

Sussex County Council Public/Media Packet

MEETING: April 17, 2018

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Sussex County Council

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



2 THE CIRCLE | PO BOX 589 GEORGETOWN, DE 19947 (302) 855-7743 T (302) 855-7749 F sussexcountyde.gov ROBIN GRIFFITH CLERK

A G E N D A

APRIL 17, 2018

10:00 A.M.

Call to Order

Approval of Agenda

Approval of Minutes

Reading of Correspondence

Public Comments

<u>Dr. Bobbi Barends, Vice President and Campus Director, Delaware Technical Community College - Presentation</u>

Todd Lawson, County Administrator

- 1. Proclamation National Service Recognition Day
- 2. Wastewater Agreement No. 53-1 Sussex County Project No. 81-04 Breakwater Beach (Parcel 421-428) Bethany Beach Sanitary Sewer District
- 3. Administrator's Report

Gina Jennings, Finance Director

1. Insurance Broker Recommendation

Janelle Cornwell, Planning and Zoning Director

1. Comprehensive Plan – Updated Scope of Work



Brandy Nauman, Housing Coordinator & Fair Housing Compliance Officer

1. Presentation and Proclamation - 50th Anniversary of the Fair Housing Act

Patti Deptula, Director of Special Projects

1. Sussex County Chapter 95 Proposed Diamond Acres Streetlighting District

John Ashman, Director of Utility Planning

1. Arbor-Lyn Use of Existing Infrastructure Agreement

Hans Medlarz, County Engineer

- 1. Magee Farm Lease Amendment
 - A. Inclusion of Additional Properties
- 2. Whitman, Requardt & Associates North Coastal Planning Area Base Contract
 - A. Amendment 7A Inland Bays Dryer Design Modifications
- 3. Love Creek Woods, Master Plumber Services
 - A. Recommendation to Award
- 4. Wolfe Runne Sewer Service Request
- 5. Walk-In Freezer/Cooler Unit, Project #18-18
 - A. Recommendation to Award
- 6. Fencing Services RFP, Project #17-14
 - A. Change Order No. 1

Grant Requests

- 1. Delaware Seaside Railroad Club for rental costs associated with school workshops
- 2. Greater Lewes Foundation for The History Book Festival
- 3. Slaughter Neck Community Action Organization for Senior Center kitchen upgrades
- 4. Lewes Rehoboth Rotary Club for advertisement in *Great Walks & Trails in Sussex County* publication

- 5. Town of Laurel for Fourth of July fireworks show
- 6. Seaford Tomorrow for 1st Saturdays in Seaford events
- 7. Rehoboth Art League for arbor project

Introduction of Proposed Zoning Ordinances

Council Members' Comments

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

Possible Action on Executive Session Items

1:30 p.m. Public Hearings

Conditional Use No. 2119 filed on behalf of Chad Hayes

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE SALES WITH MINOR REPAIRS AND CONTRACTOR OFFICE WITH STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.909 ACRES, MORE OR LESS" (located on the north side of Lewes-Georgetown Highway (Route 9) approximately 812 feet east of Sand Hill Road) (Tax I.D. No. 135-15.00-40.00) (911 Address: 22091 Lewes-Georgetown Highway, Georgetown)

Conditional Use No. 2121 filed on behalf of Cheryl Webster and Kenna Nethken "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-I AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE CARE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 3.9713 ACRES, MORE OR LESS" (located on the southwest side of Old Furnace Road, approximately 677 feet northwest of Middleford Road) (Tax I.D. No. 331-6.00-134.00) (911 Address: 10404 Old Furnace Road, Seaford)

Conditional Use No. 2122 filed on behalf of Richard Thurman, Jr. (Arbor Care)

"AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PLANT, TREE, AND LAWN CARE DIAGNOSTIC CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS" (located on the southwest side of Robinsonville Road, approximately 1,737 feet south of Kendale Road) (Tax I.D. No. 234-6.00-88.01) (911 Address: 20182 Robinsonville Road, Lewes)

Change of Zone No. 1847 filed on behalf of Winsferd Ray Hutchins, Sr. and Josephine C. Hutchins

"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 2.09 ACRES, MORE OR LESS" (located on the west side of Sussex Highway (Route 13) approximately 412 feet north of Boyce Road) (Tax I.D. No. 132-12.00-102.01) (911 Address: 28506 Sussex Highway, Laurel)

Adjourn

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

In accordance with 29 <u>Del. C.</u> §10004(e)(2), this Agenda was posted on April 10, 2018 at 6:00 p.m., and at least seven (7) days in advance of the meeting.

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

Agenda items listed may be considered out of sequence.

####

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 10, 2018

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

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

President
Vice President
Councilman
Councilman

Todd F. Lawson
Gina A. Jennings
J. Everett Moore Jr.

County Administrator
Finance Director
County Attorney

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

Call to Order

Mr. Vincent called the meeting to order.

M 207 18 Approve Agenda A Motion was made by Mr. Cole, seconded by Mr. Arlett, 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 March 20, 2018 were approved by consent.

Correspondence Correspondence

Mr. Arlett read a letter from Marty Ross, Chairman of the Planning and Zoning Commission, announcing his retirement when his current term expires in June 2018.

Public Comments

Public Comments

Paul Reiger commented on the April 9, 2018 Board of Adjustment meeting; commented on commercial kennels; commented on the ordinances adopted at the March 20, 2018 meeting; and commented on the definition of a farm as it pertains to animals (dogs, horses, livestock).

Dan Kramer commented on the retirement of Planning and Zoning Commission Chairman Marty Ross.

M 208 18 Approve Consent Agenda Items A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to approve the following items listed under the Consent Agenda:

- Wastewater Agreement No. 984-18
 Sussex County Project No. 81-04
 Coastal Club Land Bay 7 Phase A (Construction Record)
 Goslee Creek Planning Area
- 2. Wastewater Agreement No. 891-3
 Sussex County Project No. 81-04
 Tidewater Landing Phase 2
 West Rehoboth Expansion North Planning Area
- 3. Wastewater Agreement No. 1051
 Sussex County Project No. 81-04
 Americana Bayside Melson Property, Phases 1 and 2
 Fenwick Island 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

Administrator's Report

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

1. Sussex County Council Comprehensive Land Use Plan Workshop

The next Sussex County Council Comprehensive Land Use Plan Workshop will be held on Wednesday, April 11th, at 9:30 a.m. in Council Chambers. A copy of the agenda is attached.

2. Projects Receiving Substantial Completion

Per the attached Engineering Department Fact Sheets, the following projects have received Substantial Completion: Showfield - Phases 2 and 3, effective March 20th; Windmill Woods - Phase 1, effective April 2nd; and Saddle Ridge - Phase 1A, effective April 3rd.

3. Howard Clendaniel

It is with sadness that we note the passing of County pensioner Howard Clendaniel on March 19th. Mr. Clendaniel began his career with Sussex County in January 1991 and served as Registrar for the Register of Wills until January of 1995. Mr. Clendaniel was reelected to the position of Registrar in the Register of Wills office in January 1999 until his retirement in January 2007. We wish to extend our condolences to the Clendaniel family.

(continued)

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

Tower License Agreement for Broadband Expansion

Dwayne Kilgo, Director of Information Technology, presented a proposed Agreement for Incentivizing Wireless Internet Service Providers (WISP), which will expand broadband in Sussex County. The agreement authorizes any WISP access to all County-owned vertical assets (e.g., towers) and/or access to up to two (2) State-owned towers.

M 209 18 Approve Agreement for Incentivizing WISP A Motion was made by Mr. Cole, seconded by Mr. Arlett, that the Sussex County Council hereby approves the Agreement for Incentivizing Wireless Internet Service Providers (WISP), as presented, and authorizes the IT Director to execute said Agreement with eligible and qualified WISPs, as determined through the Request for Proposals (RFPs).

Motion Adopted: 4 Yeas, 1 Nay.

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

Mr. Wilson, Nav; Mr. Cole, Yea;

Mr. Vincent, Yea

Public Hearing/ Arbor-Lyn Expansion/ West Rehoboth Area A Public Hearing was held to consider expanding the boundary of the West Rehoboth Area of the Sussex County Unified Sanitary Sewer District (Arbor-Lyn Expansion) to include properties situated on the north side of County Road 275 (Warrington Road) (Parcels 334-12.00-127.02, 127.04 and 127.05). John Ashman, Director of Utility Planning, reported that the expansion was requested by Limitless Development Consultants, LLC; the expansion will consist of 35.46 acres \pm and is proposed at 144 EDUs. The project will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates. On February 27, 2018, Mr. Ashman reported that the Engineering Department would like to look at including the adjacent Parcel 124.01; the Department contacted the property owner and the property owner stated that he does not wish to connect. Mr. Ashman reported that the Engineering Department recommends including Parcel 124.01 and that it would be Council's decision whether or not to make the property owner connect. Mr. Ashman also reported that another property owner requested that their parcel (Parcel 125.00 – Beebe Campus location) be included in the expansion. He noted that the parcel can be included in this proposed expansion and an additional public hearing can be avoided.

There were no public comments.

The Public Hearing and public record were closed.

There was a consensus of Council to include Parcel No. 125.00 in the expansion area.

M 210 18 Adopt R 005 18 A Motion was made by Mr. Arlett, seconded by Mr. Cole, to Adopt Resolution No. R 005 18 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS 334-12.00-124.01, 125.00 127.02, 127.04, AND 127.05 ON THE NORTH SIDE OF WARRINGTON ROAD; THE PARCELS ARE LOCATED IN THE LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, DELAWARE AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Public Hearing/ Chandlee Expansion/ Bethany Beach Area A Public Hearing was held to consider expanding the boundary of the Bethany Beach Area of the Sussex County Unified Sanitary Sewer District to include property situated on the north side of Muddy Neck Road (Chandlee Expansion). John Ashman, Director of Utility Planning, presented the request to include Parcel No. 134-17.00-10.00 owned by Josh and Sara Chandlee. Mr. Ashman reported that the parcel was provided a sewer lateral connection as part of a previous project. Mr. Ashman stated that the Engineering Department would also like to include the neighboring parcel (Parcel 9.00) as part of the expansion as the parcel was also provided a lateral. The expansion will consist of 1.04 acres, more or less. The property owner(s) will be responsible for System Connection Charges of \$6,360.00 per EDU based on current rates. Mr. Ashman reported that a letter was sent to the owner of the neighboring parcel and no response has been received. The Engineering Department recommends including it in this proposed expansion.

Public comments were heard.

Josh Chandlee spoke in support of the proposed expansion.

There were no additional public comments.

The Public Hearing and public record were closed.

M 211 18 Adopt R 006 18 A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to Adopt Resolution No. R 006 18 entitled "A RESOLUTION TO EXTEND THE BOUNDARY OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT (SCUSSD) TO INCLUDE PARCELS 134-17.00-9.00 & 10.00 ON THE NORTH SIDE OF MUDDY NECK ROAD; THE PARCELS ARE LOCATED IN THE BALTIMORE HUNDRED, SUSSEX COUNTY, DELAWARE, AND RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS, IN AND FOR SUSSEX COUNTY, DELAWARE".

M 211 18

Motion Adopted: 5 Yeas.

(continued)

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Maintenance Garage Hans Medlarz, County Engineer, presented the bid results for the Sussex

County Maintenance Garage Project (Project #17-09).

M 212 18 Award Bid/Maintenance Garage A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Contract #17-09, Sussex County Maintenance Garage, be awarded to Delmarva Veteran Builders, LLC for their low bid of \$1,993,110.00 for Base

Bid Items A-1, A-2, A-3, A-5 and Bid Alternate B-3.

Project Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Route 54 Expansion Project/ C/O Hans Medlarz, County Engineer, presented Change Order No. 1 for the Route 54 Expansion of the Fenwick Island Sanitary Sewer District (Project

#14-10).

M 213 18 Approve Change Order/ A Motion was made by Mr. Arlett, seconded by Mr. Cole, based upon the recommendation of the Sussex County Engineering Department, that Change Order No. 1 for Contract #14-10, Route 54 Sewer Expansion of the Fenwick Island Sanitary Sewer District Area, be approved, which decreases the contract amount by \$6,948.90, for a new total of \$2,223,562.10.

Route 54
Expansion
Project

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Report on CZ 1846

Janelle Cornwell, Planning and Zoning Director, referenced the Public Hearing on Change of Zone No. 1846 (CMF Bayside, LLC) held on March 20, 2018 and stated that the Council deferred action and left the record open to allow for a new plan to be submitted showing a reduction in the size of the two large ponds in the upland area and to submit proposed environmentally sensitive conditions of approval. Ms. Cornwell reported that the information has been received and that the record will remain open for 15 days for the submission of written public comments in response to the information received.

Grant

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

M 214 18 Councilmanic

Grant

A Motion was made by Mr. Wilson, seconded by Mr. Arlett, to give \$1,000.00 from Mr. Wilson's Councilmanic Grant Account to the Georgetown Middle School for expenses associated with the Robotics Club's competition in the World Championship.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

M 215 18 Councilmanic Grant A Motion was made by Mr. Burton, seconded by Mr. Cole, to give \$600.00 from Mr. Burton's Councilmanic Grant Account to the Lewes Children's Learning Garden for operating and garden construction costs.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

M 216 18 Council-

Councilmanic Grant/ A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$1,000.00 from Mr. Burton's Councilmanic Grant Account to the Milton Historical Society for the Discover Delaware 2018 Lecture Series.

Withdrawn

n Mr. Burton and Mr. Wilson withdrew their Motions.

M 217 18 Councilmanic Grant A Motion was made by Mr. Burton, seconded by Mr. Wilson, to give \$750.00 from Mr. Burton's Councilmanic Grant Account to the Milton Historical Society for the Discover Delaware 2018 Lecture Series.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

Introduction of Proposed Ordinances

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A STORAGE WAREHOUSE FOR SMALL CONTRACTORS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NORTHWEST FORK HUNDRED, SUSSEX COUNTY, CONTAINING 4.74 ACRES, MORE OR LESS" (Conditional Use No. 2139) filed on behalf of Arctec Properties, LLC (Tax I.D. No. 530-17.00-10.00) (911 Address: 14906 and 14910 Sussex Highway, Bridgeville).

Introduction of Proposed Ordinances (continued)

Mr. Wilson introduced the Proposed Ordinance entitled "AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TRUCKING BUSINESS, LANDSCAPE AND MATERIAL STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN CEDAR CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS" (Conditional Use No. 2140) filed on behalf of Santay Trucking c/o Samuel Connors (Tax I.D. No. 230-31.00-27.00, 27.01 and 27.01) (911 Address: 14292 DuPont Blvd., Ellendale).

Mr. Burton introduced the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AN I-1 INSTITUTIONAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 19.9136 ACRES, MORE OR LESS" (Change of Zone No. 1853) filed on behalf of Beebe Healthcare (Tax I.D. No. 334-12.00-125.00) (911 Address: None Available).

Mr. Burton introduced the **Proposed Ordinance** entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL C-5 SERVICE/LIMITED DISTRICT TO Α **MANUFACTURING** DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY. CONTAINING 5.306 ACRES, MORE OR LESS" (Change of Zone No. 1854) filed on behalf of Ferguson Enterprises, Inc. (Tax I.D. No. 334-5.00-139.00) (911 Address: 32359 Lewes-Georgetown Highway, Lewes).

The Proposed Ordinances will be advertised for Public Hearing.

Council Members' Comments

Council Members' Comments

Mr. Cole reported that a Certificate of Appreciation has been received from the Delaware SeaSide Railroad Club in appreciation of Council's recent grant.

Mr. Moore read the rules of procedure for zoning hearings.

Public Hearing/ CZ 1770 A Public Hearing was held on the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A CR-1 COMMERCIAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 114.4821 ACRES, MORE OR LESS" (Change of Zone No. 1770) filed on behalf of TD Rehoboth, LLC (Tax Map I.D. No. 235-23.00-1.00) (911 Address: None Available).

Mr. Moore explained that this Public Hearing is a special circumstance because there was not a new application nor was there a new presentation to the Planning and Zoning Commission; this is a result of the Court Order ordering that "the Rezoning Application be re-submitted for a new public hearing and a new vote solely by Sussex County Council". Mr. Moore read the Final Order into the record.

Mr. Moore reported that the record for the Public Hearing includes all materials and submissions made in connection with the prior Public Hearing. Additionally, nothing shall prohibit the submission of additional or new materials in connection with the new public hearing.

Janelle Cornwell, Planning and Zoning Director, reported that, since the advertisement of the new Public Hearing, the following has been received: three letters in opposition, a letter from the Department of Agriculture citing concerns about agriculture in the area; and Exhibit Booklets from both the Applicant and the Attorney representing the opposition.

James Fuqua, Attorney, was present on behalf of the Applicant. Mr. Fuqua noted that with him were Lou DiBitonto, member of the LLC; Joe Caloggero with The Traffic Group; Steve Gorski with Duffield Associates, and Richard Forsten, Esquire, with the law firm of Saul Ewing LLP.

Mr. Fuqua referenced his submission of Supplemental Exhibits dated April 10, 2018 which includes: Sussex County population estimate, tourism data, Cape Gazette article "Record 9 million tourists come to Delaware", Sussex County's Capital Transportation Program (CTP) Request, DelDOT letter dated January 9, 2018, sample response from the Delaware Office of State Planning Coordination to revised strategy comments, 2015 Delaware Strategies for State Policies and Spending, Revised Economic Benefit Summary, letter in support from the Sussex Economic Development Action Committee, Trout-OverBrook Towne Center, Market Demand Analysis Research Study, December 2015, and legal descriptions of 50.44 acre parcel and 64.04 acre parcel.

Mr. Fuqua commented on Council's prior denial of this application and the Court of Chancery's ruling. He reported on the designation of this property as being located in a growth zone per the County's 2008 Comprehensive Plan; stated that the application complies with the 2008 Comprehensive Plan; stated that, per the County's Zoning Ordinance, a large scale commercial use has to be located adjacent to an arterial roadway and that the application site is located adjacent to Route 1; and commented on the past and future of Sussex County and referencing population of (including seasonal residents) and visitors to Sussex County. He stated that the previous application was to rezone 114 acres from AR-1 to CR-1 for a large scale commercial use; that the Applicant has made a significant revision to the proposed development of the property; that the Applicant has submitted a revised concept site plan showing the front 50.44 acres of the parcel planned for a large scale commercial development containing

approximately 312,000 square feet; that this is an approximate reduction of the previous plan by 63 percent in floor area; that the Applicant now proposes to develop the remaining 64.04 acres (rear of the property) as a single family lot cluster subdivision containing 135 single family lots with open space and recreational areas; that this residential proposal will require a separate subdivision application and public hearing; that the proposed residential use was reviewed as part of the PLUS process on September 27, 2017 and a subdivision application was filed with the County in February 2018; that the 135 single family lot cluster subdivision is a permitted use under both the existing AR-1 zoning as well as the requested CR-1 zoning designation; that the only thing before the Council on this date is the CR-1 zoning application. Mr. Fuqua noted that the application site is not located in a rural area intended for farm preservation, but it is in a growth area.

Mr. Fugua reviewed the legal requirements of a zoning decision and the application's compliance with the legislative standards Comprehensive Plan, the Sussex County Zoning Ordinance, and 9 Del. Code §69-04. He stated that the application complies with the Strategies for State Polices and Spending. Mr. Fuqua commented on the site's previous designation as being located in an Investment Level 3 Area which was later changed to an Investment Level 4 Area. Mr. Fuqua explained why any consideration to an Investment Level should be Level 3 since it was the designation in existence when the application was filed and when the public hearings were held. He also explained why the Investment Level designation should be irrelevant to Council's decision stating that the Strategies for State Policies and Spending and its Investment Level Maps are not land use plans and therefore, are not legislative standards.

Mr. Fuqua commented on the application's compliance with the 2008 Comprehensive Plan, the location of the application site in the Environmentally Sensitive Development Area, a growth area created by the Plan, and the application's compliance with the standards for large scale commercial uses. He stated that the site is an appropriate location for the proposed uses; that three farms/sites in Sussex County, including this site, are the only available sites for this use; that this site is the only available location in a designated growth area; and that a large scale commercial use must be located to an adjacent major arterial road as defined in the Subdivision Ordinance. He stated that this application will provide a wide and extensive variety of retail and service activities, some of which are not currently available in Sussex County, and will serve a wide area as a regional shopping center.

Mr. Fuqua referenced DelDOT's letter dated January 9, 2018 in which DelDOT recommends that the application be considered without a Traffic Impact Study (TIS) and he discussed the grade separated interchange and intersection improvement planned at the Route 1 and Cave Neck Road intersection. He stated that, in regard to this application, DelDOT's Corridor Capacity Preservation Program Manager indicated that he had no

objection to the proposed development provided that a grade separated intersection at Route 1 and Cave Neck Road was utilized (contained in DelDOT's letter dated September 9, 2014); that after the Applicant decided to significantly reduce the size of the proposed commercial use and that information was submitted to DelDOT, DelDOT provided an additional letter dated January 9, 2018; that in the 2018 letter, DelDOT states that a TIS would not be required or useful at this time and recommends that the application be considered without a TIS, and that DelDOT will evaluate the need for a TIS when an actual subdivision or land development plan is proposed; that in the 2018 letter, DelDOT also states that any proposed development of the parcel that generates over 200 vehicle trips per day. would require construction of the grade separated interchange built to State standards; that the Cave Neck Road intersection, without considering this application, is planned to have a grade separated intersection improvement; that both DelDOT and Sussex County recognize the need for that improvement at that intersection but funding will put it off to an undetermined date in the future; and that the Applicant's proposal will expedite construction of the improvements.

Mr. Fuqua referenced the decision on the LT Associates, LLC (Change of Zone 1690) application and stated that the reasons stated for the denial of that application are reasons for approval of this application.

In his presentation, Mr. Fuqua discussed the layout of the site which is currently farmland, the environmental requirements and benefits, the fact that full compliance with DNREC regulations will be required; sediment and stormwater management plans which must be approved by reviewing agencies; availability of central water and sewer service, traffic issues, economic benefits, and other commercial zonings/uses in the area.

Mr. Fuqua discussed why the Council should change its vote and approve the application and he referenced the Planning and Zoning Commission's recommendation of approval.

Public comments were heard in favor of the application.

Dan Kramer commented on the Applicant's right to start a business if they want to; commented that traffic is not a problem; commented that if a property owner wants to protect their view, they should purchase it; and suggested that the matter be put to a referendum.

There were no additional public comments.

M 218 18 Recess At 12:42 p.m., a Motion was made by Mr. Cole, seconded by Mr. Arlett, to recess until 1:45 p.m.

Motion Adopted: 5 Yeas.

M 218 18 (continued)

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

M 219 18 Reconvene At 1:45 p.m., a Motion was made by Mr. Wilson, seconded by Mr. Arlett, to reconvene.

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/ CZ 1770 (continued) Rob Witsil, Attorney, spoke in opposition to the application on behalf of the Overbrook Town Center Coalition, Rich and Sandy Borrasso, Rich and Jane Holtkamp, Jeff and Brenda Stone, Ken and Sara Kraft, and Kenny and Susan Hopkins.

Mr. Witsil referenced the Exhibit Book he submitted and the documents contained therein: 9 Del. Code §6904; Minutes of the Planning and Zoning Commission's Public Hearing dated June 11, 2015; September 9, 2014 DelDOT reply to Applicant's Traffic Impact Study; Traffic Group, Inc. -Peak Hour Levels of Service; Environmental Assessment and Public Facilities Evaluation Report (portion of); Cape Gazette article (May 28, 2015); DelDOT Capital Transportation Program for FY 2016 through 2021 and Associated Spending Plan; Office of State Planning Coordination PLUS Review Reports dated December 20, 2012 and October 24, 2017; Preliminary Land Use Service (PLUS) Map; Future Land Use Map and enlarged portion; Sussex County Zoning Map and enlarged portion; Sussex County 2008 Comprehensive Plan Update; Woodlands and Natural Areas Map and enlarged portion; Floodplains and Wetlands Map and enlarged portion; Watersheds and Waterways Map and enlarged portion; Rathkopf Law of Planning and Zoning § 26A; Developer's original PLUS application; 2008 Plan Update Map (designating spending levels); 2010 and 2015 Delaware Strategies for State Policies and Spending Maps (designating spending levels); 2010 and 2015 Delaware Strategies for State Policies and Spending Strategies, Level 3 and Level 4 text; Sussex County Comprehensive Plan Water Supply; Wellhead and Excellent Recharge Areas Map; Sussex County Zoning Code, Article IV, AR-1 Agricultural Residential District; Article XI, CR-1 Commercial Residential District; Article XXV, Section 115-194.1 Combined Highway Corridor Overlay Zone, and Section 115-194.3 Environmentally Sensitive Development Area; Development Coordination Manual - Corridor Preservation Program -Appendix P, Pages 1-4; Email from Stephen Bayer, Planner, to Gary Norris, May 21, 2015; Correspondence dated June 17, 2015 from Secretary of Department of Agriculture, State of Delaware, Ed Kee and Correspondence dated January 24, 2018 from Secretary of Department of Agriculture, Michael Scuse; Thomas Ford, Landscape Architect, Land Design, Inc., Report; Traffic Solutions, Inc., Overbrook Town Center

Traffic Analysis, June 2, 2015; Trout Development, LLC promotional information; Excerpts from Sussex County Council Hearing Transcript; Allen Chorman & Sons, Inc. correspondence to Sussex County Council for June 2, 2015 public hearing; October 24, 2017 PLUS Review of 2017 PLUS review of 2017-09-08; 66.5 acre subdivision – 135 units by Office of State Planning; and January 9, 2018 DelDOT letter to Janelle Cornwell, Director, Sussex County Planning and Zoning. Mr. Witsil also submitted Proposed Findings of Fact for denial, a summary of Proposed Findings of Fact for denial, and a copy of Ordinance No. 1645 relating to the Environmentally Sensitive Development District Overlay Zone (ESDDOZ).

Mr. Witsil referenced the location of the parcel in the Environmentally Sensitive Development District Overlay Zone (ESDDOZ) and he explained why he believes this Ordinance "kills" their application; that the entire parcel is located in the ESDDOZ; that it is an overlay district and not its own district; that the underlying zoning category of this parcel is AR-1; that any uses prohibited in the AR-1 District are also prohibited in the ESDDOZ; that commercial uses are not permitted and are specifically prohibited in the overlay zone; that the Applicant needs the change of zone, which they have applied for, but they are not entitled to the change of zone as a result of the language in the E9SDDOZ ordinance; and that there have been a lot changes since the June 2, 2015 public hearing.

Mr. Witsil commented on the Council's vote (April 12, 2016) and reasons for the vote; commented on the changes and new evidence since the June 2, 2015 Public Hearing; stated that one important change is the designation from a Level 3 Area to a Level 4 Area in the Delaware Strategies for State Policies and Spending. He stated that the application is not in compliance with the Sussex County Zoning Code and he noted the purpose of the AR-1 District; stated that if the Change of Zone is granted, the use would be out of Council's control and there would be many permitted uses; that the application is not in compliance with the 2008 Comprehensive Plan Update; that the proposed use is an intensive use and will impact valuable natural resources in the area near the site, including area farmlands and marshlands; that the amount of impermeable surface in the area would increase drastically; that two Secretaries of the Department of Agriculture have stated that the proposed rezoning would negatively impact farms in the area and result in certain operations no longer occurring on area farms; that the proposed large-scale commercial development is not in character with the general agricultural and small business character of the area; that no information has been provided by DelDOT of a public-private partnership for the intersection project at Route 1 and Cave Neck Road; that the rezoning is not in compliance with 9 Del. Code §6904; that there are no assurances that public safety agencies will not be negatively impacted and there is no evidence that they would be able to adequately serve the area; that the proposed rezoning is spot-zoning; that there would be a negative environmental impact on the area; and that the application would be more appropriate submitted as a Conditional Use application.

Mr. Witsil discussed the application's numerous inconsistencies with the 2008 Plan Update, the Sussex County Zoning Code, the Delaware Department of Transportation Corridor Capacity Preservation Program and Delaware Strategies for Policies and Spending. He stated that the facts that the 114 acre parcel is located on Route 1 and may be served by extensions to nearby water and sewer systems, and that it is located in the Environmentally Sensitive Developing Area, does not support an approval of the rezoning to an intensive commercial use.

Richard Holtkamp, Rich Borasso and Kenny Hopkins submitted an Exhibit Booklet and presented a powerpoint presentation on behalf of the Overbrook Town Center Coalition in opposition to the change of zone application. They referenced the history of the Coalition, the mission of the Coalition, the submittal of a new petition in opposition to the application containing over 600 signatures; and they reviewed key factors for the denial of the application: the Council should not focus on just one use or purpose; under current ordinances, the developer can intentionally present one site plan at the hearing and not be bound to build it; the developer could build any mixture of many permitted uses; the rezoning of this large tract of land is inconsistent and grossly "out of character" with the surrounding zoning and uses of adjacent properties; the State has designated this parcel as an Investment Level 4 Area where State Investments & Policies are to retain the rural landscape and preserve open spaces and farmlands; the parcel in question is subject to the State Corridor Capacity Preservation Program which requires any development to not increase congestion; DNREC has determined that a significant portion falls within an excellent groundwater recharge; that any activity that increases impervious cover may adversely affect groundwater and the expected contaminants could easily compromise water and the fragile ecosystem. Mr. Hopkins, an adjacent property owner and farmer, stated that farmland needs to be preserved for future generations; that the proposed project will have a huge economic impact on farmers; that farmers will lose land to harvest and they will not be able to handle the traffic caused by the proposed project; that farm operations will be negatively impacted; that his livelihood will be affected; that the safety of farmers will be jeopardized; that wildlife needs to be protected; that the Great Marsh is near the proposed project and with the runoff, this natural habitat will be compromised; that his property is located behind the proposed project and he has a deeded easement from Route 1 to his farm, which states that he does not have to share the easement; that he has been told if the project is built, he will have to go behind the Center and share his driveway with tractor trailers and delivery trucks; that if his tractor breaks down, traffic into the mall will back up; and that he will not be able to hunt the front part of his property anymore.

Nine additional people spoke in opposition to the application. They stated that income will be lost if this application is approved; that shooting activities and irrigation activities will be limited; that Roosevelt Inlet will be negatively impacted by run-off of dirt, trees, bark, etc.; that the increase in traffic will negatively impact the area; that this is an environmentally

sensitive area that attracts a lot of people that enjoy open space and clean water; that the impact of hurricanes needs to be considered and development should be planned accordingly; that the proposed use is not in character with the area; that other commercial uses in the area are small commercial uses, i.e. a piano store and a bike store; that the presence of a large scale mall would overwhelm public safety agencies; that regardless of the construction of an overpass, traffic will back up and spread out impacting other roadways; that the application will result in environmental destruction; and that more shopping malls are not needed as many are closing; and that there will be unintended consequences.

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

M 220 18 Defer Action on CZ 1770

A Motion was made by Mr. Burton, seconded by Mr. Arlett, to defer action on Change of Zone No. 1770 filed on behalf of TD Rehoboth, LLC.

Motion Adopted: 5 Yeas.

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

Mr. Wilson, Yea; Mr. Cole, Yea;

Mr. Vincent, Yea

It was noted that, in accordance with the Court Order, Council will vote on the matter within 30 days.

M 221 18 Adjourn

A Motion was made by Mr. Arlett, seconded by Mr. Cole, to adjourn at 5:25 p.m.

Motion Adopted: 5 Yeas.

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

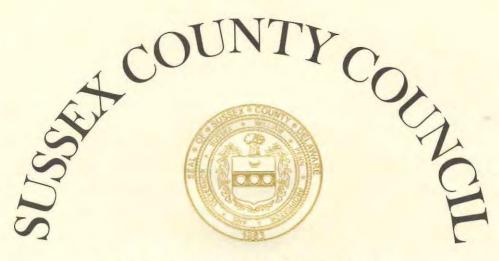
Mr. Wilson, Yea; Mr. Cole, Yea;

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.}



PROCLAMATION

PROCLAIMING APRIL 3, 2018, AS NATIONAL SERVICE RECOGNITION DAY IN SUSSEX COUNTY

WHEREAS, service to others is a hallmark of the American character and central to how we meet our challenges; and

WHEREAS, the nation's counties are increasingly turning to national service and volunteerism as a cost-effective strategy to meet county needs; and

WHEREAS, AmeriCorps and Senior Corps participants address the most pressing challenges facing our counties and nation, from educating students for the jobs of the 21st century and supporting veterans and military families to providing health services and helping communities recover from natural disasters; and

WHEREAS, national service expands economic opportunity by creating more sustainable, resilient communities and providing education, career skills, and leadership abilities for those who serve; and

WHEREAS, AmeriCorps and Senior Corps participants serve in more than 50,000 locations across the country, including Sussex County, Delaware, bolstering the civic, neighborhood, and faith-based organizations that are so vital to our country's economic and social well-being; and

WHEREAS, national service participants increase the impact of the organizations they serve, both through their direct service and by managing millions of additional volunteers; and

WHEREAS, national service represents a unique public-private partnership that invests in community solutions and leverages non-federal resources to strengthen community impact and increase the return on taxpayer dollars; and

WHEREAS, national service participants demonstrate commitment, dedication, and patriotism by making an intensive commitment to service, a commitment that remains with them in their future endeavors; and

WHEREAS, the Corporation for National and Community Service shares a priority with communities nationwide to engage citizens, improve lives, and strengthen communities; and is joining with local communities across the country to recognize the impact of service;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council hereby proclaims April 3, 2018, as National Service Recognition Day and encourages residents to recognize the positive impact of national service in Sussex County, to thank those who serve, and to find ways to give back to their communities.



Michael H. Vincent, President

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 (302) 855-7799 FAX



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 05, 2018

FACT SHEET

SUSSEX COUNTY PROJECT 81-04 BREAKWATER BEACH (PARCELS 421-428) AGREEMENT NO. 53 - 1

DEVELOPER:

Mr. Bill Krapf Breakwater Beach, LLC 105 Foulk Rd. Wilmington, DE 19803

LOCATION:

Bethany Beach. approx. 1.4 miles south of Indian River Inlet. Within Breakwater Beach Development.

SANITARY SEWER DISTRICT:

Bethany Beach Sanitary Sewer District

TYPE AND SIZE DEVELOPMENT:

8 single family detached subdivision

SYSTEM CONNECTION CHARGES:

\$50,880.00

SANITARY SEWER APPROVAL:

Sussex County Engineering Department Plan Approval 04/24/17

Department of Natural Resources Plan Approval 05/01/17

SANITARY SEWER CONSTRUCTION DATA:

Construction Days – 5
Construction Admin and Construction Inspection Cost – \$2,676.75
Proposed Construction Cost – \$17,845.00



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 (302) 855-7799 FAX





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

BRAD HAWKES
DIRECTOR OF UTILITY ENGINEERING

April 17, 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. 53-1 THAT THE SUSSEX COUNTY COUNCIL EXECUTE A CONSTRUCTION ADMINISTRATION AND CONSTRUCTION INSPECTION AGREEMENT BETWEEN SUSSEX COUNTY COUNCIL AND "BREAKWATER BEACH, LLC." FOR WASTEWATER FACILITIES TO BE CONSTRUCTED IN "BREAKWATER BEACH (PARCELS 421-428)", LOCATED IN BETHANY BEACH SANITARY SEWER DISTRICT.

ORDINANCE NO. 38 AGREEMENT NO. 53-1

TODD LAWSON COUNTY ADMINISTRATOR



GINA A. JENNINGS, MBA, MPA FINANCE DIRECTOR

(302) 855-7741 T (302) 855-7749 F gjennings@sussexcountyde.gov





MEMORANDUM:

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President

The Honorable Robert B. Arlett
The Honorable Irwin G. Burton III
The Honorable Samuel R. Wilson Jr.

FROM: Gina A. Jennings

Finance Director/COO

SUBJECT: INSURANCE BROKER RFP RESULTS AND POSSIBLE BID AWARD

DATE: April 12, 2018

On Tuesday, I will be making a recommendation to hire Alliant as the County's insurance broker. In March, the County advertised a Request for Proposal (RFP) for an insurance broker to begin the insurance renewal process. The selected broker will be required to submit at least three quotes for each line of insurance coverage in May with coverage to be effective July 1. This is the first time that the County issued a broker RFP. In the past, the County would assign carriers to brokers and then selected the best broker/carrier combination.

The County received six bids and then interviewed four of the six firms.

Alliance is being recommended for the following reasons:

- Largest footprint in the public sector
- Low broker fee
- Large staff resources
- Enhanced customer service features such as:
 - Policy information available online with a risk management portal
 - A comprehensive manual to aid us in developing the appropriate insurance language for any contracts
 - Free training opportunities, a safety fact sheet, and a risk control newsletter
 - Risk modeling
 - Quarterly claim meetings with bi-weekly open-item calls

Mr. Scott Agar, from IBC, will be present on Tuesday to discuss more of the highlights of the RFP results and answer any questions.



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





Memorandum

To: Sussex County Council Members

The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President

The Honorable I.G. Burton III
The Honorable Robert B. Arlett
The Honorable Samuel R. Wilson Jr.

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Todd Lawson, County Administrator

Everett Moore, County Attorney

Vince Robertson, Assistant County Attorney

Date: April 11, 2018

RE: Scope of Work with McCormick Taylor regarding the 2018 Comprehensive Plan

Since the original discussion at the 2018 Comprehensive Land Use Plan kick-off workshop on March 1, 2016, there have been discussion to expand the scope. On Tuesday, I will be asking for your approval to expand the scope.

The expanded scope includes an additional 224 hours of work for an additional cost not to exceed \$35,213.08. The additional hours are for the workshops with County Council. Please note the approval is for a not to exceed amount; therefore, if some of the hours are not used, the County will not be charged. For example, as we have been moving through the process, we have reduced hours for plan publicity, media coordination and communication support, as staff has been completing those tasks and if a meeting is not needed the hours will not be charged.

Significant progress has been made on comprehensive plan through public involvement, commission meetings, council workshops, and various interviews. Therefore, staff recommends the approval of the expanded scope, as it continues additional public input and participation. Please let me know if you have any questions.



EXHIBIT B Below is the format to be used for future Project Orders:

Exhibit ___ PROJECT ORDER

Sussex County Comprehensive Plan Including Enhanced Public and Stakeholder Outreach

McCormick Taylor, Inc. March 19, 2018

SCOPE OF SERVICES:

The below information provides an overview of the supplemental coordination tasks to be performed to complete the Final Comprehensive Plan under this task order.

Task 2 – PUBLIC OUTREACH/COORDINATION APPROACH

The text that follows describes McCormick Taylor's Outreach/Coordination Approach to meet the public involvement needs of Sussex County. Activities for this task include:

Subtask 2.8 (New): County Council Meetings (7 Upcoming)

Activities for this task include completion of up to seven (7) additional meetings with the Sussex County Council regarding the status of the Sussex County Comprehensive Plan. Activities may include preparation of workshop agendas, handouts, and PowerPoint presentations.

SCHEDULE FOR COMPLETION OF SERVICES

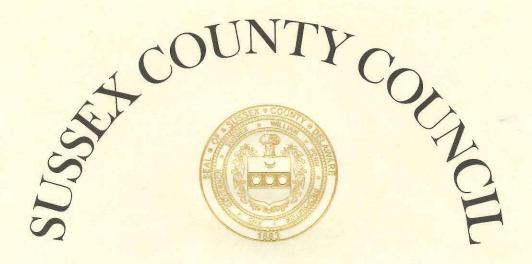
January 2018 - June 2018

UPSET LIMIT FOR THIS SCOPE OF SERVICES

Activity	<u>Hours</u>	<u>Dollars</u>
Task 2: PUBLIC OUTREACH / COORDINATION APPROACH	224 hours	\$35,213.08
Travel & Production		\$0.00
Total		\$35,213.08

EMPLOYEE HOURLY RATES: The employee hourly rates as set forth in Exhibit A shall apply to this Scope of Services. Hourly rates shall not increase by more than 2% per year without prior written approval of the County.

McCormick Taylor billing rates attached separately in Exhibit A.



PROCLAMATION

PROCLAIMING THE MONTH OF APRIL AS "FAIR HOUSING MONTH" IN SUSSEX COUNTY

WHEREAS, April 2018 marks the 50th anniversary of the passage of the U.S. Fair Housing Law, Title VIII of the Civil Rights Act of 1968, as amended, which enunciates a national policy of Fair Housing without regard to race, color, religion, national origin, sex, familial status or handicap, and encourages fair housing opportunities for all citizens; and

WHEREAS, the Sussex County Council is committed to highlight the Fair Housing Law, Title VIII of the Civil Rights Act of 1968, by continuing to address discrimination in our community, to affirmatively further fair housing, to support programs that will educate the public about the right to equal housing opportunities, and to plan partnership efforts with other organizations to help assure every American of their right to fair housing;

NOW, THEREFORE, BE IT RESOLVED that the Sussex County Council proclaims April 2018 as "Fair Housing Month", beginning a year-long commemoration of the U.S. Fair Housing Law in Sussex County, and urges all citizens to wholeheartedly recognize this celebration throughout the year.



Michael H. Vincent, President



MOTION

DIAMOND ACRES

PROPOSED SUSSEX COUNTY CHAPTER 95 STREETLIGHTING DISTRICT

DE IT MOVED THAT SUSSEX COUNTY COUNCIL BASED UPON THE RECOMMENDATION

OF THE SUSSEX COUNTY ENGINEERING DEPARTMENT, APPROVES AN ESTIMATED ANNUAL

BILLING RATE OF \$69.11 FOR EACH ASSESSABLE RESIDENTIAL OR COMMERCIAL

IMPROVEMENT WITHIN THE BOUNDARIES OF THE PROPOSED SUSSEX COUNTY CHAPTER 95

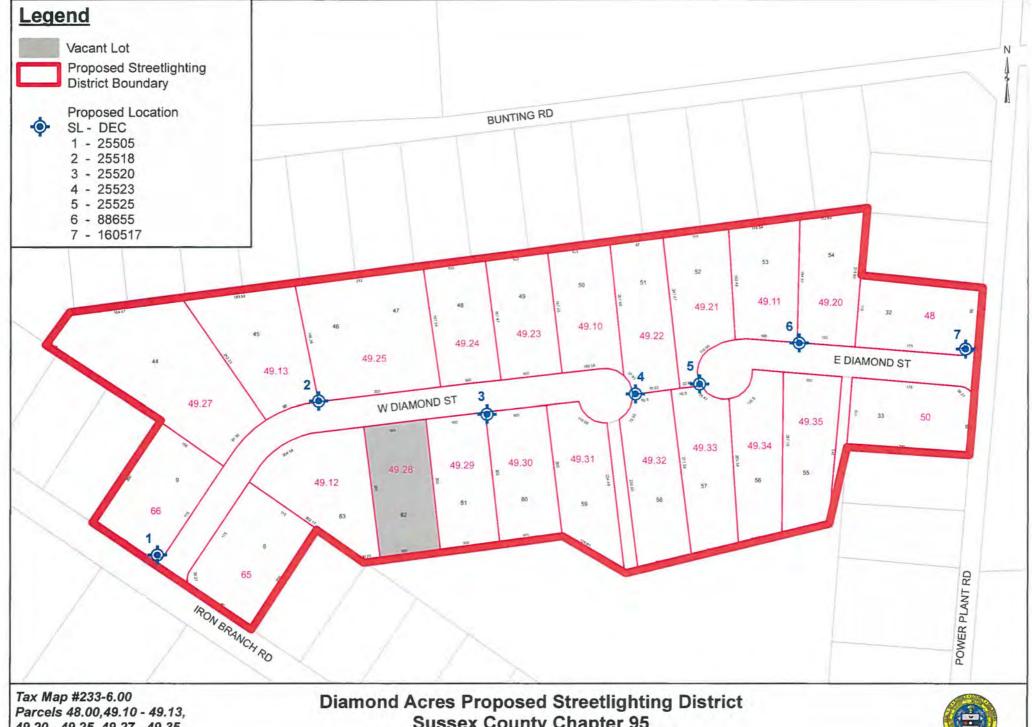
DIAMOND ACRES STREETLIGHTING DISTRICT.

AS REQUIRED BY CHAPTER 95 OF THE SUSSEX COUNTY CODE, IF THE STREETLIGHTING DISTRICT IS FORMED, THE ANNUAL BILLING RATE WILL BE ADJUSTED EACH BILLING YEAR, BASED UPON ALL STREETLIGHTING COSTS AND THE ACTUAL NUMBER OF ASSESSABLE IMPROVEMENTS WITHIN THE DISTRICT BOUNDARIES.

To: Sussex County Council on April 17, 2018

By: Patricia Lowe Deptula

Director of Special Projects



49.20 - 49.25, 49.27 - 49.35, 50.00, 65.00 and 66.00 In proposed boundary

Sussex County Chapter 95 Exhibit "A"



Date: 10/10/2017

Mapping & Addressing

Diamond Acres

Proposed Sussex County Chapter 95 Streetlighting District PRELIMINARY COST ESTIMATE*



Cobra Head Light-Emitting-Diode (LED) Streetlight Style

1) Electric Provider (EP) Estimated Costs:

Seven (7) - Cobra Head LED Streetlights @ \$14.74 per streetlight per month= \$103.18 Seven (7) - 30' Wooden Poles @ \$1.00 per pole per month = \$ 7.00

Total EP Monthly Charges (\$ 103.18 monthly + \$ 7.00) = \$ 110.18

Total EP Annual Charges (\$ 110.18 monthly x 12 months) = \$ 1322.16

2) Sussex County Estimated Annual Costs:

Sussex County Annual Charges are based on 15 % of EP costs (10% County Administrative charge and 5% Contingency charge)

Total County <u>Annual</u> Charges (15% of \$ 1322.16) = \$ 198.32

Total of 1) EP & 2) Sussex County Estimated Annual Costs:

TOTAL ANNUAL CHARGE = \$ 1520.48 \$ 1322.16 (EP Annual Costs) + \$ 198.32 (County Annual Costs)

Total Estimated Cost Per Improvement:

Number of Improved Properties in Proposed District: 22 **

Estimated Cost per Improved Property per Year \$ 1520.48 divided by 22 improvements

^{*} This is a preliminary cost estimate only. The Electric Provider streetlight rates used within this estimate may not reflect any recent increases. It also does not include any additional fees for trenching, if needed, or any other unanticipated installation costs.

^{**} Number of Assessable Improvements verified from Sussex County Tax records 4-12-18. Per Sussex County Chapter 95 Streetlighting Code vacant tax parcels are not billed.

DIAMOND ACRES PROPOSED SUSSEX COUNTY STREETLIGHTING DISTRICT Assessable Parcels as of 4/17/2018 TAX MAP 2-33-6 **Property Owner** Mailing Address # of Improvements 911 Address PARCEL# Bailey, Barbara & Yolanda 30240 Power Plant Rd. Lot 32 - 30240 48.00 Brown Dagsboro, DE 19939 1 Power Plant Rd. 28809 West Diamond St. Lot 50 - 28809 West 49.10 Dagsboro, DE 19939 Diamond Burton, Felicia & Gerald, Jr. 1 c/o Janice Hall 5652 Lot 53 - 28917 East Galestown-Reliance Rd Seaford, 49.11 DE 19973 Diamond Drake, Janice S. 1 31858 New Street Dagsboror, Lot 63 - 28756 49.12 Frey, John K., Jr. & Kimberly **DE 19939** West Diamond 1 Lot 45 - 28761 West 28761 West Diamond Dt. Dagsboro, DE 19939 49.13 Smith, Jerry & Helen Starchia 1 Diamond 28927 East Diamond St. Lot 54 - 28927 East Jackson, Pearl Dagsboro, DE 19939 49.20 1 Diamond P.O. Box 345 Lot 52 - 28909 East Dagsboro, DE 19939 49.21 Jones, Ressena 1 Diamond 10015 Iron Pointe Dr. Ext. Lot 51 - 28813 49.22 Millsboro, DE 19966 West Diamond Myles, Vanita Ford 1 39 Douglas Street Georgetown, Lot 49 - 28801 49.23 Ortiz, Petronilo Lopez DE 19947 1 West Diamond 32069 West Road Lot 48 - 48794 West 49.24 Esham, F. Dean Frankford, DE 19945 1 Diamond Lots 46 & 47 -1358 Morris Avenue 28773 West The Bible Church of Christ Bronx, NY 10456 49.25 1 Diamond 28477 Sussex Highway Lot 44 - 28753 West 49.27 Laurel, DE 19956 Seipp, Stephen C. 1 Diamond Lot 62 - 28773 West 28773 West Diamond St. 49.28 The Bible Church of Christ Dagsboro, DE 19939 0 Diamond 28788 West Diamond St. Lot 61 - 28788 West 49,29 Wilkins, Margaret A. Dagsboro, DE 19939 1 Diamond Mast, James, Jr. The 36987 St. George Road Delmar, Lot 60 - 28798 West 49.30 Revocable Trust of **DE 19940** 1 Diamond Lot 59 - 28802 29106 Timmons Street 49.31 Felton, San Juan & Syretta Dagsboro, DE 19939 West Diamond 1 P.O. Box 322 Lot 58 - 28814 West Dagsboro, DE 19939 Dale, James & Stacy Brackett 49.32 1 Diamond 28908 East Diamond St. Lot 57 - 28908 East 49.33 Dagsboro, DE 19939 Diamond Tingle, Hallie G. 1 5652 c/o Janice Hall Lot 56 - 28916 East Galestown-Reliance Rd 49.34 Drake, Janice S. Seaford, DE 19973 Diamond 1 39 Douglas Street Georgetown, Lot 55 - 28926 East 49.35 Ortiz, Petronilo Lopez **DE 19947** 1 Diamond 30256 Power Plant Rd. Lot 33 - 30256 50.00 Aguilar, Reynaldo & Teresa Dagsboro, DE 19939 1 Power Plant Rd. 30595 Iron Branch Road Lot 8 - 30595 Iron Dagsboro, DE 19939 Branch Rd. 65.00 Suggs, Danny L. 1 30575 Iron Branch Road Lot 9 - 30575 Iron 66.00 Billinger, Malissa Dagsboro, DE 19939 1 Branch Rd. 22 Total # Improvements

RESOLUTION NO. F	R
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A RESOLUTION TO ESTABLISH THE DATE, TIME, AND PLACE OF AN ELECTION TO BE HELD TO CONSIDER THE QUESTION OF ESTABLISHING THE PROPOSED DIAMOND ACRES STREETLIGHTING DISTRICT

WHEREAS, Chapter 95 of the Sussex County Code provides for the establishment, maintenance, and modification of a Streetlighting District; and

WHEREAS, on, November 14, 2017, the Sussex County Council approved the circulation of petitions to the improvement owners within the boundaries of the Proposed Diamond Acres Streetlighting District, which seek to obtain estimates of costs and charges for the purpose of establishing a District; and

WHEREAS, six (6) petitions were received from residential improvement owners requesting that the formation of a streetlighting district be put to a vote; and

NOW, THEREFORE,

BE IT RESOLVED that the annual billing rate for the proposed streetlighting district is estimated to be \$ 69.11 per year, for each residential or commercial improvement located within the boundaries of the Diamond Acres Proposed Streetlighting District; and

BE IT FURTHER RESOLVED that the Sussex County Council does establish Monday, May 14, 2018, from 12:00 Noon until 7:00 p.m., at The Bible Church of Christ Church Hall, located at 28773 West Diamond Street, Dagsboro, Delaware, as the date, time, and place for the Election to consider the formation of the Proposed Diamond Acres Streetlighting District; and

BE IT FURTHER RESOLVED that the designated judge of the Election shall be Mrs. Patricia Lowe Deptula, Sussex County Director of Special Projects, or her designee; and

BE IT FURTHER RESOLVED that the Sussex County Engineering Department be directed to provide appropriate notice to the voters of the date, time, and place of the election; the estimated costs and charges; and the availability of absentee ballots, as required by Chapter 95 of the Sussex County Code.

ENGINEERING DEPARTMENT

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



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 Robert B. Arlett The Honorable Irwin G. Burton III

FROM: John Ashman

Director of Utility Planning

RE: Use of Existing Infrastructure Agreement

Arbor Lyn Rehoboth Beach, LLC

File: OM 9.04-67

DATE: April 17, 2018

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

The Department requests approval of an agreement for the Use of Existing Infrastructure with Arbor Lyn Rehoboth Beach, LLC for the Arbor-Lyn project in the West Rehoboth Area. Such an arrangement does not modify the underlying land use decision in any form. However, it allows the wastewater originating from the approved project as well as off-site equivalent dwelling units to be conveyed through the existing transmission system previously constructed by the County.

Under the proposed arrangement, Arbor-Lyn development will construct a gravity collection system that will connect to existing regional infrastructure. In return for utilization of said infrastructure Arbor Lyn Rehoboth Beach, LLC will contribute \$31,936.28 for the perpetual use of these transmission facilities to serve 144 Equivalent Dwelling Units.



USE OF EXISTING INFRASTRUCTURE AGREEMENT

Arbor Lyn

THIS AGREEMENT ("Agreement"), m	ade this day of
2017, by and between:	

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

Arbor Lyn Rehoboth Beach, LLC, a developer of a project known as Arbor Lyn, hereinafter called the "Developer."

WITNESSETH:

WHEREAS, Developer is developing several tracts of land identified as Tax Map parcel 334-12.00-127.02, 127.04 & 127.05 to be known as Arbor Lyn ("Project") and;

WHEREAS, the Project is located in the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

WHEREAS, the parcels are capable of being served by Sussex County regional infrastructure and;

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

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

- (1) Developer is proposing to utilize County's existing transmission capacity by connecting to an existing regional pipeline used by multiple pump stations, therefore avoiding off-site facilities construction.
- (2) In exchange for permission to connect up to <u>144</u> additional equivalent dwelling units to County's existing system and to utilize the existing capacity in said system, Developer agrees to contribute <u>\$31,936.28</u> for the perpetual use of said facilities.
- (3) The contribution amount in the case of multiple pump stations using an existing transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.
- (4) Payment of the contribution will be required prior to substantial completion of the first phase of the project.

- (5) If the Project (as currently approved) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (6) The contribution is to be placed in County's sewer capital fund and expended at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires upgrades or replacement.
- (7) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of Sections 110-90 and 110-91 of the Sussex County Code for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the Sussex County Code and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of Section 110-84 of the Sussex County Code.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance

- of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.
- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 26412 Broadkill Road, Milton, DE 19968.

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

FOR THE COUNTY:

(0.1)	
{Seal}	By:_ (President - Sussex County Council)
	(DATE)
ATTEST:	
Robin A. Griffith Clerk of the County Council	

FOR: Arbor Lyn Rehoboth Beach, LLC

Don A. Lockwood

(Seal)

(DATE)

WITNESS: Shill bennes

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 (302) 855-7799 FAX





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: MAGEE FARMS

APPROVAL OF EXPANDED FARM LEASE AGREEMENT

DATE: April 17, 2018

Sussex County owns several larger tracts of land generally associated with airport operations, wastewater/biosolids facilities, legacy landfills, parkland open space and wetlands mitigation projects. Magee Farms has been farming two such parcels containing over 100 acres off SR-54 under a 2011 farm lease agreement with a ten-year term. A number of other parcels have expired lease terms and are rolled over on an annual basis.

This year, two parcels containing approximately 15 acres off Park Avenue near Georgetown became available for a non-irrigated farm land lease. The Engineering Department contacted three of our current lease holders for a proposal and Magee Farms offered the highest lease price at \$100 per acre. This offer is slightly above the average 2016 per acre lease paid for non-irrigated land as reported by the Delaware Department of Agriculture.

The Engineering Department coordinated the revisions of the expanded lease to include the Georgetown Parcels with Magee Farms. We modified the introduction as well as paragraphs 1 & 4; all other lease terms remained unchanged.

The Sussex County Engineering Department requests approval of the expanded lease agreement with Magee Farms as well as Council's concurrence in the advertisement of all other expired farm leases which are on year to year extensions listed in the attached summary report.



EXPANDED FARM LEASE AGREEMENT

THIS LEASE is made and executed, on this	day of April 2018, by and between:
SUSSEX COUNTY, a Political Subdivision of the St Delaware 19947, (herein referred to together as Lesso	
-А	AND-

DANIEL AND ELLEN MAGEE, t/a Magee Farms, of 34857 Lighthouse Road Selbyville, DE 19975, (herein referred to as Lessee).

WITNESSETH

WHEREAS, Lessor owns certain real estate which Lessee wishes to rent on the terms set forth herein; and

WHEREAS, the parties wish to enter this Lease Agreement confirming their understandings and superseding the previous Agreement dated November 30th, 2011;

NOW THEREFORE, in consideration of the mutual covenants and agreements herein contained and other good and sufficient consideration, the parties do hereby agree as follows:

- 1. <u>PROPERTY DESCRIPTION.</u> Lessor leases to Lessee and Lessee rents from Lessor, for the purpose of conducting a farming operation, that tract or parcel of land situated in Sussex County, State of Delaware, (hereinafter referred to the "Premises") being a part of the property being identified as Sussex County Tax Map and Parcel Nos. 533-18.00-61.00, 533-18.00-15.00, 135- 20.00- 50.01 and 135- 20.00- 51.02.
- 2 <u>TERM.</u> The term of this Lease shall be for ten (10) year commencing on January 1, 2012 and ending on December 31, 2021.
- 3 <u>COUNTY'S RIGHT OF TERMINATION</u>. If Lessee breaches any rule or covenant or condition of this lease agreement, including but not limited to non- payment of rent, the Lessor shall notify the Lessee of its breach, in writing, and must allow at least Sixty (60) days after such notice for the remedy or correction of such breach. Such notice shall substantially specify the alleged breach and advise the Lessee that if the violation continues after Sixty (60) days, the Lessor may terminate this lease agreement and occupy the lands at the end of the current crop cycle.
- 4 <u>RENT.</u> Lessee shall pay an annual lease payment per acre of land based upon 110 acres, more or less, of tillable land contained within Sussex County Tax Map 533-18.00, Parcels 61 & 14, at a rate of \$50.00/acre or \$5,500.00 total as rent for the use of the premises.
 - Lessee shall pay an annual lease payment per acre of land based upon 15 acres more or less of tillable land contained within Sussex County Tax Map 135- 20.00 Parcels 50.01 and 51.02, at a rate of \$100.00/acre or \$1,500.00 total as rent for the use of the premises.
 - Such rent shall be due in full by or before September 30th of each of the calendar year.
- 5 <u>WETLAND MITIGATION</u>. The tillable acreage amount referenced above reflects the completion of a 9-acre +/- wetland mitigation project by the County, as shown on the attached drawings. Should the amount of tillable acreage be decreased by the project, or should the County elect to increase the amount of the mitigation area now or in the future, the lease amount will be reduced accordingly.

Lands dedicated to wetland mitigation, either now or in the future, are excluded from the lease lands under this agreement. Lessor shall have the sole right to determine if or how much acreage shall be dedicated to wetland mitigation, and shall notify Lessee of such determination within 60-days after a final determination has been made. Lessor shall pay Lessee for any existing crops which may be lost due to this determination.

6 OPTION TO RENEW.

- i. Lessee, subject to conditions set forth below, has the right and option to renew this Lease for additional, successive five-year terms, at a rental to be determined as provided below, but otherwise subject to all of the same terms and conditions. Lessee shall provide written notification of his intention to extend the lease at least six (6) months prior to the expiration of the current term.
- ii. If Lessee gives notice of his intention to renew, the parties shall determine annual rent increase for the following term based on the Consumer Price Index (CPI) for the previous five-years.
- iii. Lessor shall have the right to terminate the renewal hereof, by giving Lessee notice of Lessor's intention to terminate by or before August 30th, of the final year of each term.
- 7. <u>RIGHT OF ENTRY.</u> Lessor reserves the right to enter premises at any reasonable time, for the purpose of making repairs or improvements, land development or performing engineering studies, provided such activity shall not interfere with the regular farm operation conducted by Lessee. If a termination notice is given to the Lessee by the Lessor, and Lessee abandons the premises, Lessor shall have a right of immediate entry without liability to Lessee.
- 8 <u>MAINTENANCE</u>; <u>GENERALLY</u>. Lessee shall, at his cost, keep and maintain the premises in good condition and repair, excepting normal wear and tear and damage from causes beyond Lessee's control.
- 9. <u>IMPROVEMENTS.</u> Lessee will not, without written consent of the Lessor, erect or permit to be erected on the premises any non-removable structure or building.

10 CONSERVATION PRACTICES.

- i. Lessee will do all plowing, seeding, cultivating, and harvesting in a manner that will conserve the premises.
- ii. Lessee will use reasonable diligence to prevent noxious weeds from growing on the premises, and will keep the weeds and grass cut or destroyed on the fields and roadsides. The cost thereof shall be borne by the Lessee.
- iii. Lessee will control erosion by such reasonable means as strip-cropping and contouring and filling in or otherwise controlling small washes or ditches that may form. Lessee will keep in good repair all terraces, open ditches, and inlets and outlets of tile drains, preserve all established water courses or ditches including grass waterways when seed fertilizer is furnished by the Lessor, and Lessee shall refrain from operations or practices that may injure same.
- 11. <u>GOVERNMENT PROGRAMS.</u> Lessee has the right to use the previous established crop base for the premises. Lessee has the right to participate in and receive any payments for participation in government farm programs. Lessee further agrees to report all crop acreage planted to ASCS.

- 12 <u>CONSENT TO SUBLEASE</u>. Lessee shall in no event sublease any of the leased premises to a third party unless Lessor consents in writing.
- 13. <u>WARRANTIES.</u> Lessor covenants that Lessor has full right to make this Lease and that Lessee shall have quiet and peaceful possession of the demised premises during the term hereof.
- 44 <u>WASTE.</u> Lessee shall not commit waste on, or damage to, the premises and will use due care to prevent others from doing so.
- 15. <u>TAXES AND ASSESSMENTS.</u> Lessor shall pay and discharge, as they become due, promptly and before delinquency, all taxes or assessments which may be charged or assessed on or against the land hereby leased, or any part thereof, including ditch taxes.
- 16 <u>PRIOR AGREEMENTS.</u> This Lease Agreement shall supersede any or all other agreements between the parties relating to rental of the premises.
- 17. <u>NATURE OF RELATIONSHIP.</u> Nothing contained in this Lease Agreement shall be construed to establish an employer-employee, joint venture or partnership, either expressly or by implication.
- 18 <u>INDEMNIFICATION</u>. To the extent permitted by law, Lessee shall indemnify, defend and hold County, its elected and appointed officials, directors, employees, and/or agents harmless from and against any and all claims (including attorney's fees) arising from the Lessee's use of the leased premises or Lessee's operations incidental thereto, unless claims arise from the sole negligence of the Lessor.
- 19. PARTIES BOUND. The covenants and conditions herein contained shall apply to and bind the heirs, successors and assigns of Lessor. If Lessor should sell or otherwise transfer title to the premises, or any portion thereof, such transfer will be subject to the provisions of this Lease Agreement. In the event of the death or disability of Lessee, the Personal Representative of Lessee's estate or guardian of Lessee shall have the option to terminate the Agreement at the end of the calendar year during in which the death or disability occurred or to continue the agreement upon the same terms stated herein
- 20 <u>NOTICE</u>: Notices to Lessor provided for herein shall be sufficient if sent by registered mail with postage prepaid addressed to:

Sussex County Engineer Sussex County Administrative Offices P.O. Box 589 Georgetown, Delaware 19947

And notice to Lessee, if sent by registered mail, postage prepaid, addressed to:

Ellen Magee Magee Farms 34857 Lighthouse Road Selbyville, DE 19975 IN WITNESS WHEREOF, intending to be legally bound hereby, the parties to this Expanded Farm Lease Agreement have hereunto set their respective hands and seals on the day and year first above written. Signed in the Presence of: Ellen Magee Attest: STATE OF DELAWARE: : SS. COUNTY OF BE IT REMEMBERED, that on the _____ day of ______, 2018, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Ellen Magee and, known to be personally to be such, and she acknowledged said Indenture to be her act and deed. Given under my hand and seal of office the day and year aforesaid. {SEAL} Notary Public Daniel Magee Attest: STATE OF DELAWARE: : SS. COUNTY OF _____ came before me, the Subscriber, a Notary Public for the State and County aforesaid, Daniel Magee and, known to be personally to be such, and she acknowledged said Indenture to be her act and deed. Given under my hand and seal of office the day and year aforesaid.

{SEAL}

Notary Public

Michael H. Vincent President – Sussex County Council		_	
Attest:			
STATE OF DELAWARE: COUNTY OF	: SS.		
BE IT REMEMBERED, that or came before me, the Subscriber, a Notar Vincent, President of the Sussex County known to be personally to be such, and act and deed of said county. Given under	ry Public for to Council, a po he acknowled	he State and Count plitical subdivision ged said Indenture	ty aforesaid, Michael H. of the State of Delaware, to be his act and deed and the
{SEAL}		Notary Public	

Name	YEARLY AMT	\$\$ PER ACRE	Start Date	End Date	NOTES	RENEWAL OPTIONS/NOTES
4SHOT GUN CLUB (PINEY NECK AREA)	\$1,284.00	\$6.50	11/12/2004	ONGOING	INCR 3% YEARLY	DUE 11/12 FOR THE FOLLOWING YEAR (RENT DFRL=134/365 DAYS*YRLYAMT)
ABC FARMS INC (10102 36214)	\$1,260.00	\$45.00	01/01/2010	ONGOING	SUBJECT TO INCR	28 ACRES 135-19.00-63.00 AUTO 1YR RENEWALS
ADKINS, DAROLD MARK	\$3,600.00	\$60.00	02/07/2018	ONGOING	YRLY AUTO RENWLS	233-6.00-115.00/116.00 NON-IRRIGATED +/- 60 ACRES
CATHELL, DARIN	\$650.14	\$6.50	12/20/2016	11/30/2021	INCR 3% YEARLY	DUE 9/1 (94.28 AC @ 6.5/AC + 3% YRLY INCRS) HUNTING LEASE IBRWF
JOHNSON, HAROLD (10102 36214)	\$1,575.00	\$45.00	1/1/2010	ONGOING	SUBJECT TO CHANGE	35 ACRES 135-20.00-152.00 AUTO 1YR RENEWALS
JOHNSON, HAROLD (10102 36214)	\$335.00	\$45.00	1/1/2010	ONGOING	SUBJECT TO CHANGE	7.5 ACRES 135-20.00-153.00/154.03 AUTO 1YR RENEWALS
JOHNSON, HAROLD (10102 36214)	\$540.00	\$45.00	1/1/2010	ONGOING	SUBJECT TO CHANGE	12 ACRES 135-20.00-64.00 AUTO 1YR RENEWALS
MAGEE FARMS (LEASE 1)	\$5,500.00	\$50.00	01/01/2012	12/31/2021	FIXED RENT-10 YRS	533-18.00-15.00 / 61.00 \$50/ACRE (110 ACRES) DUE 9/30
MAGEE FARMS (LEASE 2)	\$1,500.00	\$100.00	05/01/2018	12/31/2021	FIXED -SAME END TERM AS LEASE 1	135-20.00-51.01 & 51.02 in Georgetown
MARVEL, ROLAND (62002 36200)	\$350.00	\$35.00	1/1/2013	ONGOING	WALKIN-NO BILL	\$35/AC (\$350/YR) 134-16.00-388.1 AND 134-17.00-21.00
MOUNTAIRE FARMS OF DELMARVA INC	\$300.00	N/A	01/01/1997	ONGOING	FIXED RENT-PPYS	433-6.18-33.00 LOTS 8 & 10 FRNKFRD GRAVEL PRKG AREA (22,500 SQ FT)
STAFFORD FARM INC	\$68,100.00	\$135.00	12/01/2015	12/31/2022	5-YR CROP	MODIFIED LEASE AGREEMENT APPROVED 1/23/18 (Wolfe Neck)
TOTAL FARM LEASE RENTS:	\$84,994.14	_				

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 (302) 855-7799 FAX



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 Irwin G. Burton III The Honorable Robert B. Arlett

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

RE: Inland Bays Regional Wastewater Facility (IBRWF)

Amendment 7A - Dryer Design Modifications

DATE: April 24, 2018

On January 24, 2014, County Council awarded a five (5) year, cost plus fixed fee type, base contract regarding engineering services for the North Coastal Planning Area to Whitman, Requardt and Associates, LLP (WRA). Since then, Council utilized the contract by approving twelve (12) amendments totaling \$7,242,803.43 in value. The latest amendment was approved on March 13, 2018 for the final design of the Chapel Branch area as an addition to the Unified Sewer District.

On July 19, 2016, Council approved Amendment No. 6 for a 2.0 million gallons per day expansion of the IBRWF treated <u>wastewater disposal system</u>. On that same day, Council authorized contract negotiations with WRA for design of a 2.0 million gallons per day <u>treatment capacity expansion</u> as well as <u>regional biosolids and septage upgrades</u>. The negotiations culminated on August 30, 2016, with Council's approval of Amendment No.7 in the amount of \$1,290,820.00 for professional engineering services through the bid excluding contract administration and on-site inspection. During the 2016 contract negotiations, the Engineering Department conveyed the County's desire to have in-house staff play a larger role in the administration and tracking of the improvements as they are constructed, triggering allocation of personnel costs in the 2019 budget year for the staffing of these in-house functions.

The Department is now presenting a request for the approval of the attached Contract Amendment No.7A to the original North Coastal base contract with WRA in the amount of \$300,553.00. The additional design services include a high pressure irrigation pump station, filter facility and a biosolids storage shed at the cake receiving facility.



NORTH COASTAL PLANNING AREA

SUSSEX COUNTY, DELAWARE

CONTRACT AMENDMENT NO. 7A

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

ARTICLE FOUR

FEE STRUCTURE

- 4.4.1 The previous versions of Section 4.4 as set forth in Contract Amendment Nos. 1 to 11 are hereby incorporated by reference. Notwithstanding any language to the contrary in such Amendments, the parties agree that those Amendments are intended to be additions to the Original Contract between the parties dated January 14, 2014.
- 4.4.2 In accordance with the method of fee determination described in Articles 4.3.1, 4.3.2, 4.3.3, and 4.3.4 of this Agreement, the total compensation and reimbursement obligated and to be paid the CONSULTANT by the COUNTY for the CONSULTANT's Scope of Services for Inland Bays Additional Facility Design as set forth in Attachment A, which is attached hereto and incorporated by reference, shall not exceed Three Hundred Thousand Five Hundred Fifty Three Dollars (\$300,553.00). In the event of any discrepancy or inconsistency between the amounts set forth in this Article 4.4.2 and any appendices, exhibits, attachments or other sections of this Agreement, the amounts set forth in this Article 4.4.2 shall govern.

ARTICLE FOURTEEN

INCORPORATED DOCUMENTS

14.1.2 Attachment A: Consultant's Scope of Services, Inland Bays Regional Wastewater Facility: Additional Facility Design with Man-hour Spreadsheets. (Contract Amendment No. 7A). By execution of this Agreement, the following sections are amended as set forth below:

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

IN WITNESS WHEREOF, the parties hereunto have caused this Amendment No. 7A to this Agreement to be executed on the day and year first written hereof by their duly authorized officers.

SEAL	FOR THE COUNTY: SUSSEX COUNTY
	President, Sussex County Council
STANDARD FORM PREVIOUSLY APPORVED;	Date
ATTEST:	
Clerk of the Sussex County Council	
	FOR THE CONSULTANT:
	WHITMAN, REQUARDT and ASSOCIATES, LLP
WITNESS:	Dennis J. Hasson, P.E., BCEE, Partner



SCOPE OF SERVICES

INLAND BAYS RWF -ADDITIONAL FACILITY DESIGN AMENDMENT 7A

This attachment outlines the required Scope of Services for design modifications for the **Inland** Bays RWF – Additional Facility Design.

At the request of Sussex County, WRA has provided and plans to provide design services for additional facilities and expanded facilities that were not within the original scope of work. Specific design efforts include:

- Additional design services that will allow two different dryer manufacturers (Komline-Sanderson and Andritz) to be competitively bid for the referenced project.
 - O Coordination with manufacturers to determine revised equipment sizing criteria to ensure similar sized units.
 - o Design mechanical layouts for each manufacturer to determine building footprint constraints and ancillary equipment.
 - o Provide a structural foundation design around both manufacturers.
 - o Provide electrical designs for both manufacturers. This includes additional drawings to address the variations in motor loads.
 - o Coordinate I&C design with both manufacturers.
- Irrigation Pumping Station and Filter Facility
 - o Additional facility not included in original scope
- Biosolids Storage Pad
 - o Additional facility not included in original scope
- Cake Receiving Facility
 - o Separate facility design with additional drawings and coordination
- North Headworks Screen Facility
 - o Additional facility not included in original scope
- Storm Water Management Pump Station
 - o New design not included in original scope
- Separate Design Submittals for Regional Facilities and Phase II Expansion
 - o Added submittals, bidding documents, and advertise bid services

The estimated additional design costs are shown in the attached spreadsheet.

PROJECT NAME: In	land Bays R	RWF: Add	itional Fac	cility Des	ign																		REVISION				
MANHOUR ESTIMATE AND PROPOSAL																								4/12/2018 RHM			
CLIENT: Sussex County Engineering Department	nager	iate /	пеег	ner/	ssoc./ gr.	4 2	oc./	5	00	30C. / gr.	ineer	gner/	oc./ gr.	ineer	gner /	oc. / gr.	neer	gner /	jineer	ADD	TALS		. ES	ctor	ctor		ss
TASK PROJECT DESCRIPTION: Additional Facility Design	Project Mar	Civil Assoc Project Eng	Civil Engi	Civil Desigr	Geotech. Ass Proj. Engr	Geotech Engineer	Arch. Assoc Proj. Arch.	Archite	Arch. CA	Struct. Asso Proj. Engr	Struct. Eng	Struct. Desig CADD	Mech. Assod Proj. Engr	Mech. Eng	Mech. Desig	Elect. Assoc Proj. Engr	Elect. Engi	Elect. Desig CADD	SCADA Eng	SCADA Designer/ CAI	WR&A TO		WR&A EXPENS	Subcontra	Subcontra Payrol		Subcontra Expenso
Phase E - Final Design																						T, R,E	(See Legend)			T, R,E	(See Legend)
Use Labor Cost Rates for year: 2	2016 \$74	\$72	\$44	\$36	\$78	\$47	\$59	\$45	\$31	\$80	\$65	\$43	\$75	\$55	\$44	\$80	\$52	\$35	\$72	\$48		S,or L				S,or L	
E1 Additional Dryer Manufacturer Design	30									12	32	8	8	24	40		120	40			314	T -	\$0			T	
E2 Irrigation PS and Filtration Facility	30		40		16	24	80	60	100	30	120	60	30	110	80		120	40	80	40	1060	-	\$0				
E3 Biosolids Storage Pad							60		60	16	40	24					16	16			232	-	\$0				
E4 Cake Receiving Facility						16					16	40									72	-	\$0				
E5 North Headworks Facility	16		24	8						8	40	24	24	60	24		40	16			284	-	\$0				

288 216

78

472

210

\$13,598 \$27,125 \$19,095

Mech.

40

8

40 140 68 200 66

\$2,920 \$4,427 \$19,328 \$7,160 \$14,508 \$12,355 \$43,805 \$21,633

56 Geotech 408 Architect \$40,997 570 Structural \$77,793

	Project Manager	Civil Associate / Project Engineer	Civil Engineer	Civil Designer / CADD	Geotech. Assoc./ Proj. Engr.	Geotech Engineer	Arch. Assoc./ Proj. Arch.	Architect	Arch. CADD	Struct. Assoc. / Proj. Engr.	Struct. Engineer	Struct. Designer / CADD	Mech. Assoc./ Proj. Engr.	Mech. Engineer	Mech. Designer / CADD	Elect. Assoc. / Proj. Engr.	Elect. Engineer	Elect. Designer / CADD	SCADA Engineer	SCADA Designer/ CADD
Bare Labor Cost rates for year 2016	\$74.25	\$72.25	\$43.50	\$36.15	\$78.00	\$47.30	\$59.00	\$45.00	\$31.00	\$80.00	\$65.00	\$42.80	\$74.50	\$55.20	\$44.35	\$80.00	\$52.25	\$34.55	\$71.50	\$48.25
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34	\$173.75	\$169.07	\$101.79	\$84.59	\$182.52	\$110.68	\$138.06	\$105.30	\$72.54	\$187.20	\$152.10	\$100.15	\$174.33	\$129.17	\$103.78	\$187.20	\$122.27	\$80.85	\$167.31	\$112.91
Bare Labor Cost rates for year 2017																				
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Bare Labor Cost rates for year 2018		1																1		
Contract Rates - LOADED LABOR AT A FACTOR OF: 2.34	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00



42

436 0

> 0 0

2440

\$300,553

40

80

16

96

\$50,278 176 \$25,094

\$16,062 \$9,032

4

16

316

Electrical

\$0 \$38,636

0

460

\$59,818

8

24

144

\$11,642

- T = Travel @.48 mile
- R = Reproduction

\$0

\$0

\$0 \$0

\$0

Subcontractor Total

Profit on Sub

WR&A Total

PHASE E TOTAL

\$0

- E = Equipment Rental
 S = Subcontractor
- L= laboratory Cost

\$0

0.0%

\$300,553

\$300,553

2

60

138

PHASE E SUBTOTALS =

PHASE E SUB-TOTAL DOLLARS = \$23,977

E6 SWM Pump Station

E7 Split Design Efforts

4

\$676

160

16

80

Civil

\$8,143 \$6,429

8

60

76

\$15,248

16

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 (302) 855-7799 FAX



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 Irwin G. Burton, III
The Honorable Robert B. Arlett
The Honorable Samuel R. Wilson, Jr.

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

RE: Love Creek Woods – Master Plumbing Services Contract

Award Recommendation

DATE: April 17, 2018

The northern sewer extension of the Angola Neck area of the Unified Sewer Distract was approved by County Council via resolution on October 7, 2014. The extension area contains the Love Creek Woods subdivision and the "Boat Hole" and Pelican Point commercial parcels, the Fox Hall, Love Creek Woods, and Peddlers Village developments and other commercial parcels along John L. Williams Highway (S.R. 24).

On October 25, 2016, County Council approved the Love Creek Woods Sewer Participation Agreement and subsequently the associated "Boat Hole" easement was acquired from NSBM, LLC, the Developer of the Boat Hole property at the time. Said Sewer Participation Agreement required the connection of all residences in the Love Creek Woods subdivision at the expense of the developer after completion of the County sewer expansion project.

The County's sewer construction project was previously advertised and bids were received on January 12, 2017. On February 7, 2017, Council awarded the project to Pact One, LLC of Ringoes, NJ, in the amount of \$5,826,250.00. In anticipation of the sewer project completion the Engineering Department prepared bid documents for the for the Love Creek Woods – Master Plumber Services contract. Invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and sent to fifty-six (56) companies. On March 19, 2018 three (3) bids were received. A copy of the bid results is attached.

The Engineering Department recommends award to WM Water & Sewer, LLC for their low bid in the amount of \$101,180.00 for the base bid and bid alternates 5 (special restoration) and 6 (tank removal) as needed.



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 (302) 855-7799 FAX



Sussex County

DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

LOVE CREEK WOODS MASTER PLUMBER SERVICES BID OPENING March 19, 2018 @ 2:00 P.M.

BIDDER	BASE BID AMOUNT	Alt. Bid 1	Alt. Bid 2
WM Water & Sewer *	\$99,480.00	\$700.00	\$1,000.00
Harry Caswell	\$181,760.00	\$1,600.00	\$3,400.00
Trap's Plumbing	\$196,200.00	No Bid	No Bid

^{*}Apparent Low Bidder



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 (302) 855-7717 UTILITY ENGINEERING UTILITY PERMITS (302) 855-7719 (302) 855-1299 UTILITY PLANNING (302) 855-7799





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

MEMORANDUM

TO: Sussex County Council

The Honorable Michael H. Vincent, President The Honorable George B. Cole, Vice President

The Honorable Samuel R. Wilson The Honorable Irwin G. Burton, III The Honorable Robert B. Arlett

FROM: Hans Medlarz, County Engineer

RE: Wolfe Runne, Central Sewer Service Request

TMP: 335-9.00-24.00 thru 108.00

DATE: April 17, 2018

The Wolfe Runne community has been Sussex County Unified Sanitary Sewer District since March 1990.

On December 16, 2017 and January 27, 2018, the Engineering Department gave presentations to the community outlining the potential costs associated with connecting to the County Sewer System.

The Engineering Department has received a letter from the Wolfe Runne Homeowners Association (HOA) in Lewes, Delaware dated March 6, 2018. The HOA is requesting on behalf of the residents that Sussex County consider a capital project allowing them to be integrated into the Unified Sewer District. In February 2018, the HOA conducted a formal ballot vote which depicted 81% of the lot owners are in favor of transitioning from private on-site septic systems to a central County run sewer system.

Therefore, the Engineering Department is requesting County Council's concurrence to proceed with an application for funding to provide sanitary sewer to the Wolfe Runne community.

The Engineering Department recommends approval of the Wolfe Runne HOA request.

cc: Francis G. Mahon - President of the Wolfe Runne HOA



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 (302) 855-7799 FAX



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 Irwin G. Burton, III The Honorable Robert B. Arlett The Honorable Samuel R. Wilson, Jr.

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

RE: Walk-In Freezer/Cooler Unit, Project #18-18

Award Recommendation

DATE: April 17, 2018

The walk-in freezer/cooler unit utilized by Arena's restaurant is compromised, has required multiple repairs and replacement costs have been budgeted twice. In June of 2017, bids were advertised for the freezer/cooler unit replacement. Unfortunately, only one (1) bid was received which was significantly over budget. At that point the project was shelved for FY 2017.

In FY 2018, the Engineering Department modified and refined the scope, excluding work that could be performed by County employees.

In March of 2018, the project was re-bid and invitations to bid were advertised in two (2) newspapers, viewable on the Sussex County website, and sent to fifteen (15) companies. On April 5, 2018, four (4) bids were received. A copy of the bid results are attached.

The Engineering Department recommends award to Douglas Food Stores, Inc. for their low base bid in the amount of \$36,344.56 for the procurement and installation of a freezer unit at the County owned Arena's Coastal Airport Restaurant.



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





DELAWARE sussexcountyde.gov

HANS M. MEDLARZ, P.E. COUNTY ENGINEER

JOSEPH WRIGHT, P.E. ASSISTANT COUNTY ENGINEER

WALK-IN FREEZER/COOLER UNIT

BID OPENING April 5, 2018 @ 2:30 p.m.

BIDDER	BID AMOUNT
Douglas Food Stores, Inc.	\$36,344.56
Atlantic Refrigeration & A.C.	\$47,500.00
Rite-Air Mechanical	\$48,650.00
A&S Cooling	\$51,964.70



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





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 I.G. Burton, III
The Honorable Robert B. Arlett
The Honorable Samuel R. Wilson, Jr.

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

RE: Sussex County Fencing Services, Project 17-14

Change Order No. 1

DATE: April 17, 2018

On March 7, 2017, Council awarded a one (1) year fencing services agreement to Seagull Fence and Concrete, LLC, with a possible annual renewal for up to five (5) years based on performance at the Engineering Departments' discretion. The Engineering Department recently approved the first annual renewal of the agreement effective through December 31, 2018.

One of the FY 2018 fencing priorities is enhanced access control at the landfills with surrounding development pressure. Sussex County Landfill No. 3 in Angola meets that criteria. Therefore, the Engineering Department requests approval of the attached Change Order No. 1, in the amount of \$18,319.50, increasing the total contract amount to \$69,711.30 to accommodate additional fencing around the boundaries of said property.

This fencing will increase the security of the closed landfill site, as well as, the safekeeping of an existing Sussex County communications tower located onsite. The change order is based on the as bid unit prices for fencing and gates.





SUSSEX COUNTY CHANGE ORDER REQUEST

A. <u>ADMINISTRATIVE</u>:

6.

1.	Proje	ect Name: Fencing Services RFP	
2.	Suss	sex County Project No.	<u>17-14</u>
3.	Cha	nge Order No.	1
4.	Date	e Change Order Initiated -	4/17/18
5.	a.	Original Contract Sum	<u>\$51,391.80</u>
	b.	Net Change by Previous Change Orders	-0-
	C.	Contract Sum Prior to Change Order	<u>\$51,391.80</u>
	d.	Requested Change	\$18,319.50
	e.	Net Change (No. of days)	-0-
	f.	New Contract Amount	_\$69,711.30

B. REASON FOR CHANGE ORDER (CHECK ONE)

_ 1. Differing Site Conditions

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

Telephone No. (302) 855-7718

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

	_	6.	Factors Affecting Time	of Completion		
	-	7.	Other (explain below):			
C.	_	_	ON OF CHANGE ORDE around the boundaries of		ll for enhanced acce	ess control.
D.	JUSTIFICA	TION F	OR CHANGE ORDER IN	CLUDED?		
	Yes <u>></u>	<u> </u>	No			
E.	<u>APPROVAI</u>	<u>LS</u>				
1.	Seagull Fer	nce & Co	oncrete, LLC, Contractor			
	Signature			Date		
	Representa	tive's Na	ame in Block Letters			
2.	Sussex Cou	unty Eng	gineer			
	Signature			Date		
3.	Sussex Cou	ınty Cou	uncil President			
	Signature			Date		



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPLICANT		
ORGANIZATION NAME	B. Delaware Seaside	Railroad Club, Inc.	
PROJECT NAME:	School Workshop 20	018	
FEDERAL TAX ID:	20-5762923	NON-PROFIT:	YES NO
DOES YOUR ORGANIZA	ATION OR ITS PARENT ORGAN	IZATION HAVE A RELIGIOUS A	FFILIATION?
	☐YES ■NO *IF YE	ES, FILL OUT SECTION 3B.	
ORGANIZATION'S MIS	SION: To promote the history a	nd nobby of model railroading.	rne outreach our
ADDRESS:	school workshops we con our displays and shows t	r open house operations in Danduct with local public and privalence with local public and privalence of the county, per cean View, DE 19970	ate schools, and form this mission.
ADDRESS:	school workshops we con our displays and shows t	nduct with local public and priva hroughout Sussex County, per cean View, DE 19970	ate schools, and form this mission.
ADDRESS:	school workshops we con our displays and shows to P.O. Box 479, Oc.	nduct with local public and priva hroughout Sussex County, per cean View, DE 19970	ate schools, and form this mission.
ADDRESS:	school workshops we con our displays and shows to P.O. Box 479, Oc 32442 Royal Blv	nduct with local public and priva hroughout Sussex County, per cean View, DE 19970 d.	ate schools, and form this mission.
	P.O. Box 479, Oca 32442 Royal Blv Dagsboro	nduct with local public and priva hroughout Sussex County, per cean View, DE 19970 d. DE	ate schools, and form this mission. (Mail)
ADDRESS: CONTACT PERSON: TITLE:	P.O. Box 479, Oca 32442 Royal Blv Dagsboro	nduct with local public and priva hroughout Sussex County, per cean View, DE 19970 d. DE	ate schools, and form this mission. (Mail)

TOTAL FUNDING REQUEST:	
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 i	represent? 20°

SECTION 2: PROGRAM DESCRIPTION PROGRAM CATEGORY (choose all that apply) Cultural Fair Housing Health and Human Services Infrastructure¹ Educational Other BENEFICIARY CATEGORY ☐ Victims of Domestic Violence Disability & Special Needs Homeless **Elderly Persons** Low to Moderate Income² Youth Other Minority BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program: 700

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.

We are involved in educating the public in general, and the youth in particular to the advantages to working with ones hands and learning lifelong skills while gaining enjoyment and fulfillment in a hobby, like that of model railroading.

We continue to offer enrichment educational experience to local schools, such as the North Georgetown Elementary School in years 2007 through 2010, and more recently the Lighthouse School in Dagsboro. We also invite youth to join our club as Junior Members, and they pay no dues, but are welcome to be involved in our various projects including constructing small to medium sized model railroads. These programs give practical experience in use of tools, low-voltage electrical circuits wiring, planning and design, and art in the form of scenic construction, often employing just basic materials.

While our focus is toward the educational programs for youth, we offer many services to local families when they need to evaluate and often sell their toy trains. This might include valuations, repairs, guidance in how to sell their items, and references to various outlets for their family train collections.

Having leased our current facility since mid-2015, we find the location valuable as many local and out-of-town visitors enjoy visiting, remembering their old trains, and then being stimulated into sharing these treasures with their children and grandchildren. We have opened our doors every Wednesday evening from 5 pm until 8 pm, and every Saturday from 10 am until 3 pm since July of 2015, with two closings for winter weather. We have never charged admission to our club.

We are asking for a small grant to help pay the rent during the months we expect to hold our next workshop with a local school or scout group during 2018.

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)	9,000.00
TOTAL REVENUES	9,000.00
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)	
Rent (2018)	-\$ 12,960.00
TOTAL EXPENDITURES	-\$ 12,960.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 3,960.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Delaware Seaside RR Club agrees that:

(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

4) All information and statements in this application are accurate and complete to the best of my information and belief.

5) All funding will benefit only Sussex County residents.

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

Applicant/Authorized Official

Witness

3/15/2018

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



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.

Président

Title

3/15/2018

Date

Cole
3/19/18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

ORGANIZATION NAME	The History Book	Festival Greater	Lours Foun
PROJECT NAME:	The History Book F	estival	
FEDERAL TAX ID:	51-0400365	NON-PROF	T: YES NO
DOES YOUR ORGANIZA	TION OR ITS PARENT ORGA	NIZATION HAVE A RELIGIOUS	AFFILIATION?
	☐YES ■NO *IFY	YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MISS	SION: To celebrate history w non-fiction authors and	ith an annual festival of notal d collaborate with community	ole fiction and
ADDRESS:	a love of learning, idea audience.	es, and the art of the written versions. Festival c/o Greater Lev	vord with a broad
ADDRESS:	a love of learning, idea audience.	as, and the art of the written v	vord with a broad
ADDRESS:	a love of learning, idea audience. The History Book	as, and the art of the written v	vord with a broad
ADDRESS:	a love of learning, idea audience. The History Book PO Box 110	es, and the art of the written v	vord with a broad
	a love of learning, idea audience. The History Book PO Box 110 Lewes	es, and the art of the written version in the second secon	ves Foundation
ADDRESS: CONTACT PERSON: TITLE:	a love of learning, idea audience. The History Book PO Box 110 Lewes	Festival c/o Greater Lev DE (STATE)	ves Foundation

TOTAL FUNDING REQUEST:	
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?	\$1,200
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? 2%

SECTION 2: PROGRAM DESCRIPTION PROGRAM CATEGORY (choose all that apply) Health and Human Services Cultural Fair Housing Infrastructure1 Educational Other BENEFICIARY CATEGORY Disability & Special Needs Victims of Domestic Violence Homeless Youth Elderly Persons Low to Moderate Income² Other Sussex County Public Libraries Minority BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program: 21,5000

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.

Sussex County has no shortage of recreational, retail, and service opportunities, which bring great economic benefit to the area every year. The goal of our non-profit organization, The History Book Festival, is to enhance an equally important part of life in Sussex County— cultural and educational opportunities in the arts. Delaware has played a central role in the history of our nation, and Lewes has played a pivotal role in the history of our state. It is fitting that Delaware and Lewes host the only book festival in the country that is focused on history. Ultimately, we would like to see Lewes and Sussex County become recognized nationally as a place where great authors and readers come together each fall to celebrate the written word.

Our mission statement is:

To celebrate history with an annual festival of notable fiction and non-fiction authors and collaborate with community partners to share a love of learning, ideas and the art of the written word with a broad audience.

Due in part to the generosity of Sussex County Council, we launched our inaugural festival on October 6 and 7, 2017. Eighteen notable, best-selling authors of works of history made presentations, participated in panel discussions, and interacted with residents and visitors. They shared stories about war, racial justice, religious history, sex and the Constitution, art and music, and, of course, local history. Almost 1,000 people attended the Friday night keynote and Saturday events. Participant evaluations were positive and we expect more people to attend the 2018 festival, which will take place in multiple venues in Lewes, on September 28 and 29.

The core activities of the main festival on Saturday, September 29, 2018, are free and open to the public, meeting our goal of making history and literature accessible and appealing for everyone. We are selecting an intentionally diverse group of authors, interviewers, and subject areas to create a broad appeal and to have the greatest chance for everyone to see themselves in the context of history.

Community partnerships are at the heart of our work. Collaborating with other non-profit, civic, and business organizations roots The History Book Festival in the community, providing ready and eager audiences for our events and extending our marketing reach. Partners to date include: Lewes Chamber of Commerce, the Greater Lewes Foundation, Lewes Public Library, Sussex County Libraries, Delaware Division of Libraries, Lewes Historical Society, Rehoboth Beach Film Society, Cape Henlopen Schools, Southern Delaware Tourism, Coastal Concerts, Seaside Jewish Community, St. Peter's Episcopal Church, Historic Lewes Farmers Market, University of Delaware's Osher Center, Fort Miles, David Hall Chapter of the Daughters of the American Revolution, Browseabout Books, and growing.

Because the festival is volunteer-run and has no need for a building, overhead costs are limited. However, funding is needed to promote our events and underwrite festival costs. The History Book Festival would greatly appreciate the support of Sussex County Council once again in 2018. Thank you for your consideration.

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	59,400.00
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)	
Venue operations	-\$ 6,150.00
Marketing/Promotion	-\$ 19,650.00
Authors/Program	-\$ 22,700.00
Fundraising Expenses	-\$ 1,250.00
Office/Administrative	-\$ 6,895.00
Supplies/software/bank charges	-\$ 1,762.00
TOTAL EXPENDITURES	-\$ 58,407.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 993.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the History Book Festival	agrees that:
(Name of Organization)	0

- 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.
- 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

February 11, 2018

February 1, 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**

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

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

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

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

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

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

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

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

Applicant/Authorized Official

Witness

2/20/18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME:	Slaughter Neck Community Action Slaughter Neck Senior Program 51-0109444 NON-PROFIT:	Organization
PROJECT NAME:	Slaughter Neck Senior Program	
FEDERAL TAX ID:	51-0109444 NON-PROFIT:	¥YES □ NO
	TION OR ITS PARENT ORGANIZATION HAVE A RELIGIOUS AFF	
	☐ YES ☑ NO *IF YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MISSI	ON:	
ADDRESS:	22942 Slaughter Neck Rd.	
	Lincoln,	
	De,	19960
	(CITY) (STATE)	(ZIP)
CONTACT PERSON:		
TITLE:	Director	
PHONE:	302-684-1834 EMAIL: PORZ 1948 @ A	ol. Com
	302- 100- 4451 (6)	
	TOTAL FUNDING REQUEST: \$ 1, 800.00	
Has your organization rethe last year?	ceived other grant funds from Sussex County Government in	□YES X NO
If YES, how much was re	ceived in the last 12 months?	
If you are asking for fund building in which the fun	ing for building or building improvements, do you own the ding will be used for?	□YES NO
Are you seeking other so	urces of funding other than Sussex County Council?	☐ YES XNO
If YES, approximately wh	nat percentage of the project's funding does the Council grant r	epresent?

SECTION 2: PROGRAM DESCRIPTION PROGRAM CATEGORY (choose all that apply) Fair Housing X Health and Human Services Cultural Infrastructure¹ X Educational Other BENEFICIARY CATEGORY Disability & Special Needs Victims of Domestic Violence Homeless Elderly Persons Low to Moderate Income² Youth Minority Other BENEFICIARY NUMBER Approximately the total number of Sussex County Beneficiaries served annually by this program: 1,620

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 Program which funds care being requested for is the Slaughter Neck Community Action organization. Under this program is the Slaughter Neck Senior Program. The Slaughter Neck Senior Program is open daily from 7:30 - 11:30 AM, and Serves Seniors 50 years old + up.

Breakfast begins at 8:30. There are approximately 20-30 Seniors attending the Pragram. We serve low to Moderately low income Seniors who attend the Center Program for breakfast and Activities.

The Senior Center Program is in need of New Kitchen Cabinets & flooring. The Kitchen has not been upgraded since 1989. Some of the doors of the Cabinets & drawers have come off and the counter tops need to be replaced. The door's have been repaired Several times, however they are old and need replaced. Anything you can do to help our Senior Program.

Will be greatly appreciated.

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	32,000,00
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)	
Totaling Operating Expenses Include! Personnel	
Utilities	
Professional Fees	
Payroll Taxes	
Supplies	
Repairs + Maintenance	
TOTAL EXPENDITURES	\$ 42,500\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	# 42,500\$0.00 # 10,500\$0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Stoughter Neck Community Action agrees that:

(Name of Organization)

- 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.
- For religious organizations, all accounting records and supporting documentation shall be provided for inspection by Sussex County after the award has been made by County Council but before the funding is released.
- 3) No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

SECTION 5: STATEMENT OF ASSURANCES (continued)

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

Applicant/Authorized Official

Witness

Murch/4 2018 Date 3/14/18

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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

Witness Witness

Title

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPLICAN	T INFORMATION	
ORGANIZATION NAM	E. Lewes Reliate	oth Rotary Cla	ab
PROJECT NAME:	Ad for Great	Wolks & Trails in	Sussex Cocaty
FEDERAL TAX ID:	5160164	NON-PROFI	T: X YES NO
DOES YOUR ORGANIZ	ATION OR ITS PARENT ORGA	NIZATION HAVE A RELIGIOUS	AFFILIATION?
	☐YES ☒NO *IFY	YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MIS	SION: The object	t of Rotary is 7	6 encourage
and fost	Er the ideal	of service as in particulars choboth Rotay	a basis of
worthy e	enterprise and	in particular	Ervice Hove Selt
ADDRESS:	Lewer-K	chosoff Rotay	Club
	8.0. Box 9	1	
	Lewes	DE	19958
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Deunis Fo	e Compaign Chu	South
TITLE:	Trail Guid	e Coupaign Cu	ermon
PHONE:	540.974.3544 EM	MAIL: MIRSOUTH @ X	MAIC. COM
	TOTAL FUNDING REQU	EST: \$3 75 00	

TOTAL FUNDING REQUEST: 3 75 00	
Has your organization received other grant funds from Sussex County Government in the last year?	□YES XÎNO
If YES, how much was received in the last 12 months?	None
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?	XYES NO
If YES, approximately what percentage of the project's funding does the Council grant	represent?

TION 2: PROGRAM DESCRIPTION
ROGRAM CATEGORY (choose all that apply)
☐ Health and Human Services ☐ Cultural
Other Educational
BENEFICIARY CATEGORY
Victims of Domestic Violence Homeless
Low to Moderate Income ² Youth
Other Tourism Health
The state of the s
BENEFICIARY NUMBER
umber of Sussex County Beneficiaries served annually by this program
SECTION 3: PROGRAM SCOPE
of this trail guide benefit instatives in our communic exemps. Rehoboth Rotary

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	#15.000
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the <u>Lewer Related the Rotory</u> agrees that: (Name of Organization)

- 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.
- 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

....

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

8)

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.

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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.

Applicant/Authorized Official

Witness

Title

Date

Burton 3/20/15



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

ORGANIZATION NAME	: I own of Laurel/Lau	irel Independence Da	y Committee
PROJECT NAME:	Laurel Annual 4th	of July Fireworks	
FEDERAL TAX ID:	51-6000168	NON-PROFIT	: YES NO
DOES YOUR ORGANIZA	ATION OR ITS PARENT ORGA	NIZATION HAVE A RELIGIOUS A	AFFILIATION?
	☐YES ■NO *IFY	ES, FILL OUT SECTION 3B.	
ORGANIZATION 3 MIS.	residents from surrour and independence and	July Fireworks Display to our ding towns as away to celebra as a thank you to all those the	ate our freedoms
ADDRESS:	to provide us with thos 201 Mechanic S		
ADDRESS:			19956
ADDRESS:	201 Mechanic S	treet	19956 (ZIP)
	201 Mechanic S	treet	
ADDRESS: CONTACT PERSON: TITLE:	201 Mechanic S Laurel	treet	
CONTACT PERSON:	Laurel (CITY) Jamie Smith Town Manager	treet	(ZIP)
CONTACT PERSON: TITLE:	Laurel (CITY) Jamie Smith Town Manager	De (STATE)	(ZIP)

If YES, approximately what percentage of the project's funding does the Council grant represent? 6%

YES NO

YES NO

If you are asking for funding for building or building improvements, do you own the

Are you seeking other sources of funding other than Sussex County Council?

building in which the funding will be used for?

SECT	ION 2: PROGRAM DESCRIPTION	
PRO Fair Housing Infrastructure ¹	OGRAM CATEGORY (choose all that a Health and Human Services Other Community	pply) Cultural Educational
Disability & Special Needs Elderly Persons Minority	BENEFICIARY CATEGORY Victims of Domestic Violence Low to Moderate Income ² Other Community	☐ Homeless☐ Youth
Approximately the total nur	BENEFICIARY NUMBER mber of Sussex County Beneficiaries ser 8,000	ved annually by this progran
the need or problem to be benefit. This year the Town of Lainclude a parade, vendo	SECTION 3: PROGRAM SCOPE ram for which funds are being requeste addressed in relation to the population aurel is holding our 24th Annual Independence, games, attractions and a fireworks people to the Laurel area for the past 2	n to be served or the area to endence Day celebration to show. The fireworks show

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	12,000.00
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)	
Total cost of Fireworks	-\$ 17,000.00
TOTAL EXPENDITURES	-\$ 17,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 5,000.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the	Laurel Ind. Day Committee	agrees that:
	(Name of Organization)	_ 0

- 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.
- No person, on the basis of race, color, or national origin, should be excluded from participation in, be denied the benefit of, or be otherwise subjected to discrimination under the program or activity funded in whole or in part by these Grant funds.

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

Glegio E. Oliphung

J-20-18

3-20-18

Date

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947

855-7749 For Mary)



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.

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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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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

Applicant/Authorized Official

Applicant/Authorized Official

Title

2-20-18

Witness

Date

Vincent 3-21-18



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME	Seaford Tomo	orrow	
PROJECT NAME:	1st Saturdays		
FEDERAL TAX ID:	475519548	NON-PROFIT: [YES NO
DOES YOUR ORGANIZA	ATION OR ITS PARENT OR	GANIZATION HAVE A RELIGIOUS AFF	ILIATION?
	☐YES ■NO *	IF YES, FILL OUT SECTION 3B.	
ORGANIZATION'S MISS	SION: downtown community of	eaford an experiential destination with a thrive consisting of a combination of art, dining, his veraging natural and historical resources for the community.	torical, and
ADDRESS:	Seaford To	morrow	
	P.O. Box 26	3	
	Seaford	DE	19973
	(CITY)	(STATE)	(ZIP)
CONTACT PERSON:	Lynn Harmo	on	
TITLE:	Chairpersor	1	
PHONE:	302-629-9690	EMAIL: seafordtomorrow@gma	il.com
	TOTAL FUNDING RE	OUEST: \$1,000	
Has your organization the last year?		from Sussex County Government in	□YES ■NO
If YES, how much was r	eceived in the last 12 mon	iths?	
If you are asking for fun building in which the fu		ng improvements, do you own the	□YES ■NO
Are you seeking other s	ources of funding other th	an Sussex County Council?	YES NO
If YES, approximately w	hat percentage of the pro	ject's funding does the Council grant r	epresent?

SECTION 2: PROGRAM DESCRIPTION

PRO	GRAM CATEGORY (choose all that a	pply)
☐ Fair Housing	☐ Health and Human Services	☐ Cultural
☐Infrastructure ¹	Other Community Event	Educational
	BENEFICIARY CATEGORY	
Disability & Special Needs	☐ Victims of Domestic Violence	Homeless
Elderly Persons	Low to Moderate Income ²	Youth
Minority	Other	
	BENEFICIARY NUMBER	
Approximately the total num	iber of Sussex County Beneficiaries ser 400 - 600+	ved annually by this program:
	SECTION 3: PROGRAM SCOPE	
A. Briefly describe the progra	am for which funds are being requeste	d. The narrative should include
the need or problem to be	addressed in relation to the population	n to be served or the area to
benefit.		
supporting all of its busine several years, but is grad	Organization was made to engage peo esses and events. Our downtown has ually growing one business at a time. d help bring people downtown on a re	been suffering over the past Our organization wanted to
Saturdays were created.	a neip bring people downtown on a re	egulai basis, tilus 1st
through September and is as well as outdoor games beer and wines. There are	onthly events held from 4pm - 7pm events suitable for all ages. We provide entage (such as giant jenga, comhole, and the a variety of vendors that come and resto handmade items, to local food the	tertainment from local artists more), and samples of local set up a table each month
Saturday events have been entertainment, supplies, g	from our vendor fees and our beer a en around for a few years, we are stru games, and giveaways needed to kee consider supporting 1st Saturdays so sinesses.	uggling to pay for the people coming to our

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	\$ 1,500.00
EXPENDITURES	
Please enter the total projected budget for the project (not entire	
organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING	
COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Advertising	\$-350.00
Logistics	-325.00
Supplies	B-1,000.00
Entertainment	5-2,700.∞
TOTAL EXPENDITURES	\$4,375.00\$0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$-2,875,°\$ 0.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the_	Seaford Tomorrow Organization	_agrees that:
	(Name of Organization)	_ 0

- 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.
- 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

3/27/18 Date 3/27/18

Completed application can be submitted by:

Email: gjennings@sussexcountyde.gov

Mail: Sussex County Government

Attention: Gina Jennings

PO Box 589

Georgetown, DE 19947



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

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

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

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

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

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

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

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

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

Applicant/Authorized Official

Witness

Supt. of Parks & Recreation

3/27/18

Date



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

	SECTION 1 APPLICANT INF	ORMATION	
ORGANIZATION NAM	E: Rehoboth Art League		
PROJECT NAME:	Rehoboth Art League's	Historic Garden	
FEDERAL TAX ID:	51-0097839	NON-PROFI	T: YES NO
DOES YOUR ORGANIZ	ATION OR ITS PARENT ORGANIZAT	ON HAVE A RELIGIOUS	AFFILIATION?
	☐YES ■NO *IF YES, FI	LL OUT SECTION 3B.	
	SION: The Rehoboth Art League, w		ananaara aubibita
ADDRESS:	visitors, encourages artists a and programs that reflect the setting and in partnership with 12 Dodds Lane	diversity of the comm	
	and programs that reflect the setting and in partnership with	diversity of the comm	
	and programs that reflect the setting and in partnership with 12 Dodds Lane	e diversity of the comme th other organizations.	unity in an historic
ADDRESS:	and programs that reflect the setting and in partnership with 12 Dodds Lane Rehoboth Beach	e diversity of the comments of	unity in an historic
	and programs that reflect the setting and in partnership with 12 Dodds Lane Rehoboth Beach	diversity of the comment of the comm	unity in an historic

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?	\$5,000
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? 35

PRO	OGRAM CATEGORY (choose all that ap	ply)
Fair Housing	☐ Health and Human Services	Cultural
Infrastructure ¹	Other	Educational
	BENEFICIARY CATEGORY	r'azana.
Disability & Special Needs	☐ Victims of Domestic Violence	☐ Homeless
Elderly Persons	Low to Moderate Income ²	Youth
Minority	Other All populations served	
	BENEFICIARY NUMBER	

SECTION 3: PROGRAM SCOPE

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

Founded in 1938, the Rehoboth Art League continues its long-standing mission of encouraging artists and arts education through its exhibits, programs, events, and historic campus in Henlopen Acres. The Rehoboth Art League is now seeking grant funding that will allow us to preserve a central part of the property's historic grounds and garden—the grape arbor behind the Peter Marsh Homestead

The Homestead Garden was painstakingly planned by the art league's founder, Louise Corkran, after purchasing the property in 1929. Mrs. Corkran visualized the garden of the now-historic property as an example of a typical colonial garden. The formal garden was laid out into specific regions, including the Crisscross Garden, The Chain Garden with climbing roses, the Tea Garden with seating area, the Herb Garden, the Sundial-Capstan Circle, and, later, the Crown Garden, which recognized the coronation of Elizabeth II. Surrounding much of the garden, which continues to be managed by RAL volunteers, are boxwoods, some of which are said to have come from clippings in Caesar Rodney's Dover home--Mrs. Corkran's nod to Delaware history.

The grape arbor provides a dramatic border to the Homestead's formal garden, and abuts a gazebo that provides an impressive entrance to the garden while approaching from the side of the property. It is estimated that the grape vine itself is several decades old. As is the case with any outdoor structure, the wooden arbor that holds up the ancient vine has come to the end of its life. The bottoms of the posts, where the wood meets the earth, have deteriorated over time. Additionally, the structural integrity has declined so that the arbor is now leaning and at risk of collapse, which would cause considerable damage to the long-standing grape vine of the Homestead.

We are now raising funds to replace the arbor on the art league's historic property. Although the simplest and least expensive approach would be to tear down the existing structure and cut down the grape vine, we are committed to maintaining the integrity of historic campus plantings. We would like to replace the deteriorated arbor with a new structure made of cedar, which will wear well, compliment the cedar shake of the nearby Homestead itself, and deter insects from damaging it. The structure will be constructed piecemeal to salvage the existing vine and ensure that the roots of the plant sustain as little damage as possible. Project costs to replace this structure on our 3.5+ acre campus are \$6,800, which covers materials and labor.

It is our hope that the Rehoboth Art League will be able to raise the required funds that will allow this project to come to fruition. Waiting much longer could mean that the existing, deteriorated structure collapses completely, which would damage (and possibly) kill the vine itself. We are committed to maintaining as much of the historic campus plan as possible, including the Homestead's beloved garden. With more than 15,000 visitors to our campus each year, the grounds are a central component of what makes our organization special for the community, and we take pride in maintaining our regional arts and cultural history.

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

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

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

SECTION 4: BUDGET

REVENUE Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	4,300.00
Please enter the total projected budget for the project (not entire organization expense if not applicable to request). Example of expenditure items: PERSONNEL-one lump sum that would include benefits, OPERATING COSTS-supplies, equipment, rent/lease, insurance, printing telephone, CONSTRUCTION/ACQUISITION-acquisition, development, rehab hard cost, physical inspections, architectural engineering, permits and fees, insurance, appraisal. (Put amounts in as a negative)	
Total materials and labor for construction	-\$ 6,800.00
TOTAL EXPENDITURES	-\$ 6,800.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-\$ 2,500.00

SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the	Rehoboth Art League	agrees that:
	(Name of Organization)	

- 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.
- 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.
- 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.
- All documents submitted by the applicant are defined as public documents and available for review under the Freedom of Information Act of the State of Delaware.
- All funding will be used exclusively for secular purposes, i.e., non-religious purposes and shall not be used to advance or inhibit religious purposes.
- 8) In the event that the awarded funding is used in violation of the requirements of this grant, the awarded funding shall be reimbursed to Sussex County within a timeframe designated by Sussex County by written notice.

Applicant/Authorized Official

Witness

IS 18

3-15-14

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.

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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.

	Chief Operating Officer
Applicant/Authorized Official	Title
M-	3-15-18
Vitness	Date
	(DE

To Be Introduced 04/17/18

Council District No. 4 - Cole Tax I.D. No. 234-11.00-56.09, 56.03, and 56.02

911 Address: N/A

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-3 HEAVY COMMERCIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 3.51 ACRES, MORE OR LESS

WHEREAS, on the 27th day of March 2018, a zoning application, denominated Change of Zone No. 1855, was filed on behalf of Kirk Salva; KH Sussex, LLC; and WHEREAS, on the ______ day of ______ 2018, a public hearing was held, after notice, before the Planning and Zoning Commission of Sussex County and said Planning and Zoning Commission recommended that Change of Zone No. 1855 be ______; and ______; and _______ 2018, a public hearing was held, after notice, before the County Council of Sussex County and the County Council of Sussex County has determined, based on the findings of facts, that said change of zone is in accordance with the Comprehensive Development Plan and promotes the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article II, Subsection 115-7, Code of Sussex County, be amended by deleting from the Comprehensive Zoning Map of Sussex County the zoning classification of [AR-1 Agricultural Residential District] and adding in lieu thereof the designation of C-3 Heavy Commercial District as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Indian River Hundred, Sussex County, Delaware, and lying on the south side of John J. Williams Highway (Route 24), approximately 954 feet west of Angola Road, also being the southwest corner of John J. Williams Highway (Route 24) and Angola Road, and being on the west side of Angola Road, approximately 250 feet south of John J. Williams Highway (Route 24), and being more particularly described per the attached legal description prepared by Becker Morgan Group, LLC, said parcel containing 3.51 acres, more or less.

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



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 March 8, 2018

Application: CU 2119 Chad Hayes

Applicant: Chad Hayes

22542 Huff Rd. Milton, DE 19968

Owner: Charles H. Hayes Jr.

28 Silverberry St.

Georgetown, DE 19947

Site Location: 22091 Lewes-Georgetown Hwy.

North side of Lewes-Georgetown Hwy. (Rt. 9) approximately 812 ft.

east of Sand Hill Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Automotive sales with minor repair and contractor office with storage.

Comprehensive Land

Use Plan Reference: Developing Areas

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: 0.909 ac. +/-

Tax Map ID.: 135-15.00-40.00



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



Sussex County DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 11, 2018

RE: County Council Report for CU 2119 Chad Hayes

The Planning and Zoning Department received an application (CU 2119 Chad Hayes) to allow for a Conditional Use to allow for Automotive sales with minor repair and contractor office with storage to be located at 22091 Lewes-Georgetown Hwy. The Planning and Zoning Commission held a public hearing on March 8, 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, comments from the Sussex Conservation District, results from DelDOT Service Level Evaluation stating a TIS was not required, and one letter in opposition was read into the record.

The Commission found Chad Hayes was present on behalf of the application; that Mr. Hayes stated they have had go kart sales for 16 years; that there have been no accidents at their site; they want to sell cars instead of go karts and keep the contractors office; that the site is mainly for sales; that they would change batteries and clean the cars up; that there would be 10 cars on the lot; that the hours of operations are 8:00 am to 6:00 pm; that the go kart business was a night time business from 6:00 pm to 10:00 pm; that the hours of operations would be six days a week; Monday thru Saturday; that there would be four to five employees and will start out with two to three employees; that they would be selling used cars; and that they would like to have a 32 square foot lighted sign as they do now.

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

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

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

At their meeting of March 22, 2018, the Planning Commission discussed the application which had been deferred since March 8, 2018.



The Planning Commission discussed the number of vehicles; and that there were concerns regarding potential for inoperable vehicles.

Ms. Stevenson moved that the Commission recommend approval of Conditional Use #2119 for Chad Hayes for automotive sales with minor repairs and a contractor's office based upon the record made at the public hearing and for the following reasons:

- 1. Conditional Use #1465, approved in 2002 as Ordinance #1571, permitted the sale of go kart and go kart parts as well as the storage of contractor building materials. This use is consistent with that prior approved use on this property.
- 2. The application no longer desires to service and sell go karts from this site. Instead, the applicant wants to sell cars and do minor repairs on cars he plans to sell. The applicant desires to keep the existing contractor's office on the site.
- 3. The project, with the conditions and stipulations placed upon it, will not have an adverse impact on the neighboring properties or community.
- 4. The use as a small automotive sales facility is of a public or semi-public character and is desirable for the general convenience and welfare of the area.
- 5. The automotive repairs that will occur on the site will be minor and will be on vehicles that the applicant is prepping to sell from the property.
- 6. This recommendation for approval is subject to the following conditions and stipulations:
 - A. The hours of operation shall be from 8:00 a.m. to 6:00 p.m., Monday through Saturday.
 - B. One lighted sign, not to exceed 32 square feet per side, shall be permitted.
 - C. Security lighting shall be downward screened and shall be directed away from neighboring properties and roadways.
 - D. Any dumpsters shall be screened from view of neighbors and roadways. The dumpster locations shall be shown on the Final Site Plan.
 - E. All repairs shall be performed indoors. No automobile parts shall be stored outside.
 - F. No junked, unregistered or permanently inoperable vehicles or trailers shall be stored on the site.
 - G. No more than 12 cars shall be displayed for sale on the site at any one time.
 - H. All display areas, parking and storage areas shall be clearly depicted on the Final Site Plan.
 - I. The use shall be subject to any DelDOT entrance and roadway requirements.
 - J. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Motion by Ms. Stevenson, 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 4-0.

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



Sussex County

DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant

Date: February 28, 2018

RE: Staff Analysis for CU 2119 Chad Hayes

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2119 Chad Hayes to be reviewed during the March 8, 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 parcel 135-15.00-40.00 to allow for automotive sales with minor repair and contractor office with storage. to be located at 22091 Lewes-Georgetown Hwy. The size of the property is 0.909 ac. +/-.

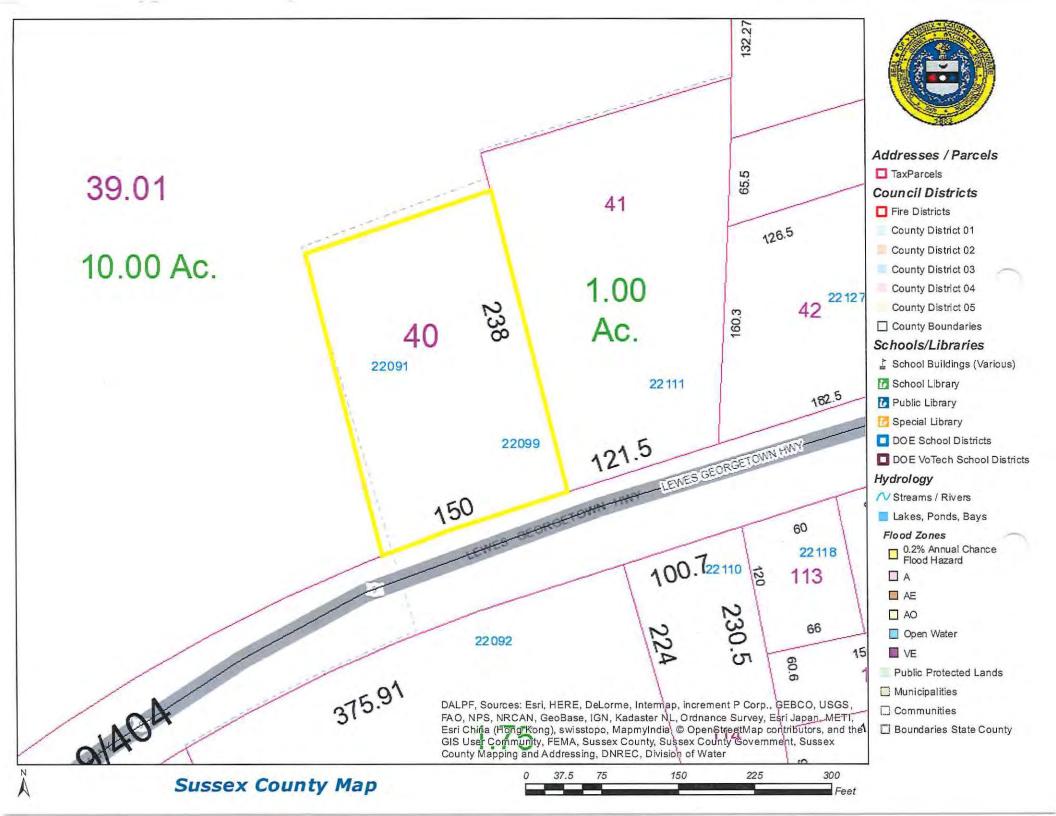
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the south and east are Developing Areas and Highway Commercial Uses. The properties to the north and west are located within the Town of Georgetown. The Developing Areas land use designation 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.

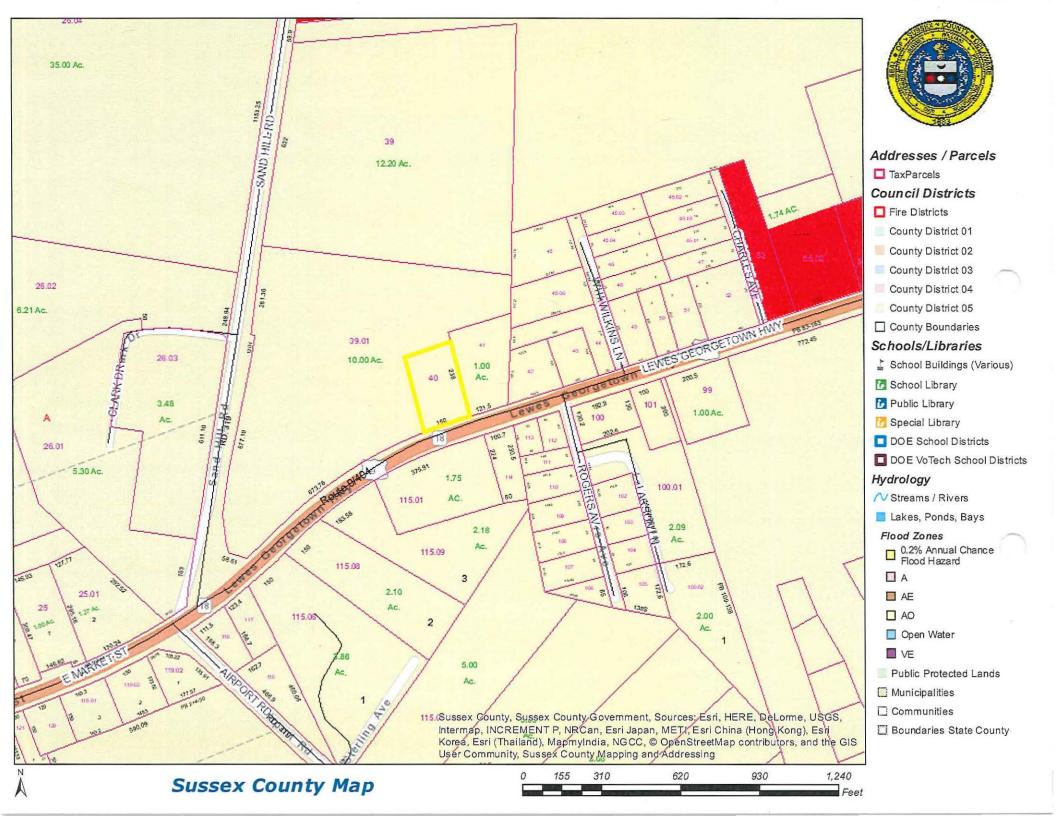
The property is zoned AR-1 (Agricultural Residential District). The properties to the north and west are located within the Town of Georgetown. The properties to the south are zoned AR-1 (Agricultural Residential District). The properties to the east are zoned AR-1 (Agricultural Residential District) and C-1 (General Commercial District). The applicant currently has a Conditional Use (CU 1465) for a go cart repair and contractor office with storage. They are looking to replace that use with the requested use.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for automotive sales with minor repair and contractor office with storage would be considered consistent with the land use, area zoning and uses.









Introduced 10/31/17

Council District No. 3 – Burton Tax I.D. No. 135-15.00-40.00

911 Address: 22091 Lewes-Georgetown Highway, Georgetown

ORDINANCE NO.

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AUTOMOTIVE SALES WITH MINOR REPAIRS AND CONTRACTOR OFFICE WITH STORAGE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN GEORGETOWN HUNDRED, SUSSEX COUNTY, CONTAINING 0.909 ACRES, MORE OR LESS

WHEREAS, on the 11th day of October 2017, a conditional use application,

denominated Conditional Use No. 2119, was filed on behalf of Chad Hayes; 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. 2119 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. 2119 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Georgetown Hundred, Sussex County, Delaware, and lying on the north side of Lewes-Georgetown Highway (Route 9) approximately 812 feet east of Sand Hill Road and being more particularly described as follows:

BEGINNING at a point on the northerly right of way of Route 9, a corner for these lands and lands of Edward J. Soboczenski; thence north 10 degrees 07 minutes 25 seconds west 263.29 feet and north 82 degrees 30 minutes 13 seconds east 158.40 feet along said Soboczenski lands to a point; thence south 08 degrees 13 minutes 22 seconds east 250.96 feet along other lands of Charles H. Hayes, Jr., to a point on the northerly right of way of

Route 9; thence westerly 150.04 feet along the arc of the northerly right of way of Route 9 to the point and place of beginning, said parcel containing 39,610 square feet, more or less.



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 March 8, 2018

Application: CU 2121 Cheryl Webster and Kenna Nethken

Applicant/Owner: Cheryl L. Webster & Kenna C. Nethken

10404 Old Furnace Rd. Seaford, DE 19973

Site Location: 10404 Old Furnace Rd.

Southwest side of Old Furnace Rd., approximately 677 ft. northwest of

Middleford Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Tree care business

Comprehensive Land

Use Plan Reference: Town Center

Councilmatic

District: Mr. Vincent

School District: Seaford School District

Fire District: Seaford Fire District

Sewer: Private On-Site Septic

Water: Private On-Site Well

Site Area: 3.9713 ac. +/-

Tax Map ID.: 331-6.00-134.00





Sussex County DELAWARE sussexcountyde.gov

<u>Memorandum</u>

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 12, 2018

RE: County Council Report for CU 2121 Cheryl Webster and Kenna Nethken

The Planning and Zoning Department received an application (CU 2121 Cheryl Webster and Kenna Nethken) to allow for a Conditional Use to allow for a tree care business to be located at 10404 Old Furnace Rd. The Planning and Zoning Commission held a public hearing on April 12, 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, site plan, results from the DelDOT Service Level Evaluation, comments from the Sussex Conservation District and Utility Planning Division and three (3) letters of support were read into the record.

The Commission found that Mr. Kenna Nethken was present on behalf of the application; that he has been in business for 25 years and was not aware that he needed a Conditional Use; that he has had no complaints about his business from his neighbors; that he recycles all of the material for the business; that there are 5 work vehicles and 5 employees; that the employees come and pick up the trucks and go off site to work; that the public does not come to the site; that no material comes to the site; that the equipment stored outside are a stump grinder and chippers; that most vehicles are stored indoors; that the only maintenance he does on the equipment is greasing the machines and that occurs indoors and outside; that all other maintenance is done elsewhere; that his hours are 7 am-5 pm six (6) days a week with some emergencies; that he would like to keep his existing sign; and that he found out that he needed a Conditional Use when the new building on his property was inspected.

At the end of the meeting the Commission discussed the application.

Mr. Wheatley moved that the Commission recommend approval of Conditional Use # 2122_Cheryl Webster and Kenna Nethken for a tree care business based upon the record made at the public hearing and for the following reasons:

- 1. The applicant prunes and cuts down trees in Sussex County, including residential developments.
- 2. The use is similar in nature to agricultural uses that are permitted in the AR-1 Zoning District.



- 3. The applicant stated that most of his employee's work occurs offsite. As a result, this use will have little or no impact on the neighborhood, or area roadways.
- 4. The proposed use will be a benefit to Sussex County residents and the applicant provides a needed service to commercial and residential developments throughout Sussex County.
- 5. No parties appeared in opposition to this application.
- 6. This recommendation is subject to the following conditions:
 - A. As stated by the applicant, most of the work shall occur offsite. There shall be no retail sales from this site, and there shall not be any stockpiles of dirt, mulch or similar materials on the site.
 - B. There shall be one lighted sign advertising this use on the site. The sign shall not exceed 32 SF per side.
 - C. The hours of operation shall be from 7:00am until 5:00pm, Monday through Saturday, with extra hours permitted for emergency needs.
 - D. All security lighting shall be screened so that it does not shine onto neighboring properties or roadways.
 - E. All dumpsters shall be screened from view from neighboring properties or roadways.
 - F. All required parking spaces shall be clearly marked on the Final Site Plan and on the site itself, including areas set aside for equipment parking and storage.
 - G. The application shall comply with all DelDOT entrance or roadway improvement requirements.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

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



Sussex County DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant

Date: April 3, 2018

RE: Staff Analysis for CU 2121 Cheryl Webster and Kenna Nethken

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2121 Cheryl Webster and Kenna Nethken to be reviewed during the April 12, 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 parcel 331-6.00-134.00 to allow for a tree care business to be located at 10404 Old Furnace Rd. The size of the property is 3.9713 ac. +/-.

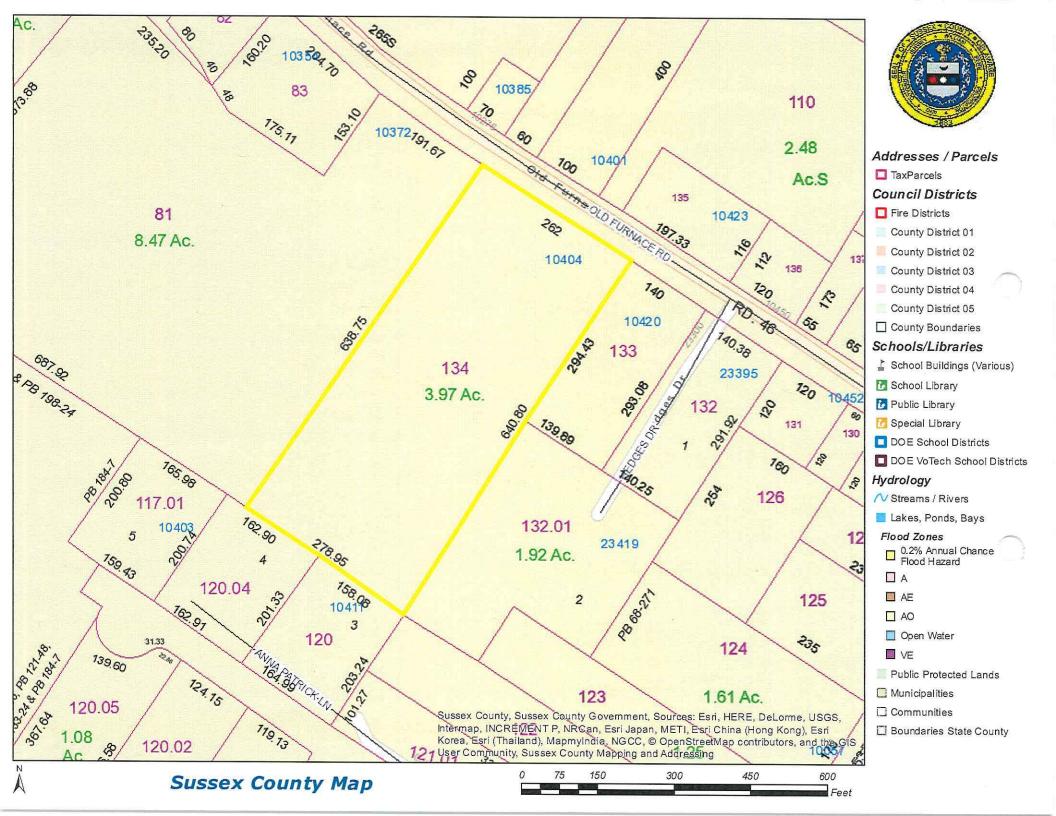
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

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

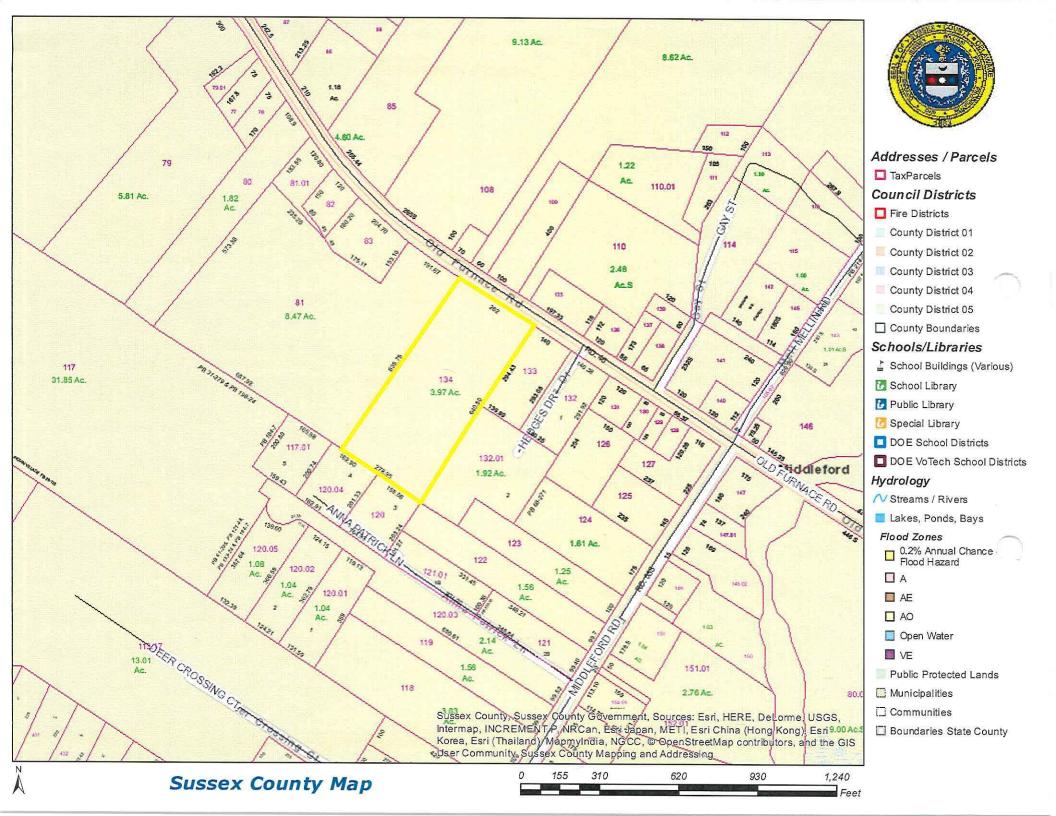
The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There is an existing Conditional Use in the area (CU 1806) for a book and clothing store.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for a tree care business could be considered consistent with the land use, area zoning and uses.









Introduced 11/28/17

Council District No. 1 – Vincent Tax I.D. No. 331-6.00-134.00

911 Address: 10404 Old Furnace Road, Seaford

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A TREE CARE BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN SEAFORD HUNDRED, SUSSEX COUNTY, CONTAINING 3.9713 ACRES, MORE OR LESS

WHEREAS, on the 30th day of October 2017, a conditional use application, denominated Conditional Use No. 2121, was filed on behalf of Cheryl Webster and Kenna Nethken; 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. 2121 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. 2121 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 Seaford Hundred, Sussex County, Delaware, and lying on the southwest side of Old Furnace Road, approximately 677 feet northwest of Middleford Road, and being more particularly described per the attached deed prepared by David W. Baker, Esq., P.A., said parcel containing 3.9713 acres, more or less.

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 March 22, 2017

Application: CU 2122 Richard Thurman Jr.

Applicant/Owner: Richard Thurman Jr. (Arbor Care)

20182 Robinsonville Rd.

Lewes, DE 19958

Site Location: 20182 Robinsonville Rd.; southwest side of Robinsonville Rd.,

approximately 1,737 ft. south of Kendale Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Use: Plant, Tree, and Lawncare Diagnostic Center

Comprehensive Land

Use Plan Reference: Low Density Area

Councilmatic

District: Mr. Burton

School District: Cape Henlopen School District

Fire District: Lewes Fire District

Sewer: On-Site Septic

Water: On-Site Well

Site Area: 4.0 ac. +/-

Tax Map ID.: 234-6.00-88.01







<u>Memorandum</u>

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 12, 2018

RE: County Council Report for CU 2122 Richard Thurman Jr.

The Planning and Zoning Department received an application (CU 2122 Richard Thurman Jr.) to allow for a Conditional Use to allow for a plant, tree, and lawncare diagnostic center to be located at 20182 Robinsonville Rd. The Planning and Zoning Commission held a public hearing on March 22, 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 site plan, staff analysis, comments from the Sussex Conservation District, Sussex County Engineering Utility Planning Division, results from DelDOT Service Level Evaluation stating a TIS was not required and a letter signed by four neighbors in support of the application.

The Commission found that Richard Thurman, Jr. was present of behalf of the application; that Mr. Thurman stated his company mark out trees to preserve for developments; that he purchased the property for his home; that there is agricultural land around the entire property; that he has planted trees around the entire parcel; that he has ten employees; that equipment needed for the jobs is stored indoors; that two trailers are parked on site; that he has nine vehicles, two employees take their vehicle home every night; that there is one secretary on site; that all the larger trucks are stored inside; that he would not like a sign; that there will be 15 parking spaces; that the hours of operation are 7:00 a.m. to 5:00 p.m. and they do snow plowing as well and the hours would be 24 hours a day; that he would request the hours of operation to be 6:00 a.m. to 8:00 p.m. it would not happen often but gives opportunity and he would like seven days a week; that the trucks have back-up signals and the trailers do not; that the dumpster will be on site and cannot be seen from the road or the neighbors; that parking number does not include personal vehicles; and that 15 parking spaces will be available.

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

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

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



At their meeting of April 12, 2018, the Commission discussed the application which had been deferred since March 22, 2018.

Mr. Wheatley stated that he had reviewed the record and listened to the recording and was able to vote on the application.

Ms. Stevenson moved that the Commission recommend approval of CU#2122 for RICHARD THURMAN, JR. (Arbor Care) for a Plant, Tree and Lawncare Diagnostic Center in an AR-1 Zone based upon the record made during the public hearing and for the following reasons:

- 1. The applicant treats trees, plants and natural areas in Sussex County, including residential developments.
- 2. The use is similar in nature to agricultural uses that occur within certain types of farming operations that are permitted in the AR-1 Zoning District.
- 3. The applicant stated that most of his employee's work occurs offsite. As a result, this use will have little or no impact on the neighborhood, or area roadways.
- 4. The proposed use will be a benefit to Sussex County residents and the applicant provides a needed service to commercial and residential developments throughout Sussex County.
- 5. No parties appeared in opposition to this application.
- 6. This recommendation is subject to the following conditions:
 - A. As stated by the applicant, most of the work shall occur offsite. There shall be no retail sales from this site, and there shall not be any stockpiles of dirt, mulch or similar materials on the site.
 - B. As stated by the applicant, there shall not be any sign advertising this use on the site.
 - C. The hours of operation shall be from 6:00am until 8:00pm, 7 days per week, with extra hours permitted for emergency needs such as snowplowing.
 - D. All security lighting shall be screened so that it does not shine onto neighboring properties or roadways.
 - E. All dumpsters shall be screened from view from neighboring properties or roadways.
 - F. All required parking spaces shall be clearly marked on the Final Site Plan and on the site itself, including areas set aside for equipment parking and storage.
 - G. The application shall comply with all DelDOT entrance or roadway improvement requirements.
 - H. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning & Zoning Commission.

Motion by Ms. Stevenson, 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.





Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant

Date: March 14, 2018

RE: Staff Analysis for CU 2122 Richard Thurman Jr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2122 Richard Thurman Jr. to be reviewed during the March 22, 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 parcel 234-6.00-88.01 to allow for a plant, tree, and lawncare diagnostic center to be located at 20182 Robinsonville Rd. The size of the property is 4.6425 ac. +/-.

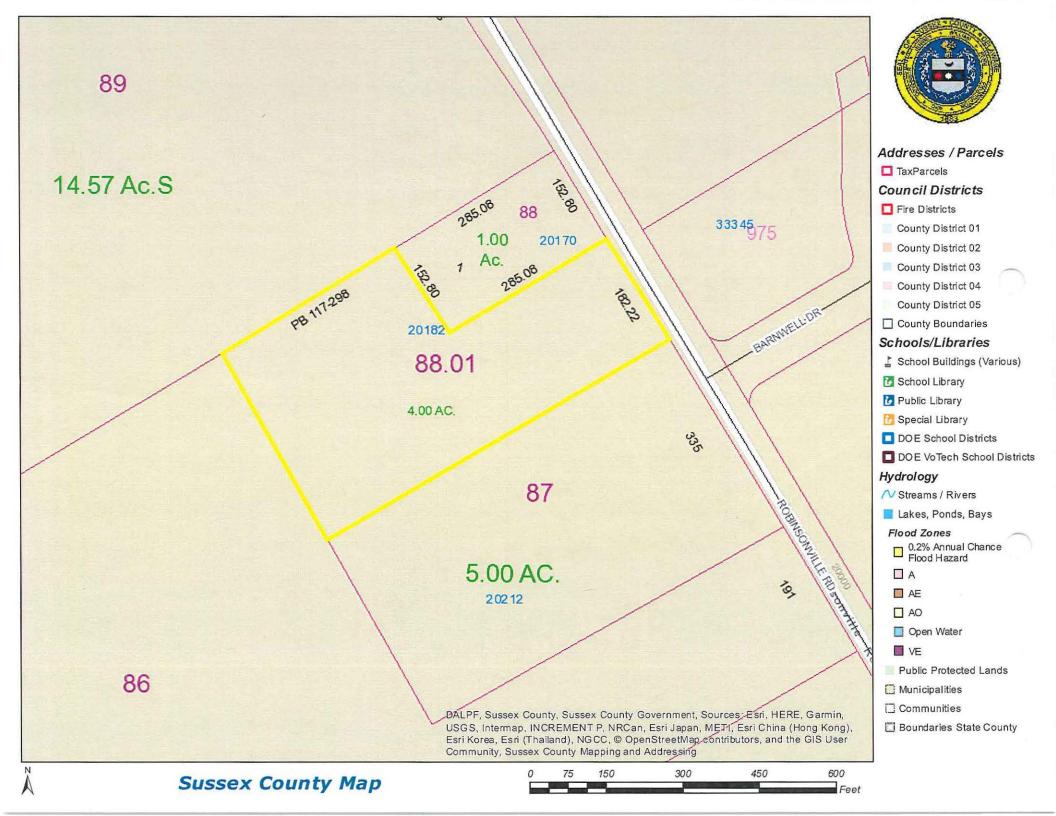
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

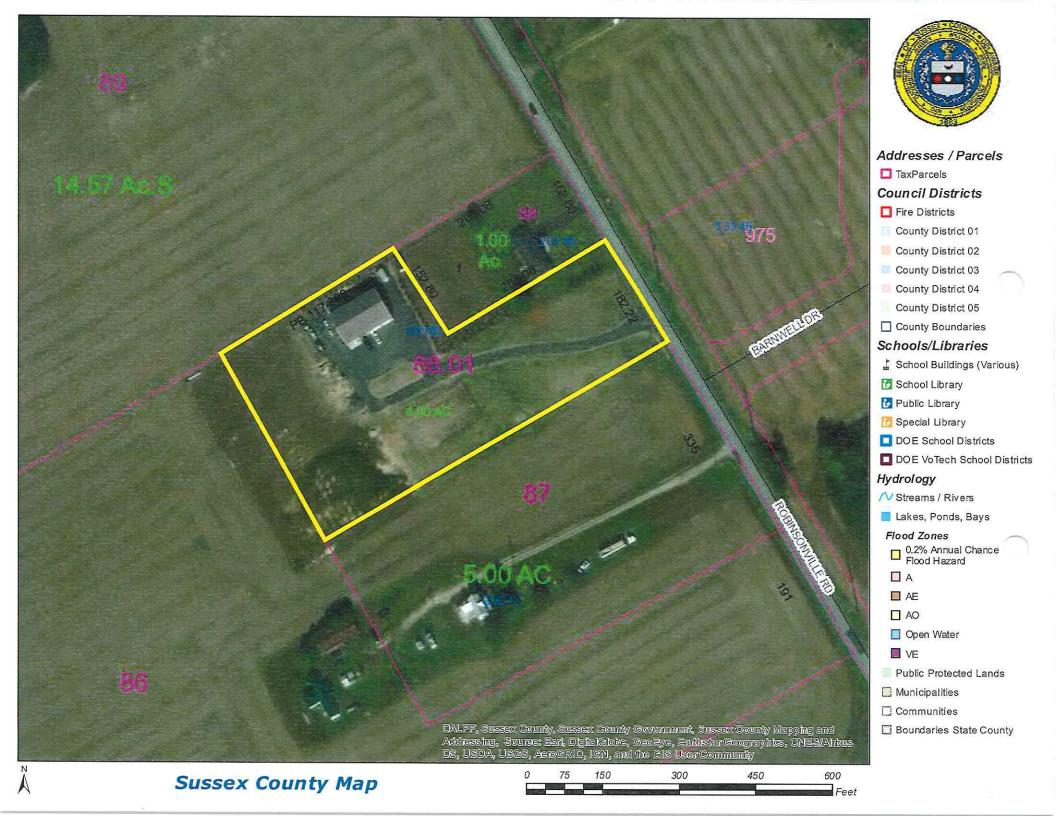
The surrounding land use to the north, south, and west are Low Density Areas. The land use to the west across Robinsonville Rd. is Environmentally Sensitive Developing Areas. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that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

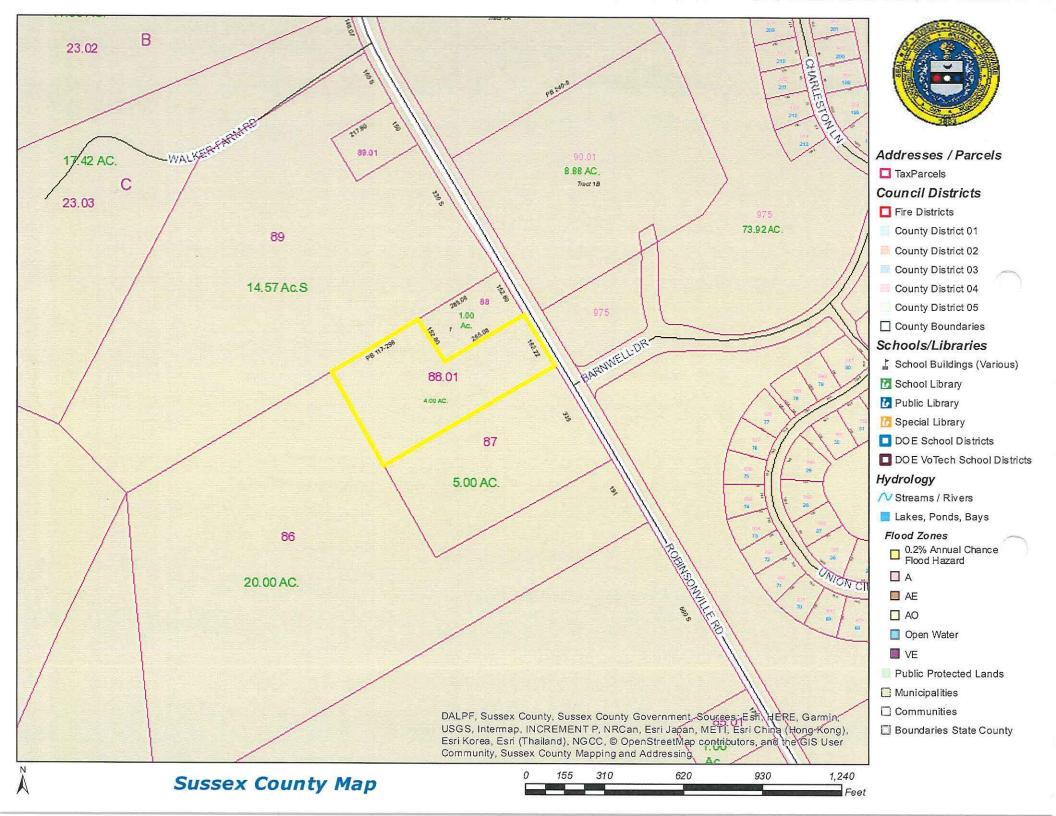
The property is zoned AR-1 (Agricultural Residential District). The properties to the north, south, east and west are zoned AR-1 (Agricultural Residential District). There are no known Conditional Uses in the area.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional Use to allow for plant, tree, and lawncare diagnostic center would be considered consistent with the land use, area zoning and uses.









Introduced 11/28/17

Council District No. 3 – Burton Tax I.D. No. 234-6.00-88.01

911 Address: 20182 Robinsonville Road, Lewes

ORDINANCE NO. ___

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A PLANT, TREE, AND LAWN CARE DIAGNOSTIC CENTER TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 4.0 ACRES, MORE OR LESS

WHEREAS, on the 8th day of November 2017, a conditional use application, denominated Conditional Use No. 2122, was filed on behalf of Richard Thurman Jr. (Arbor Care); 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. 2122 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. 2122 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 Indian River Hundred, Sussex County, Delaware, and lying on the southwest side of Robinsonville Road, approximately 1,737 feet south of Kendale Road, and being more particularly described per the attached deed prepared by Griffin & Robertson, P.A., said parcel containing 4.0 acres, more or less.



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Sussex County Planning & Zoning Commission

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET Planning Commission Public Hearing Date March 8, 2018

Application: CZ 1847 Winsferd Ray Hutchins Sr.

Applicant/Owner: Winferd Ray Hutchins Sr. & Josephine C. Hutchins

28506 Sussex Hwy. Laurel, DE 19956

Site Location: 28506 Sussex Hwy.

West side of Sussex Hwy. (Rt. 13) approximately 412 ft. north of Boyce

Rd.

Current Zoning: AR-1 (Agricultural Residential District)

Proposed Zoning: CR-1 (Commercial Residential District)

Comprehensive Land

Use Plan Reference: Low Density Areas

Councilmatic

District: Mr. Vincent

School District: Laurel School District

Fire District: Laurel Fire District

Sewer: Private On-Site

Water: Private On-Site

Site Area: 2.09 ac. +/-

Tax Map ID.: 132-12.00-102.01





Sussex County DELAWARE sussexcountyde.gov

<u>Memorandum</u>

To: Sussex County Council Members

From: Janelle Cornwell, AICP, Planning & Zoning Director

CC: Everett Moore, County Attorney

Date: April 11, 2018

RE: County Council Report for CZ 1847 Winsferd Ray Hutchins Sr.

The Planning and Zoning Department received an application (CZ 1847 Winsferd Ray Hutchins Sr.) to allow for a Change in Zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District) to be located at 28506 Sussex Hwy. The Planning and Zoning Commission held a public hearing on March 8, 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, and comments from the Sussex Conservation District results of the DelDOT Service Level Evaluation stating that a TIS was not required.

Mr. Wheatley recused himself.

The Commission found Josephine Hutchins was present on behalf of the application, that Mrs. Hutchins stated they had a bicycle shop, which was a hobby and are no longer able to do it; that there is a need to change the zoning of the property and will need to have employees to help with the bicycle shop; that their son may have an office at the site; that they are unable to sell the property; that this is not a residential property; that the property is located on the Highway; that the property is over two acres; and that there are commercial zoning and uses across the street.

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

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

Ms. Stevenson moved the Commission approve Change of Zone #1847 for Winsferd Ray Hutchins, Sr. and Josephine C. Hutchins for a change in zone from AR-1 to CR-1 based on the record made during the public hearing and for the following reasons:

- 1. The property has been used by the Applicant for years as a bicycle shop, which is a use consistent with commercial zoning.
- 2. This site is located on Route 13, which is appropriate for commercial zoning.
- 3. The rezoning is consistent with other commercial zoning and use in the area.



- 4. The Applicants have testified that given the site's location on Route 13 with so much commercial around it, the site is no longer appropriate for residential zoning. Commercial zoning is more appropriate that the current residential zoning.
- 5. No parties appeared in opposition to the application.
- 6. The rezoning to CR-1 is consistent with the purpose of the CR-1 District according to the Sussex County Zoning Code.
- 7. Any development of this site will require site plan approval by the Sussex County Planning & Zoning Commission.

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



Sussex County DELAWARE sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members

From: Janelle Cornwell, AICP, Planning & Zoning Director CC: Vince Robertson, Assistant County Attorney and applicant

Date: February 28, 2018

RE: Staff Analysis for CZ 1847 Winsferd Ray Hutchins Sr.

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1847 Winsferd Ray Hutchins Sr. to be reviewed during the March 8, 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 parcel 132-12.00-102.01 to allow for a Change of Zone from AR-1 (Agricultural Residential District) to CR-1 (Commercial Residential District). The size of the property is 2.09 ac. +/-.

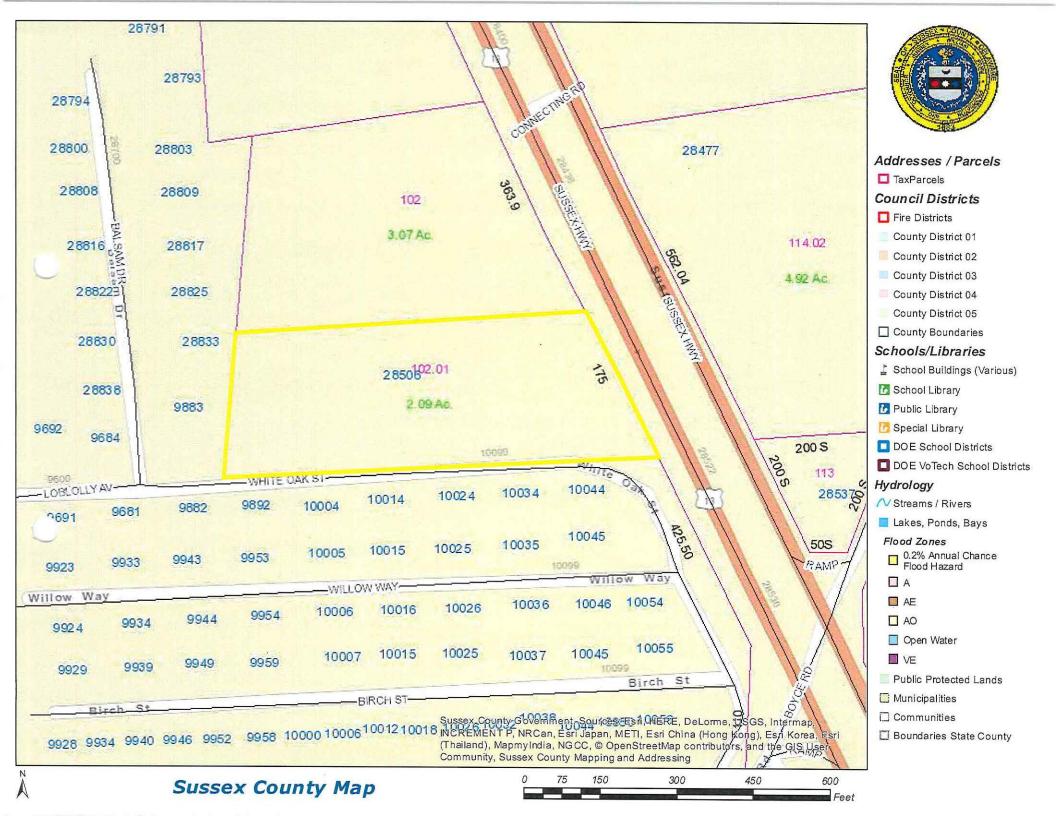
The 2008 Sussex County Comprehensive Plan Update (Comprehensive Plan) provides a framework of how land is to be developed. As part of the Comprehensive Plan a Future Land Use Map is included to help determine how land should be zoned to ensure responsible development. The Future Land Use map indicates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

The surrounding land use to the north, and west are Low Density Areas. The land uses to the east are Low Density, Highway Commercial and Town Center. The land uses to the south are Low Density and Highway Commercial. The Low Density Areas land use designation recognizes that business development should be largely confined to businesses that address the needs of single family residences and agriculture. It should also permit industrial uses that support or depend on agricultural uses. The focus of retail and office should provide convenience goods and services to nearby residents and should be limited in their location, size and hours of operation. CR-1 (Commercial Residential District) is a zoning district that can be considered in the Low Density Areas land use classification.

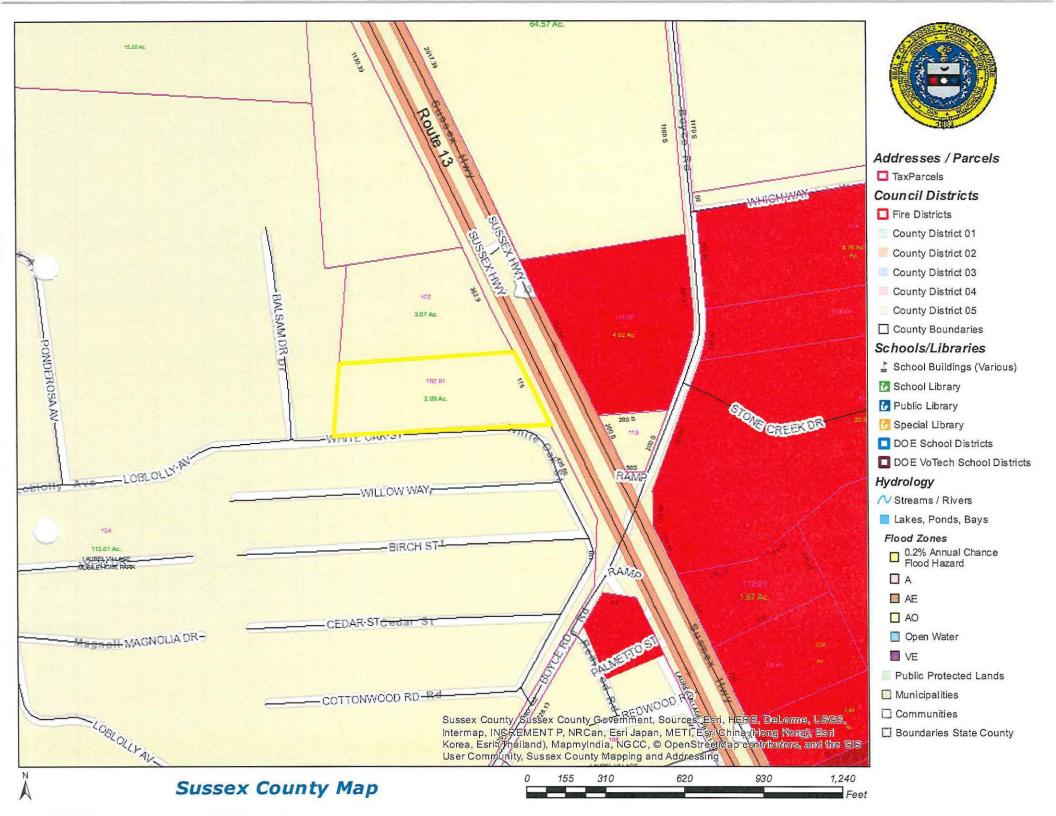
The property is zoned AR-1 (Agricultural Residential District). The properties to the north and west are zoned AR-1 (Agricultural Residential District). The properties to the south and east are zoned C-1 (General Commercial District) and AR-1 (Agricultural Residential District). There are no known Conditional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

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









Introduced 10/24/17

Council District No. 1 – Vincent Tax I.D. No. 132-12.00-102.01

911 Address: 28506 Sussex Highway, Laurel

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 2.09 ACRES, MORE OR LESS

WHEREAS, on the 25th day of September 2017, a zoning application, denominated

Change of Zone No. 1847, was filed on behalf of Winsferd Ray Hutchins, Sr. and Josephine

C. Hutchins; 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. 1847 be ______; and

WHEREAS, on the _____ day of ______ 2017, a public hearing was held,

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 on the west side of Sussex Highway (Route 13) approximately 412 feet north of Boyce Road and being more particularly described in attached deed prepared by Procino Wells, LLC.