Note 2 states that we are to connect to existing 14"x10" wyes. When attempting to tie-in it was discovered that the wyes did not exist and we had to purchase fittings to perform the tie in. Due to long lead times for 14"x10" wyes of over 2 weeks we purchased 14"x14" wyes along with 14"x10" reducers to make the necessary tie in.

Force Main Tie-In

\$4,954.42

DESCRIPTION	LABOR	EQUIPMENT	MATERIAL		TOTAL
Fittings			\$4,308.19		\$4,308.19
15% Markup			\$646.23		\$646.23
15% Markup			\$4,954.42		\$4,954.42

PROPOSAL TOTAL

\$4,954.42

If you have any questions or require any additional information, please contact me at (302) 736-3031 X 320.

Sincerely,

Alex Brown
George & Lynch, Inc.

George & Lynch, Inc.
150 Lafferty Lane / Dover, Delaware 19901
Telephone 302-736-3031 / Fax 302-734-9743 / WWW.GEOLYN.COM

Infrastructure Contractor—Since 1923



INVOICE

1830 Craig Park Court
St. Louis, MO 63146

Invoice # H923332
Invoice Date 10/17/17
Account # 094389
Sales Rep KEVIN REICHHOLD
Phone # 302-684-3054
Branch # 273 Milton, DE
Total Amount Due \$4,170.83

Remit To:
CORE & MAIN LP
PO BOX 28330
ST LOUIS, MO 63146

483 1 MB 0.423 E0231 10352 02939350977 S2 P4740807 0002:0003



GEORGE & LYNCH INC
150 LAFFERTY LN
DOVER DE 19901-7205

Shipped to:
IRONS LANE
NEAR RT.20 & RT.26
MILLVILLE, DE

CUSTOMER JOB- IRONSLA Irons Lane

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via	Invoice #
10/06/17	10/06/17	VERBAL-ALEX	Irons Lane	IRONSLA		CORE & MAIN LP	H923332
Product Code	Description	Quantity			Price	UM	Extended Price
		Ordered	Shipped	B/O			
21114W140M	14X14 MJ WYE C/L (I) DI C153 BID SEQ# 10	2	2		1068.33000	EA	2,136.66
/20015069674	14X10 MJ REDUCER C/L (I) C153 BID SEQ# 20	2	1	1	189.60000	EA	189.60
21114S115T	14 MJ L/P SLEEVE(I) CP DI C153 BID SEQ# 30	1	1		264.35000	EA	264.35
21AMF7101400DAU	10 UFR1400-DA-10U RET DI W/ACC DOMESTIC BID SEQ# 40	2	2		100.71000	EA	201.42
21AMF7141500CAI	UFR1500-CA-14-I RET. C905/ACC (C905 PVC) COLOR CODED RED BID SEQ# 50	10	9	1	153.20000	EA	1,378.80

Received

OCT 23 2017

George & Lynch
Effective 8/29/2017
Visit: core & main.com
for forms (see right)

HD SUPPLY WATERWORKS IS NOW:



Available on the new website

- New W-9
- Formal name change letter
- FAQ for customers & vendors

Freight	Delivery	Handling	Restock	Misc.	Subtotal:	4,170.83
					Other:	0.00
					Tax:	0.00
					Invoice Total:	\$4,170.83

Terms: NET 30

Ordered By:

This transaction is governed by and subject to CORE & MAIN's standard terms and conditions, which are incorporated by reference and accepted.
To review these terms and conditions, please visit: www.waterworks.hdsupply.com/TandC.



INVOICE

Invoice # H968509
 Invoice Date 10/19/17
 Account # 094389
 Sales Rep KEVIN REICHHOLD
 Phone # 302-684-3054
 Branch # 273 Milton, DE
 Total Amount Due \$137.36

1830 Craig Park Court
 St. Louis, MO 63146

Remit To:
 CORE & MAIN LP
 PO BOX 29330
 ST LOUIS, MO 63146

17 2 SP 0.870 E0010 J0075 02940426651 S2 P4746973 0007-0007

GEORGE & LYNCH INC
 150 LAFFERTY LN
 DOVER DE 19901-7205

Shipped to: 10/17/17 H923332
 IRONS LANE
 NEAR RT.20 & RT.28
 MILLVILLE, DE

CUSTOMER JOB- IRONSLA Irons Lane

Thank you for the opportunity to serve you! We appreciate your prompt payment.

Date Ordered	Date Shipped	Customer PO #	Job Name	Job #	Bill of Lading	Shipped Via	Invoice #
10/06/17	10/19/17	VERBAL-ALEX	Irons Lane	IRONSLA		CORE & MAIN LP	H968509

Product Code	Description	Quantity			Price	UM	Extended Price
		Ordered	Shipped	B/O			
21114R10M	14X10 MJ RED (I) CP DI C153 BID SEQ# 20	1	1		137.36000	EA	137.36
21AMF7141500CAI	UFR1500-CA-14-I RET. C905/ACC (C905 PVC) COLOR CODED RED BID SEQ# 50	1		1	153.20000	EA	.00

Received

OCT 23 2017

George & Lynch

Effective 8/29/2017
 Visit: core & main.com
 for forms (see right)

HD SUPPLY WATERWORKS IS NOW:



Available on the new website

- New W-9
- Formal name change letter
- FAQ for customers & vendors

Freight	Delivery	Handling	Restock	Misc.	Subtotal:	137.36
					Other:	0.00
					Tax:	0.00
					Invoice Total:	\$137.36

Terms: NET 30

Ordered By:

This transaction is governed by and subject to CORE & MAIN's standard terms and conditions, which are incorporated by reference and accepted.
 To review these terms and conditions, please visit: www.waterworks.hdsupply.com/TandC.

Line Item No. 2

61 Calendar Day Non-Compensatory Contract Time Extension

Sept. 22nd to Oct. 4th, 2017: 12 CD's G&L's Sept. 21st, 2017
Weather Delays and DelDOT Time Restriction Claim.

Oct. 5th to Nov. 22nd, 2017: 49 CD's G&L's Jan. 9th, 2018
P.S. #311 Site – Permanent Electrical Service Delay Claim

Contract 15-10 Cost Increase = \$0.00



October 16th, 2017

Alex Brown
George & Lynch, Inc.
150 Lafferty Lane
Dover, Delaware 19901

Re: Sussex County Contract 15-10 – MVSSD Northwest Expansion II
Irons Lane and P.S. #311
G&L Contract Time Extension Request Review

Dear Mr. Brown:

WRA has received George & Lynch, Inc.'s (G&L) September 21st, 2017 letter requesting a 20 calendar day, time extension (understood by WRA to be non-compensatory) on the MVSSD Northwest Expansion II - Irons Lane and P.S. #311 project (Contract 15-10). The purpose of this correspondence is to provide WRA's assessment of G&L's request and formally state our recommendation to Sussex County Engineering Department (SCED).

Weather Related Items: G&L's letter references several weather events where G&L claims "lost work days" as a direct result of inclement weather (rain) events. Regarding any Contract time extension consideration for inclement weather dates, specification section 00700-4.05C(2) states that the Contractor shall be entitled to an "equitable adjustment" in Contract Times if "abnormal weather" conditions are encountered.

Of the dates claimed, the dates of 3/31/17 and 4/6/17 will not be recommended as G&L did not initially mobilize work forces to the project site until April 11th, 2017 (according to SCED's on-site RPR).

The referenced dates of 5/5/17, 5/13/17, 7/14/17, 7/28/17, 7/29/17, 8/12/17 and 9/2/17 will not be recommended as G&L did not schedule/mobilize for work to be performed on these dates.

The referenced dates of 5/22/17, 5/30/17, 6/5/17, 7/3/17 (not referenced), 7/25/17 (not referenced) and 9/19/17 had measurable rainfall amounts but the recorded amounts (from National Weather Service records) fall within normal accumulation parameters for both daily occurrences and cumulative considerations. Based upon this information, none (0) of these specific rain day events merit consideration based upon "abnormal weather" considerations. However, WRA's review of the on-site RPR field records reveal G&L work activity restrictions on Irons Lane as a direct result of DelDOT directives not allowing G&L to commence work activities on the dates of 5/30/17, 6/5/17, 7/3/17 and 7/25/17. These days will be handled separately below as part of "DelDOT Directed Delays".

As for the period containing the referenced dates of 4/25/17, 4/26/17 (not referenced), 8/7/17, 8/8/17, 8/15/17, 8/16/17 (not referenced), 8/18/17, 8/29/17 and 9/6/17, significant/excessive rainfall events resulted in the loss of planned work activities, not only during these scheduled work days, but also into part of the following scheduled work day (except for Saturday 8/18/17). As a result of these weather related impacts to the G&L planned work activities (for these dates except 8/18/17) and the observed above normal rainfall amounts within the project work area, WRA will make recommendation that (8) calendar days be approved by Sussex County Engineering Department (SCED) where no "significant" pipe installation work could be performed along Irons Lane or work at the P.S. #311 site due to the "abnormal weather" conditions.

In accordance with the Contract documents, the lost work days for these referenced dates, totaling (8) Contract calendar days, could be considered as an unavoidable natural catastrophe and eligible for a non-compensatory contract time extension.

DeIDOT Directed Delays: WRA has confirmed a total delay of (4) calendar days that resulted from DeIDOT directed work site shutdowns associated with Contract scheduled holidays (extended) and/or potential unsafe, vehicular traffic conditions at the site caused by various weather related events. These DeIDOT direct shutdowns occurred on May 30th, 2017, June 5th, July 3rd, 2017 (rain - not referenced) and July 25th, 2017 (fog - not referenced).

In summary, WRA hereby makes our recommendation that a non-compensatory time extension of 12 Contract calendar days, for work progress delays associated with the above referenced, abnormal weather related events to date (8 days) and DeIDOT directed delays (4 days), be reviewed and approved by SCED. Pending SCED's review of WRA's recommendation and SCED's final decision, a total (12) Contract calendar day time extension (or any SCED approved portion thereof) will be accounted for as part of the anticipated Change Order No. 1 – Final documents.

In closing, George & Lynch, Inc. is to make every effort to schedule and successfully perform a fully complete, automated start-up of the P.S. #311 facility, including all required road restoration work associated with the force main portion of the project by no later than the G&L proposed/revised start-up date of October 26th, 2017. Any future time extension requests must be based "outside the referenced details" of this specific Contract time extension and must be clearly presented by G&L to both SCED and WRA project managers under separate cover.

Very truly yours,

Whitman, Requardt & Associates, LLP



Michael J. Gilbert

cc: Joe Wright, P.E. (Sussex County)
Brad Hawkes (Sussex County)
Duane Beck (Sussex County)
Will F. Hinz, P.E. (WRA)
File No: 14256-024





September 21, 2017

Mr. Mike Gilbert
Whitman, Requardt, & Associates, LLP
21513 Rudder Lane
Georgetown, Delaware 19947

**RE: MVSSD Northwest Expansion II
Irons Lane & PS #311 Rain Dates**

Dear Mr. Gilbert,

At this time we have been impacted by 20 rain days on this contract and would request a time extension based on the following lost days for the above referenced project:

March 31, 2017	April 6, 2017
April 25, 2017	May 5, 2017
May 13, 2017	May 22, 2017
May 30, 2017	June 5, 2017
July 14, 2017	July 28, 2017
July 29, 2017	August 7, 2017
August 8, 2017	August 12, 2017
August 15, 2017	August 18, 2017
August 29, 2017	September 2, 2017
September 6, 2017	September 19, 2017

Please feel free to contact me if you have any questions regarding this request for time extension. Thank you.

Sincerely
George & Lynch, Inc.

Alex Brown
Project Manager

George & Lynch, Inc.
150 Lafferty Lane / Dover, Delaware 19901
Telephone 302-736-3031 / Fax 302-734-9743 / WWW.GEOLYN.COM

Infrastructure Contractor Since 1923



January 24th, 2018

Alex Brown
George & Lynch, Inc.
150 Lafferty Lane
Dover, Delaware 19901

Re: Sussex County Contract 15-10 – MVSSD Northwest Expansion II
Irons Lane and P.S. #311
G&L 2nd Contract Time Extension Request Review

Dear Mr. Brown:

WRA has received George & Lynch, Inc.'s (G&L) January 9th, 2018 letter requesting a (49) Contract calendar day, "Non-Compensatory" time extension on the MVSSD Northwest Expansion II - Irons Lane and P.S. #311 project (Contract 15-10). The purpose of this correspondence is to provide WRA's assessment of G&L's request and formally state our recommendation to Sussex County Engineering Department (SCED).

Site Electric Service – Permanent Power Item: G&L's 1/09/18 letter references a G&L "work delay" as a direct result of Delmarva Power (DP) not providing/installing the new pump station site electric service until late in the day on November 13th, 2017. As a direct result, G&L's first available date to "lock-in" the needed equipment representatives (Flygt Pumps, DeZurik Valves, Fidelity Power Systems and Trijay Systems, Inc.) for performing the required facility start-up (at the site) was November 21st, 2017. In addition to the scheduled start-up delay, the required, corresponding generator load bank test could not be performed until November 22nd, 2017.

In accordance with the Contract documents, the lost work day period, totaling (49) Contract calendar days, could be considered as a change to the 15-10 Contract work scope and eligible for a non-compensatory contract time extension.

In summary, it is WRA's understanding that Sussex County Engineering Department (SCED) is willing to consider a non-compensatory time extension of (49) Contract calendar days associated with the above referenced, new/permanent, site electric service, installation work delay and the impact to G&L's ability to schedule/perform the required P.S. #311 facility start-up on the 15-10 Contract. This "zero dollar", non-compensatory, (49) Contract calendar day time extension will be accounted for as part of the anticipated Change Order No. 1 - Final documents and will be included with WRA's previously recommended (12) Contract calendar day extension from September 22nd, 2017 to October 4th, 2017 (in WRA's letter dated October 16th, 2017 for various weather and DelDOT related delays). If approved, this latest (49) Contract calendar day time extension will extend the 15-10 Contract deadline to November 22nd, 2017.

In closing, regardless of SCED's "approval", George & Lynch, Inc. is to make every effort to schedule and fully complete any remaining work items as referenced on the "Start-Up/Walk-Through" Inspection - "Punch List dated November 27th, 2017, as well as, all remaining Contract close-out items (GC Waiver, Subcontractor/Supplier Lien Releases, Final Payment Requisition, Change Order No. 1 – Final, etc.).

Very truly yours,

Whitman, Requardt & Associates, LLP



Michael J. Gilbert

cc: Joe Wright, P.E. (Sussex County)
Brad Hawkes (Sussex County)
Duane Beck (Sussex County)
Will F. Hinz, P.E. (WRA)
File No: 14256-024





January 9, 2018

Mr. Mike Gilbert
Whitman, Requardt, & Associates, LLP
21513 Rudder Lane
Georgetown, Delaware 19947

**RE: MVSSD Northwest Expansion II
Irons Lane & PS #311 Time Extension Request**

Dear Mr. Gilbert,

The project completion date has been impacted by not being able to receive permanent power for the pump station #311 startup and we are requesting a time extension for this reason. Permanent power was required for startup of all equipment for the pump station and the testing and startup of the generator, as part of the testing requires going from permanent power to emergency backup power. In several emails due to issues with the power company's conduit we were informed permanent power would not be available until November 15, 2017, permanent power was provided late November 13, 2017. Based off the uncertainty of the date that power would be provided we could not schedule startup until November 21, 2017. The startup and load bank test for the generator were performed on November 21 and 22. Based off this delay we are requesting a non-compensatory time extension from October 5, 2017 through November 22, 2017 for a total of 49 calendar days.

Please feel free to contact me if you have any questions regarding this request for time extension. Thank you.

Sincerely
George & Lynch, Inc.

Alex Brown
Project Manager

George & Lynch, Inc.
150 Lafferty Lane / Dover, Delaware 19901
Telephone 302-736-3031 / Fax 302-734-9743 / WWW.GEOLYN.COM

Infrastructure Contractor—Since 1923

Line Item No. 3

Balancing of Used/Unused Quantities
(Part A and Part B - Contract Bid Items)

Contract 15-10 Cost Credit = (\$111,237.82)

Part A: Irons Lane / P.S. #311 Bid Items
Part B: Contingent Bid Items

Contract 15-10

Northwest Expansion II - Irons Lane and P.S. #311
C.O. No. 1 - Final Estimated Credit
(Includes Balancing of Quantities Change Order Cost Summary Sheet with WRA Verified Quantities)

Final Adjustment and Balancing (Overrun/Underrun) of Unit Price Items and Change Orders

		Bid			Actual		
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part A - Irons Lane and P.S. #311							
A-1	Mobilization	1	LS	\$ 47,000.00	1	\$ -	\$ -
A-2	Furnish and Install Precast Manholes - 4' Diameter	95	VF	\$ 418.00	76.77	\$ -	\$ (7,620.14)
A-3	Furnish and Install Terminal Clean-Outs - 8"	4	EA	\$ 1,158.00	5	\$ 1,158.00	\$ -
A-4	Furnish & Install Frames and Covers	11	EA	\$ 787.00	11	\$ -	\$ -
A-5	Furnish & Install PVC Laterals - 6"	770	LF	\$ 69.00	892.38	\$ 8,444.22	\$ -
A-6	Furnish & Install PVC Wye Branches - 8" x 6"	22	EA	\$ 264.00	22	\$ -	\$ -
A-7	Furnish & Install PVC Wye Branches - 12" x 6"	7	EA	\$ 1,829.00	10	\$ 5,487.00	\$ -
A-8	Furnish & Install PVC Lateral Clean-Outs - 6"	29	EA	\$ 736.00	32	\$ 2,208.00	\$ -
A-9	Furnish & Install PVC Gravity Sewer - 8"	1950	LF	\$ 70.00	1994.12	\$ 3,088.40	\$ -
A-10	Furnish & Install PVC Gravity Sewer - 12"	1400	LF	\$ 109.22	1372.07	\$ -	\$ (3,050.51)
A-11	Furnish and Install Type "C Hot Mix Overlay - 1.50"	3500	SY	\$ 8.14	3321.56	\$ -	\$ (1,452.50)
A-12	Furnish and Install Type "C Hot Mix Overlay - 2.00"	350	SY	\$ 14.50	862.05	\$ 7,424.73	\$ -
A-13	Pump Station #311	1	LS	\$ 360,000.00	1	\$ -	\$ -
A-14	Furnish & Install Force Main - 1.5"	500	LF	\$ 38.74	517.00	\$ 658.58	\$ -
A-15	Furnish & Install Force Main - 2.0"	750	LF	\$ 40.64	758.00	\$ 325.12	\$ -
A-16	Furnish & Install Grinder Pump	2	EA	\$ 11,285.00	1.00	\$ -	\$ (11,285.00)
A-17	Furnish & Install Grinder Pump Shell	2	EA	\$ 7,696.00	2.00	\$ -	\$ -
A-18	Record Drawings	1	EA	\$ 4,510.00	1	\$ -	\$ -

Subtotals for Parts A: \$ 28,794.05 \$ (23,408.15)

		Bid			Actual		
Item No.	Description	Quantity	Unit	Unit Price	Quantity	ADD	DEDUCT
Part B - Contingent Bid Items							
B-1	Contingent Unclassified Excavation	1,000	CY	\$7.44	14.50	\$ -	\$ (7,332.12)
B-2	Contingent Borrow Material - Type "C" Borrow	2,000	CY	\$18.37	1883.79	\$ -	\$ (2,134.78)
B-3	Contingent Aggregate - Graded Type "B" Crusher Run	100	Ton	\$32.82	0.00	\$ -	\$ (3,282.00)
B-4	Contingent Pourous Fill - No. 57 Stone	200	Ton	\$40.10	19.50	\$ -	\$ (7,238.05)
B-5	Contractor Down Time (Main Line Crew)	25	HR	\$447.00	5.00	\$ -	\$ (8,940.00)
B-6	Contractor Down Time (Lateral Crew)	25	HR	\$288.00	0.00	\$ -	\$ (7,200.00)
B-7	Furnish and Place 4,000 PSI Concrete	25	CY	\$275.00	2.00	\$ -	\$ (6,325.00)
B-8	Replacement of Ex. Storm Drain Pipes < 18"	200	LF	\$43.95	45.00	\$ -	\$ (6,812.25)
B-9	Contingent Hot Mix	100	Ton	\$165.15	0.00	\$ -	\$ (16,515.00)
B-10	Contingent On-Site Soil Testing	500	HR	\$57.50	49.00	\$ -	\$ (25,932.50)
B-11	Contingent Soils Laboratory Tests	10	EA	\$345.00	3.00	\$ -	\$ (2,415.00)
B-12	Contingent Well Pointing (First 200')	1	LS	\$9,094.00	1.00	\$ -	\$ -
B-13	Contingent Well Pointing	1,400	LF	\$36.82	789.00	\$ -	\$ (22,497.02)

Subtotals for Part B: \$ - \$ (116,623.72)

Note: Includes SCED approved quantities for Bid items B-5 (Down Time) for Delmarva Power, P.S. #311 site transformer pad grading work.

Grand Total = Parts (A + B): \$ 28,794.05 \$ (140,031.87)

Balancing of Used/Unused 15-10 Bid Item Quantities for C.O. 1 - Final

Decrease

\$ (111,237.82)

(Total Decrease Based Upon All Final Quantities Part A and Part B)

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 George B. Cole, Vice President
The Honorable Samuel R. Wilson, Jr.
The Honorable I.G. Burton, III
The Honorable Robert B. Arlett

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

RE: **WOLFE NECK REGIONAL WASTEWATER FACILITY-
POLE BUILDING
PROJECT NO. 18-10
*Balancing Change Order and Substantial Completion***

DATE: February 20, 2018

The approved 2018 fiscal year budget included the procurement of farming equipment and the construction of a pole building to house the new equipment. The pole building was publicly advertised and on October 27, 2017, three (3) bids for the Wolfe Neck Regional Wastewater Facility were received and opened.

On November 7, 2017, Council awarded Project No. 18-10, Wolfe Neck Regional Wastewater Facility – Pole Building award of the project to Humphries Construction Company, Inc. for their Base Bid and Additive Bids B-1, B-2 and B-3, in the total amount of \$119,999.00.

The attached Balancing Change Order increases the contract amount by \$981.67 and adjusts all quantities to their final amounts; thereby increasing the final contract amount to \$120,980.67.

Construction began on December 11, 2017, and was declared substantially complete on January 18, 2018. Sussex County Engineering Department now recommends Substantial Completion for the project.





**SUSSEX COUNTY
CHANGE ORDER REQUEST**

A. ADMINISTRATIVE:

1. Project Name: **Wolfe Neck Regional Wastewater Facility – Pole Buildings**
2. Sussex County Project No. 18-10
3. Change Order No. 1
4. Date Change Order Initiated - 2/13/18
5.
 - a. Original Contract Sum \$119,999.00
 - b. Net Change by Previous Change Orders -0-
 - c. Contract Sum Prior to Change Order \$119,999.00
 - d. Requested Change \$981.67
 - e. Net Change (No. of days) -0-
 - f. New Contract Amount \$120,980.67
6. Contact Person: Hans Medlarz, P.E.
Telephone No. (302) 855-7718

B. REASON FOR CHANGE ORDER (CHECK ONE)

- ☐ 1. Differing Site Conditions
- ☐ 2. Errors and Omissions in Construction Drawings and Specifications
- ☐ 3. Changes Instituted by Regulatory Requirements
- ☐ 4. Design Change
- ☒ 5. Overrun/Underrun in Quantity
- ☐ 6. Factors Affecting Time of Completion

7. Other (explain below):

C. BRIEF DESCRIPTION OF CHANGE ORDER:

D. JUSTIFICATION FOR CHANGE ORDER INCLUDED?

Yes X No

E. APPROVALS

1. Humphries Construction Company, Inc., Contractor

Signature

Date

DANNY HUMPHRIES

Representative's Name in Block Letters

2. Sussex County Engineer

Signature

Date

3. Sussex County Council President

Signature

Date

Wolfe Neck Regional Wastewater Facilities - Pole Buildings
PROJECT NO. 18-10

Bid

Actual

Bid Item	Description of Work	Quantity	Unit	Unit Price	Total Price	Units Installed	Total Price
SCHEDULE A - BASE BID							
A-1	General conditions and mobilization	1	LS	\$ 65,900.00	\$ 65,900.00	1.00	\$ 64,385.00
B-1	Modify existing pole building to add garage doors	2	EA	\$ 11,487.50	\$ 22,975.00	2	\$ 22,975.00
B-2	6" thick concrete	4,480	SF	\$ 5.00	\$ 22,400.00	4,823	\$ 24,115.00
B-3	Crusher run	150	TONS	\$ 58.16	\$ 8,724.00	163.44	\$ 9,505.67
TOTAL COST DIFFERENCE					\$ 119,999.00		\$ 120,980.67
							\$ 981.67

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



Sussex County
DELAWARE
sussexcountysde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: February 14, 2018

RE: County Council Od Business Report for CZ 1841 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut

The County Council held a public hearing on January 30, 2018. The County Council deferred action for further consideration.

The Planning and Zoning Department received an application (CZ 1841 Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut) to allow for a change in zone from AR-1 (Agricultural Residential District) to B-1 (Neighborhood Business District) to be located on the northeast corner of Bayard Rd. and Double Bridges Rd. The Planning and Zoning Commission held a public hearing on December 21, 2017. The following are the minutes and motion for the Change of Zone from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, survey, and comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division.

The Commission found that Dennis Schrader, Attorney with Morris James Wilson Halbrook & Bayard, LLP and Brenton Archut were present on behalf of the application; that Mr. Schrader stated that the only a portion of the parcel (5.11ac. +/-) is requesting a change of zone; that the parcel is currently zoned AR-1 (Agricultural Residential District); that the parcel is currently being used for agricultural purposes; that the proposed classification is for B-1 (Neighborhood Business District); that they would like to do small retail and garden center; that the Land Use classification per the Comprehensive Plan is Environmentally Sensitive Developing Area; that the parcel is in the Level 2 and 3 with the State Strategy Level; that sewer will soon be available to the parcel through an adjacent subdivision; that the DelDOT Service Level indicated that there will be less than 50 vehicle trips per hour or 500 vehicle trips per day; that a TIS was not required; that there are maps of existing land use, future land use and state strategies in the exhibit book; that proposed findings of fact are included in the exhibit booklet; that Mr. Archut stated that the property has owned been by his family since the late 1930's/early 1940's; that the parcel is approximately 25 ac. in size on both sides of the road; that that area requested to be rezoned is the front half of the portion of the parcel on the north side of the road; that the site is completely surrounded by a subdivision; that there are around 80 homes in that development; that The Estuary subdivision with approximatley 800 homes



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

is under construction down the road; that a small subdivision is across the road and several other major subdivisions in the area; that the closest dwelling would be across the street and the several to the rear of the property line; that the proposed entrance will be across from the subdivision across the road; that it was a formerly poultry farm and the chicken houses were removed in the 90's and has been farmed since then; that there is a wooded/wetland area on the adjacent subdivision; that the proposed business is for landscape and garden center, and potentially a small convenience store similar that was in the area in the past; that they do not propose any fuel; that this will be a place where the new 800 homes can come and get something to eat and keep them off the main road; that the closest area to purchase something is along Rt. 54 or in Ocean View; there are no real convenience business in the area; that they are proposing 5 buildings for a total of 7,000 square feet is retail with 3,500 SF to 4,000 SF of greenhouse and landscape use; that there will be adequate space for parking; that there will be a significant space for stormwater management area on the site; that there are no known wetlands on the site; that the two parallel private farm ditches on the property along with another ditch that is a tax ditch with a 25 foot right-of-way; that the road classification is a major collector; that they expect to do road improvements and willing to do them to make the area safer; that they expect to have to make a right-of-way dedication to State of Delaware; that there is water on the property and they have talked to the Sussex County Engineering Department about sewer through the subdivision in the rear; that the proposed rezoning is consistent with the development in the area; that this type of neighborhood business is consistent with the type of growth that has occurred in the area; that the types of uses are needed based on the 800 homes in the area; that the proposed development did not require PLUS review; that the concept plan and if the rezoning is approved they will be back with a preliminary site plan providing more detail; and that Mr. Robertson reminded the Commission that the zoning is what the Commission is to consider.

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

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

Motion by Mr. Hudson, seconded by Mr. Wheatley, and carried unanimously to defer action.
Motion carried 4-0. Mr. Ross was absent.

At their meeting on January 11, 2018, the Planning Commission discussed the application which had been deferred since December 21, 2017.

Mr. Hudson moved that the Commission recommend approval of Change in Zone # 1841 for Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut, for a change in zone from AR-1 to B-1 based upon the record made during the public hearing and for the following reasons:

1. The property is located at the intersection of Bayard Road and Double Bridges Road. The property is also in an area with a substantial amount of existing and approved residential lots and dwellings. This is an appropriate location for B-1 zoning, which is intended to provide neighborhood business and small scale commercial and retail activities.
2. The location will lessen congestion on area roads and streets by providing small neighborhood businesses serving residents and visitors in the nearby area without having to travel to Route 26, or other beach areas.
3. The property will be served by central water and sewer.
4. According to the Sussex County Comprehensive Plan, the site is in the Environmentally Sensitive Development Area. B-1 zoning is appropriate in this area.

5. The rezoning will not adversely affect neighboring properties or roadways.
6. Any development of the property will require site plan review by the Planning and Zoning Commission, as well as entrance approval from the Department of Transportation.
7. This recommendation for approval of B-1 Neighborhood Business and the limited uses permitted in that District should not be viewed as a precedent for additional, more intensive commercial rezonings in the area. This zoning to B-1, at this location at this intersection, is appropriate to serve the residents and visitors of the area.
8. No parties appeared in opposition to the rezoning application.
9. The rezoning complies with the purpose of the B-1 District as set forth in the Sussex County Zoning Code.

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

Introduced 08/22/17

**Council District No. 5 - Arlett
Tax I.D. No. 134-19.00-22.00 (portion of)
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A B-1 NEIGHBORHOOD BUSINESS DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.29 ACRES, MORE OR LESS

WHEREAS, on the 11th day of July 2017, a zoning application, denominated Change of Zone No. 1841, was filed on behalf of Lemuel H. Hickman GST Exempt Trust fbo Brenton Archut; 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. 1841 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying at the northeast corner of Bayard Road and Double Bridges Road, and being more particularly described per the attached description prepared by Land Design, Inc., said parcel containing 5.29 acres, more or less.

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

JANELLE M. CORNWELL, AICP
PLANNING & ZONING DIRECTOR
(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 16, 2018

RE: County Council Od Business Report for Special Events Ordinance

The County Council held a public hearing on January 16, 2018. The County Council deferred action and left the record open for 30 days for submission of comments and information (written submissions only), including the economic development study by the University of Delaware. Correspondence that has been received regarding the proposed ordinance within the 30 day timeframe has been sent to Council.

The Planning and Zoning Commission held a public hearing on October 26, 2017 regarding a proposed Ordinance to amend Special Events.

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA, and XII BY AMENDING SECTIONS §§115-20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 and 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM "SPECIAL EVENTS" AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 and M DISTRICTS

Mr. Robertson stated that there are currently two separate parts of the Code that address special uses/events; that there is Section 115 in the AR-1 Section 115-23 which deals with Special Use Exception; that the Planning and Zoning would not see those because they go to the Board of Adjustment (BOA); that in 115-23 reads, "tents for special purposes for a period exceeding 3 days. The Director may, without requiring an application for a special use exception, grant approval for a tent for a special purpose (revival, reception, tent sale, as an accessory to a business or commercial use, or other similar activities). If approved by the Director, a tent for special purposes may be utilized on a parcel no more than three times in a calendar year." That it is limited to tented events, although it has evolved to include tent-like advertising such as large blow-ups; that it is less than three day, the Director can approve it; that more than three days, you have to go to the BOA, which requires a full application, a hearing, application fees, and time involved getting on the agenda for the BOA; that if approved, there is a three event limit in this section; that also in the past, it is the understanding that the Director and staff try to require set up and tear down to occur within the three days, although there were some reasonable accommodations; that this is not stated in the Code either way; that there is also a in Section AR-1 that talks about Conditional Uses; that it says "Special events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, races/



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

walks or any other special event or mass gathering being held outdoors or without a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. Special events as defined herein, with a duration not exceeding three days, are not subject to the Conditional Use process. Upon receipt of an application, the Director or his/her designee may grant approval of a special event not exceeding three days. All special events regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.”; that if less than three days, the Director can approve administratively; that if more than three days, the applicant needs to seek a Conditional Use, which requires public hearings before both the Planning and Zoning Commission and County Council; that there is no limit on the number of times a three day event could occur on a property, although the County has historically looked to the tent ordinance for guidance and also applied the three event limit, until recently when the County looked to accommodate some events; that there is also no indication of whether set-up and tear down is part of the three days; that there is no guidance given to the County to decide whether to approve or deny any event less than three days unlike the tent policy; that this is not available currently in all districts, that is only stated in AR-1, GR, B-1, C-1, CR-1 and M Districts; that theoretically, some could request three day events every weekend on a property and there would not be any guidance or clear basis whether to approve or deny them; that that gave rise to the thought – at what point is an event no longer “special” and occurring so much that it requires some other level of approval; that the Code did not give any guidance on that question; that the Goals of this Ordinance; that first, as you know, no part of this Ordinance is set in stone’ that they don’t believe County Council intended it to be that way; that after the public hearings, changes/improvements to it are certainly likely and expected; that they looked at all sorts of other jurisdictions – urban, suburban and rural; that they are all over the place in how they treat special events – from near prohibition to lots of red tape; that they have many different limitations or descriptions of what is permitted, with different durations; that some have minimum parcel size requirements and some require fees; that staff tried to keep it simple and close to what we have now; that it does not apply to anything in any town; that there are no fees associated with the application, unless it is for greater than three days (either BOA or CU depending on type); that it is not intended to put a stop to any events. Instead, give better guidance to the public, applicants and the County on the process, contrary to the vague ordinances we have now; that it clarifies our Code to state that these permitted events (less than three days) fall within the “Permitted Uses” section of various districts in the Code. Right now, it is all within CU section of Code, even if you are less than three days and can be permitted by the Director; that it clears up that set up and tear-down are not counted against the event days; that if the event is denied by the Director, you can always appeal that decision to the BOA. That is a right that any aggrieved party has with regard to any decision of the Director under Title 9 and the zoning code; that does not create any new rules or, if it is denied, you can seek a CU, which is what the Code currently states; that the criteria the Director must consider under the proposed Ordinance (all considerations that the County has historically looked at, but never codified anywhere): the number of participants, size of the parcel, parking needs, roads/traffic patterns, prior events, conducted by the applicant, noise, light, odor and dust, proposed hours of operation; that there are some variables within the proposed Ordinance to consider: how many events are appropriate on a parcel in a given year, how many days should each event last? (introduced Ordinance says you get three days of events, whether it is one three-day event, or three one day events), not stated in the Ordinance, but could be considered – some exemption based on the number of participants or size or both or percentage, and an application form; and that if the Ordinance gets adopted and it is finalized, there would be an application form that everyone would use; that they would understand what the criteria are when they apply.

Ms. Cornwell stated that there were three letters in opposition; that one would actually like to address noise and reduce the number the number of events allowed; and that they would like some revisions to the proposed Ordinance.

The Commission found that Joanne and Roger White, Christian Hudson, John Paradee, Tommy Cooper, Judy Mangini, Lynn Brannon, Natasha Norwood Carmine, Ben Jones, Jen Rowan, Pat Martin, Lindsey Tobin, Gail Elliott, Sarah Lancaster, Bea Hickey, Scott Dailey, Kevin Burdette, DJ Hughes, Tom Colucci, Steven Spence, Ryan Moore, Matt Windsor, Alana Keely, Chris Weeks, Tim Van Bryant, Alex Pires, William Lankford, and Peter Mercado spoke regarding the ordinance; that they would like some changes to the application; that they would to see an application form to include site plan, a business license, and permits to serve alcohol; that the applicant have a letter of coordination with Police and Fire service for coverage of the event; that a letter be provided for waste services, they have liability insurance for the event; that music/noise should be in a manner consistent with the peace and order of the community; that the special event should be posted on the County website for two weeks to allow for public comment prior to the event approval by the Director; and that they have major concerns with traffic, number of events, and lack of notification; that they have concerns with the noise; that how do you keep young people here and the young people want things to do; that they it takes a lot of time and money for a Conditional Use; that there have not been a lot of approvals and the County has sponsored or held over 300 events; that they do not understand the definitions of events; that there are a lot of illegal events in Sussex County; that there were 56 concerts held in a MR District last year; that they have concerns with events being held at VFW and Fire Halls; that what would or could be exempt; that it is important to have venues for young people; that they have concerns with churches holding events; that a public workshop should take place so they can speak; that they believe that when people come together at local events they gain a sense of belonging that increases their participation in their communities; that the County should collaborate with us in retaining and magnifying the great qualities that make Sussex County a sought after community to call home; that the County needs to keep down the number of regulations; that it is not the number of events, it is that concerts are a separate issue; that because of growth in our population is growing, there is a need for limits, updating old Ordinances; that we need regulations to consider the problems of late hours, loud noise, event lights, traffic congestion, and maximum number of concerts allowed; that zoning is to provide a benefit to the community; that the Ordinance creates more problems than solutions; that it lacks quantitative objectives and measures; that the Ordinance does not provide guidance on how the County is going to monitor these activities; that they have concerns with yard sales; that they recommend to have open workshops or committee to redraft another Ordinance that better addresses the items that they have indicated are important them; that why do parades in town limits need a County permit, a Town permit and a DelDOT permit; that barn wedding parties are not subject to County regulations; that the Government should be careful of writing too complicated Code; that non-profit events should be exempt; that the County needs a public park and recreation field; that safety is needed; that it is difficult to find venues for non-profit events; that they have concerns about youth development; that will this Ordinance force some of these events to end or leave the County; that these events create confident and resilient kids and they provide a family atmosphere that forms close knit communities that support one another; that this could create obstacles to youth development creating a false hope of limiting minor inconveniences between neighbors; that it is their opinion that fences do not make good neighbors and in this case barriers do not make good neighbors but corporation and collaboration between those neighbors is what you are looking for; that you can hear the music because the County is flat; that request of any Ordinance created, the

County should abide by it as well; that concerts do not make money; that all liquor sales go charities; that they would like them to use common sense; and that you talk to the non-profit groups.

The Commission discussed the application.

Motion by Mr. Wheatley, seconded by Mr. Hopkins, and carried unanimously to recommend withdraw and if continue to be done with a public workshop format. Motion carried 5-0.

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE CODE OF SUSSEX COUNTY, CHAPTER 115, ARTICLES IV, VI, X, XI, XIA, and XII BY AMENDING SECTIONS §§115-20, 115-22, 115-39, 115-69, 115-71, 115-77, 115-79, 115-83.2, 115-83.5, 115-85 and 115-87 TO AMEND AND CLARIFY CERTAIN SHORT-TERM “SPECIAL EVENTS” AS PERMITTED USES IN THE AR-1, GR, B-1, C-1, CR-1 and M DISTRICTS.

WHEREAS, Sussex County Council recognizes that certain Special Events are a benefit to Sussex County, its residents and visitors and its economy; and

WHEREAS, Sussex County Council desires to provide clear direction within its Zoning Code as to the methods of obtaining approvals for Special Events; and

WHEREAS, it is not the intention to prohibit Special Events from occurring, only to clearly establish the method of: (1) obtaining permits for them with over-the-counter approvals for certain events that are short term and not recurring; and (2) via the conditional use process for events that occur more regularly or have a greater impact on surrounding properties, roadways or other considerations; and

WHEREAS, several zoning districts (AR-1, GR, B-1, C-1, CR-1, and M) currently provide that Special Events require a conditional use approval, unless certain unspecific criteria are satisfied; and

WHEREAS, Sussex County Council desires to add further definition and clarity to what may be considered a permitted “special event” that does not require a conditional use approval, and provide the Director of the Office of Planning and Zoning direction on what to consider in approving a permitted Special Event; and

WHEREAS, Sussex County Council desires to clarify the Code by inserting permitted “Special Events” within the “Permitted Uses” section of the various zoning districts within the Zoning Code, while stating that other Special Events not approved as a Permitted Use administratively shall still require a conditional use approval; and

WHEREAS, these amendments will promote the health, safety and welfare of Sussex County, its residents, visitors and businesses; and

WHEREAS, additions to the Code of Sussex County are indicated with language that is both underlined and italicized and deletions to the Code of Sussex County are indicated with [brackets].

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 115, Article IV, §115-20 is hereby amended by inserting a new subparagraph A.(13) immediately after subparagraph A.(12) as follows:

§115-20 Permitted uses.

A. A building or land shall be used only for the following purposes:

(13) Special events such as circuses, carnivals, midways, promotional and tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the permitted use and usual occupancy of the premises or site. Such special events may be administratively approved by the Director or his or her designee, when, in his or her judgment, the proposal will not impair the purpose and intent of the zoning ordinance, and when the use is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district, and when the use will not significantly affect the surrounding properties.

In determining whether to administratively approve the special event, the Director or his or her designee shall take into account considerations including (but not limited to) the following: the estimated number of attendees; the size of the parcel where the special event is to be located; the parking requirements of the special event; roads and traffic patterns providing access to the special event; prior events conducted by the applicant; noise, light, odor, and dust generated by the special event; proposed hours of operation and number of consecutive days; and such other considerations that may be applicable to the requested event. The Director or his or her designee may impose conditions upon an administrative approval, including (but not limited to) hours of the event and maximum attendance. No more than three (3) special events shall be approved for the same property or premises during a calendar year. Each calendar day of a special event shall be counted as a separate special event, not including reasonable time required for set up and removal when the event is not otherwise underway.

All special events, regardless of size, use or duration, shall be subject to the requirements of the Sussex County Special Event Policy. Special events that do not meet these requirements or which are not administratively approved shall require a conditional use. Special events that are small in size and do not affect surrounding properties shall not require administrative approval.

Section 2. The Code of Sussex County, Chapter 115, Article IV, §115-22 is hereby amended as follows:

§115-22 Conditional uses.

The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article XXIV of this chapter:

...

Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. [Special events as defined herein, with a duration not exceeding three days, are not subject to the conditional use process. Upon receipt of an application, the Director or his/her designee may grant approval of a special event not exceeding three days.] Special Events not approved by the Director as a permitted use under §115-20 shall require a conditional use permit. All special events regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

Section 3. The Code of Sussex County, Chapter 115, Article VI, §115-39 is hereby amended as follows:

§115-39 Conditional uses.

The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article XXIV of this chapter:

...

Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. [Special events as defined herein, with a duration not exceeding three days, are not subject to the conditional use process. Upon receipt of an application, the Director or his/her designee may grant approval of a special event not exceeding three days.] Special Events not approved by the Director as a

permitted use under §115-37 shall require a conditional use permit. All special events regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

Section 4. The Code of Sussex County, Chapter 115, Article X, §115-69 is hereby amended by inserting a new subparagraph A.(27) immediately after subparagraph A.(26) as follows:

§115-69 Permitted uses.

A. A building or land shall be used only for the following purposes:

(27) Special events such as circuses, carnivals, midways, promotional and tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the permitted use and usual occupancy of the premises or site. Such special events may be administratively approved by the Director or his or her designee, when, in his or her judgment, the proposal will not impair the purpose and intent of the zoning ordinance, and when the use is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district, and when the use will not significantly affect the surrounding properties.

In determining whether to administratively approve the special event, the Director or his or her designee shall take into account considerations including (but not limited to) the following: the estimated number of attendees; the size of the parcel where the special event is to be located; the parking requirements of the special event; roads and traffic patterns providing access to the special event; prior events conducted by the applicant; noise, light, odor, and dust generated by the special event; proposed hours of operation and number of consecutive days; and such other considerations that may be applicable to the requested event. The Director or his or her designee may impose conditions upon an administrative approval, including (but not limited to) hours of the event and maximum attendance. No more than three (3) special events shall be approved for the same property or premises during a calendar year. Each calendar day of a special event shall be counted as a separate special event, not including reasonable time required for set up and removal when the event is not otherwise underway.

All special events, regardless of size, use or duration, shall be subject to the requirements of the Sussex County Special Event Policy. Special events that do not meet these requirements or which are not administratively approved shall require a

conditional use. Special events that are small in size and do not affect surrounding properties shall not require administrative approval.

Section 5. The Code of Sussex County, Chapter 115, Article X, §115-71 is hereby amended as follows:

§115-71 Conditional uses.

The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article XXIV of this chapter:

...

Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. [Special events as defined herein, with a duration not exceeding three days, are not subject to the conditional use process. Upon receipt of an application, the Director or his/her designee may grant approval of a special event not exceeding three days.] Special Events not approved by the Director as a permitted use under §115-69 shall require a conditional use permit. All special events regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

...

Section 6. The Code of Sussex County, Chapter 115, Article XI, §115-77 is hereby amended by inserting a new subparagraph A.(27) as follows:

§115-77 Permitted uses.

A. A building or land shall be used only for the following purposes:

...

Schools for industrial training, trade or business

Special events such as circuses, carnivals, midways, promotional and tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or

mass gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the permitted use and usual occupancy of the premises or site. Such special events may be administratively approved by the Director or his or her designee, when, in his or her judgment, the proposal will not impair the purpose and intent of the zoning ordinance, and when the use is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district, and when the use will not significantly affect the surrounding properties.

In determining whether to administratively approve the special event, the Director or his or her designee shall take into account considerations including (but not limited to) the following: the estimated number of attendees; the size of the parcel where the special event is to be located; the parking requirements of the special event; roads and traffic patterns providing access to the special event; prior events conducted by the applicant; noise, light, odor, and dust generated by the special event; proposed hours of operation and number of consecutive days; and such other considerations that may be applicable to the requested event. The Director or his or her designee may impose conditions upon an administrative approval, including (but not limited to) hours of the event and maximum attendance. No more than three (3) special events shall be approved for the same property or premises during a calendar year. Each calendar day of a special event shall be counted as a separate special event, not including reasonable time required for set up and removal when the event is not otherwise underway.

All special events, regardless of size, use or duration, shall be subject to the requirements of the Sussex County Special Event Policy. Special events that do not meet these requirements or which are not administratively approved shall require a conditional use. Special events that are small in size and do not affect surrounding properties shall not require administrative approval.

Tourist homes or rooming house

....

Section 7. The Code of Sussex County, Chapter 115, Article XI, §115-79 is hereby amended as follows:

§115-79 Conditional uses.

The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article XXIV of this chapter:

209 . . .

210 Special Events such as circuses or carnival grounds, amusement parks or midways,
211 festivals, concerts, race/walks or any other special event or gathering being held
212 outdoors or within a temporary structure or at a site and for a purpose different from
213 the designated use and usual occupancy of the premises and located on
214 unincorporated lands within Sussex County, permanently or for a temporary time
215 period exceeding three days. [Special events as defined herein, with a duration not
216 exceeding three days, are not subject to the conditional use process. Upon receipt
217 of an application, the Director or his/her designee may grant approval of a special
218 event not exceeding three days.] Special Events not approved by the Director as a
219 permitted use under §115-77 shall require a conditional use permit. All special
220 events regardless of duration, shall be subject to the requirements of the Sussex
221 County Special Event Policy.

222 . . .

223 **Section 8.** The Code of Sussex County, Chapter 115, Article XIA, §115-83.2 is
224 hereby amended as follows:

225 **§115-83.2 Permitted uses.**

226 A. A building or land shall be used only for the following purposes:

227 . . .

228
229 Schools for industrial training, trade or business

230
231 Special events such as circuses, carnivals, midways, promotional and tent sales
232 events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or
233 mass gathering being held outdoors or within a temporary structure or at a site and
234 for a purpose different from the permitted use and usual occupancy of the premises
235 or site. Such special events may be administratively approved by the Director or his
236 or her designee, when, in his or her judgment, the proposal will not impair the
237 purpose and intent of the zoning ordinance, and when the use is not so recurring in
238 nature as to constitute a permanent use not otherwise permitted in the district, and
239 when the use will not significantly affect the surrounding properties.

240
241 In determining whether to administratively approve the special event, the Director
242 or his or her designee shall take into account considerations including (but not
243 limited to) the following: the estimated number of attendees; the size of the parcel

where the special event is to be located; the parking requirements of the special event; roads and traffic patterns providing access to the special event; prior events conducted by the applicant; noise, light, odor, and dust generated by the special event; proposed hours of operation and number of consecutive days; and such other considerations that may be applicable to the requested event. The Director or his or her designee may impose conditions upon an administrative approval, including (but not limited to) hours of the event and maximum attendance. No more than three (3) special events shall be approved for the same property or premises during a calendar year. Each calendar day of a special event shall be counted as a separate special event, not including reasonable time required for set up and removal when the event is not otherwise underway.

All special events, regardless of size, use or duration, shall be subject to the requirements of the Sussex County Special Event Policy. Special events that do not meet these requirements or which are not administratively approved shall require a conditional use. Special events that are small in size and do not affect surrounding properties shall not require administrative approval.

Tourist homes or rooming house

...

Section 9. The Code of Sussex County, Chapter 115, Article XIA, §115-83.5 is hereby amended as follows:

§115-83.5 Conditional uses.

The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article XXIV of this chapter:

...

Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. [Special events as defined herein, with a duration not exceeding three days, are not subject to the conditional use process. Upon receipt of an application, the Director or his/her designee may grant approval of a special

event not exceeding three days.] Special Events not approved by the Director as a permitted use under §115-83.2 shall require a conditional use permit. All special events regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

...

Section 10. The Code of Sussex County, Chapter 115, Article XII, §115-85 is hereby amended by as follows:

§115-85 Permitted uses.

A. A building or land or water area shall only be used for the following purposes, in all cases subject to site plan review by the Planning and Zoning Commission in accord with procedures of §115-219 for docks, piers, bulkheads, breakwaters or other over-water structures, except private over-water piers and boathouses accessory to a dwelling:

...

Retail sale or rental of boating, fishing, hunting, diving and bathing supplies and equipment or clothing and fish bait

Special events such as circuses, carnivals, midways, promotional and tent sales events; fairs, festivals, concerts, rodeos, shows, races/walks or any other event or mass gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the permitted use and usual occupancy of the premises or site. Such special events may be administratively approved by the Director or his or her designee, when, in his or her judgment, the proposal will not impair the purpose and intent of the zoning ordinance, and when the use is not so recurring in nature as to constitute a permanent use not otherwise permitted in the district, and when the use will not significantly affect the surrounding properties.

In determining whether to administratively approve the special event, the Director or his or her designee shall take into account considerations including (but not limited to) the following: the estimated number of attendees; the size of the parcel where the special event is to be located; the parking requirements of the special event; roads and traffic patterns providing access to the special event; prior events conducted by the applicant; noise, light, odor, and dust generated by the special event; proposed hours of operation and number of consecutive days; and such other considerations that may be applicable to the requested event. The Director or his

or her designee may impose conditions upon an administrative approval, including (but not limited to) hours of the event and maximum attendance. No more than three (3) special events shall be approved for the same property or premises during a calendar year. Each calendar day of a special event shall be counted as a separate special event, not including reasonable time required for set up and removal when the event is not otherwise underway.

All special events, regardless of size, use or duration, shall be subject to the requirements of the Sussex County Special Event Policy. Special events that do not meet these requirements or which are not administratively approved shall require a conditional use. Special events that are small in size and do not affect surrounding properties shall not require administrative approval.

Telephone stations or booths, including drive-in or talking-from-car stations, and telephone central offices, provided that all storage of materials, all repair facilities and all house or repair crews are within a completely enclosed area.

....

Section 11. The Code of Sussex County, Chapter 115, Article XII, §115-87 is hereby amended as follows:

§115-87 Conditional uses.

The following uses may be permitted as a conditional use when approved in accordance with the provisions of Article XXIV of this chapter:

...

Special Events such as circuses or carnival grounds, amusement parks or midways, festivals, concerts, race/walks or any other special event or gathering being held outdoors or within a temporary structure or at a site and for a purpose different from the designated use and usual occupancy of the premises and located on unincorporated lands within Sussex County, permanently or for a temporary time period exceeding three days. [Special events as defined herein, with a duration not exceeding three days, are not subject to the conditional use process. Upon receipt of an application, the Director or his/her designee may grant approval of a special event not exceeding three days.] Special Events not approved by the Director as a permitted use under §115-85 shall require a conditional use permit. All special

events regardless of duration, shall be subject to the requirements of the Sussex County Special Event Policy.

. . .

Section 12. Effective Date.

This Ordinance shall take effect immediately upon the adoption by Sussex County Council.

SUMMARY

“Special Events” are currently within the Conditional Use sections of several of the various zoning districts; however, in certain circumstances the Code provides that they can be permitted without a Conditional Use. This ordinance moves the “permitted” Special Events to the “Permitted Uses” section of the districts. Then, if the proposal does not fall under the permitted use or is not approved as such, it will require a Conditional Use. This amendment also gives the Director greater discretion, clarity and guidance in determining whether to approve a special event request or require a Conditional Use application.



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

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

TOTAL FUNDING REQUEST:		\$500.00
Has your organization received other grant funds from Sussex County Government in the last year?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If YES, how much was received in the last 12 months?	\$300.00	
If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for?	<input type="checkbox"/> YES <input type="checkbox"/> NO	
Are you seeking other sources of funding other than Sussex County Council?	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
If YES, approximately what percentage of the project's funding does the Council grant represent?	10%	

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
Approx. 1000's

SECTION 3: PROGRAM SCOPE

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

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

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

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

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

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

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

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

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

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

SECTION 4: BUDGET

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

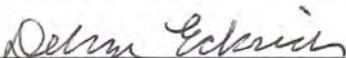
SECTION 5: STATEMENT OF ASSURANCES

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

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

SECTION 5: STATEMENT OF ASSURANCES (continued)


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



Applicant/Authorized Official

1/31/2018

Date



Witness

1/31/2018

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

Handwritten initials

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

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

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

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

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

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

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

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

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

Delvin Eckrich

Applicant/Authorized Official

Paul Eckrich

Witness

Board Member at Large

Title

1/31/2018

Date

*Wilson
2-06-18*



SUSSEX COUNTY GOVERNMENT
GRANT APPLICATION

89

9013

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Cape Henlopen Senior Center

PROJECT NAME: Rehoboth Concert Band "The Spice of Life" Fundraiser

FEDERAL TAX ID: 51-0105667 NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The mission of the Cape Henlopen Senior Center, Inc. is to enhance the quality of life of our senior citizens by adding life to years and years to life.



Inv# COLE 012518 \$ 650.00
CAPE HENLOPEN SENIOR CENTER
01/29/2018 # Pages 7 FP7 D0C139S34500

ADDRESS: 11 Christian Street

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

CONTACT PERSON: Linda Bonville
TITLE: Administrator

PHONE: 302-227-2055 EMAIL: Lindachsc@aol.com

TOTAL FUNDING REQUEST: \$ 1350.00

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? \$ 5500.00

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? 60%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

1200

SECTION 3: PROGRAM SCOPE

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

This fiscal year is especially challenging due to the State of Delaware reduced funding to all senior centers throughout the state. We had a funding cut of over \$42,000.00 which supports the programs and services we offer. Our budget reflects a significant effort to lower and control our costs as well as the addition of new fundraisers that will help make up the loss of the state funding. One of the fundraisers is a music concert sponsored by the Rehoboth Concert Band. As you well know there are expenses involved, which include design and printing of ads, posters, tickets, program and rental of facility where event will be held. We are asking the county if they could help us offset some these expenses.

We greatly appreciated your support of the Cape Henlopen Senior Center over the past years to help us ensure that we can continue to provide the social activities, programs, services and trips that our members depend on and enjoy.

With your continued support we will successfully meet the challenges we are facing.

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

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

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

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

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure 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)	
Concert expenses - Design and printing of ads, posters, tickets &	\$ 700.00
program printing, advertisement in local papers	
church rental and sound and custodian fees	\$ 650.00
TOTAL EXPENDITURES	\$ 1,350.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 1,350.00

SECTION 5: STATEMENT OF ASSURANCES

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

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Linda Bowelle
Applicant/Authorized Official

Jan 23, 2018
Date

Roberta J. Hemmerich
Witness

Jan. 23, 2018
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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

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

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

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

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

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

Linda Bonville
Applicant/Authorized Official

Roberta J. Hemmerich
Witness

Administrator
Title

Jan. 23, 2018
Date

Cole
1-25-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Greater Millsboro Chamber of Commerce

PROJECT NAME: Millsboro Stars & Stripes

FEDERAL TAX ID: 51-0270976 NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The mission of the Greater Millsboro Chamber of Commerce (GMCC) is to help make the greater Millsboro/Dagsboro area a better place to live and work by fostering economic and tourism development; and by providing enhancements to community life.

ADDRESS: PO Box 187
102 Washington St., Suite 6
Millsboro DE 19966
(CITY) (STATE) (ZIP)

CONTACT PERSON: Kevin Turner
TITLE: Board President
PHONE: 302-934-6777 EMAIL: info@millsborochamber.com

TOTAL FUNDING REQUEST: \$3000

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

If YES, how much was received in the last 12 months? \$1,000

If you are asking for funding for building or building improvements, do you own the building in which the funding will be used for? ☐ 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? 10%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

- | | | |
|---|--|-----------------------------------|
| <input type="checkbox"/> Disability & Special Needs | <input type="checkbox"/> Victims of Domestic Violence | <input type="checkbox"/> Homeless |
| <input type="checkbox"/> Elderly Persons | <input type="checkbox"/> Low to Moderate Income ² | <input type="checkbox"/> Youth |
| <input type="checkbox"/> Minority | <input checked="" type="checkbox"/> Other <u>Locals & tourists in town for the 4th of July</u> | |

BENEFICIARY NUMBER

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

over 1400 attended in 2017

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 GMCC is planning it's 2nd Annual Stars & Stripes celebration on June 30, 2018. The event has the full support of the Town of Millsboro and the Town Council. The town has committed \$10,000 to support us in this event. We are pursuing additional funding through sponsorships from local businesses and additional fundraisers. Last year we were able to raise \$18,000 and more than 1400 people attended.

The event, once again will be held the Saturday prior to th 4th of July and according to the tentative schedules of the surrounding towns we will be the only ones celebrating that night! Brothers Pyro from Bridgeville, DE will be doing the pyrotechnics and this year we will be adding musical accompaniement which will increase the total cost by \$5,000 to \$25,000. The event will also offer entertainment in the form of music and food vendors and is free to attendees. The fireworks will be launched on Millsboro Pond and spectators will gather at Cupola Park.

We appreciate your consideration of this grant, our goal is to bring people from Millsboro and the surrounding communities to enjoy our show and our small town charm!

- 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	-10,000.00
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)	<i>from the town of millsboro</i>
Fireworks	-\$ 20,000.00
Musical Accompaniement	-\$ 5,000.00
DJ	-\$ 1,000.00
Insurance	-\$ 1,000.00
Advertising	-\$ 3,000.00
Porta Potties	-\$ 600.00
Personnel	
TOTAL EXPENDITURES	\$ 30,600.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 20,600.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Greater Millsboro Chamber of Commerce 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)

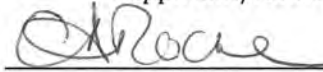
- 4) All information and statements in this application are accurate and complete to the best of my information and belief.
- 5) All funding will benefit only Sussex County residents.
- 6) All documents submitted by the applicant are defined as public documents and available for review under the Freedom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

1/31/18

Date



Witness

1/31/18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

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

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In the 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.

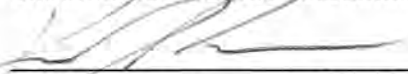
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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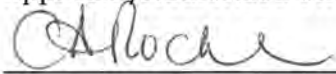
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

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

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



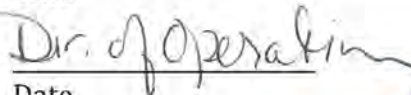
Applicant/Authorized Official



Witness



Title



Date

Arlett
2-2-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: John M. Clayton Elementary School

PROJECT NAME: Student Mentoring Program

FEDERAL TAX ID: 51-6000279 NON-PROFIT: ☒ YES ☐ NO

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

☐ YES ☒ NO *IF YES, FILL OUT SECTION 3B.

ORGANIZATION'S MISSION: The mission of John M. Clayton Elementary School is to assure that students attain the knowledge, skills, and attitudes needed to realize their potential, meet the challenges of their life choices, and fulfill their responsibilities as citizens of the State of Delaware, United States and world through a partnership of students, parents, staff, administrators, Board of Education and community.

ADDRESS: 252 Clayton Avenue

Frankford

(CITY)

DE

(STATE)

19945

(ZIP)

CONTACT PERSON: Lisa Ashman

TITLE: Mentoring Program Coordinator

PHONE: 732-1520 EMAIL: lisa.ashman@irsd.k12.de.us

TOTAL FUNDING REQUEST: \$2,500

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

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

\$2,000 received in April 2017

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? 23%

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

70 students, 54 mentors

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.

John M. Clayton Elementary School is a Title I school, serving 600 students in grades pre-K through 5th grade. In our student population, 41% are Hispanic/Latino, 35% are Caucasian, 22% are African American, and 2% are Asian, American Indian/Alaska Native or multi-racial. Thirty percent are English Language Learners, and 20% are classified as Special Education students. Forty-four percent are considered low income. During the 2016-2017 school year, approximately 77% of students met federal income guidelines that qualified them for Free/Reduced Meal Plans. The vast majority of our students live in Dagsboro, Frankford and Selbyville. Some of our students attend through "school choice" and have addresses in other surrounding towns, such as Millsboro and Ocean View.

Our Student Mentoring Program is a grant-funded program that provides academic support to targeted students enrolled at John M. Clayton Elementary School. For the 2017-2018 school year, we have 54 adult mentors meeting with approximately 70 students in grades K-5. Mentors meet weekly with each of their assigned students during a specified day and time, for approximately 45 minutes. Each mentee has a folder, containing the materials to be used by the mentor. The materials are provided by the Mentoring Coordinator and are chosen to help support the skills being taught in the classroom. Many of our mentees are below grade level in their reading or reading comprehension abilities. The objectives of our Mentoring Program are to help mentored students improve school performance by decreasing school absences, improving classroom behavior, and demonstrating improvement in overall grades, specifically English Language Arts subjects.

Our Student Mentoring Program provides a structured environment for volunteer mentors from surrounding communities to provide academic support and role model interaction to targeted at-risk students. Our program begins in October and ends in mid-May, but our coordinator starts preparations in September.

Grant funds received would be used to help pay the hourly salary of the Mentoring Program Coordinator, who works part-time when school is in session, Monday through Thursday, for a total of 26 hours per week. Our coordinator is paid through community grant funding and is responsible for seeking and submitting potential grant applications. Additionally, the coordinator manages the following aspects of the Mentoring Program: acquiring names of students recommended for mentoring, scheduling mentors per their availability, matching students with mentors, preparing weekly assignments for students and mentors to work on together, maintaining contact with mentors and teachers throughout the school year, and assisting with recruitment of new mentors. Furthermore, the Coordinator works with Connecting Generations/Creative Mentoring to ensure that new mentors are properly trained and that all mentors have current, satisfactory Criminal Background Check and Child Protection Registry records.

Six grant applications were submitted to other organizations, requesting funding for the 2017-2018 school year. As of now, none of them have been approved. Therefore, our available funding for the current school year is insufficient. Without additional funding, our Mentoring Program will end the week of March 26th. The Revenue entry in "Section 4: Budget" is our program balance as of October 2017. Currently, we do not have any additional sources of revenue listed for 2017-2018 because grant applications and funding sources are still pending. Our Expenditures include our projected salary expense for the current school year. Unused funds can be carried over into the 2018-2019 school year's mentoring budget.

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	8,150.00
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)	
Projected Salary through week of May 7th-11th	-\$ 10,650.00
TOTAL EXPENDITURES	-\$ 10,650.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Student Mentoring Program at John M. Clayton Elem. School 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.**

Lisa Ashman
Applicant/Authorized Official

2-13-18
Date

Luska Gint
Witness

2-13-18
Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

BJ

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.

Lisa Ashman
Applicant/Authorized Official

Shirley Gist
Witness

Mentoring Program Coordinator
Title

2-13-2018
Date

Arlett
2-13-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Cape For Tomorrow Club - Cape HS

PROJECT NAME: Washington Youth Summit on Environment

FEDERAL TAX ID: 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:

TO BE THE VOICE FOR THOSE WHO ARE VOICELESS. "CAPE" REPRESENTS
"COMPASSION FOR ANIMALS AND PROTECTING THE ENVIRONMENT".

ADDRESS:

* 18572 Cool Spring Road
(club location - D) 1250 Kings Hwy
Lees, DE 19958
* Milton * DE * 19968
(CITY) (STATE) (ZIP)

CONTACT PERSON:

ISABELLA LEISHEAR

TITLE:

PRESIDENT + FOUNDER

PHONE:

(302)381-3205 EMAIL: isa.bellaleishear@gmail.com

TOTAL FUNDING REQUEST: \$500

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

- ☐ Fair Housing
☐ Infrastructure¹

- ☐ Health and Human Services
☒ Other Environmental

- ☐ Cultural
☒ Educational

BENEFICIARY CATEGORY

- ☐ Disability & Special Needs
☐ Elderly Persons
☐ Minority

- ☐ Victims of Domestic Violence
☐ Low to Moderate Income²
☐ Other _____

- ☐ Homeless
☒ Youth

BENEFICIARY NUMBER

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

SECTION 3: PROGRAM SCOPE

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

The Washington Youth Summit on the Environment is a week long program on the campus of George Mason University. 300 young adults are selected in the USA (based on academic scores and proven environmental interest) to attend the conference. The Summit will cover leadership in environmental science and conservation. I will have the chance to work with scientists on the GMU campus both in labs and on the field. By completing this program, I not only leave with a college credit in environmental science, but with the experience and knowledge to change the world for the better. Upon graduation, I plan to study hydrology or ecology, that way I can dedicate my life to preserving our planet. This experience is incomparable to any other, and will inspire young leaders like myself who desire a unique experience focused on successful careers in this dynamic industry. I am excited to represent Sussex County at this prestigious conference and share my experiences once I return.

- 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.

X

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	
EXPENDITURES	
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
<i>SEEKING</i>	<i>\$ 50</i>
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

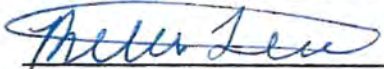
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Isabella Leis HEAR / Cape Fear Tomorrow agrees that:
(Name of Organization)

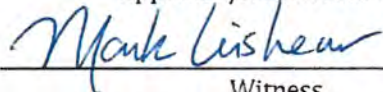
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



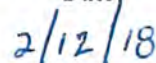
Applicant/Authorized Official



Witness



Date



Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

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

JG

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

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

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

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

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

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

Bella Weishear
Applicant/Authorized Official

Marty [Signature]
Witness

President
Title

2/1/18
Date

Burton
2-13-18

To Be Introduced 02/20/18

Council District No. 3 – Burton

Tax I.D. No. 335-8.14-47.00

911 Address: 1200 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.3443 ACRE, MORE OR LESS

WHEREAS, on the 1st day of February 2018, a conditional use application, denominated Conditional Use No. 2133, was filed on behalf of Dr. Laima Anthaney and Dr. Michael Cahoon; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2133 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2133 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Savannah Road, approximately 0.89 mile east of Wescoats Road and being more particularly described per the attached deed prepared by Maull & Maull, P.A., said parcel containing 0.3443 acre, more or less.

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

To Be Introduced 02/20/18

Council District No. 3 – Burton

Tax I.D. No. 335-8.18-4.00

911 Address: 1409 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A MEDICAL OFFICE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.918 ACRE, MORE OR LESS

WHEREAS, on the 7th day of February 2018, a conditional use application, denominated Conditional Use No. 2136, was filed on behalf of Christine Degnon; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2136 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2136 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the north side of Savannah Road, approximately 193 feet east of Dove Drive, and being more particularly described per the attached deed prepared by Schab & Barnett, P.A., said parcel containing 0.918 acre, more or less.

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

To Be Introduced 02/20/18

Council District No. 3 – Burton

Tax I.D. No. 335-12.06-50.00

911 Address: 1530 Savannah Road, Lewes

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR PROFESSIONAL OFFICES TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 0.5739 ACRE, MORE OR LESS

WHEREAS, on the 8th day of February 2018, a conditional use application, denominated Conditional Use No. 2137, was filed on behalf of John W. Ford; and

WHEREAS, on the ____ day of _____ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2137 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2137 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Savannah Road, approximately 691 feet east of Wescoats Road, and being more particularly described per the attached deed prepared by Ward & Taylor, LLC, said parcel containing 0.5739 acre, more or less.

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

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



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

Sussex County

Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET

Planning Commission Public Hearing Date January 25, 2018

Application: CZ 1843 Shailesh Patel RW

Applicant/Owner: Shailesh Patel
301 W. Hall St.
Seaford, DE 19973

Site Location: 11342 Circle Dr.
End of Circle Dr. approximately 124 feet southwest of Concord Rd. and on the southeast side of Chevrolet Ave. (a private road)

Current Zoning: AR-1 (Agricultural Residential District), C-1 (General Commercial District) and GR (General Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land Use Plan Reference: Mixed Residential Areas and Developing Areas

Councilmatic District: Mr. Vincent

School District: Seaford School District

Fire District: Blades Fire District

Sewer: On-site septic

Water: On-site well

Site Area: 2.181 ac. +/-

Tax Map ID.: 132-2.00-325.01 (portion of)



COUNTY ADMINISTRATIVE OFFICES
2 THE CIRCLE I PO BOX 417
GEORGETOWN, DELAWARE 19947

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 14, 2018

RE: County Council Report for CZ 1843 Shailesh Patel

The Planning and Zoning Department received an application (CU 2113 CleanBay Renewables, LLC CZ 1843 Shailesh Patel) to allow for a change of zone from AR-1 (Agricultural Residential District), C-1 (General Commercial District) and GR (General Residential District) to CR-1 (Commercial Residential District) to be located at 11342 Circle Dr. The Planning and Zoning Commission held a public hearing on January 25, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a survey, staff analysis, and comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division.

The Commission found that Dhru Patel and Shailesh Patel were present on behalf of the application; that Mr. Patel stated that the front portion of the parcel is zoned commercial (C-1), the middle section is zoned agriculture (AR-1), and the back is zoned residential (GR); that there is an existing building that is over 20 years old on the property; that they would like to redevelop the land into a commercial use; that is not enough land in the commercial zoning district to accommodate the 60 foot front yard setback that is required, a septic, stormwater management and parking requirements; that there are other commercial uses in the area and owned by his father; that he only owns the liquor store; and that the commercial use will help the community; and that they do not have an intended use at this time.

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

The Commission found that Nancy Short, Julia Faya and Woody Short spoke in opposition to the application; that Ms. Short stated she has concern with creation of more traffic; that there is already commercial use in the area; that there are accidents at Concord Pond Road; that the adjacent liquor store has a narrow entrance and exit; that people use the exit for an entrance; that the entrance is a blind entrance; that Ms. Short provided an exhibit for the record; that Ms. Faya stated that she has concerns with the traffic; that there is an issue with getting out of the road; that she has concerns with delivery trucks; that she has concerns with the speed of traffic in the area; that she has concerns



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

with the quality of life; that Ms. Faya provided photos as an exhibit; Mr. Short stated that the area is nice and quiet; that he wants to know what is going there; and that there is an issue with traffic.

The Commission found that Mr. Patel stated the liquor store and the commercial property are separate parcels; that they purchased the adjacent liquor store parcel as it existed; and that it is marked with “one way only” signs.

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Ms. Stevenson was absent.

At their meeting of February 8, 2018, the Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Wheatley moved that the Commission recommend denial of Change in Zone # 1843 for SHAILESH PATEL for a change in zone from AR-1 and GR to CR-1 based upon the record and for the following reasons:

1. The applicant is seeking to expand commercial zoning to an area of land approximately 2.181 acres in size to the rear of its 1.1 acres of existing commercial property along Concord Road.
2. The existing parcel is zoned commercial, but is not currently being used for commercial purposes. There is also a small commercially zoned property next door where a liquor store is located.
3. Other than the liquor store, there are no other commercial or business uses in the immediate vicinity. Instead, the area is either in agricultural use, or has developed with low-density residential uses. The request to create a 3+ acre commercially zoned parcel is not consistent with the character of the surrounding area.
4. CR-1 zoning is a very broad zoning classification that includes all sorts of permitted uses, and it is the most intensive commercial zoning available in Sussex County. The expansion of commercial zoning with all of these permitted uses is not appropriate in this location.
5. According to the Zoning Code, CR-1 zoning is appropriate “to provide sufficient space in appropriate locations for a wide variety of commercial and miscellaneous service activities generally serving a wide area and located particularly along certain existing major thoroughfares where a general mixture of commercial and service activity now exists....” This application does not satisfy this purpose of CR-1 zoning, as the area is primarily residential or agricultural, it is not located on a major thoroughfare, and there is not currently a general mixture of commercial and service activities. Also, central sewer is not available in this location.
6. There was evidence in the record in opposition to the application, including concerns about the location along Concord Road, the incompatibility with the residential and agricultural neighborhood, and other reasons. I find these reasons to be compelling.
7. The rezoning does not meet the purpose of the Zoning Ordinance since it does not promote the orderly growth, convenience, order, prosperity and welfare of Sussex County and its residents.
8. For all of these reasons, it is my motion to recommend denial of this change in zone application.

Motion by Mr. Wheatley, seconded by Mr. Hudson and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be denied for the reasons stated. Motion carried 5-0.

JANELLE M. CORNWELL, AICP
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Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 13, 2018
RE: Staff Analysis for CZ 1843 Shailesh Patel

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1843 Shailesh Patel to be reviewed during the January 25, 2018 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 a portion of parcel 132-2.00-325.01 to allow for a Change of Zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The portion of the property to be rezoned is 2.181 ac. +/- The property is zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and GR (General 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 Mixed Residential Areas and Developing Areas.

The surrounding land use to the north is Developing Areas. The land use to the south is Mixed Residential Areas. The land use to the east is Low Density Areas. The land use to the west is Mixed Residential Areas and Developing Areas. The Developing Areas land use designations recognizes that a range of housing types are appropriate including single family, townhouses and multifamily dwellings. It also recognizes that a variety of office uses would be appropriate along with a careful mixture of homes with light commercial and institutional uses to allow for convenient services and allow people to work close to home. The Mixed Residential Areas land use designation recognizes that a range of housing types are appropriate and that non-residential development is not encouraged. The CR-1 (General Residential District) zoning district is a zoning classification that can be considered within the Developing Areas. The portion of the parcel proposed to be rezoned is within the Developing Areas land use classification.

The property is zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and GR (General Residential District). The properties to the north are zoned AR-1 (Agricultural Residential District). The properties to the south are zoned GR (General Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District) and GR (General Residential District). The properties to the west are zoned AR-1 (Agricultural Residential District), C-1 (General Commercial District) and MR (Medium Density Residential District). 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 from AR-1 to CR-1 could be considered consistent with the land use, surrounding zoning and uses.





Addresses / Parcels

- TaxParcels

Council Districts

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

Schools/Libraries

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

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

- Public Protected Lands

- Municipalities

- Communities

- Boundaries State County

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

Sussex County Map

0 155 310 620 930 1,240 Feet



Addresses / Parcels

■ TaxParcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

■ 0.2% Annual Chance Flood Hazard

■ A

■ AE

■ AO

■ Open Water

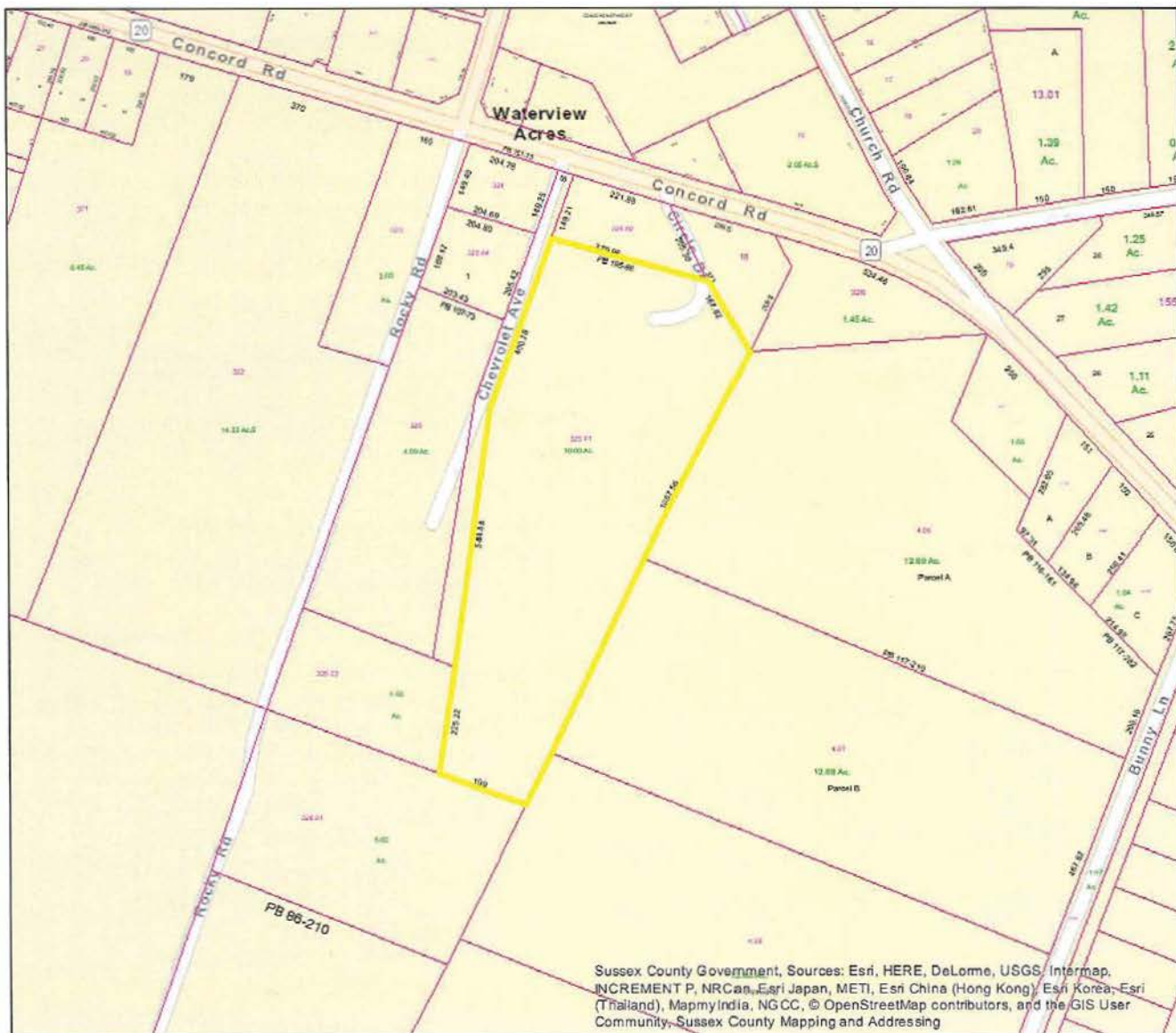
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



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

Sussex County Map

0 155 310 620 930 1,240 Feet



Addresses / Parcels

■ Tax Parcels

Council Districts

■ Fire Districts

■ County District 01

■ County District 02

■ County District 03

■ County District 04

■ County District 05

□ County Boundaries

Schools/Libraries

■ School Buildings (Various)

■ School Library

■ Public Library

■ Special Library

■ DOE School Districts

■ DOE VoTech School Districts

Hydrology

■ Streams / Rivers

■ Lakes, Ponds, Bays

Flood Zones

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■ A

■ AE

■ AO

■ Open Water

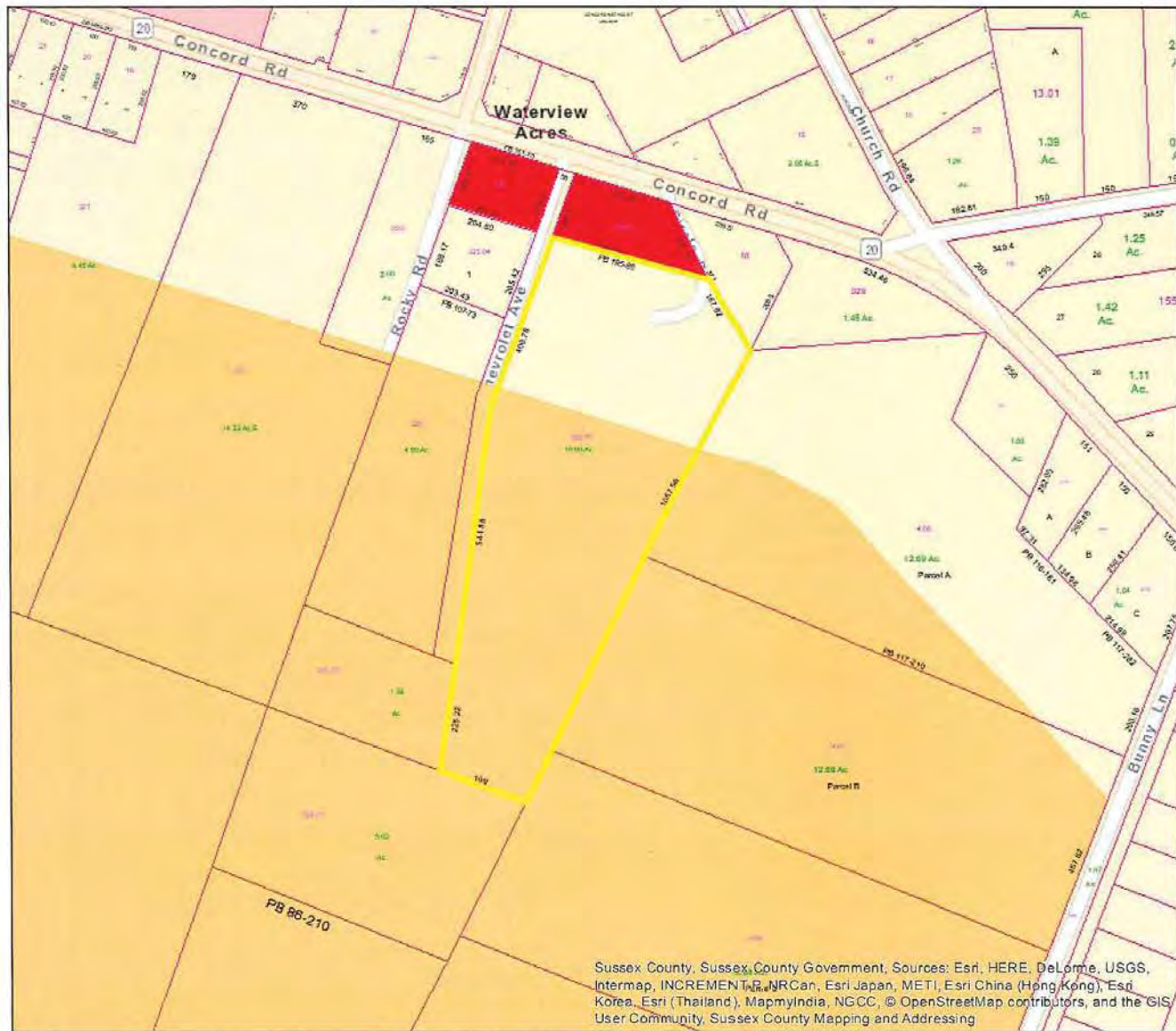
■ VE

■ Public Protected Lands

■ Municipalities

■ Communities

■ Boundaries State County



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

Sussex County Map

0 155 310 620 930 1,240 Feet

Introduced 08/29/17

**Council District No. 1 - Vincent
Tax I.D. No. 132-2.00-325.01 (portion of)
911 Address: 11342 Circle Drive, Seaford**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 2.181 ACRES, MORE OR LESS

WHEREAS, on the 31st day of July 2017, a zoning application, denominated Change of Zone No. 1843, was filed on behalf of Shailesh Patel; 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. 1843 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

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

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Broad Creek Hundred, Sussex County, Delaware, and lying at the end of Circle Drive, approximately 124 feet southwest of Concord Road and on the southeast side of Chevrolet Avenue (a private road) and being more particularly described per the attached legal description prepared by Miller-Lewis, Inc., said parcel containing 2.181 acres, more or less.

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

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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date January 25, 2018

Application: CU 2114 Spangler Strategic Advisers, LLC KH

Applicant: Spangler Strategic Advisers, LLC
726 Second St, Unit 3B
Annapolis, MD 21403

Owner: J. Wayne Howard and Lenora Howard
7830 Shore Dr.
Preston, MD 21655

Site Location: Southeast corner of DuPont Blvd. (Rt. 113) and Betts Ln.

Zoning: AR-1 (Agricultural Residential District)

Current Use: Agricultural

Proposed Use: Solar array farm

Comprehensive Land
Use Plan Reference: Low Density

Councilmatic
District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 70.00 ac. +/-

Tax Map ID.: 133-6.00-123.00 (portion of)



COUNTY ADMINISTRATIVE OFFICES
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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 14, 2018

RE: County Council Report for CU 2114 Spangler Strategic Advisers, LLC

The Planning and Zoning Department received an application (CU 2113 CleanBay Renewables, LLC CU 2114 Spangler Strategic Advisers, LLC) to allow for a conditional use to allow for a solar array farm be located on Rt. 113. The Planning and Zoning Commission held a public hearing on January 25, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, exhibit booklet, comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division, and results from DelDOT Service Level Evaluation stating a TIS was not required.

The Commission found Dennis Schrader, Attorney with Morris James, LLC., Thomas Spangler, Principal with Spangler Strategic Advisers, LLC and Dr. Kristi Shaw were present on behalf of the application; that this did not have to go to PLUS; that this proposal is for a solar array farm; that the Comprehensive Plan identifies this as a low density area; that the State Strategies is a Level 4; there are no public or private roads involved; that Mr. Spangler stated the property is currently used for agriculture; that the applicant is proposing to subdivide the parcel which is divided by Route 113; that the proposed use is a solar electric generation farm in the order of 14.9 megawatts of energy; that the power is sold back to the market; that there are residential properties to the north and east side; that to the south of the property are businesses and mixed use; that there are buffers to the east and west of 100 feet; that there will be no structures on the site; that there will be a transformer on the site; that there will be limited access for construction and maintenance purposes; that there will be no deliveries; that there will be no employees on the site; that it is inspected by a crew of four on a quarterly to annual basis to clean panels and maintain the property; that it will be landscaped properly and keep the land and buffers manicured; that they are maintaining all the natural buffer on the east and south side and buffers added to the west and north; that the solar piece will be fenced; that the fence will be on all sides; that there will be no noise, dust or odors; that Dr. Shaw stated there are no environmental concerns created by this use; that Mr. Schrader stated they submitted proposed findings of fact; that it will meet the conditional use standards and Comprehensive Plan; Mr. Spangler stated that the panels would be similar to the height of Delaware Electric Co-op's facility which is four feet; that the panels will be fixed panels; that they put this project out to bid



COUNTY ADMINISTRATIVE OFFICES
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GEORGETOWN, DELAWARE

and they have a number of suppliers available that have adequate panels in stocked and have American made panels; that they would like a lighted sign; that Mr. Schrader stated if Betts Lane is a private road, they will need to get approval from owners of the road and will talk to DelDOT; that there will be a 100 foot buffer to the north and south as well; and that it may be built all in one phase.

The Commission found that were no parties in favor to this the application.

The Commission found Jerell Thomas, Bill Mellen and Sherri Youmans spoke in opposition to this application; that Mr. Thomas stated he had concerns with the access off of Betts Lane; that he has concerns with people getting into the site if no one is there; that there is some noise from the transformer; that the buffers will be nice; that Mr. Mellen stated he has to go onto Pebblestone Drive which is a private road to get onto Betts Lane and that Ms. Youmans stated she wants to know where stormwater will go.

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

Motion by Mr. Hopkins, seconded by Mr. Wheatley, and carried unanimously to defer action for further consideration. Motion carried 4-0. Ms. Stevenson was absent.

At their meeting of February 8, 2018, the Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Hopkins moved that the Commission recommend approval of C/U #2114 for SPANGLER STRATEGIC ADVISERS, LLC for a solar array farm in an AR-1 District based upon the record made at the public hearing and for the following reasons:

1. The proposed facility is a public utility use under the Sussex County Zoning Code and it meets the purposes of a Conditional Use in that it is of a public or semi-public character that is essential and desirable for the general convenience and welfare of Sussex County residents.
2. The proposed use will not have any adverse impact on the neighboring or adjacent properties.
3. The proposed solar generation facility will not result in any noticeable increase in traffic on adjacent and neighboring roadways. There are no regular employees at the site, only periodic visits for inspections, maintenance or repair of the solar panels.
4. The Delaware Department of Transportation has reviewed the proposed plan and has issued its letter of service report on the project.
5. No noise, dust or odor will be generated by the facility.
6. This recommendation is subject to the following conditions:
 - A. No storage facilities shall be constructed on the site.
 - B. Lighting on the facility will consist of perimeter lighting for security purposes. All lighting shall be downward screened so that it does not shine on neighboring properties or roadways.
 - C. One lighted sign, not to exceed 32 square feet in size, shall be permitted.
 - D. The site shall be secured by fencing with a gate with a "Knox Box" to accommodate emergency access by the local fire company or other emergency responders.

- E. There shall be a vegetation buffer of no less than 30 feet around the entire perimeter of the site to screen it from neighboring properties and roadways.
- F. All of the grounds, including the area outside of the fence, shall be maintained so that it does not become overgrown.
- G. 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 a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

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janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 13, 2018
RE: Staff Analysis for CU 2114 Spangler Strategic Advisers, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2114 Spangler Strategic Advisers, LLC to be reviewed during the January 25, 2018 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 a portion of parcel 133-6.00-123.00 to allow for a solar array farm. The size of the portion of the property for the Conditional Use is 70.0 ac. +/- The property is zoned AR-1 (Agricultural Residential District). This portion of the parcel is located on the east side of DuPont Blvd. (Rt. 113).

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

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

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and south are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the east and west are zoned AR-1 (Agricultural Residential District). There are several Conditional Uses in the area (borrow pit). There is also an asphalt plant in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a solar array farm could be considered consistent with the land use, surrounding zoning and uses.





Addresses / Parcels

- TaxParcels

Council Districts

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

Schools/Libraries

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

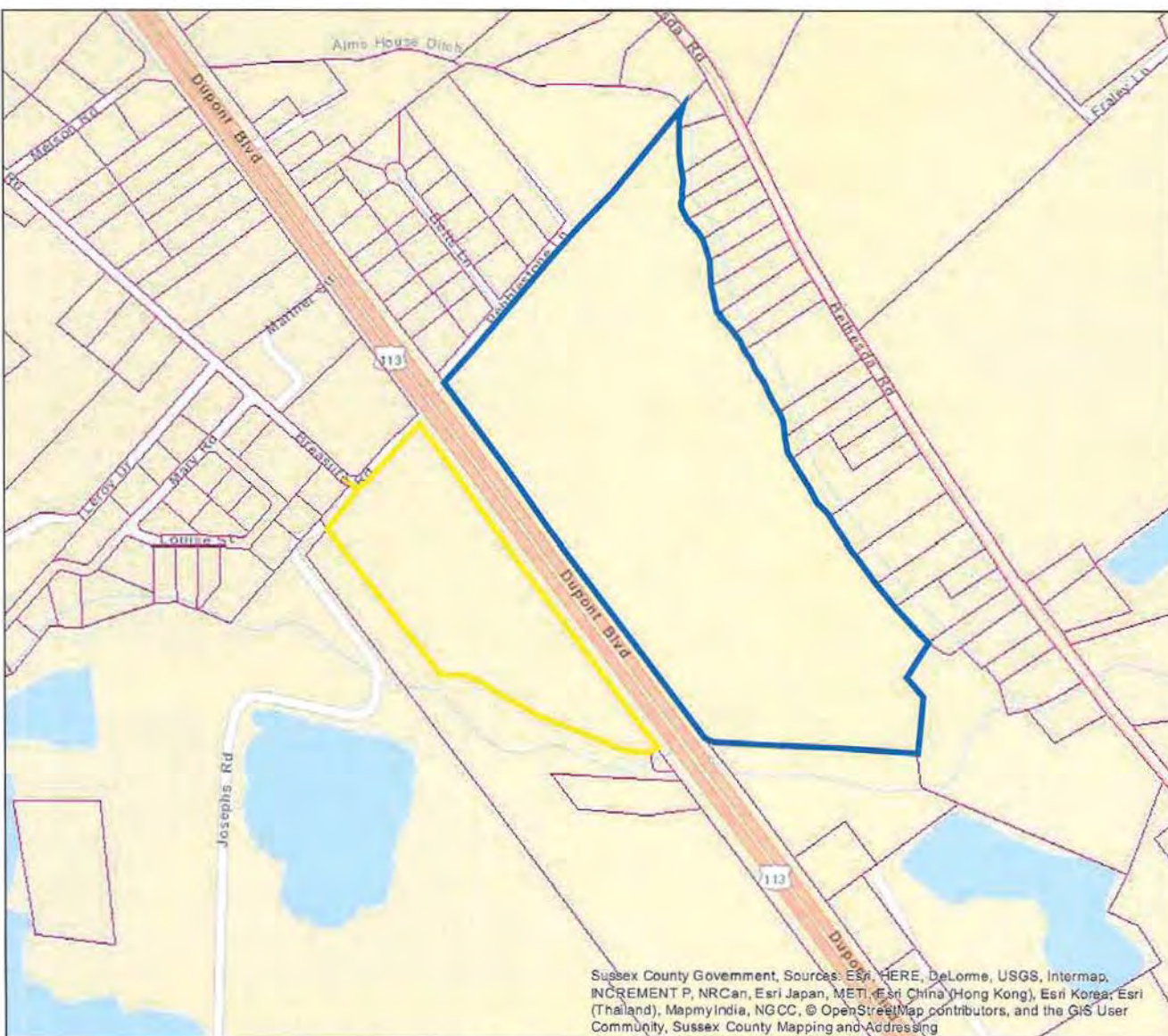
Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

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

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



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

Sussex County Map

0 312.5 625 1,250 1,875 2,500 Feet



Addresses / Parcels

- TaxParcels

Council Districts

- Fire Districts

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

Schools/Libraries

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- DOE VoTech School Districts

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- VE

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

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

Sussex County Map

0 312.5 625 1,250 1,875 2,500 Feet



Addresses / Parcels

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- Municipalities
- Communities
- Boundaries State County



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

Sussex County Map

0 312.5 625 1,250 1,875 2,500
Feet

Introduced 10/10/17

**Council District No. 2 – Wilson
Tax I.D. No. 133-6.00-123.00 (portion of)
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A SOLAR ARRAY FARM TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 70.0 ACRES, MORE OR LESS

WHEREAS, on the 31ST day of August 2017, a conditional use application, denominated Conditional Use No. 2114, was filed on behalf of Spangler Strategic Advisers, LLC; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2114 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2114 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the southeast corner of DuPont Boulevard (Route 113) and Betts Lane, and being more particularly described per the attached deed prepared by Moore & Rutt, P.A., said parcel containing 70.0 acres, more or less.

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

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



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date January 25, 2018

Application: CU 2113 Clean Bay Renewables, LLC RW

Applicant: Clean Bay Renewables, LLC Sussex I
726 Second St., Unit 3B
Annapolis, MD 21403

Owner: J. Wayne Howard and Lenora Howard
7830 Shore Dr.
Preston, MD 21655

Site Location: Southwest corner of DuPont Blvd. (Rt. 113) and Breasure Rd.

Zoning: AR-1 (Agricultural Residential District)

Current Use: Agricultural

Proposed Use: Electrical generation and nutrient recovery facility

Comprehensive Land
Use Plan Reference: Low Density

Councilmatic
District: Mr. Wilson

School District: Indian River School District

Fire District: Georgetown Fire District

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 16.71 ac. +/-

Tax Map ID.: 133-6.00-123.00 (portion of)



COUNTY ADMINISTRATIVE OFFICES
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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 14, 2018

RE: County Council Report for CU 2113 CleanBay Renewables, LLC

The Planning and Zoning Department received an application (CU 2113 CleanBay Renewables, LLC) to allow for a conditional use to allow for an electrical generation and nutrient recovery facility to be located on Rt. 113. The Planning and Zoning Commission held a public hearing on January 25, 2018. The following are the draft minutes and motion for the Conditional Use from the Planning and Zoning Commission meeting.

Ms. Cornwell advised the Commission that submitted into the record were a staff analysis, an exhibit booklet, results from DelDOT Service Level Evaluation stating a TIS was not required, comments from the Sussex Conservation District and Sussex County Engineering Department Utility Planning Division, and one letter in support was read into the record.

The Commission found Dennis Schrader, Attorney with Morris James, LLP, Thomas Spangler, Principal of CleanBay Renewables, LLC, and Dr. Kristi Shaw were present on behalf of the application; that Mr. Schrader stated the site is adjacent to a borrow pit and former airport; that the site is 16.71 acres and proposes a public utility generation plant; that per the Comprehensive Plan the site is low density; that it is in the Level 4 State Strategies; that they are not encouraging state spending; that this process has been through State PLUS review; that a letters from Delaware Electric Cooperative was submitted; that a representative from the Department of Agriculture was planning to attend and send a letter of support; however, was unable to do so due to illness; that Mr. Spangler stated that there are residences across Breasure Road to the north; that to the west of the property is the former airport and a borrow pit; that a proposed solar farm is proposed across Route 113 to the east; that Breasure Road is used for local residences and for truck access to the Borrow Pit and Melvin Joseph construction site; that the property is currently used for agricultural purposes and contains a dwelling; that the dwelling is old and not habitable and would cost a lot of money to rehab; that the initial plan is to demolish the house; that the proposed plant would convert poultry litter and other poultry waste streams into energy; that Breasure Road would be used for trucks and employee entrance and will be used for 12 trucks a day; that they would self-imposed delivery hours six days a week from 7:00 am to 7:00 pm; that DelDOT minimized the use of Route 113 for an entrance; that the type of trucks used are tractor trailers; that there will be 12 trucks per day maximum and each truck carries 23 tons of poultry litter; that half of those trucks exit empty and the other half exit with a saleable soil amendment by-product similar to what can be found in local



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

garden stores; that they have a contract with litter brokers to obtain material; that the quantity of litter that goes through the facility is approximately 250 tons per day; that the service areas of the litter are generally within 50 miles of litter brokers; that the trucks come in and unload into a hopper type system which goes into enclosed tanks; that the entire process is a closed loop system; that liquid goes into tanks that breaks down the products then goes to other tanks to create gas to electrical generation which connects into the Delaware Electric Cooperative Substation; that some material is piped to the nutrient recovery building and creates approximately 1 truck load of struvite pellets per day; that they have separated the phosphorous; that they are then left with a soil amendment (nitrogen, potassium and a small amount phosphorous); that it is used as soil amendment for farm use with approximately 5 truckloads going out daily; that the tanks on site are not explosive and that they would not explode if hit by an airplane, and that the adjacent airport is closed; that the Architect is designing the facility as an agricultural type campus and will incorporate screening and landscaping for the site; that the plant is a 24 hour 7 day use; that it will provide security lighting and proper signage; that Dr. Shaw stated she is a doctor of Environmental Science and a Maryland certified Nutrient Management Consultant; that the main environmental concerns are stormwater management and they are working with DNREC; that some wetlands are on-site and will stay away from it; that the facility will be in compliance with air quality regulations; that the site will be monitored by DNREC for air, water and soil and will obtain proper permits; that Delaware Electric Co-op supports this site; that the site is adjacent to Route 113 and due to the Corridor Protection status, DelDOT supports truck traffic on Breasure Road entrance; that the facility is a positive facility for the agricultural business community use in the County; that it is in compliance with the Comprehensive Plan to support Agricultural use; that they submitted finding of facts and conditions of approval and are willing to accommodate concerns of the public; that Mr. Spangler stated Breasure Road is the main truck access from Melvin Joseph borrow pit and asphalt plant; that the loads coming in are covered and don't have to be uncovered to unload; that they are willing to request them to remain covered while unloading; that it is a hooded conveyor (completely enclosed) while unloading the litter; that the generators are sound suppressed; that the generators will approximately be 300-500 feet from the nearest house; that Dr. Shaw stated the noise they would have is 60 decibels at 33 feet away from the containers, which is approximately the sound of air conditioner unit or dishwasher; that Mr. Spangler stated they have four generators that are 2.4 megawatts (2,400 kw) per generator; that it is an active sound dampening system containers for the generators which are off the shelf products; that Dr. Shaw stated that two of the generators are sitting outside of a patient room at Salisbury Hospital; that the soil amendment by-product is pathogen free as a result of the process and will be a valuable commodity for local farmers; that the homes should not feel or hear anything; that Mr. Spangler stated they will take DAF and hatchery waste; that they have mitigated the smell while unloading by using an injector type system; that the unloading area is covered by an overhang with a carbon air filtration system approximately 300 feet away from Breasure Road; that screening around the site as well as the design of the facility will also help mitigate smells; that any odor that escapes from the unloading process will fall off by 100 feet from processing area according to odor experts; that it is a 15 minute controlled exposure going into a liquid based system and it is completely different then spreading on a farm field; that DelDOT came up with 84 trips per day based on employees and truck usage; that there will be three shifts; that the number of employees will be 15 to 17 on the major shift; that Dr. Shaw stated that there will be a landscape buffer with trees and bushes with height; that the gas on-site is a wet gas and it is not explosive; that the chance of fire or explosion is very low; that Mr. Spangler stated they would like a 32 square foot lighted sign at the Breasure Road and Rt. 113 intersection or at facility entrance; that there will be security lighting which is motion activated; that it is highly mechanized and automated

system; that outside lighting is unexpected after dark; that the trailers back in; and that a three foot height wall will be around the perimeter of unloading area for containment.

The Commission found that Mark Neilson, for Delaware Electric Co-op spoke in favor to the application; that Mr. Neilson supports the project and hopes the concerns can be addressed; and that it provides additional reliability to the grid for electrical generation in the area.

That the Commission found that Alma Roach, Rebecca Breasure, Jacob Breasure, Steven Baker, Karen Illian, Dean Wright, Kevin Walls, Susan Blades, Robert George, David Blades, Jerell Thomas, and Derek Johnson spoke in opposition to the application; that Ms. Roach stated the industrial facility is adjacent to a residential community; that the roads are not capable to handle the 23 ton vehicles; that she has concerns with traffic on Route 113; that she has concerns with noise and pollution; that there are not similar uses in the area; that they should use the County Industrial Park or locate near chicken houses; that she has concerns with potential impact water quality to wells; that she requests a bond for potential groundwater pollution; that she lives a 1/2 mile from the site; that it is not conducive to the community; that Ms. Breasure stated the road changed when the asphalt plant went in; that she has concerns with traffic; that she has concerns with odor, dust and water pollution; that the plant will cause additional noise; that the property values will become lower; that there will be smell while trucks are unloaded and traveling to the site; that people have had to dig deeper wells due to the sand and asphalt plant; that the trucks make noises while they are backing up; that if it was not ok along Route 9, why here; that it is not a pleasant sight for tourists; that why not go to the County's Industrial Park; that she has an issue with the 200 feet notice; that she has lived there for 65 years; that Mr. Breasure stated why here in this location; that he was lied to about the sand and asphalt plant and has had to fight each time; that he has concerns with smell from manure; that he has concerns with groundwater contamination; that he has concerns with traffic; that Breasure Road cannot handle the traffic; that if it is not ok on Route 9, why is it ok here; that they need to keep the area beautiful for residents and tourists; that they should give the Maryland facility a chance to open up before considering this plant; that Mr. Baker stated he had lived on Bunting Road for 15 years and moved due to the sand plant; that he owned two homes but only had one driveway and couldn't get a second driveway; that there is too much traffic on Bunting Road now from trucks; that the covers on the trucks do not keep everything in the trucks; that Ms. Illian stated she lives 1/8 mile from the site; that she has concerns with DNREC monitoring; that she would like to consider the saving of the historic home; that she has concerns with 24 hour plant; that it is a quiet and wooded area; that the noise, trucks, lights will disturb the area and impact the walkers in the area; that she has concerns about growth on the site; that she appreciates the farmers and their needs; that she understands the use and it is awesome; that this is not a good location and are already dealing with other uses; that she has concerns about property values; that she runs a daycare in the area and it could impact her business; that she read a letter from a neighbor stating that they had concerns with the posting of the sign; that they didn't receive any information about the hearing; that they had concerns with traffic, smells, drinking water; that they don't feel the appropriate state agencies are going to protect us with further projects like this one; that Mr. Wright stated the concept is good and the location is bad; that Mr. Walls stated he has concerns with the trailers under the roof and unload; that why do they need 12 hours to unload 12 trucks a day; that it should go to the County's Industrial Park; that there are more residents living here then on Route 9; that this is an Agricultural area and not an Industrial area; that there is noise now from farm trucks; that Ms. Blades stated she rents her property in the area; that 15 minutes times 12 trucks equal three hours; that concerns with possibility of spills while unloading the trucks; that what happens if the electric goes out; that Mr. George thinks it is a great idea but a wrong location; that it should be put

at an industrial park; that he has concerns with water quality and traffic; that he has concerns with spills; that he would like to know who does the water testing; that Mr. Blades stated had concerns with traffic especially Breasure Road; the trucks are not air tight; that why not put it on state land; that Mr. Thomas stated he has concerns with droppings off the trucks; he has concerns with explosion; and that Mr. Johnson stated that he has concerns with water and soil.

The Commission found that Mr. Schrader stated the lot sizes in the industrial park are too small and do not have adequate access to power grid; that Mr. Spangler stated that they need to find a location that can support the load of electricity; that Dr. Shaw stated that there is not enough land for expansion at the site and neighbors already had issues with the use; that they generate their own electricity and there is no issues if the electric goes out; that Mr. Spangler stated the 12 hour window is so trucks are not stacked up on each other and they are willing to work with the Commission regarding the hours; that the system is entirely closed; that they are recycling all of the water from the process; that this is a zero discharge facility except for grey water from the office facility; and that personnel will be on the site 24 hours a day 7 days a week.

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

Motion by Mr. Wheatley, seconded by Mr. Hudson, and carried unanimously to defer action for further consideration. Motion carried 4-0. Ms. Stevenson was absent.

At their meeting of February 8, 2018, the Planning Commission discussed the application which had been deferred since January 25, 2018. Ms. Stevenson indicated that she had listened to the audio and reviewed the record and is qualified to vote on the application.

Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2113 for CleanBay Renewables, LLC Sussex I for an electrical generation and nutrient recovery facility based upon the record and for the following reasons:

1. The proposed Conditional Use is to establish a facility for nutrient recovery and conversion of poultry litter into electrical generation. The use and process of electrical generation will not include any incineration or composting of poultry waste.
2. The site is a 16.71 acre parcel of land with frontage on Route 113, which is one of the 3 major north-south truck routes through Sussex County. The site is also in close proximity to the existing electrical power grid. This is an appropriate and necessary location for this type of use.
3. The proposed use is consistent with other existing uses in the immediate vicinity, which include a large borrow pit, an asphalt plant, a large construction contractor equipment yard and an airstrip.
4. The proposed use is an agribusiness use which takes chicken litter, a biproduct of the Delmarva poultry industry, and converts it to electrical energy. This is a benefit to the agricultural industry of Sussex County through the re-use of chicken litter. It is also a benefit to residents and businesses within Sussex County by creating an economical alternative energy source for Sussex County and Delaware utility providers.
5. The entire process occurs within a closed system, from the time that the material delivered to the site arrives via truck through the end of the process when the pelletized remnants are removed from the site. There is no open storage of any material on site at any time.

6. There was nothing in the record to indicate that there will be significant odors from the site. And, given the current AR-1 zoning of the site, there are reasonable expectations that the site could currently be used for agricultural purposes that do generate odors associated with farming and poultry operations.
7. While there were concerns about traffic generated by the use, the actual amount of traffic is relatively minor given the prominent location of the site along Route 113 adjacent to other existing heavy uses. The applicant testified that there are no more than 12 truck deliveries to the site per day and there are few employees associated with the use. And, the Delaware Department of Transportation will dictate entrance and roadway improvements necessitated by the use.
8. The applicant testified that the use does not generate an extensive amount of noise. Any noise coming from the conversion process or the generators is comparable to the noise already created by traffic along Route 113.
9. The applicants will be required to obtain all necessary permits and approvals from the Delaware Department of Natural Resources and Environmental Control, particularly those relating to air and water quality controls, and other agencies, prior to any operations on the site.
10. I am satisfied that this parcel is appropriate for development given its proximity to the highway and being surrounded by other heavy commercial types of uses. This particular use, with the conditions and limitations placed upon it, will not have an adverse impact upon neighboring properties or the community.
11. This proposed use supports one of the primary goals of the current Sussex County Land Use Plan as stated on page 1 of that document: Conserve the County's agricultural economy. This goal is also restated in the Future Land Use Element of the Plan. This agribusiness use provides a market for the chicken litter byproduct of poultry operations which benefits and helps conserve the agricultural economy of Sussex County.
12. This recommendation is subject to the following conditions:
 - A. All improvements for nutrient recovery and electrical generation shall be constructed and maintained in accordance with the Delaware Department of Natural Resources and Environmental Control, the State Fire Marshal, and any other state or federal agencies that have any jurisdiction over the development and use of the site.
 - B. As proffered by the applicant, all buildings on the site shall have an agricultural appearance. This shall not apply to the generators, holding and treatment tanks or towers located on the site.
 - C. The generators must have sound suppression measures in place and they must be located as far as possible from Breasure Road.
 - D. All trucks entering or leaving the site shall be completely enclosed at all times.
 - E. All materials brought to the site shall be offloaded from trucks using a conveyor system. No open dumping shall be permitted.
 - F. No chicken litter or other materials brought to the site or the end-product from the use shall be stored outside on the site. All materials brought to the site shall be immediately offloaded from trucks into the facility's closed system.
 - G. Truck deliveries to the site shall be limited to the hours between 7:00 am and 7:00 pm, Monday through Saturday, and there shall be no more than 12 deliveries of materials per day. No deliveries shall occur on Sunday, and no trucks containing materials shall remain on the site beyond the delivery hours or on Sundays.
 - H. The Final Site Plan shall include a thirty-foot wide "Forested and/or Landscaped Buffer Strip" meeting the planting requirements of Section 99-5 of the Code of Sussex County.

Section 99-5 dictates the types of trees and vegetation, the density of the required trees and other plantings, minimum heights, and other requirements. The Final Site Plan shall contain a landscaping plan for these buffer areas.

- I. The applicant shall comply with all DelDOT requirements for roadway and entrance improvements.
- J. One lighted sign shall be permitted on the site. The sign shall not exceed 32 square feet per side. Small directional signs shall also be permitted at the entrances to the site. The location of the signage shall be shown on the Final Site Plan.
- K. Any violations of the conditions of approval may result in the termination of this Conditional Use.
- L. The Final Site Plan shall contain the approval of the Sussex Conservation District regarding drainage and stormwater management requirements.
- M. Any security lighting shall be designed so that it is downward screened so that it does not shine on neighboring properties or roadways. In addition, all exterior lighting shall automatically be dimmed between 9:00 pm and 6:00 am.
- N. Prior to Final Site Plan approval, the applicant shall obtain a baseline water quality sample and the report from that shall be submitted to the Office of Planning and Zoning to confirm the groundwater quality prior to any development of the site.
- O. The Final Site Plan shall be subject to the approval of the Sussex County Planning and Zoning Commission.

Motion by Mr. Wheatley, seconded by Mr. Hopkins and carried unanimously to forward this application to the Sussex County Council with a recommendation that the application be approved for the reasons stated. Motion carried 5-0.

JANELLE M. CORNWELL, AICP
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(302) 854-5079 F
janelle.cornwell@sussexcountype.gov



Sussex County
DELAWARE
sussexcountype.gov

Memorandum

To: Sussex County Planning Commission Members
From: Janelle Cornwell, AICP, Planning & Zoning Director
CC: Vince Robertson, Assistant County Attorney and applicant
Date: January 13, 2018
RE: Staff Analysis for CU 2113 Clean Bay Renewables, LLC

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2113 Clean Bay Renewables, LLC to be reviewed during the January 25, 2018 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 a portion of parcel 133-6.00-123.00 to allow for an electrical generation and nutrient recovery facility. The size of the portion of the property for the Conditional Use is 16.71 ac. +/- . The property is zoned AR-1 (Agricultural Residential District). This portion of the parcel is located on the west side of DuPont Blvd. (Rt. 113).

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

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

The property is zoned AR-1 (Agricultural Residential District). The properties to the north and south are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The properties to the east and west are zoned AR-1 (Agricultural Residential District). There are several Conditional Uses in the area (borrow pit). There is also an asphalt plant in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for an electrical generation and nutrient recovery facility could be considered consistent with the land use, surrounding zoning and uses.





Addresses / Parcels

- TaxParcels

Council Districts

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

Schools/Libraries

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

Hydrology

- Streams / Rivers
- Lakes, Ponds, Bays

Flood Zones

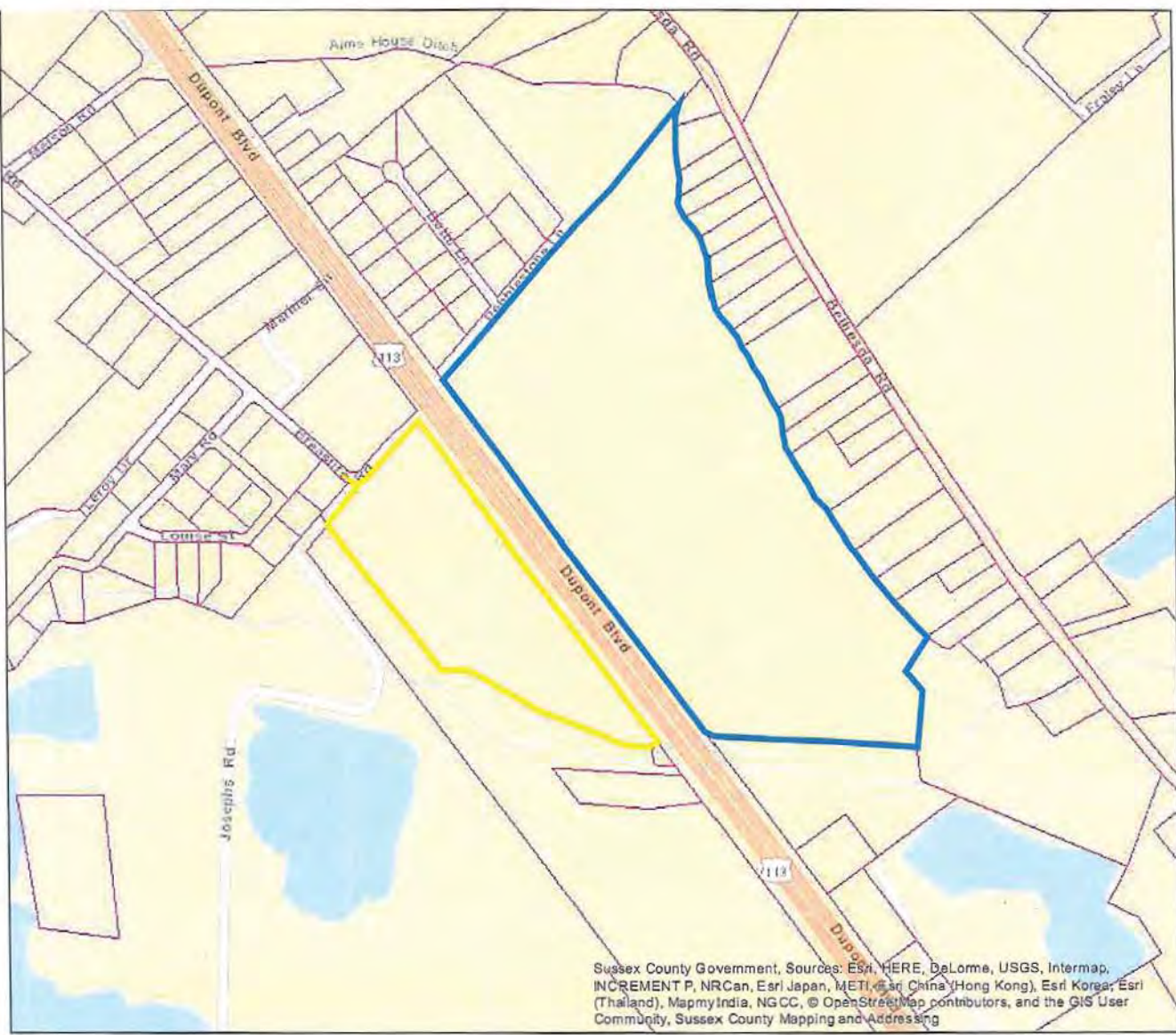
- 0.2% Annual Chance Flood Hazard
 - A
 - AE
 - AO
 - Open Water
 - VE

- Public Protected Lands

- Municipalities

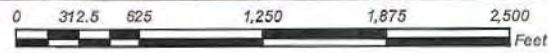
- Communities

- Boundaries State County




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

Sussex County Map





-  TaxParcels

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- Fire Districts

- County District 01

- County District 02

- County District 03

- County District 04

- County District 05

- ☐
- County Boundaries

- ### Schools/Libraries

- ⬆ School Buildings (Various)

- School Library

- Public Library

- Special Library

- DOE School Districts

- DOE VoTech School Districts

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- Lakes, Ponds, Bays

Flood Zones

- 0.2% Annual Chance Flood Hazard

- Flood Hazard
A

- AF

- ☐ AO

- ☐ Open Water

- VF

- ### Public Protected Lands

- Municipalities

- : . Communities

- == Boundaries State County

Sussex County, Sussex County Government. Sources: Esri, HERE, DeLorme, USGS
Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri
Korea, Esri (Thailand), Swisstopo, IGN France, Mapbox, Baidu, AeroGRID, IGN, and the
User Community, Sussex County Mapping and Addressing.

Sussex County Map

0 312.5 625 1,250 1,875 2,500 Feet



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- Communities

- Boundaries State County



Sussex County Map

0 312.5 625 1,250 1,875 2,500 Feet

Introduced 10/10/17

**Council District No. 2 – Wilson
Tax I.D. No. 133-6.00-123.00 (portion of)
911 Address: Not Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN ELECTRICAL GENERATION AND NUTRIENT RECOVERY FACILITY TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN DAGSBORO HUNDRED, SUSSEX COUNTY, CONTAINING 16.71 ACRES, MORE OR LESS

WHEREAS, on the 31ST day of August 2017, a conditional use application, denominated Conditional Use No. 2113, was filed on behalf of CleanBay Renewables, LLC Sussex I; and

WHEREAS, on the ____ day of _____ 2017, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Conditional Use No. 2113 be _____; and

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

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2113 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 Dagsboro Hundred, Sussex County, Delaware, and lying on the southwest corner of DuPont Boulevard (Route 113) and Breasure Road, and being more particularly described per the attached deed prepared by Moore & Rutt, P.A., said parcel containing 16.71 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.