

Sussex County Council Public/Media Packet

**MEETING:
April 27, 2021**

****DISCLAIMER****

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**Sussex County Council
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Georgetown, DE 19947
(302) 855-7743**

COUNTY COUNCIL

MICHAEL H. VINCENT, PRESIDENT
JOHN L. RIELEY, VICE PRESIDENT
CYNTHIA C. GREEN
DOUGLAS B. HUDSON
MARK G. SCHAEFFER



Sussex County

DELAWARE
sussexcountyde.gov
(302) 855-7743

SUSSEX COUNTY COUNCIL

A G E N D A

APRIL 27, 2021

10:00 A.M.

PLEASE NOTE THAT THE MEETING WILL BE HELD AT THE FOLLOWING LOCATION: ROOM 540, CARTER PARTNERSHIP CENTER AT DELAWARE TECHNICAL COMMUNITY COLLEGE, 21179 COLLEGE DRIVE, GEORGETOWN

PLEASE REVIEW MEETING INSTRUCTIONS AND PARTICIPATION INSTRUCTIONS AT THE BOTTOM OF THE AGENDA

Call to Order

Approval of Agenda

Approval of Minutes – April 20, 2021

Reading of Correspondence

Public Comments

Consent Agenda

- 1. Use of Existing Wastewater Infrastructure Agreement, IUA-808 Maritima (Red Clover Walk) Project, West Rehoboth Area**
- 2. Use of Existing Wastewater Infrastructure Agreement, IUA-1083 Welches Pond (Fieldstone) Project, West Rehoboth Area**

Todd Lawson, County Administrator

- 1. Administrator's Report**



Gina Jennings, Finance Director

1. **Industrial Revenue Bond Committee Recommendation – BDG DE, LLC (Bioenergy Innovation Center Project)**

“A PROJECT RESOLUTION AUTHORIZING ISSUANCE OF UP TO \$60,000,000 SOLID WASTE REVENUE BONDS SERIES 2021”

John Ashman, Director of Utility Planning & Design Review

1. **Request to prepare and post notices for the North Georgetown Area Annexation into the Sussex County Unified Sanitary Sewer District**

Grant Requests

1. **Slaughter Neck Community Action Organization, Inc. for Senior Center program expenses**
2. **CHEER, Inc. for the 50th Anniversary Gala fundraiser**
3. **Rehoboth Beach Lions Club Service Foundation, Inc. for program expenses**
4. **Developing Artist Collaboration for a mural project in West Rehoboth**
5. **First State Pickleball Club, Inc. for Light Up the Courts at Clayton Elementary**

Introduction of Proposed Zoning Ordinances

10:00 a.m. Public Hearings

Pintail Pointe Expansion of the Sussex County Unified Sanitary Sewer District

Change of Zone No. 1921 - Stephen M. Sprogell

“AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT - RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS” (property lying on the south side of Sprogell Lane, approximately 873 feet east of the intersection of Whites Neck Road (S.C.R. 347) and Sprogell Lane) (Tax I.D. No. 134-8.00-17.01) (911 Address: 30261 Sprogell Lane., Dagsboro)

Recess

Conditional Use No. 2207 filed on behalf of CBB Cedar Pines, LLC (Marlin Chase F.K.A. Marlin Run)

“AN ORDINANCE GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY (75 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29.34 ACRES, MORE OR LESS” (property lying on the east side of Cedar Neck Road (S.C.R. 357) approximately 0.3 mile north of Hickman Road) (Tax I.D. No. 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00 – 1269.00) (911 Address: None Available)

Council Members’ Comments

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

Possible action on Executive Session items

Adjourn

In accordance with 29 Del.C. §10004(e)(2), this Agenda was posted on April 20, 2021 at 4:20 p.m. and at least seven (7) days in advance of the meeting.

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

Agenda items may be considered out of sequence.

Further meeting access instructions are listed below.

-MEETING INSTRUCTIONS-

The Sussex County Council is holding this meeting under the authority issued by Governor John C. Carney through Proclamation No. 17-3292.

PLEASE NOTE: The meeting is to be held at the following location: **Room 540, Carter Partnership Center at Delaware Technical Community College, 21179 College Drive, Georgetown.**

The public is encouraged to view the meeting on-line. Any person attending in-person will be required to go through a wellness and security screening, including a no-touch temperature check. The public will be required to wear a facial mask.

Seating capacity is limited and seating assignments will be enforced.

The meeting will be streamed live at <https://sussexcountyde.gov/council-chamber-broadcast>.

The County is required to provide a dial-in telephone number for the public to comment during the appropriate time of the meeting. **Note, the on-line stream experiences a 30-second delay.** Any person who dials in should listen to the teleconference audio to avoid the on-line stream delay.

To join the meeting via telephone, please dial:

Conference Number: 1-302-394-5036

Conference Code: 570176

Members of the public joining the meeting on the telephone will be provided an opportunity to make comments under the Public Comment section of the meeting and during the respective Public Hearing.

The Council meeting materials, including the “packet”, are electronically accessible on the County’s website at: <https://sussexcountyde.gov/agendas-minutes/county-council>.

If any member of the public would like to submit comments electronically, please feel free to send them to rgriffith@sussexcountyde.gov. All comments shall be submitted by 4:30 P.M. on Monday, April 26, 2021.

#

SUSSEX COUNTY COUNCIL - GEORGETOWN, DELAWARE, APRIL 20, 2021

A regularly scheduled meeting of the Sussex County Council was held on Tuesday, April 20, 2021, at 10:00 a.m., in the Carter Partnership Center at Delaware Technical Community College, Georgetown, with the following present:

Michael H. Vincent	President
John L. Rieley	Vice President
Cynthia C. Green	Councilwoman
Douglas B. Hudson	Councilman
Mark G. Schaeffer	Councilman
Todd F. Lawson	County Administrator
J. Everett Moore, Jr.	County Attorney

Call to Order The Invocation and Pledge of Allegiance were led by Mr. Vincent.
Mr. Vincent called the meeting to order.

M 141 21 Approve Agenda A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to approve the Agenda, as posted.
Motion Adopted: 5 Yeas.
Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Yea; Mr. Rieley, Yea; Mr. Vincent, Yea

Minutes The minutes of April 13, 2021 were approved by consent.

Public Comments Under public comments, Keith Steck asked that the Council update its land use practices and ordinances with respect to rezoning.

Board of Adjustment Appointment Mr. Lawson reported that Brent Workman, Board of Adjustment member, has indicated that he would like to retire in the upcoming weeks.
Mrs. Green nominated Jordan Warfel to fill the upcoming vacancy on the Board of Adjustment (District 2).
Mr. Lawson stated that, with that nomination, the public interview process will be initiated, as required by Delaware Code and County Code.

Administrator's Report Mr. Lawson read the following information in his Administrator's Report:
1. Project Receiving Substantial Completion

Administrator's Report (continued)

Per the attached Engineering Department Fact Sheet, Oyster Cove received Substantial Completion effective April 16th.

2. Delaware State Police Activity Report

The Delaware State Police year-to-date activity report for March 2021 is attached listing the number of violent crime and property crime arrests, as well as total traffic charges and corresponding arrests. In addition, DUI and total vehicle crashes investigated are listed. In total, there were 193 troopers assigned to Sussex County for the month of March.

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

Old Business/ Proposed Ordinance/ Land Use Map

Under Old Business, the Council considered the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 135-14.00-570.00".

The Council held a Public Hearing on the Proposed Ordinance on March 2, 2021, at which time action was deferred.

The Planning and Zoning Commission recommended approval of the Proposed Ordinance.

M 142 21 Adopt Proposed Land Use Map Ordinance/ Denied

A Motion was made by Mr. Schaeffer, seconded by Mrs. Green, to Adopt the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 235-13.00-29.00, 235-13.00-29.01 & 135-14.00-570.00".

Mr. Hudson read a prepared statement into the record.

Motion Denied: 3 Nays, 2 Yeas.

Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea; Mr. Hudson, Nay; Mr. Rieley, Nay; Mr. Vincent, Nay

Old Business/ CZ 1923

Under Old Business, the Council considered the Proposed Ordinance entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 67.31 ACRES, MORE OR LESS" (Change of Zone No. 1923) filed on behalf of Reed Farms, LLC (Tax I.D. No. 235-13.00-29.00, 29.01 and 235-14.00-570.00) (911 Address: 14888, 14866 & 14742 Gravel Hill Road, Milton).

**Old
Business/
CZ 1923
(continued)**

The Council held a Public Hearing on the Proposed Ordinance on March 2, 2021, at which time action was deferred.

The Planning and Zoning Commission recommended approval of the Proposed Ordinance.

A Motion was made by Mr. Rieley, seconded by Mrs. Green, to Adopt the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HI-1 HEAVY INDUSTRIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BROADKILL HUNDRED, SUSSEX COUNTY, CONTAINING 67.31 ACRES, MORE OR LESS” (Change of Zone No. 1923) filed on behalf of Reed Farms, LLC.

Motion Denied: 5 Nays.

**Vote by Roll Call: Mrs. Green, Nay; Mr. Schaeffer, Nay;
Mr. Hudson, Nay; Mr. Rieley, Nay;
Mr. Vincent, Nay**

**Old
Business/
CU 2258**

Under Old Business, the Council considered the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1314 (ORDINANCE NO. 1354) (AS AMENDED BY CONDITIONAL USE NO. 1691 (ORDINANCE NO. 1865) AND CONDITIONAL USE NO. 1962 (ORDINANCE NO. 2311)) TO PERMIT THE PROCESSING AND HANDLING OF POULTRY LITTER TO INCLUDE NUTRIENT RECOVERY FOR NATURAL GAS AND ELECTRICAL GENERATION, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS” (Conditional Use No. 2258) filed on behalf of Bioenergy Development Group, LLC (Tax I.D. Nos. 132-6.00-88.01 and 95.00, and 132-11.00-41.00 and 41.02) (911 Address: 28338 Enviro Way, Seaford).

The Council held a Public Hearing on the Proposed Ordinance on March 15, 2021 at which time action was deferred.

The Planning and Zoning Commission recommended approval of the Proposed Ordinance, with conditions.

**M 143 21
Adopt
Ordinance
No. 2769/
CU 2258**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to Adopt Ordinance No. 2769 entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO AMEND CONDITIONAL USE NO. 1314 (ORDINANCE NO. 1354) (AS AMENDED BY CONDITIONAL USE NO. 1691 (ORDINANCE NO. 1865) AND CONDITIONAL USE NO. 1962 (ORDINANCE NO. 2311)) TO PERMIT THE PROCESSING AND

**M 143 21
Adopt
Ordinance
No. 2769/
CU 2258
(continued)**

HANDLING OF POULTRY LITTER TO INCLUDE NUTRIENT RECOVERY FOR NATURAL GAS AND ELECTRICAL GENERATION, TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BROAD CREEK HUNDRED, SUSSEX COUNTY, CONTAINING 228.88 ACRES, MORE OR LESS” (Conditional Use No. 2258) filed on behalf of Bioenergy Development Group, LLC, with the following conditions:

- a. Except as otherwise amended by this grant of Conditional Use, the conditions imposed by Conditional Use No. 1314, as amended, by Conditional Use Nos. 1691 and 1962 shall remain in effect.
- b. The proposed facility shall be subject to DNREC, and other state and federal regulatory approvals.
- c. The proposed facility shall only accept, process, and handle poultry litter and DAF.
- d. There shall not be any stockpiling of DAF, poultry litter, or wastewater on site.
- e. This Conditional Use shall be valid concurrent with DNREC’s permits for this use. If the DNREC permits shall be terminated or expire, this Conditional Use shall also terminate and expire.
- f. The proposed facility, anerobic digesters, pretanks, and other equipment and structures related to this use shall be located behind the site of the existing pelletizing facility and the area of disturbance related to this new use shall be no greater than 11.3 acres.
- g. As proposed by the Applicant, there will be no change to the wooded coverage on the property.
- h. All stormwater management facilities shall be subject to the review and approval of the Sussex Conservation District. The Final Site Plan shall include the approval of the Sussex Conservation District for the design and location of the stormwater management areas.
- i. Prior to the submission of the Final Site Plan, the Applicant must provide copies of all active permits from DNREC demonstrating that the Applicant has received all necessary approvals and permits from DNREC to operate the proposed facility.
- j. As proffered by the Applicant, a landscape buffer shall be installed at the front of the site. A landscape buffer plan shall be included as part of the Final Site Plan for the project.
- k. The failure to abide by these conditions shall result in the termination of the Conditional Use approval.
- l. The Applicant shall submit a Final Site Plan, which shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.

Mr. Rieley read a prepared statement into the record.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Introduction
of Proposed
Ordinances**

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (4 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 1.25 ACRES, MORE OR LESS” (Conditional Use No. 2262) filed on behalf of Matthew Hete (Tax I.D. No. 334-6.00-686.00) (911 Address: 34360 Postal Lane, Lewes).

Mr. Schaeffer introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CARPET BUSINESS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.52 ACRE, MORE OR LESS” (Conditional Use No. 2265) filed on behalf of Pro Carpet, LLC (Tax I.D. No. 234-21.00-189.00) (911 Address: 26315 Miller Street, Millsboro).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A HR-2 HIGH-DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 3.91 ACRES, MORE OR LESS” (Change of Zone No. 1938) filed on behalf of MARS-RE, LLC (Tax I.D. No. 134-11.00-191.00) (911 Address: 34464 Atlantic Ave, Ocean View).

Mr. Hudson introduced the Proposed Ordinance entitled “AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO OPERATE AN OUTDOOR RACETRACK TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN NANTICOKE HUNDRED, SUSSEX COUNTY, CONTAINING 27.81 ACRES, MORE OR LESS” (Conditional Use No. 2270) filed on behalf of Gregory P. Mitchell (Tax I.D. No. 231-9.00-5.00 & 5.01) (911 Address 22382 Coverdale Road, Seaford).

The Proposed Ordinances will be advertised for Public Hearing.

Rules

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

**Public
Hearing/
CZ 1911**

A Public Hearing was held on the Proposed Ordinance entitled “AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MEDIUM DENSITY RESIDENTIAL DISTRICT AND A CR-1 COMMERCIAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 43.463 ACRES, MORE OR LESS” (Change of

**Public
Hearing/
CZ 1911
(continued)**

Zone No. 1911) filed on behalf of Schiff Land Development Co., LLC (Patriots Glen, Phase 2) (Tax I.D. No. 234-29.00-67.00) (911 Address: None Available).

The Planning and Zoning Commission held a Public Hearing on this application on March 25, 2021 at which time action was deferred. On April 8, 2021, the Commission recommended approval with the following conditions:

- a. There shall be no more than 128 residential units within the project.**
- b. The bulk area standards for the 128 units shall be as follows:**
 - 1. Front yard = 25 feet**
 - 2. Side yard = 10 feet**
 - 3. Rear yard = 10 feet**
 - 4. Corner yard = 15 feet**
 - 5. Minimum Lot Width = 60 feet**
 - 6. Minimum Lot Area = 7,500 square feet**
- c. Site plan review shall be required for each phase of the development.**
- d. All entrances, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements or in accordance with any further modifications required by DelDOT including those required for Patriots Glen, Phase 1.**
- e. The development shall be served as a part of the Sussex County Unified Sanitary Sewer District and shall be constructed in accordance with County engineering specifications and regulations.**
- f. The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- g. Stormwater management and erosion and sediment control facilities shall be constructed in accordance with the applicable State and County regulations. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of Sussex County's Conservation District.**
- h. The interior Street Design shall be in accordance with or exceed Sussex County's street design requirements and specifications. The street design shall include sidewalks on both sides of the street.**
- i. There shall be a 30-foot forested landscaped buffer around the entire perimeter of the site.**
- j. The application shall submit as part of the site plan review, a landscaping plan showing the proposed tree and shrub landscape design, including landscaping in all of the buffer areas.**
- k. Construction and deliveries shall only occur from Monday through Saturday and only between the hours of 6:00 a.m. to 6:00 p.m.**
- l. The Applicant shall form a Homeowner's Association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**

**Public
Hearing/
CZ 1911
(continued)**

- m. The Restrictive Covenants and Final Site Plan shall state that agriculture activities exist nearby, and they shall include the Agriculture Use Protection Notice.**
- n. The amenities shall be combined with Patriots Glen, Phase 1 to include a clubhouse/multi-purpose building, pool and patio area, with at least 24 off-street parking spaces set aside for these areas. These amenities shall be completed and open to use by the residents of the development upon the issuance of the 81st building permit.**
- o. If required by the Indian River School District, a protected school bus shelter with related parking shall be installed at the entrance to the development. Alternatively, the Developer shall coordinate with the school district for another location, with a preference for the clubhouse building.**
- p. The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated March 25 and April 8, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

The Council found that David Hutt, Attorney, was present on behalf of the application with T.J. Schiff, one of the principals of Schiff Land Development Company and Phil Tolliver with Morris and Ritchie Associates. Mr. Hutt stated that the site is comprised of 43.5 acres which is landlocked; that access to this parcel will be through the Patriots Glen, Phase 1, project which was approved by the Council in 2019 (Ordinance No. 2668); that prior to 2019, this property was rezoned and due to the recession, the project did not move forward; that Change of Zone No. 1977 (Patriots Glen, Phase 1) was filed for a rezoning from CR-1 to a MR-RPC; that this application seeks to change the zoning of the remaining piece of property to MR-RPC; that approval of this rezoning application will result in the whole property having a RPC overlay; that with this new application, all structures proposed will be single family homes; that the combined number of dwelling units for Phases 1 and 2 would be 289 (100 less than approved in 2007; that the MR zoning designation allows for four units per acre where public water and sewer are available or will be provided to the site; that this application is for 128 single-family units and the gross density is 2.95 and the net density is 3.52 and is less than the permitted 4 units per acre; that sewer and water service is available; that the site is currently used for agricultural purposes except for the wooded area; that there are no wetlands on the site; that parts of the property are located in a wellhead protection area; that the project is designed so that the impervious cover would be below the County's Code requirements; that the site is located in the Coastal Area which is a growth area; that according to Delaware State Strategies and Spending, the site is located in Investment Level Areas 2 and 3; that there is a mixture of zoning districts in the area and there are many other developments in the area; that two of the primary reasons for using the RPC tool for this development is to maximize open space and to increase perimeter buffers; that this was done with consideration of

**Public
Hearing/
CZ 1911
(continued)**

Phases 1 and 2 being integrated; that open space is proposed for 9.66 acres of the site (22% of the site); that this is consistent with Phase 1 where open space is proposed to be 27% of the site; that the minimum 7,500 square foot lot size is consistent throughout Phases 1 and 2; that the same design approach for Phase 1 will be extended into Phase 2; that the perimeter will vary in width but will be at a minimum of 30 feet (from 30 feet to 278 feet); that there will be a street stub at the back end of the parcel to allow for future interconnectivity; that the community center will be constructed in Phase 1 and will include a multi-purpose building, a pool, a patio area and 24 parking spaces; that there will be sidewalks on both sides of the street and a walking path throughout the community (separate from the sidewalks); that a property owners association will be formed and all of the lots in Phases 1 and 2 will be in the same association; that construction will take place in 3 phases; that sewer service will be provided by the County; that water will be provided by Tidewater; that stormwater management will be by infiltration practices; that a Traffic Impact Study was completed for Phases 1 and 2 combined; that there are five requirements for improvements listed in DeDOT's response; that this application is superior to the previous applications and is consistent with the trend of development in the area; and that the application is consistent with the Comprehensive Plan and the Zoning Ordinance.

In response to questions raised by Mr. Rieley, Mr. Tolliver reviewed stormwater management plans.

There were no public comments.

The Public Hearing and public record were closed.

**M 144 21
Adopt
Ordinance
No. 2770/
CZ 1911**

A Motion was made by Mr. Hudson, seconded by Mr. Rieley, to Adopt Ordinance No. 2770 entitled "AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM A MEDIUM DENSITY RESIDENTIAL DISTRICT AND A CR-1 COMMERCIAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT-RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 43.463 ACRES, MORE OR LESS" (Change of Zone No. 1911) filed on behalf of Schiff Land Development Co., LLC (Patriots Glen, Phase 2), with the following conditions:

- a. There shall be no more than 128 residential units within the project.**
- b. The bulk area standards for the 128 units shall be as follows:**
 - 1. Front yard = 25 feet**
 - 2. Side yard = 10 feet**
 - 3. Rear yard = 10 feet**
 - 4. Corner yard = 15 feet**
 - 5. Minimum Lot Width = 60 feet**
 - 6. Minimum Lot Area = 7,500 square feet**

**M 144 21
Adopt
Ordinance
No. 2770/
CZ 1911
(continued)**

- c. **Site plan review shall be required for each phase of the development.**
- d. **All entrances, intersection, interconnection, roadway and multi-modal improvements required by DelDOT shall be completed by the Applicant in accordance with DelDOT's requirements or in accordance with any further modifications required by DelDOT including those required for Patriots Glen, Phase 1.**
- e. **The development shall be served as a part of the Sussex County Unified Sanitary Sewer District and shall be constructed in accordance with County engineering specifications and regulations.**
- f. **The MR-RPC shall be served by a public central water system providing adequate drinking water and fire protection as required by applicable regulations.**
- g. **Stormwater management and erosion and sediment control facilities shall be constructed in accordance with the applicable State and County regulations. These facilities shall be operated in a manner that is consistent with Best Management Practices (BMPs). The Final Site Plan shall contain the approval of Sussex County's Conservation District.**
- h. **The interior Street Design shall be in accordance with or exceed Sussex County's street design requirements and specifications. The street design shall include sidewalks on both sides of the street.**
- i. **There shall be a 30-foot forested landscaped buffer around the entire perimeter of the site.**
- j. **The application shall submit as part of the site plan review, a landscaping plan showing the proposed tree and shrub landscape design, including landscaping in all of the buffer areas.**
- k. **Construction and deliveries shall only occur from Monday through Saturday and only between the hours of 6:00 a.m. to 6:00 p.m.**
- l. **The Applicant shall form a Homeowner's Association to be responsible for the maintenance of the streets, roads, buffers, open spaces, stormwater management facilities and other common areas.**
- m. **The Restrictive Covenants and Final Site Plan shall state that agriculture activities exist nearby, and they shall include the Agriculture Use Protection Notice.**
- n. **The amenities shall be combined with Patriots Glen, Phase 1 to include a clubhouse/multi-purpose building, pool and patio area, with at least 24 off-street parking spaces set aside for these areas. These amenities shall be completed and open to use by the residents of the development upon the issuance of the 81st building permit.**
- o. **If required by the Indian River School District, a protected school bus shelter with related parking shall be installed at the entrance to the development. Alternatively, the Developer shall coordinate with the school district for another location, with a preference for the clubhouse building.**
- p. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

Motion Adopted: 5 Yeas.

**Public
Hearing/
CU 2206
(continued)**

- e. The development shall be served by a central water system providing adequate drinking water and fire protection as required by applicable regulations.
- f. Stormwater management and erosion and sediment control shall be constructed in accordance with applicable State and County requirements, and the project shall utilize Best Management Practices to construct and maintain these fixtures. The Final Site Plan shall contain the approval of the Sussex Conservation District.
- g. No wetlands shall be disturbed except as authorized by State and Federal permits.
- h. Interior street design shall comply with or exceed Sussex County standards and shall include sidewalks or multi-modal pathways on one side of all streets with street lighting.
- i. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Department.
- j. The Applicant shall consult with the local school district's transportation manager to determine if a school bus stop is appropriate. The location of such a bus stop shall be shown on the Final Site Plan.
- k. Construction, site work, excavation, grading and deliveries to or from the property shall only occur between the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday, and 8:00 a.m. through 2:00 p.m. on Saturdays.
- l. The Developer shall preserve as many existing trees as possible on the site. Clearing, disturbance or altering of existing vegetation shall be limited to what is necessary for construction and for the removal of dead and dying trees which pose a threat to public safety or harm to adjacent properties. These areas of non-disturbance shall be clearly shown on the Final Site Plan.
- m. The Final Site Plan shall include a landscape plan for the development, including all buffer areas. This shall also depict the landscaping and vegetation included in the bermed area at the entrance to the community along Old Mill Road. Landscape and lawn maintenance shall be the responsibility of the Developer or its assigns.
- n. The Applicant or its assigns shall be responsible for the maintenance of all interior roadways and parking areas, buildings, buffers, stormwater management areas, recreational amenities and open space.
- o. There shall be an emergency entrance via Railway Road. This entrance shall be shown on the Final Site Plan.
- p. There was testimony in the record about the adverse impact of the proposed maintenance buildings across Railway Road from the rest of this development. As one person stated, these facilities impact other properties while having no adverse effect on the new units they will serve in the new development. The Applicant shall safely remove the existing dilapidated farmhouse, outbuildings and chicken house from this area but leave the area as open space. All maintenance facilities shall be located within the larger parcel where the residential units are planned. Any maintenance buildings shall be located and screened from view of adjacent properties to mitigate any impact on them.
- q. All lighting on the site shall be shielded and downward screened so that it does not shine on neighboring properties or roadways.

**Public
Hearing/
CU 2206
(continued)**

- r. **There shall not be any lighting at the rear of the proposed garages/storage buildings. There shall also be vegetation planted and maintained by the Developer at the rear of each of those buildings to reduce the visual impact of them on neighboring and adjacent properties. The design and location of these vegetative screens shall be shown on the Final Site Plan.**
- s. **The Final Site Plan shall be subject to the review and approval of the Sussex County Planning and Zoning Commission.**

(See the minutes of the Planning and Zoning Commission dated March 25 and April 8, 2021.)

Jamie Whitehouse, Planning and Zoning Director, presented the application.

Mr. Whitehouse reported that the County has received a total of 293 written responses on this application and that also received was a petition containing 280 signatures in opposition to the application. All correspondence received was circulated to the Council members.

The Council found that David Hutt, Attorney, was present on behalf of the Applicant with Andrea Fineroksy, Land Development Manager with Linder and Company; Mark Davidson and Alan Decktor of Pennoni; and Erik Wall, a Landscape Architect.

Mr. Hutt stated that Linder & Company, Inc. is the Applicant and the owner of the property; that this application has received a large response from the public and he noted that land use is not a popularity contest; instead, Delaware Law references land use tools that are to be used to make decisions and those tools include information from the Delaware State Strategies Office (PLUS process), the Comprehensive Plan, and the Zoning Code; that this application is consistent with the land use tools; that an almost identical concept (with identical number of units – 200 units) for this same site was presented to this Council in 2010 as Conditional Use No. 1849 and in 2011, Council adopted Ordinance No. 2176 and Final Site Plan was granted in March 2016; that the project (Conditional Use No. 1849) was not built and the approval for that application lapsed; that numerous developments have been constructed in the area since that approval; that almost all of the area used to be agriculture or wooded and the application site is one of the few remaining undeveloped areas; that this is not a Change of Zone application – the site is zoned GR and will remain so; that the application is not a high density application and no bonus density is being sought; that the application seeks a multi-family use of the property; that the base density is 4 units per acre; that they seek to use 4 units to the acre with 17 housing units throughout the site; that the application site is located at the intersection of Railway Avenue and Old Mill Road and the property is bifurcated by Railway Avenue; that the east side of that portion of the property contains approximately 2.25 acres on which a farmhouse and other outbuildings are located; that the west side of the property contains 48.4 acres which is unimproved and is currently used for agriculture purposes; that the proposal

**Public
Hearing/
CU 2206
(continued)**

is for the 17 housing buildings on the western portion of the site containing 200 units; that there would be 17 corresponding single story garages that are across from those 17 housing buildings; that at the entrance to the site would be a community center and other amenities proposed, including a swimming pool, a pool house, and sport courts; that the entrance is proposed to be off of Old Mill Road; that upon entering off of Old Mill Road, there would be a looped parking lot that connects all of the 17 buildings; that a sidewalk is proposed that connects the interior of all of the units – this pathway/sidewalk will be an internal walking area; that there would also be a sidewalk on the outer edge; that a 30 foot landscaped buffer is proposed along the entire perimeter of the property, including the frontages; that there are 3.6 acres of wooded wetlands which will remain undisturbed; that stormwater management will be along the side and rear of the property; that Best Management Practices will be used for stormwater management; that ephemeral wet ponds are proposed as part of the Best Management Practices; that there will be an access off of Railway Avenue for emergency access for first responders and can also be used as a connection to the shared use path that will be added as part of the improvements to Railway Avenue; that the buildings on the east side of the property will be removed from the property; that the Applicant will follow the asbestos abatement process in the removal of those buildings; that the Planning and Zoning Commission has recommended that the parcel containing 2.25 acres remain vacant and this is acceptable to the Applicant; that sewer service will be provided by Sussex County; that the Applicant is considering a condominium-type ownership for the property; that whether the units are considered apartments or condominium units, the units are the same and the proposal presents another housing opportunity in the Coastal Area; that if the Applicant proceeds with apartments, they will be market rate apartments with a maximum of 2 people per bedroom; that there is a growing market for seniors who seek maintenance-free living and this project would provide for that; that there is a similar project in the area known as Bethany Bay where there are multi-family structures; that according to Delaware Strategies for State Spending, this project site is located in Investment Levels 2 and 3; that according to the service level evaluation response from DelDOT, this project is expected to have a minor impact on area roadways and therefore, a Traffic Impact Study was not required; that in lieu of a Traffic Impact Study, the Applicant agrees to contribute to an area wide study fee and agrees to off-site road improvements; that traffic for this site is estimated at 1,088 trips per day and according to DelDOT calculations, if there were 112 single-family homes on this site, an equal amount of traffic would be generated; that berming is proposed at the entrance to the project; that this proposal is far greener than the previous proposal for this site; that the proposed 3-story structures are just less than the 42 height limit; that 42 feet is the maximum height limit in all area zoning districts and nothing would prohibit someone in Bethany Bay or Banks Acres from constructing a building with a height of 42 feet; that there is a demand for multi-family housing; that there are requirements the application will have to meet to obtain site plan approval; that this was an active project and was on the books throughout the time of many of the adjacent properties; that this 200-unit multifamily proposal had prior

**Public
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CU 2206
(continued)**

approval and the plan for this application is very similar with enhancements made, some at the request of neighbors as the project was being put together; and that the project complies with the Comprehensive Plan and the Zoning Code. During the presentation, Mr. Hutt reviewed the site plan and other zonings and developments in the area, and presented a drainage analysis. Mr. Hutt noted that the Applicant agrees to the conditions recommended by the Planning and Zoning Commission.

Public Comments

There were no public comments in support of the application.

The following members of the Evans Farm Watch Coalition spoke in opposition to the application: Matthew Page, Jackson Chen, Tom Goglia, Darrell Wiles, Marty Lampner, Chris Falvello, and Teresa Scapato. In their presentations, they stated that they are not against renters; that Bethany Bay has rental units (approximately 20% of 550 units); that the rental aspect is not the source of the opposition; that they are not against development, just this development as it is not compatible with the rest of the area; that this proposal, if approved, will set a precedent; that the proposed project is out of character with the area due to density, visibility and location; that stormwater is a concern; that because of the nature of the design, the only option for the placement of stormwater is at the northeast corner and the adjoining community will be the ones to suffer if the ephemeral wetlands fail; that there is a lot of unknowns/uncertainties regarding the elevation drop/slope from Old Mill back towards the woods; that the Applicant's formula for volume of water is not correct; that they ask that the Sussex Conservation District and DNREC look at the calculation/formula regarding the actual amount of rain used in the criteria; that the opposition signers are a coalition of 13 communities on White's Neck (a map of the petition signers and their location was shown); that the proposal will put stress on EMT services in the area; that when a Conditional Use is considered, Council needs to consider working families and traffic – 2 vehicles each; that the traffic estimate is misrepresented; that the rapid development in the area is outpacing road improvements; that the traffic counts referenced are from 2019; that traffic on these roads has not been counted for up to 16 years and since then, there has been substantial development; that this area is not urban or suburban; that the volume of traffic for multi-family units will generate significantly higher traffic (twice as much) than single family homes permitted by right; that they request that the traffic studies be updated; that they are asking the County to provide legal resources for citizens groups as all attorneys in the area that were asked to represent the group had potential conflicts; that the project will be an attractive nuisance; that some adjacent neighbors will see a blank wall; that Bethany Bay has low density despite the apartments and they are a minimum of 800 feet from other developments' single family homes; that the community has changed since the original application was approved so it is irrelevant that the area residents should have known about the active application as larger housing developments have been added since the approval of that application; that affordable housing is

**Public
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CU 2206
(continued)**

needed and the proposal is not for affordable housing; that drainage and flooding will be a problem if this application is approved; that the project fails to integrate with its neighbors; that there is a potential for vandalism, crime, and a fire threat (near the wooded area); that if the development will be a residential neighborhood surrounded by blank walls; that traffic on Old Mill Road is already a concern; that Mediacom is the only option in the area; that according to Sussex County's Strategic Plan (2019), the population in Sussex County is becoming older; that the population is getting larger and older; that Sussex County is Delaware's fastest growing County and it will remain so for the foreseeable future; that fast growth is a notable demographic change; Sussex County is experiencing a "Grey Wave"; that the County will continue to grey according to the Comprehensive Plan; that the fastest growing segment of this County is from age 50 to 65; that the number of new residents projected to come into the County by 2045 is 46,500; that this has huge implications on how the Council plans; that regarding health and safety and COVID-19, multi-family housing increases the risk of spreading the virus since there is an increased risk of exposure; that according to the CDC, multi-family housing may face certain challenges during the COVID-19 pandemic; that there is limited access to health care in the Ocean View area; that the proposed location is the wrong location as the area is 1 and 2 story neighborhoods; and that the application does not promote the health, safety, convenience, order, prosperity and welfare of the present and future inhabitants of Sussex County.

Also speaking in opposition to the application were Tracy Bryan, Connie Eich, Carole Dougherty, Lauri Phillips, Mark Willoughby, Manda Crawford, Patricia Pocsiae, and Michael Peterson. They stated support of the maintenance shop being moved to the larger parcel of the application and that the smaller parcel remain vacant; that they are concerned with the impact on wildlife; that the proposal is not for affordable housing; that some people living in surrounding communities do work and will take jobs in the area; that the proposed project will negatively impact surrounding communities; that noise will increase in the area; that drainage is a problem; that excess water will be a breeding ground for mosquitoes; that there are environmental concerns; that their quality of living has been negatively impacted by all of the development; that vacationers will stop coming because of this impact; that this is not a pedestrian friendly area as there are narrow roads and no lighting; that there is concern about the availability of health care services; and that 3-story buildings are not compatible with the area. Ms. Bryan stated that she did not receive a notice on the Public Hearing and that her property abuts the application site.

It was noted that Bill Brockenbrough of DelDOT was on the phone to answer questions. Mr. Rieley questioned when the last traffic study was done. Mr. Brockenbrough stated that he did not have the answer at that time but would find out and submit the answer. Mr. Riley also asked how up to date the traffic counts are. Mr. Brockenbrough stated that the count on Route 26 is from the Year 2018 and for the local roads, it is from 2011/2012. Mr. Riley commented on the 1,088 trips that was referenced. Mr. Brockenbrough

**Public
Hearing/
CU 2206
(continued)**

stated that this is the daily number based on midrise (3 to 10 floor apartment buildings) and he noted that it could be a little higher, and that if it was 2 floors, the number would be 1471. Mr. Whitehouse noted that the last Traffic Impact Study was in 2008 and that this Study was included in Council's packet.

There were no additional public comments.

The Public Hearing and public record were closed.

**M 147 21
Defer
Action on
CU 2206**

A Motion was made by Mr. Hudson, seconded by Mr. Schaeffer, to defer action on Conditional Use No. 2206 filed on behalf of Linder & Company, Inc. (Evans Farm).

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, Yea;
Mr. Vincent, Yea**

**Council
Members'
Comments**

Council Member Comments

Mr. Schaeffer stated that a Transportation Improvement District (TID) is needed on the Route 26 corridor.

Mr. Schaeffer stated that Sussex County needs to think about improving signage for the advertisement of zoning / land use applications.

**M 148 21
Adjourn**

A Motion was made by Mr. Rieley, seconded by Mr. Hudson, to adjourn at 5:04 p.m.

Motion Adopted: 5 Yeas.

**Vote by Roll Call: Mrs. Green, Yea; Mr. Schaeffer, Yea;
Mr. Hudson, Yea; Mr. Rieley, 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.}

Consent Agenda 4-27-21

Maritima (Red Clover Walk) Project

Existing Sewer Infrastructure Use Agreement – IUA-808

Red Clover Walk, LLC to pay \$8,300.00 for 28.00 EDUs

West Rehoboth Area

Welches Pond (Fieldstone) Project

Existing Sewer Infrastructure Use Agreement – IUA-1083

Welches Pond LP to pay \$252,016.00 for 255.00 EDUs over 3 installments

West Rehoboth Area

USE OF EXISTING INFRASTRUCTURE AGREEMENT

Maritima Subdivision

SPF
2021 → 2018
THIS AGREEMENT (“Agreement”), made this 12th day of Apr 2018, by and between:

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

RED CLOVER WALK, LLC, A DELAWARE LIMITED LIABILITY COMPANY, the developer of a project known as Maritima, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as Tax Map parcel 334-6.00-552.00 to be known as Maritima (“Project”) and;

WHEREAS, the Project has been annexed into the Sussex County Unified Sanitary Sewer District (West Rehoboth Area) and;

WHEREAS, the parcel has a connection available into the Sussex County regional infrastructure and;

WHEREAS, the Project will utilize available capacity and a connection 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 a manifold connection constructed for the project, which revised and minimized the connection distance for the project.
- (2) In exchange for permission to connect up to **28** equivalent dwelling units to County’s existing system and to utilize the manifold connection in said system, Developer agrees to contribute **\$8,300.00** for the perpetual use of said facilities.
- (3) The contribution amount in this case reimburses the County for a connection installed during a recent project that reduces the cost of infrastructure for the project.
- (4) **Payment of the contribution is due at the time of execution of this agreement.**
- (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 the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (8) Developer shall comply in all aspects with the *Sussex County Code* and any other local, state, county, or federal laws, regulations, or policies that may be applicable and as such may be hereinafter amended.
- (9) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (10) In order to allow the opportunity for a County representative to be present as the County so chooses, Developer shall send written notice to County of the date upon which connection to the County regional transmission system will be made. Developer shall follow County's written or verbal instructions in making said connection to the County sanitary sewer system.
- (11) Developer may assign this Agreement in whole or in part to any entity controlled directly or indirectly by Developer or to any third party who purchases, leases or otherwise controls any portion of Developer's property without the consent of County. Developer, and any subsequent assignees or successors shall provide County at least ten (10) days' written notice of any such assignment. Any other assignments, transfers, or conveyances with respect to this Agreement are prohibited without prior written consent of County.
- (12) To the extent permitted by law, Developer shall indemnify and hold harmless County, and its appointed and elected officials, employees, licensees, and agents for any claims, losses, liabilities, suits, or damages, including but not limited to reasonable attorneys' fees, professional engineering fees, and any other costs of litigation, arising out of Developer's negligence in connection with its performance of this Agreement, including but not limited to damage to the County's infrastructure in making connection to County's regional transmission system. The obligations of this Paragraph shall survive the termination of this Agreement.

- (13) All the terms, covenants, and conditions of this Agreement shall in all respects be governed and construed under and pursuant to the Laws of the State of Delaware without respect to its conflict of law provisions. This Agreement may only be amended, supplemented or modified by a subsequent written agreement executed by all the parties hereto.
- (14) This Agreement and exhibits constitute the final, entire and exclusive agreement between the parties with respect to the subject matter of all matters discussed in it and supersedes all prior or contemporaneous discussions, statements, representations, warranties or agreements, whether written or oral, made in connection with the Agreement described herein.
- (15) It is mutually agreed between the parties that no review, approval, acceptance, and/or payment made under this Agreement shall be conclusive evidence of the performance of the Agreement, either wholly or in part, and that no review, approval, acceptance, and/or payment shall be construed as acceptance of defective work by County, nor in any way relieve Developer of its responsibility for the adequacy of its work.
- (16) The waiver by any party hereto of a breach of any provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach. Neither party shall be deemed to have waived any rights under this Agreement unless such waiver is expressly given in writing and signed by the waiving party. No delay or omission on the part of either party in exercising any right shall operate as a waiver of such right or any other right.
- (17) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (18) If any provision of this Agreement shall be deemed invalid or unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not render invalid or unenforceable any of the other provisions of this Agreement which may be given effect without such invalid or unenforceable provision, and to this end, the provisions of this Agreement are hereby deemed to be severable.
- (19) Any notice required to be delivered to or by either party under this Agreement shall be sent by U.S. first class mail. For purposes of this provision, the address of the County is 2 The Circle, P.O. Box 589, Georgetown, Delaware, 19947, and the address of the Developer is 75 Lake Avenue, Rehoboth Beach, DE 19971

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

FOR THE COUNTY:

{Seal}

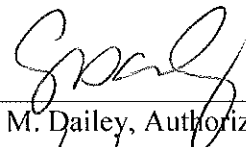
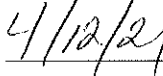
By: _____
(President - Sussex County Council)

(DATE)

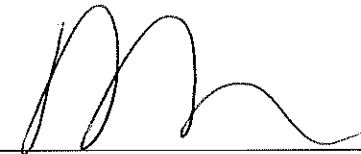
ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR RED CLOVER WALK, LLC.

By:  _____ (Seal)
Scott M. Dailey, Authorized Representative
 _____ (DATE)

WITNESS:



EXISTING WASTEWATER INFRASTRUCTURE USE AGREEMENT

Welches Pond (Fieldstone) – IUA1083

THIS AGREEMENT (“Agreement”), made this _____ day of _____ 2021, by and between:

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

WELCHES POND, LP a Delaware limited partnership and developers of a project known as **Welches Pond (Fieldstone)**, hereinafter called the “Developer.”

WITNESSETH:

WHEREAS, Developer is developing a tract of land identified as part-of Tax Map parcel 334-12.00-16.00 to be known as **Welches Pond (Fieldstone)** (“Project”) and;

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

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

WHEREAS, the Developer has conveyed, without compensation, a portion of the property to Sussex County for the installation of county owned and operated infrastructure valued at \$19,473.00 as per appraisal of adjacent lands owned by the Developer.

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

- (1) Developer is proposing to utilize County’s existing collection and transmission capacity by connecting to existing regional infrastructure used by multiple pump stations.
- (2) In exchange for permission to connect **255** additional equivalent dwelling units to County’s existing sanitary sewer system and to utilize the existing transmission capacity in said system, Developer agrees to financial catch-up contribution in the net amount of **\$252,016.00*** for said existing facilities.

*($\$271,489.00$ as calculated per Code minus for $\$19,473.00$ previously uncredited land contribution).

- (3) The contribution amount in the case of multiple pump stations using an existing collection and transmission system is based on the ratio of average flow capacity utilization of said transmission facilities.

- (4) Any development upstream of the **Welches Pond (Fieldstone)** project, owned by the same entity, would be evaluated on the same cost basis as the **Welches Pond (Fieldstone)** project.
- (5) First installment of the contribution in the amount of \$100,000.00 is due prior to the County's building permit issuance of the 50th lot; and;
Second installment of the contribution in the amount of \$100,000.00 is due prior to the County's building permit issuance of the 101st lot; and;
Third and final installment of the contribution in the amount of \$52,016.00 is due prior to the County's building permit issuance of the 201st lot.
- (6) If the Project (as currently submitted) is amended and County determines in its sole discretion that such amendments materially affect this Agreement, this Agreement may be declared by County to be null and void, and any unused payments made pursuant to this Agreement shall be returned to Developer, unless the parties otherwise agree. Nothing herein shall prevent the parties from the negotiation of a new agreement with respect to the amended Project, as the parties may deem appropriate.
- (7) The contribution is to be placed in County's sewer capital fund and expended towards overall debt reduction or at such time when any transmission infrastructure in County's Unified Sanitary Sewer District requires capital improvements (See Chapter 110-96 of the Sussex County Code).
- (8) Developer shall be responsible for payment of any and all undiscounted system connection charges in accordance with and pursuant to the requirements of the *Sussex County Code* for all lots, due at such time the Developer receives the sewer connection permit.
- (9) 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.
- (10) Prior to the commencement of construction of any sanitary sewer facilities for the Project, Developer shall obtain a project construction permit from the County in accordance with and pursuant to the requirements of the *Sussex County Code*.
- (11) 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.
- (12) 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.

- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) 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.
- (18) This Agreement shall be executed in duplicate, any copy of which shall be considered and construed as and for the original.
- (19) 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.

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 **246 Rehoboth Avenue, Rehoboth Beach, Delaware 19971.**

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

FOR THE COUNTY:

{Seal}

By: _____
(President - Sussex County Council)

_____ (DATE)

ATTEST:

Robin A. Griffith
Clerk of the County Council

FOR WELCHES POND, LP

By: Welches Pond, GP, LLC its General Partner

By: Jack Lingo Asset Management, its sole member

By:  (Seal)
Nick Hammonds - Authorized Signatory

4/12/2021 (DATE)

WITNESS:

 _____

GINA A. JENNINGS, MBA, MPA
FINANCE DIRECTOR

(302) 855-7741 T
(302) 855-7749 F

gjennings@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

MEMORANDUM:

TO: Sussex County Council
The Honorable Michael H. Vincent, President
The Honorable John L. Rieley, Vice President
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable Mark G. Schaeffer

FROM: Gina A. Jennings
Finance Director

RE: **Industrial Revenue Bond Committee Recommendation**

DATE: April 23, 2021

On March 17th, the Industrial Revenue Bond (IRB) Committee, consisting of the County Administrator, the County Attorney, the Economic Development Director and the Finance Director, held a public hearing to meet federal tax requirements on the BDG DE, LLC Bioenergy Innovation Center project application requesting the issuance of up to \$60,000,000 of solid waste revenue bonds. On Tuesday, I will be requesting the adoption of the attached project resolution authorizing the issuance of the bonds for the Bioenergy Innovation Center project. The IRB Committee recommends that County Council adopt the resolution. The IRB Committee's findings and minutes to the meeting are attached for your review.

The bonds will be payable solely from the revenues received by the applicant and neither the full faith and credit nor the taxing power of the County shall be pledged to pay this debt. As required by the IRS, BDG DE, LLC goes through the County's process in order for the bonds to be issued as tax-exempt.

BDG DE, LLC has agreed to pay all costs of the County including fees of its bond counsel in connection with the issuance of the Bonds. They will also pay the one-half of a percent of the bonds to the County.

Emilie Ninan, Esquire, a partner at Ballard Spahr LLP will be available to give you a brief background of the process. Mr. Chip Hoagland, Chief Financial Officer will also be available to answer any questions.

GAJ/bla

Attachments

pc: Mr. Todd F. Lawson

RESOLUTION NO. _____

**A PROJECT RESOLUTION AUTHORIZING ISSUANCE OF UP TO
\$60,000,000 SOLID WASTE REVENUE BONDS
(BDG DE, LLC BIOENERGY INNOVATION CENTER PROJECT)
SERIES 2021**

WHEREAS, the County Council (the “Council”) of Sussex County, Delaware (the “County”) has heretofore adopted the Sussex County Commercial, Industrial and Agricultural Revenue Bond Ordinance (Ordinance No. 80 enacted November 10, 1981), as amended, including by Ordinance No. 113 enacted March 8, 1983 (collectively, the “General Ordinance”), pursuant to the authority of Title 9, Chapter 70, of the Delaware Code to encourage and assist the financing of the construction, acquisition, sale or lease of industrial, commercial and agricultural facilities related to the maintenance or promotion of employment or to the redevelopment or revitalization of areas within the County; and

WHEREAS, BDG DE, LLC, a limited liability company organized and existing under the laws of the State of Delaware (the “Applicant”), has submitted to the County an application (the “Application”) requesting the issuance of up to Sixty Million Dollars (\$60,000,000) of tax-exempt and taxable revenue bonds (the “Bonds”), in one or more series, to finance, together with other available funds, the costs of the acquisition, construction, installation and equipping of certain solid waste disposal facilities, with a capacity of up to approximately 200,000 tons for the processing of chicken-related waste streams to raw biogas and organic digestate, including, but not limited to, one or more anaerobic digesters, tanks, pipes, pumps, valves, a CHP generator, and such other buildings and/or equipment necessary or desirable in connection with such solid waste disposal facilities, located at 28338 Enviro Way, Seaford, Delaware 19973 (the “Project”), and to pay for certain costs of issuing the Bonds; and

WHEREAS, as required by the General Ordinance, the Application and the proposed issuance of the Bonds were reviewed by a committee comprised of the County Administrator, Director of Finance, County Attorney and Director of Economic Development (the “Review Committee”) on March 17, 2021; and

WHEREAS, the Review Committee has made findings and determinations required by the General Ordinance; and held a properly noticed public hearing with respect to the Bonds (the “TEFRA Hearing”); and

WHEREAS, the Council desires to authorize the issuance, execution and delivery of the Bonds and the execution and delivery of the other documents required to accomplish the foregoing and to authorize all other necessary action in connection with the Project and the financing thereof; and

WHEREAS, Applicant has agreed to pay all costs of the County including fees of its bond counsel in connection with the issuance of the Bonds whether they are issued or not,

NOW, THEREFORE, BE IT RESOLVED:

Section 1. Definitions. The terms used in this Project Resolution shall have the meanings specified herein or in the preamble hereto or, if not otherwise defined herein, as specified in the General Ordinance, unless a different meaning is clearly indicated by the context.

Notwithstanding any other provisions to the contrary, “Costs” means with respect to the Project all costs, whether capital or otherwise, and includes, without limitation, the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of any building, structure, facility or other improvement; the cost of machinery and equipment; the cost of acquisition, construction, reconstruction, repair, alteration, improvement and extension of pollution control devices, equipment or facilities; the cost of lands, rights-in-lands, easements, privileges, agreements, franchises, utility extensions, disposal facilities, access roads and site development necessary or useful and convenient for the Project or in connection therewith, financing costs including, but not limited to, discount on bonds, costs of issuance of bonds, engineering and inspection costs, trustee or fiscal agent fees, cost of financial, legal, professional and other estimates and advice, organization, administrative, insurance, and other expenses of the County or the Applicant prior to and during any acquisition or construction; and all such other expenses as may be necessary or incidental to the financing, acquisition, construction or completion of the Project or part thereof, including, but not limited to, capitalized interest and such provisions for reserves for payment of principal of or interest on the Bonds during or after such financing, acquisition or construction as may be provided for herein, but shall not include raw materials, work in progress, working capital, or stock in trade.

Section 2. Approval of Project; Legislative Findings

The Council hereby approves the findings and determinations made by the Review Committee with respect to the Project and, in conjunction therewith, it is hereby determined and declared as a matter of legislative finding that:

(a) the Project is eligible for financial assistance and the financing thereof will accomplish the public purposes contemplated by the General Ordinance; and

(b) the Project will (i) tend to maintain or provide gainful employment opportunities within and for the people of the County; (ii) aid, assist and encourage the economic development or redevelopment of the County; and (iii) maintain, diversify or expand employment promoting enterprises within the County; and

(c) the issuance and sale of the Bonds by the County will enable the Applicant to obtain efficient and cost-effective financing thereby enhancing the Applicant’s ability to accomplish the aforesaid public purpose in the County; and

(d) the Bonds will be limited obligations of the County and the County does not pledge its general credit or taxing power therefor, but such Bonds shall be payable solely from Revenues as specified in Section 7 of the General Ordinance.

Based upon the foregoing findings and determinations and as a substantial inducement to the Applicant to locate, remain or expand within the County, the Project is hereby approved and determined to be eligible for financing by the County as provided herein.

Section 3. Authorization. This Project Resolution is adopted pursuant to the General Ordinance.

Section 4. Interpretation. All references in this Project Resolution to articles, sections and other subdivisions of this Project Resolution are to the designated articles, sections or other subdivisions of this Project Resolution as originally adopted. The words “herein”, “hereof”, “hereby”, and “hereunder” and other words of similar import refer to this Project Resolution as a whole and not to any particular article, section or other subdivision. The use of words in the singular number includes the plural and the use of the plural includes the singular number.

Section 5. Descriptive Headings. The descriptive headings of the sections of this Project Resolution are inserted for convenience only and shall not control or affect the meaning or construction of any of its provisions.

Section 6. Severability. In case any one or more of the provisions contained in this Project Resolution or in the Bonds or any other document executed and delivered pursuant hereto shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions of this Project Resolution, the Bonds or other documents, and this Project Resolution, the Bonds or other documents shall be construed and enforced as if such invalid, illegal or unenforceable provisions had never been contained herein or therein.

Section 7. Authorization and Terms of the Bonds. In order to provide funds to pay a portion of the Costs of the Project, the County shall issue the Bonds, which shall be entitled the “Sussex County, Delaware, Solid Waste Revenue Bonds (BDG DE, LLC Bioenergy Innovation Center Project), Series 2021” and shall be issued, in one or more series, in an aggregate principal amount not to exceed \$60,000,000. The Bonds shall be dated the date of delivery and shall mature on the dates and in the amounts as set forth in the bond issuing documents, and shall be subject to redemption provisions as set forth therein. In addition:

(a) The Bonds shall be special, limited obligations of the County payable solely and exclusively from and secured by payments made by the Applicant out of the Revenues pledged with respect to the Project as specified in Section 7 of the General Ordinance. NEITHER THE FULL FAITH AND CREDIT NOR THE TAXING POWER OF THE COUNTY, THE STATE OF DELAWARE OR ANY POLITICAL SUBDIVISION THEREOF SHALL BE PLEDGED THEREFOR. The Bonds shall not be a debt or liability of the County, the State of Delaware or of any other political subdivision thereof.

(b) The Bonds are expected to be sold to an underwriter acceptable to the County and the Applicant, or sold directly to another bond purchaser or placed with an accredited investor within the meaning of Securities Act of 1933 and regulations promulgated by the U.S. Securities and Exchange Commission thereunder with financial advisory services

provided by the Underwriter at a price equal to the principal amount thereof, plus accrued interest, if any. The Bonds may be issued as variable rate or fixed rate obligations. The title of the Bonds may be changed to reflect the interest rate selected.

(c) The Bonds and the other documents related thereto shall be approved by the County Administrator as he may deem appropriate to carry out the intent of this Project Resolution, and shall be executed on behalf of the County by the manual or facsimile signature of the County Administrator, with the manual or facsimile seal of the County imprinted thereon, attested by the manual or facsimile signature of the County Clerk.

(d) The Bonds shall not be payable out of any funds, revenues or properties of the County other than those specifically assigned or pledged therefor.

(e) The Bonds shall mature no later than 30 years from the date of issuance.

Section 8. Authorization of Bond Documents. The proceeds of the Bonds shall be loaned to the Applicant pursuant to a loan agreement between the Applicant and the County in order to finance the Project. If required by a bond purchaser or underwriter, the County may enter into the Indenture with a corporate trustee acceptable to the County and the Applicant (the "Trustee") providing for the issuance of and security for the Bonds, the application of the proceeds of the Bonds, the assignment to the Trustee of certain rights of the County and any other financing documents as the Underwriter may require and the application of the payments to be made by the Applicant for the repayment of the Bonds. The County may also enter into any bond purchase agreement or bond placement agreement, as the case may be, between an underwriter and the Applicant to provide for the sale of or placement of the Bonds to or by the underwriter at a negotiated sale at such price plus accrued interest, if any, and on such other terms as may be mutually agreed upon by all such parties.

Section 9. Approval, Execution and Delivery of Documents. The County shall enter into the bond issuing documents described above and such other documents as the County Administrator determines to be reasonable and appropriate to complete the financing for the Project as authorized by this Project Resolution. Each of the President of the Council and the County Administrator is hereby authorized to execute and deliver in the name of the County and on its behalf the bond documents and to approve the final form and substance thereof: Each of the President of the Council and the County Administrator is also authorized to approve any required offering memorandums, official statements or placement memorandums required to sell the Bonds. The County Clerk is hereby authorized to affix the seal of the County and to attest to the same, if required, on the Bonds and the foregoing documents which the President of the Council and the County Administrator are authorized to execute and deliver. Copies of the documents so executed, sealed, attested and delivered shall be filed in the official record of the County.

Section 10. Binding Effect of Covenants and Agreements. All covenants, obligations and agreements of the County set forth in this Project Resolution and in the documents authorized hereby shall be deemed to be the covenants, obligations and agreements of the County to the full extent authorized or permitted by law and all such covenants, obligations and

agreements shall be binding upon the County and its successors. No covenant, obligation or agreement herein contained or in the documents authorized hereby shall be deemed to be a covenant, obligation or agreement of any member, officer, agent or employee of the County in his or her individual capacity and neither the members of the Council nor any officer executing the or other documents authorized by this Project Resolution shall be liable personally thereunder or be subject to any personal liability or accountability by reason of the execution and delivery thereof.

Section 11. Further Action. The proper officers of the County are hereby authorized and directed to execute such further documents and do such further things as may be necessary to carry out the issuance of the Bonds or the intent and purpose of this Project Resolution or any document herein authorized.

Section 12. Effective Date. This Resolution shall become effective upon its passage by Council.

I DO HEREBY CERTIFY THAT/THE FOREGOING IS A TRUE AND CORRECT COPY OF RESOLUTION NO. _____ PASSED BY THE COUNTY COUNCIL OF SUSSEX COUNTY ON THE ___ DAY OF _____, 2021.

CLERK OF THE COUNTY COUNCIL

SYNOPSIS: This Project Resolution expresses the County's intent to issue tax-exempt and taxable revenue bonds (the "Bonds"), in one or more series, in an aggregate principal amount not greater than \$60,000,000 for the financing of a project by BDG DE, LLC, a limited liability company organized and existing under the laws of the State of Delaware (the "Applicant"), in order to assist in the financing of the costs of the acquisition, construction, installation and equipping of certain solid waste disposal facilities, with a capacity of up to approximately 200,000 tons for the processing of chicken-related waste streams to raw biogas and organic digestate, including, but not limited to, one or more anaerobic digesters, tanks, pipes, pumps, valves, a CHP generator, and such other buildings and/or equipment necessary or desirable in connection with such solid waste disposal facilities, located at 28338 Enviro Way, Seaford, Delaware 19973, and to pay for certain costs of issuing the Bonds. This Project Resolution authorizes the execution and delivery of the Bonds and any other necessary documents by the President of the Council or the County Administrator. The Bonds will be limited obligations of the County payable solely from Revenues received from the Applicant and NEITHER THE FULL FAITH AND CREDIT NOR THE TAXING POWER OF THE COUNTY, THE STATE OF DELAWARE OR ANY POLITICAL SUBDIVISION THEREOF SHALL BE PLEDGED THEREFOR.

SUSSEX COUNTY, DELAWARE
Industrial Revenue Bond Review Committee

Findings and Determinations
Regarding the Application of BDG DE, LLC
for the Issuance of up to
\$60,000,000 Sussex County, Delaware, Solid Waste Revenue Bonds
for the BDG DE, LLC Bioenergy Innovation Center Project

WHEREAS, pursuant to the provisions of the Sussex County Commercial, Industrial and Agricultural Revenue Bond Ordinance, Ordinance No. 80, as amended, (the “Ordinance”), the County Administrator has received an application for issuance by Sussex County, Delaware (the “County”) of its revenue bonds (the “Application”) in a principal amount not to exceed \$60,000,000 (the “Bonds”) submitted by BDG DE, LLC (the “Applicant”) for the financing of a project consisting of the acquisition, construction, installation and equipping of certain solid waste disposal facilities, with a capacity of up to approximately 200,000 tons for the processing of chicken-related waste streams to raw biogas and organic digestate, including, but not limited to, one or more anaerobic digesters, tanks, pipes, pumps, valves, a CHP generator, and such other buildings and/or equipment necessary or desirable in connection with such solid waste disposal facilities, located at 28338 Enviro Way, Seaford, Delaware 19973 (the “Facility”), and to pay for certain costs of issuing the Bonds (the “Project”). The Facility will be owned and/or operated by the Applicant or one or more of its affiliates.

WHEREAS, some portion or all of the Bonds may be eligible for tax-exempt treatment for federal income tax purposes;

WHEREAS, Section 9 of the Ordinance requires that any application for issuance of bonds thereunder be reviewed by a committee to be comprised of the County Administrator, the County Director of Finance, the County Attorney and the County Director of Economic Development (the “Review Committee”);

WHEREAS, a notice of this meeting and the agenda therefor has been posted at the County Administration Office Building and on the County website since March 10, 2021;

WHEREAS, a majority of the Review Committee is present at the meeting; and

WHEREAS, the Application and Project have been reviewed by this Review Committee;

NOW THEREFORE, BE IT RESOLVED THAT, the Review Committee hereby makes the following findings and determinations:

(a) the issuance and sale by the County of the Bonds in an aggregate principal amount not to exceed \$60,000,000 in order to lend the proceeds thereof to the Applicant for the sole and exclusive purpose of financing all or a portion of the costs of the Project will promote the public purposes specified in the Ordinance and will: (i) tend to maintain or provide gainful employment opportunities within and for the people of the County, (ii) aid, assist and encourage

the economic development or redevelopment of the County, and (iii) maintain, diversify or expand employment promoting enterprises within the County;

(b) the Bonds will be special limited obligations of the County and the County does not pledge its general credit or taxing power for the payment thereof; the Bonds will be payable solely and exclusively from the Revenues of the Applicant, the Community and the Project as specified in Section 7 of the Ordinance; and

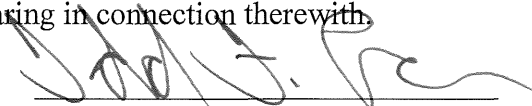
(c) the issuance of the Bonds will accomplish the public purposes contemplated by the Ordinance.

Based on the foregoing findings and determinations, the Project is hereby approved and determined to be eligible for financing by the County as provided herein and in the Ordinance.

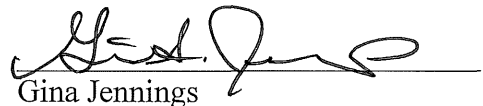
FURTHER RESOLVED THAT, this Review Committee recommends that (i) the County Council approve the foregoing findings and determinations of the Review Committee, and (ii) that the County Council approve the Project and the issuance of the Bonds.

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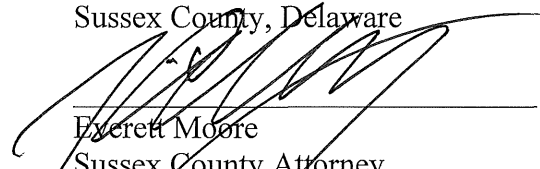
FURTHER RESOLVED THAT, the County's Finance Director shall (i) notify the Applicant of the findings and determinations of this Review Committee and (ii) transmit the Application to the County Council, together with a copy of the record of this proceeding, and her additional recommendations, if any, so that a project resolution, may be introduced and acted upon by County Council after a public hearing in connection therewith.



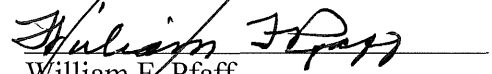
Todd Lawson
County Administrator
Sussex County, Delaware



Gina Jennings
Finance Director
Sussex County, Delaware



Everett Moore
Sussex County Attorney



William E. Pfaff
Economic Development Director
Sussex County, Delaware

March 17, 2021

INDUSTRIAL REVENUE BOND COMMITTEE

Minutes of Meeting

March 17, 2021

At 10:00 a.m. on March 17, 2021, the Industrial Revenue Bond Committee met in the County Council Chambers, Georgetown, Delaware, with the following members present:

Todd Lawson	County Administrator
Everett Moore	County Attorney
William F. Pfaff	Economic Development Director
Gina Jennings	Finance Director

Emilie Ninan, Esquire, a partner at Ballard Spahr LLP, the County's Bond Counsel, was also present to answer any questions with respect to the proposed bond financing.

Ms. Jennings reviewed the purpose of today's meeting, which was held to review the Industrial Revenue Bond application of BDG DE, LLC, a Delaware limited liability company (the "Applicant"), for the issuance by the County of revenue bonds in a principal amount not to exceed \$60,000,000 (the "Bonds"). The proceeds of the Bonds, along with other available funds, will be used to finance a project consisting of the acquisition, construction, installation and equipping of certain solid waste disposal facilities, with a capacity of up to approximately 200,000 tons for the processing of chicken-related waste streams to raw biogas and organic digestate, including, but not limited to, one or more anaerobic digesters, tanks, pipes, pumps, valves, a CHP generator, and such other buildings and/or equipment necessary or desirable in connection with such solid waste disposal facilities, located at 28338 Enviro Way, Seaford, Delaware 19973 (the "Facility"), and to pay for certain costs of issuing the Bonds (the "Project"). The Facility will be owned and/or operated by the Applicant or one or more of its affiliates. The Bonds may be issued in one or more series. The revenue bonds to be issued will be payable solely from the revenues of the Facility, or from other sources provided by the Applicant and will not constitute a debt or liability of the County. The County will have no financial liability for the Bonds.

The Agenda for today's meeting was posted on March 10, 2021, in the County's locked bulletin board, which is located in the lobby of the County's Administrative Office Building. The Agenda was also posted on the County's website under "Legal Notices – Other".

Ms. Jennings stated that the application notes that the Project will create 12.5 new jobs relating to on-going operations of the Facility and 50-60 jobs during construction of the Facility. Ms. Jennings went on to state that the application has been reviewed by the County's Bond Counsel and the Project has been confirmed to qualify for tax-exempt bond financing.

The Industrial Revenue Bond Program states that the project must:

- (1) tend to maintain or provide gainful employment within and for the people of the county;
- (2) aid, assist, and encourage the economic development or redevelopment of the county, or

(3) maintain, diversify or expand the employment promoting enterprises within the county.

Ms. Jennings noted that this meeting is also a Public Hearing, for the purpose of hearing public comment for the County's consideration as required by the IRS tax code.

Ms. Jennings introduced Mr. Chip Hoagland and Mr Peter Ettinger, Chief Financial Officer and Chief Development Officer, respectively, of Bioenergy DevCo the parent company of the applicant BDG DE, LLC and stated that they were in attendance to answer questions. Mr. Hoagland stated that Bioenergy DevCo is an Annapolis, MD-based global developer of anaerobic digestion facilities with more than 200 plants throughout the world that create renewable natural gas and healthy soil products. The company is expanding its operational presence in North America to develop anaerobic digestion facilities, such as the Facility in Seaford known as the Bioenergy Innovation Center (BIC), that naturally transform organic waste into renewable natural gas and an organic soil amendment, reducing landfill waste and carbon emissions. Mr. Ettinger gave a status report of the Facility.

Committee members presented questions to the representatives of the Borrower.

Ms. Jennings asked for public comment from the audience and on the phone. There was no public comment.

Mr. Moore made a motion to close the public hearing seconded by Mr. Lawson.

Ms. Jennings reviewed a proposed Project Resolution regarding the IRB application of BDG DE, LLC.

A Motion was made by Mr. Moore, seconded by Mr. Pfaff, to adopt the Resolution entitled, "Sussex County, Delaware, Industrial Revenue Bond Review Committee, Findings and Determinations Regarding the Application of BDG DE, LLC for the Issuance of up to \$60,000,000 Sussex County, Delaware, Solid Waste Revenue Bonds for the BDG DE, LLC Bioenergy Innovation Center Project". Motion Adopted by Voice Vote.

Ms. Jennings stated that at a future Sussex County Council meeting, the County will discuss this proposed Industrial Revenue Bond application of BDG DE, LLC and consider adoption of a Project Resolution authorizing the issuance of the Bonds.

At 10:14 a.m., a Motion was made by Mr. Pfaff, seconded by Mr. Lawson, to adjourn. Motion Adopted by Voice Vote.

Respectfully submitted,

Bobbi Albright
Administrative Secretary

INTERNAL USE ONLY

Date Received _____ Application No. _____
Date of Committee Review _____ Application Officer _____

SUSSEX COUNTY
COMMERCIAL, INDUSTRIAL AND AGRICULTURAL
REVENUE BOND PROGRAM
APPLICATION FOR ASSISTANCE

BDG DE, LLC
Name of Applicant

February 10, 2021
Date

84-3487688
Employer's ID Number

This information is necessary to process a request for assistance. Fill in all the blanks using "NONE" or "NOT APPLICABLE" where necessary. If more space is needed to answer any specific question, use a separate sheet. Return ONE ORIGINAL AND FOUR COMPLETE COPIES of this application to Sussex County, Office of Economic Development, P.O. Box 589, Georgetown, Delaware 19947, with a check for \$250.00 (the non-refundable application fee). Please make your check payable to "Sussex County Council."

Attachments Required

NOTE: This application will not be considered complete unless the following items are submitted with the application form.

- A. Cover Letter - please enclose a letter describing (i) brief history and description of the applicant's business; (ii) a description of the project to be undertaken; and (iii) the benefits the project occupant will receive if the loan is approved.

Please see Attachment A: Sussex County Cover Letter

- B. Financial Information - please attach the following on separate sheets:

- (i) Balance sheet for applicant and/or projects user(s) for the most recent fiscal year.

Please see Attachment B: Financial Statements for 2020

- (ii) Profit and Loss Statement for the past three fiscal years and for as much of the current year as is available.

Please see Attachment B: Financial Statements for 2020

- (iii) Projected revenues (estimated profit and loss statement) for at least two full years after project loan is approved.

Please see Attachment C: BDG DE 5 Year Projected Financial Statements

- C. Job Description. Please provide a description of the specific occupational titles that correspond to the new jobs to be created as a result of the County financing, together with estimated annual wages to be paid for each title. Please be specific (i.e., crane operators @ \$10,000 per year; 4 lathe operators @ \$7,800 per year; 10 supervisory personnel @ \$12,000 per year; etc.) identify hours per week and the number of weeks per year for each job.

The chart below includes only jobs related to the ongoing operations and specifically excludes the 50-60 jobs related to construction.

New Jobs Created

	Annual Salary	# of Employees
Plant Manager	156,000	1
I&C Technician	65,000	0.5 (part-time)
Maintenance Technician	58,000	0.5 (part-time)
Billing & accts	38,000	0.5 (part-time)
Laborer	45,000	1
Operator AD lead/plant supply	68,000	1
Operator AD	49,000	4
Receiving floor attendants	49,000	4

- D. Copy of all lease agreements with tenants or proposed tenants, if applicable.

Currently not applicable

- E. Copy of commitment letter(s) from lender(s).

Please See Attachment D: Stifel Commitment Letter

NOTE: Applicant will pay Sussex County an issuer fee of 1/2 of 1% of the par amount of the Bonds due and payable upon issuance of such Bonds. In addition, Applicant is responsible for paying the costs incurred by Sussex County, including fees of its County Attorney and Bond Counsel, regardless of whether or not the Bonds are issued.

General Information about Applicant

- A. Name: **BDG DE, LLC**

Street: **50 State Circle Annapolis, MD 21401**

City: **Annapolis**

County: **Anne Arundel**

State and Zip Code: **Maryland 21401**

Telephone: **571-432-8570**

Nature of Business: **Anaerobic Digestion / Waste Management / Waste-to-Energy**

Name, address and telephone number of person to contact concerning this application:

Chip Hoagland, CFO

50 State Circle

Annapolis, MD 21401

571-432-8570

B. Business Organization (check one)

Please see Attachment F: BDG DE, LLC Certificate of Formation.

BDG DE is a Limited Liability Company. The Certificate of Formation of BDG DE, LLC was filed with the State of Delaware on October 4, 2019.

Corporation _____; Date and State of Incorporation _____

Partnership _____; Date and State in which organized _____

Sole Proprietorship _____

Joint Tenants _____

C. Management

List all owners, officers and directors of the applicant. If the applicant is a publicly held corporation, please provide the latest proxy statement indicating stock ownership. (Use separate page, if necessary)

Directors: None – Single Owner Entity

Owners: Bioenergy Devco, LLC, 50 State Circle, Annapolis, MD 21401 – 100%

Officers: Listed Below

<u>NAME</u>	<u>HOME ADDRESS & ZIP CODE</u>	<u>OFFICE</u>	<u>% OWNERSHIP</u>
Shawn Krelloff CEO	386 Struges Ridge Road Wilton, CT 06897	New York	0%
Chip Hoagland CFO	2302 Barbour Road Falls Church, VA 22043	Maryland	0%
Chris Galle COO	15 Casement Street Darien, CT 06820	New York	0%
Benjamin Israel General Counsel	2622 Oakenshield Drive Potomac, MD 20854	Maryland	0%
Roya Modal Associate General Counsel	305 Circle Road Syosset, NY 11791	New York	0%

D. “Related Persons”

In order to determine whether or not the interest on bonds issued with respect to a project will qualify under federal income tax laws for tax exempt status, it is necessary to have certain information about the applicant and certain persons and/or entities which are “related persons” as defined in Internal Revenue Code § 103(b)(6)(C).

To assist in determining the relevant “related persons”, please indicate below whether the applicant (and/or any of the applicant’s brothers, sisters, spouse, ancestors or lineal descendants) is an owner, a subsidiary or direct or indirect affiliate of any organization, trust or other entity which owns or occupies any business property in Sussex County. If so, give the name of the related entity and describe the relationship to the applicant.

Also, list any other business, organization in which the applicant is an officer or with which the applicant is otherwise associated.

None

E. Have any of the parties identified above in this item I, within the past five years, been a party in litigation involving laws governing hours or labor, minimum wage standards, discrimination in wages, for child labor?

Yes No If yes, furnish details in a separate attachment.

F. Have any of the parties identified above in this item I ever been charged with or convicted of any criminal offense other than a minor motor vehicle violation?

Yes No If yes, furnish details in a separate attachment.

G. Are any of the parties identified above in this item I now a plaintiff or defendant in any civil or criminal litigation?

Yes No If yes, furnish details in a separate attachment.

BDC, certain subsidiaries, and Shawn Kreloff as CEO have been sued for a contractual dispute. Insurance is covering certain fees that are generally reimbursed by carriers.

H. Have any of the parties identified in this item I been subject to any disciplinary action, past or pending, by an administrative, governmental or regulatory body?

Yes No If yes, furnish details in a separate attachment.

I. Have any of the parties identified above in this item I been or are now subject to any order resulting from any criminal, civil or administrative proceedings brought against them by any administrative, governmental or regulatory agency?

Yes No If yes, furnish details in a separate attachment.

J. Have any of the parties identified above in this item I been denied any license by any administrative, governmental or regulatory agency on the grounds of moral turpitude?

Yes No If yes, furnish details in a separate attachment.

K. Have any of the parties identified above in this item I been informed of any current or ongoing investigation with respect to possible violations of state or federal securities or antitrust laws?

Yes No If yes, furnish details in a separate attachment.

L. Have any of the parties identified above in this item I ever been in receivership or been adjudicated a bankrupt?

Yes No If yes, furnish details in a separate attachment.

M. Have any of the parties identified above in this item I ever been denied a business-related license or had it suspended or revoked by any administrative, governmental, or regulatory agency?

___ Yes No If yes, furnish details in a separate attachment.

N. Have any of the parties identified above in this item I ever been debarred, suspended, or disqualified from contracting with any federal, state or municipal agency?

___ Yes No If yes, furnish details in a separate attachment.

O. Do any of the parties identified above in this item I have delinquent taxes or outstanding fees or charges owing to any jurisdiction in the State of Delaware? If so, please itemize by year and jurisdiction (on a separate sheet if necessary).

No

P. 1. Name, address and telephone number of counsel to applicant:

**Benjamin Israel
Chief Legal Officer
50 State Circle
Annapolis, MD 21401
202.415.4727**

2. Name, address and telephone number of accountant:

**Dena Nolte
Controller
50 State Circle
Annapolis, MD 21401
301.717.2218**

Name and address of principal bank(s) of account:

**First Republic Bank
1230 Avenue of the Americas
New York, NY 10020**

3. Name and address of probable lender(s) for this project; loan officer and telephone number:

**Tyler Hoch
Stifel
60 South Sixth Street, Suite 3000
Minneapolis, MN 55402
612.455.5592**

II. Project Description

- A. Summary: Please provide a brief narrative description of the project:

The Bioenergy Innovation Center (BIC) will be a state-of-the-art Anerobic Digestion and Compost facility located in Sussex County Delaware dedicated to minimizing environmental impact of poultry waste on the Delmarva Peninsula while creating a robust source of renewable natural gas and organically rich compost.

The project will be developed in two stages:

- **Stage 1: Receive and process ~100,000 tons per year of waste residuals from Perdue's four poultry processing facilities and other poultry producers**
- **Stage 2: Receive and Process an additional ~100,000 tons per year of poultry waste (200,000 tons per year in total)**

Reuse the former pelletizing plant to create high value soil products combining chicken litter and digestate for distribution by the compost facility.

- B. Location of Proposed Project (Street Address):

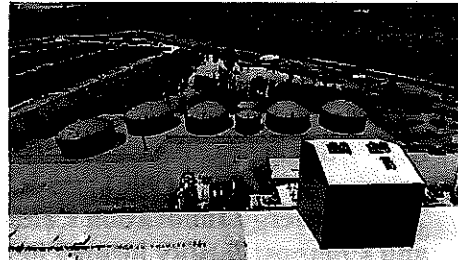
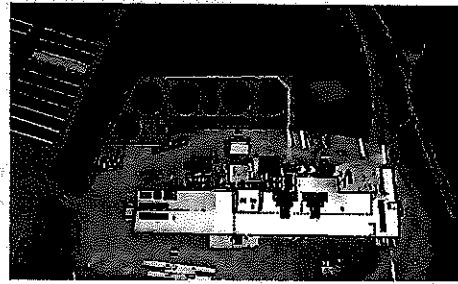
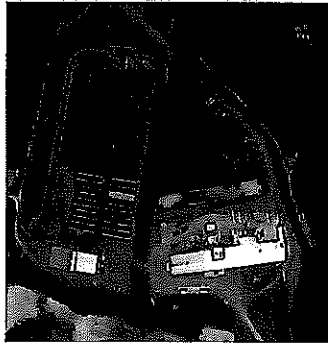
**28338 Enviro Way
Seaford, DE 19973-5964**

- (a) What is the permanent parcel number of the project location? Please enclose a photograph of the project site and/or project and plot plans if available.

Please see Attachment C: Recorded Deed Seaford Road

The Parcel ID is TP. 132-6.00-88.01 and Picture of the site and improvements can be found on the following page.

BIC EPC



- Design and planning work has begun laying out the proposal for the AD facility on site.
- These renderings provide a sense of how and where the facility will be constructed relative to the compost facility and receiving building

C. Project Site (Land)

Indicate approximate size (in acres or square feet) of project site.

Approximately 8 Acres of Land

1. Are there buildings now on the project site?
 Yes No
2. Indicate in detail the present use of the project site.

Recently entered into a partnership with Perdue Farms for the supply of organic material from Perdue processing facilities as well as the purchase and management of the Perdue AgriRecycle organic soil composting facility. The Perdue AgriRecycle facility is currently permitted to compost poultry processing and hatchery byproducts from the poultry operations and poultry litter from poultry farms located on the Delmarva Peninsula.

3. Indicate present owner of project site.

BDG DE, LLC

4. If applicant now owns project site, indicate:
 - a. date of purchase February 5, 2020
 - b. purchase price \$15MM

c. balance of existing mortgage None

d. holder of mortgage None

5. If the applicant is not now the owner of the project site, does applicant have an option to purchase the site and any buildings on the site?

N/A Yes ___ No ___ If yes, please attach a copy of the contract.

6. Has the applicant entered into a contract to purchase the site?

N/A Yes ___ No ___ If yes, please furnish copy.

7. If the applicant is not the owner of project site, does the applicant now lease the site or any buildings on the site?

N/A Yes ___ No ___

8. Is there any relationship between the applicant and the seller of any part of the project facilities?

___ Yes X No ___ If yes, describe this relationship using an attachment, if necessary.

D. Buildings

1. Does the project involve acquisition of an existing building or buildings?

X Yes ___ No ___ If yes, indicate number and size of buildings in number of stories and square feet per story.

Existing drying and pelletizing building: 35 foot open ceiling – building approximately 60,000 square feet.

Single Level Office Building: 900 Square foot.

2. Does the project consist of the construction of a new building or buildings?

___ Yes X No ___ If yes, indicate number and size of buildings in number of stories and square feet per story.

3. Does the building consist of addition and/or renovations to existing buildings?

X Yes ___ No ___ If yes, indicate nature of expansion and/or renovation.

Renovation – reconfigure the space for AD process equipment, utilizing existing office space within the building but modifying square footage.

4. Describe in detail the principal use(s) by the applicant of the building(s) to be acquired, constructed, expanded or renovated. (Attach a separate sheet if necessary)

Processes related to Anaerobic Digestion and its associated maintenance and support including: Waste receiving, processing, maintenance support, digester dewatering, product recovery, spare parts storage, controls, operator facilities (locker rooms / break room).

5. Zoning and Infrastructure

- a. Do proposed uses of the project comply with all governmental zoning and subdivision regulations?

Yes No If no, explain action to be taken to comply.

- b. Is there adequate capacity for utilities, sewage, and drainage available to site?

Yes No Describe any special needs and action to be taken to provide for such needs.

Drainage, sewer, utilities will be modified in accordance with the site plan.

- c. Does the project meet all related Federal, State or Municipal regulations? If appropriate, please document clearances.

Yes

E. Construction Status

Has construction work on this project begun?

Yes No If yes, complete the following:

- | | | | | | | | |
|----|----------------|-----|-------------------------------------|----|-------------------------------------|------------|-------------|
| a. | site clearance | yes | <input checked="" type="checkbox"/> | no | <input type="checkbox"/> | % complete | 10% |
| b. | foundation | yes | <input checked="" type="checkbox"/> | no | <input type="checkbox"/> | % complete | 5% |
| c. | footing | yes | <input checked="" type="checkbox"/> | no | <input type="checkbox"/> | % complete | 0.1% |
| d. | steel | yes | <input type="checkbox"/> | no | <input checked="" type="checkbox"/> | % complete | 0% |

- e. masonry work yes _____ no X % complete _____
- f. other (describe below)

Predominately demolition of existing / previous owner's equipment.

F. Equipment

1. Describe in detail the principal uses by the project occupant of the machinery or equipment to be acquired. Attach separate sheet if needed.

Processing of organic materials, liquids and water, raw biogas

2. Has any of the above equipment been ordered?

X Yes _____ No If yes, please indicate:

- a. date ordered August 2020
- b. prices Various
- c. date to be received No later than June 2021

3. Has any of the above equipment been purchased?

X Yes _____ No If yes, please indicate:

- a. date ordered August 2020
- b. prices Various
- c. Date to be received No later than June 2021

III. Qualification of Bonds for Tax Exempt Status

Please check A or B or C below, whichever is applicable:

YES _____ A. Exempt Activities

Check this item A if the project will be used in connection with one of the below listed "exempt activities" as defined for the purpose of Internal Revenue Code § 103(b)(3), (4) or (5):

1. an activity of any tax exempt organization described in Internal Revenue Code §501(c)(3) (e.g., schools and other charitable organizations) (but not including any "unrelated trade or business" of such organization)
2. sports facilities

3. convention or trade show facilities
4. airports, docks, wharves, mass commuting facilities, parking facilities or storage or training facilities directly related to any of the foregoing
5. **Sewage or solid waste disposal facilities or facilities for the local furnishing of electric energy or gas**
6. air or water pollution control facilities
7. hydroelectric generating facilities
8. acquisition or development of land for an industrial park

 N/A B. Up to \$1,000,000 Small Issue Exemption

Check this item B if this application requests financing of \$1,000,000 or less. For this purpose you must also count the amount of any tax exempt financing outstanding which is identified in paragraph 1 below (if any).

1. Other Outstanding Tax Exempt Financing

Has the applicant or any occupant owning or occupying at least 10% (by fair market value) of the proposed project, or any "related person" (see item 1 D), ever owned or occupied at least 10% (by fair market value) of any other facility, which was financed with tax exempt funds, in Sussex County (or any facility contiguous to or integrated with any such facility)?

 Yes No

If yes, please complete the following:

<u>LOCATION OF FACILITY</u>	<u>PRINCIPAL AMOUNT OF BONDS OUTSTANDING</u>
-----------------------------	--

 N/A C. Over \$1,000,000 but less than \$10,000,000 Small Issue Exemption

1. If the amount of financing requested is more than \$1,000,000 but less than \$10,000,000 and you did not check item A, then check this item C and complete paragraph 2 below.
2. Itemize below the date and amount of every capital expenditure that meets all of the criteria described in clauses (i)-(iii):
 - (i) The expenditure was paid or incurred within the last three years;

- (ii) The expenditure was paid or incurred by any party with respect to a facility of which at least 10% (by fair market value) was owned or occupied by the applicant or any occupant owning or occupying at least 10% (by fair market value) of the proposed project, or any “related person” (see item I D);
- (iii) The expenditure was paid or incurred with respect to a facility located in Sussex County (or any facility contiguous to or integrated with any such facility).

3. “Capital expenditures paid or incurred” are determined in accordance with the normal accounting rules applicable to the party concerned and are determined without regard to any rule of federal tax law which permits capital items to be treated as current expenses.

<u>DATE</u>	<u>LOCATION OF FACILITY</u>	<u>AMOUNT</u>
-------------	-----------------------------	---------------

D. Other Applications for Tax Exempt Financing

Has the applicant applied to any other governmental authority for the issuance of tax exempt bonds for this project? If yes, please specify the governmental authority, the purpose of the application and the current status of the application.

No

IV. Public Benefits of the Project

A. Indicate facts which would support the County in determining that the project would:

- 1. Tend to maintain or provide gainful employment opportunities within and for the people of the County—
- 2. Aid, assist and encourage the economic development or redevelopment of the County—
- 3. Maintain, diversify or expand employment promoting enterprises within the County—

Bioenergy Innovation Center Anaerobic Digestion Facility will:

- **Reduce greenhouse gases and enables CO₂ and methane capture and use**

- **Reduces pathogens and antibiotic use in the environment as digested waste is effectively pasteurized and dried digestate can be used as an organic soil amendment**
- **Creates both direct and indirect jobs to construct and manage the facility as well as attend to the resulting offtake use and distribution**
- **Increases the lifespan of a local landfill, reducing percolates, increasing water quality**
- **Reduces odor as organic waste is deposited into sealed tanks**
- **Shrinks waste transport costs and associated environmental impact**

B. Employment Impact

1. Indicate below the number of people presently employed by the applicant at the site of the project, and the number that will be employed by the applicant at the end of the first and second years after the completion of the acquisition and/or construction of the project (excluding construction workers).

Type of Employment	(a) On-Site at Present Full time Part time	(b) First Year Full time Part time	(c) Second Year Full time Part time	(d) Presently Existing Jobs That Will Be Eliminated In County If Project Is Not Carried Out
(a):				
Professional				
Managerial	3	4	4	
Technical		1	1	
(b):				
Skilled				
(c):		4	4	
Unskilled				
Semi-skilled	7	12	12	
TOTALS:	10	21	21	
\				

It will be an event of default under the bond transaction documents (i.e. the applicant will have to repay the entire outstanding loan associated with the bond financing and refinance at taxable interest rates) if the applicant does not substantially meet the new employment projections made here. The applicant will be required to submit reports to the County 6 months, 1 year and 2 years after the completion of the acquisition and/or construction of the project as to the status of employment related to the project.

2. Indicate the number of employees presently employed by the applicant in Sussex County other than at the proposed project site:

N/A

Employment Location

Number of Employees

3. Will the proposed project result in the reduction of employment at any of the locations referred to in Item IV.B.2 above?

 Yes X No If yes, please indicate below the number of jobs to be reduced at each location if such jobs will be transferred to the new project site.

Employment Location

Number of Employees

4. Construction Employment: Please estimate the number of construction workers to be employed during the construction or renovation phase of the project: 50-60 construction jobs.

V. Project Cost

- A. State in column (a) below estimates of the costs reasonably necessary for the acquisition and/or construction of the proposed project together with any machinery and equipment to be acquired in connection therewith, and including all utilities, access roads or appurtenant facilities, using the categories indicated below or such other categories as you deem appropriate.

In column (b) indicate the costs associated with the project which are not eligible for bond financing. Land or other property which has already been purchased or which the applicant has a contractual obligation to purchase which is not contingent on tax exempt financing can not be paid for or reimbursed out of bond proceeds. All legal, accounting and other professional fees associated with applying for County bond financing and effecting the closing on the bond transaction are eligible costs. In the case of a construction project, all architectural, engineering, legal and accounting fees associated with planning the project are also eligible costs even if paid or incurred prior to County approval of this application.

However, in the case of a construction project, if, prior to County Council's approval of this application, construction work is performed which is specifically designated for this project (e.g., foundations are constructed), none of the planning or construction costs associated with the project which are incurred by

the applicant prior to County Council's approval can be paid for or reimbursed out of bond proceeds. Other ineligible costs include working capital, inventory, work in process and amounts used to repay an existing loan.

Estimated Bond Financing Allocation			
	Column A	Column B	Column C
Total Uses (Costs)			
Description of Costs	Eligible Project Costs	Project Not Eligible For Bond Financing	Total Costs
Land (Purchase) or	-	2,567,678	2,567,678
Land and buildings (Purchase)	-	2,009,583	2,009,583
Buildings (Construction)	19,713,435	1,507,565	21,221,000
Buildings (Renovation)	-	4,238,745	-
Equipment, machinery, utilities, roads, and appurenat facilities		4,877,475	4,877,475
Engineering and/or architectural fees	-	-	-
*Legal fees (including bond counsel fees)	800,000	-	800,000
Financial charges	750,000	-	750,000
Construction period interest	2,500,000	-	2,500,000
Contingency	1,354,000	-	1,354,000
Other (specify)	3,144,302	-	3,144,302
Fee to County (1/2 of 1% of requested financing)	174,720	-	-
Total Estimated Costs	28,436,457	15,201,046	43,637,503
Sources			
Equity contribution, if any			8,727,673
Tax Exempt Bond Financing			27,737,643
Taxable Bond Financing			7,172,187
Total Financing			43,637,503

Please note this is preliminary analysis, not final, allocation subject to change

B. Have any of the expenditures listed in Column (a) above already been paid or incurred by the applicant?

Yes No If yes, explain.

Yes - \$8.257 Million

Note: Eligibility for financial assistance by Sussex County is determined by the information presented in this application and required attachments. The information contained herein shall be deemed continuing representations, and any material change affecting the truth or accuracy of such information must be reported to the Department of Economic Development.

CERTIFICATION: I hereby represent and certify that the foregoing information, to the best of my knowledge, is true and complete and accurately and fairly describes the proposed project for which financial assistance is required. I further understand that if the County Council approves this application, I will be responsible for the fees and expenses of Bond Counsel in connection with this application and the revenue bond financing it contemplates.

IN WITNESS WHEREOF, the undersigned being duly authorized so to do have signed this application.

(Corporation)

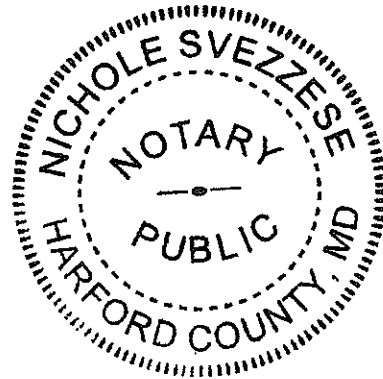
BDG DE, LLC

Corporate Name

By: *Chip Hoagland*
Chip Hoagland
Chief Financial Officer

Sworn and Subscribed before me this 10th day of February, 2021

Nichole Svezese
Notary Public



Bioenergy DevCo
50 State Circle
Annapolis, MD 21401
February 10, 2021

Sussex County
Office of Economic Development
P.O. Box 589
Georgetown, DE 19947

Dear Sir or Madam,

BDG DE, LLC, a subsidiary of Bioenergy DevCo (BDC), is applying for bond financing of its Bioenergy Innovation Center (BIC) Project which is located in Seaford, Delaware. The BIC qualifies for tax-exempt bond status under the IRS Code § 103(b)(3), (4) or (5) as a Sewage or Solid Waste Disposal Facility for the local furnishing of electric gas or energy.

Bioenergy DevCo

BDC deploys advanced anaerobic digestion technology, an economically viable alternative to landfills and incineration, to transform organic waste into renewable energy, empowering communities and corporations to accelerate their environmental and decarbonization goals. The Company has developed, or is in the process of developing, similar projects in other locations -- including Maryland and New York and will continue to seek expansion opportunities throughout the United States. Through its wholly owned subsidiary BTS Biogas, BDC can insure and guarantee facility performance of its more than 220 facilities worldwide.

Anaerobic Digestion Overview:

Anaerobic Digestion (AD) is a powerful technology that naturally breaks down organic wastes, which would otherwise typically be headed for incineration, crowded landfills, or worst of all, left to pollute local environments and instead turns the waste into renewable natural gas and an organic soil amendment. AD serves as an alternative to the current waste issues of incineration, landfills, and land application by providing a solution that is environmental, economic, and proven technology. AD rapidly processes organic waste into organic fertilizer while trapping climate change related methane gas, turning this into valuable renewable natural gas:

- AD reduces the greenhouse gasses and diverts waste from landfills, incinerators, and land application

- Municipalities, businesses, food processors and agricultural producers can save money by using AD and can now have long term visibility on waste costs and available capacity
- AD facilities are close to the source and reduces process and transportation costs; relatively simple to permit as a recycling facility
- AD is a natural, safe, proven and scalable technology that uses natural microbes
- Much like a cow's stomach on an industrial scale, AD is nature's fermentation process and is the best methodology/technology to recycle organic matter into clean renewable energy and organic soil amendments

Bioenergy Innovation Center Project

The Bioenergy Innovation Center (BIC) is a state-of-the-art Anaerobic Digestion and Compost facility located in Sussex County Delaware dedicated to minimizing environmental impact of poultry waste on the Delmarva Peninsula while creating a robust source of renewable natural gas and organically rich compost.

- BDG DE, LLC entered into an agreement with Perdue and other waste providers to take 210,000 tons/year of poultry DAF, waste activated sludge and litter. The Perdue transaction was completed on February 5th, 2020. BDG DE, LLC currently manages and operates all aspects of the compost facility from operations to sales:
 - The former Perdue Agri-Recycling facility (BIC) will:
 - Stage 1: Receive and process ~100,000 tons per year of waste residuals from Perdue's four poultry processing facilities and other poultry producers
 - Stage 2: Receive and Process an additional ~100,000 tons per year of poultry waste (200,000 tons per year in total)
 - Chesapeake Utilities: Negotiating a 20-year agreement whereby we will sell RNG to CUC (with two five-year extensions). CUC invests in in gas cleaning and distribution and assumes operating expenses.
 - Reuse the former pelletizing plant to create high value soil products combining chicken litter and digestate for distribution by the compost facility

Tax-Exempt Project Financing

BDG DE, LLC is seeking approval to issue tax-exempt bonds to assist during the late phases of the construction period.

The Company is seeking the benefits to defray the significant development costs of the project, as well as high operating costs. Without these benefits, obtaining financing

would be very difficult and the Company may have to scale down the scope of the project, or abandon it altogether and look for alternative sites/locations.

The project provides tremendous benefits to the local community, including a new ~\$43 million investment in environmentally friendly technology; clean up and modernize the site and create approximately 50-60 construction jobs and up to 22 permanent jobs; and improve the quality of life in the area. Bioenergy Devco is confident that with IDA assistance, the project will be able to achieve these important objectives. Without assistance, however, the project would be far more difficult to undertake.

Thank you for your time as you consider this application and please feel free to reach out with any questions,

Sincerely,

Chip Hoagland

BDG DE, LLC

**Consolidated Balance Sheet- Unaudited
November 30, 2020**

Assets

Current assets:	
Accounts receivable, net	\$ 415,695
Prepays and other current assets	<u>107,021</u>
Total current assets	522,716
Property and Equipment:	
Construction in progress	15,681,020
Land	2,567,678
Equipment, net	6,717,393
Other long-term assets	<u>138,099</u>
Total assets	<u>\$ 25,626,906</u>

Liabilities and Member's Interest
--

Liabilities	
Accrued expenses	13,104
Deferred revenue	12,071
Intercompany payable/receivable	<u>26,711,998</u>
Total liabilities	26,737,173
Members' interest	<u>\$ (1,110,267)</u>
Total liabilities and members' interest	<u>\$ 25,626,906</u>

BDG DE, LLC

**Consolidated Statement of Operations- Unaudited
Year ending November 30, 2020**

Revenue	\$ 1,901,186
Operating expenses:	
Cost of goods sold	459,554
Operating people costs	534,971
Operating maintenance and other	680,891
Total operating expenses:	<u>1,675,416</u>
Operating Income	<u>\$ 225,770</u>
Selling, general and administrative	246,037
Depreciation	710,531
Other (income) and expenses	379,469
Net Loss	<u>\$ (1,110,267)</u>

5 Year Projected Financials - BDG DE

	2021	2022	2023	2024	2025
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Operating Quantities

Total Tonnage	61,807	77,711	77,711	77,711	77,711
Total MMBTU	101,563	174,108	174,108	174,108	174,108
Total Digestate	14,526	14,289	14,289	14,289	14,289

Summary Financial Data**Income Statement**

Waste removal / Tipping Fees	1,804,993	1,697,059	1,739,975	1,783,976	1,829,090
Biogas Revenue	457,033	783,485	783,485	783,485	783,485
Sale of Compost	464,834	457,251	457,251	460,831	478,293
Other Revenue	4,183,631	6,542,258	6,876,972	7,228,811	7,598,651

Revenue	6,910,491	9,480,053	9,857,684	10,257,104	10,689,520
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Operating Costs	3,782,816	3,444,663	3,408,982	3,493,800	3,580,762
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Total Employee Expense	820,886	1,118,708	1,146,999	1,176,005	1,205,744
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EBITDA	2,306,789	4,916,682	5,301,703	5,587,300	5,903,014
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Debt Service	974,617	1,933,617	1,933,618	3,113,617	3,116,018
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Debt Service Coverage (x)	2.37	2.54	2.74	1.79	1.89
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Net Profit / (Loss)	1,058,150	2,119,674	2,454,619	2,690,111	2,955,753
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Balance Sheet

Total Assets	40,783,558	40,042,969	39,158,762	38,188,936	37,131,137
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Debt	30,260,984	29,326,542	28,344,291	27,311,787	26,226,458
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Equity	10,522,574	10,716,428	10,814,470	10,877,150	10,904,679
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Total Liabilities and SHE	40,783,558	40,042,969	39,158,762	38,188,936	37,131,137
----------------------------------	-------------------	-------------------	-------------------	-------------------	-------------------

Mr. Chip Hoagland
Chief Financial Officer
Bioenergy DevCo
9250 Bendix Road N.
Columbia, MD 21045

Subject: Letter of Interest for Bioenergy DevCo – Sussex County Solid Waste Disposal Revenue Bonds for Bioenergy Innovation Center Project

Dear Mr. Hoagland:

This follows on our ongoing discussions concerning BioEnergy DevCo's prospective project for the processing of chicken related waste streams (i.e. hatchery, lagoon, DAF and activated sludge waste) to raw biogas through an anaerobic digester at the Purdue Foods processing facility in Seaford, Delaware (the "Project"). We understand that Bioenergy DevCo ("BDC") is required to obtain a letter of interest from a financing entity for its allocation of tax-exempt solid waste disposal revenue bonds on a private activity basis under 142(a)(6) of the Internal Revenue Code (the "Bonds") to-be-issued on a conduit basis by Sussex County (the "Issuer") for the purpose of financing all or a portion of the costs of the Project.

As is consistent with most private activity Solid Waste Bonds, the Solid Waste Bonds would be structured as non-recourse to the Issuer. The Issuer would be a "conduit issuer" in which the Issuer would not have any responsibility for debt service payments on the Bonds.

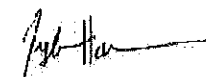
Stifel, Nicolaus & Company, Incorporated ("Stifel"),¹ has had a positive relationship with BDC over the past couple of years and is interesting in being engaged as underwriter or placement agent on the Bonds for the Project. Stifel would work with BDC and the Issuer to manage the transaction, along with bond counsel, underwriter counsel, trustee and other team members.

Since our founding in 1890, Stifel has evolved into one of the largest publically held investment banks in the nation. Stifel employs over 7,700 employees globally and has over \$3.2 billion in annual revenue. Stifel's Public Finance Group was the #1 underwriter by municipal negotiated issues by volume in 2020. Stifel's Public Finance Group also places a significant amount of tax-exempt and taxable debt on a placement agent basis.

Please note that this is not a commitment to provide placement agent or underwriting services to finance the Project. Such an underwriting or placement agent commitment could only be made after the completion of satisfactory due diligence, review of satisfactory documentation, and approval by our commitment committee. Additionally, results cannot be guaranteed.

We look forward to the opportunity to work with BDC and the Issuer on this exciting Project. If you should have any questions related to this Letter, please do not hesitate to contact me per my below contact information.

Respectfully,



Tyler Hoch
Managing Director

¹ Stifel is a wholly-owned subsidiary of Stifel Financial Corp., a New York Stock Exchange traded company (ticker symbol SF).
60 SOUTH SIXTH STREET, SUITE 3000 – MINNEAPOLIS, MINNESOTA 55402
Tyler Hoch P: 612.455.5592 Email: hocht@stifel.com – www.stifel.com

Disclaimer

Stifel, Nicolaus & Company, Incorporated ("Stifel") has prepared the attached materials. Such material consists of factual or general information (as defined in the SEC's Municipal Advisor Rule). Stifel is not hereby providing a municipal entity or obligated person with any advice or making any recommendation as to action concerning the structure, timing or terms of any issuance of municipal securities or municipal financial products. To the extent that Stifel provides any alternatives, options, calculations or examples in the attached information, such information is not intended to express any view that the municipal entity or obligated person could achieve particular results in any municipal securities transaction, and those alternatives, options, calculations or examples do not constitute a recommendation that any municipal issuer or obligated person should effect any municipal securities transaction. Stifel is acting in its own interests, is not acting as your municipal advisor and does not owe a fiduciary duty pursuant to Section 15B of the Securities Exchange Act of 1934, as amended, to the municipal entity or obligated party with respect to the information and materials contained in this communication.

Stifel is providing information and is declaring to the proposed municipal issuer and any obligated person that it has done so within the regulatory framework of MSRB Rule G-23 as an underwriter (by definition also including the role of placement agent) and not as a financial advisor, as defined therein, with respect to the referenced proposed issuance of municipal securities. The primary role of Stifel, as an underwriter, is to purchase securities for resale to investors in an arm's-length commercial transaction. Serving in the role of underwriter, Stifel has financial and other interests that differ from those of the issuer. The issuer should consult with its' own financial and/or municipal, legal, accounting, tax and other advisors, as applicable, to the extent it deems appropriate.

These materials have been prepared by Stifel for the client or potential client to whom such materials are directly addressed and delivered for discussion purposes only. All terms and conditions are subject to further discussion and negotiation. Stifel does not express any view as to whether financing options presented in these materials are achievable or will be available at the time of any contemplated transaction. These materials do not constitute an offer or solicitation to sell or purchase any securities and are not a commitment by Stifel to provide or arrange any financing for any transaction or to purchase any security in connection therewith and may not be relied upon as an indication that such an offer will be provided in the future. Where indicated, this presentation may contain information derived from sources other than Stifel. While we believe such information to be accurate and complete, Stifel does not guarantee the accuracy of this information. This material is based on information currently available to Stifel or its sources and is subject to change without notice. Stifel does not provide accounting, tax or legal advice; however, you should be aware that any proposed indicative transaction could have accounting, tax, legal or other implications that should be discussed with your advisors and /or counsel as you deem appropriate.

State of Delaware
Secretary of State
Division of Corporations
Delivered 09:33 AM 10/04/2019
FILED 09:33 AM 10/04/2019
SR 20197382857 -- File Number 7641169

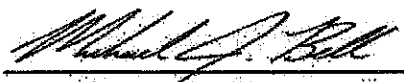
**CERTIFICATE OF FORMATION
OF
BDG DE, LLC**

(A Delaware Limited Liability Company)

First: The name of the limited liability company is: BDG DE, LLC

Second: Its registered office in the State of Delaware is located at 16192 Coastal Highway, Lewes, Delaware 19958, County of Sussex. The registered agent in charge thereof is Harvard Business Services, Inc.

IN WITNESS WHEREOF, the undersigned, being fully authorized to execute and file this document have signed below and executed this Certificate of Formation on this October 04, 2019.



Harvard Business Services, Inc., Authorized Person
By: Michael J. Bell, President

STATEMENT OF AUTHORIZED PERSON

IN LIEU OF ORGANIZATIONAL MEETING
FOR
BDG DE, LLC
October 4, 2019

We, Harvard Business Services, Inc., the authorized person of BDG DE, LLC -- a Delaware Limited Liability Company -- hereby adopt the following resolution pursuant to Section 18-201 of the Delaware Limited Liability Company Act:

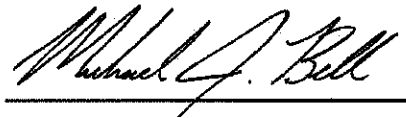
Resolved: That the Certificate of Formation of BDG DE, LLC was filed with the Secretary of State of Delaware on October 4, 2019.

Resolved: That on October 4, 2019 the following persons were appointed as the initial members of the Limited Liability Company until their successors are elected and qualify:

Bioenergy Development Group, LLC

Resolved: That the undersigned signatory hereby resigns as the authorized person of the above named Limited Liability Company.

This resolution shall be filed in the minute book of the company.



Harvard Business Services, Inc., Authorized Person
By: Michael J. Bell, President

Document # 202000005500 BK: 5195 PG: 306
On 2/5/2020 at 12:28:06 PM
RECORDER OF DEEDS Scott Dailey
Sussex County, DE
Consideration: \$7,200,000.00 County/Town: \$108,000.00
State: \$180,000.00 Total: \$288,000.00 Doc Surcharge Pa

TAX MAP AND PARCEL #: 1-32-11.00-41.00 & 41.02
1-32-6.00-88.01 & 95.00

PREPARED BY & RETURN TO:
Parkowski, Guerke & Swayze, P.A.
116 W. Water Street
Dover, DE 19904
File No. 093-19/MFD

THIS DEED, made this 5th day of February, 2020,

- BETWEEN -

PERDUE AGRIBUSINESS LLC, successor by merger with PERDUE-AGRIRECYCLE, LLC, a limited liability company existing under the laws of the State of Maryland, of P.O. Box 1537, Salisbury, MD 21801, party of the first part,

- AND -

BDG DE, LLC, a limited liability company existing under the laws of the State of Delaware, of 9250 Bendix Road N., Columbia, MD 21045, party of the second part.

WITNESSETH: That the said party of the first part, for and in consideration of the sum of **Ten and 00/100 Dollars (\$10.00)**, lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grants and conveys unto the party of the second part, and its successors and assigns, in fee simple, the following described lands, situate, lying and being in Sussex County, State of Delaware:

See Exhibit A attached hereto and made a part hereof.

SUBJECT TO ALL covenants, conditions, restrictions and easements of record, this reference to which shall not be construed to reimpose the same.

BEING the same lands and premises conveyed unto PERDUE-AGRIRECYCLE, LLC, by deed of Wheatley Farms, Inc., dated January 7, 2000 and recorded on January 11, 2000 in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 2454, Page 157.

AND BEING the same lands and premises conveyed unto PERDUE-AGRIRECYCLE, LLC, by deed of E. Jean Fleetwood, Trustee, dated January 10, 2000 and recorded on January 11, 2000 in the Office of the Recorder of Deeds in and for Sussex County, Delaware in Deed Book 2454, Page 163.

IN WITNESS WHEREOF, the said **PERDUE AGRIBUSINESS LLC**, successor by merger with PERDUE-AGRIRECYCLE, LLC, a Delaware limited liability company, has caused its name to be hereunto set under seal by Herbert D. French, Jr., an authorized person of **PERDUE AGRIBUSINESS LLC**, the day and year first above written.

Jay Wallace French
Witness

PERDUE AGRIBUSINESS LLC
By: [Signature] (SEAL)
Name: Herbert D. French, Jr.
Title: Secretary

STATE OF Maryland, COUNTY OF Wicomico: to-wit

BE IT REMEMBERED, that on this 21 day of January, A.D., 2020, personally appeared before me, the Subscriber, a Notary Public in and for the State and County aforesaid, Herbert D. French, Jr., authorized person of **PERDUE AGRIBUSINESS LLC**, a Delaware limited liability company, party to this Indenture, known to me personally to be such, and acknowledged this Indenture to be his/her act and deed and the act and deed of said limited liability company; that the signature of the authorized person is in his/her own proper handwriting and by his/her authority to act; and that the act of signing, sealing, acknowledging and delivering the said Indenture was first duly authorized by a resolution of the limited liability company.

GIVEN under my Hand and Seal of Office the day and year aforesaid.

Kaye M. Wilgus
Notary Public

My Commission Expires: 3.18.2023

KAYE M. WILGUS
Notary Public-Maryland
Wicomico County
My Commission Expires
March 18, 2023

Exhibit "A"

P-3881
LEGAL DESCRIPTION
TP. 132-6.00-88.01
Seaford Road

ALL that certain piece, parcel, lot, or tract of land situated in Broad Creek Hundred, Sussex County and State of Delaware, a land locked parcel located to the west of Seaford Road, also being Tax Parcel No. 132-6.00-88.01 and being more particularly bounded and described as follows to wit:

COMMENCING at a point on the Westerly side of Seaford Road, State Maintenance Road No. S 13, a 70 foot wide public right-of-way, 40 feet from the centerline thereof, being a point in line of lands now or formerly Glen W. Eskridge, Trustee (Plot Book 77, Page 78), said point also being a corner for other lands of Perdue Agribusiness, LLC (Tax Parcel 132-6.00-95.00); thence thereby, in part, and along lands now or formerly Consolidated Rail Corporation, in part, and along other lands of Perdue Agribusiness, LLC (Tax Parcel 132-11.00-41.00), in part, and along lands of Ralph H. Givens and Jane L. Givens, in part, by the following six (6) described courses and distances:

1. South 75 degrees 41 minutes 46 seconds West 240.19 feet to a point;
2. South 76 degrees 42 minutes 51 seconds West 1068.22 feet to a point;
3. South 77 degrees 50 minutes 34 seconds West 1496.60 feet to a point;
4. North 34 degrees 17 minutes 57 seconds West 555.09 feet to a point;
5. North 40 degrees 42 minutes 03 seconds East 148.50 feet to a point;
6. South 68 degrees 58 minutes 54 seconds West 441.07 feet to a point a in the centerline of Prong 1 of Gum Branch tax ditch, also a corner of other lands of Perdue Agribusiness, LLC (Tax Parcel 132-11.00-41.00), being the point and place of Beginning;

Thence thereby, from said point of Beginning, leaving said Prong 1 of Gum Branch tax ditch by the following three (3) described course and distances:

1. South 16 degrees 22 minutes 37 seconds East 397.64 feet to a point;
2. South 73 degrees 37 minutes 23 seconds West 998.80 feet to a point;
3. North 16 degrees 22 minutes 37 seconds West 316.55 feet to a point in the line of lands now or formerly of said Givens;

Thence thereby and partly along the centerline of Prong 1 of Gum Branch tax ditch, North 68 degrees 58 minutes 54 seconds East 1002.08 feet to a point the point and place of BEGINNING.

Containing within said metes and bounds, an area of 8.1879 acres of land, be the same more or less.

P-3881

LEGAL DESCRIPTION

TP. 132-6.00-95.00, East and West Tract

Seaford Road

East Tract:

ALL that certain piece, parcel, lot, or tract of land situated in Broad Creek Hundred, Sussex County and State of Delaware, located on the Westerly side of Seaford Road, also being part of Tax Parcel No. 132-6.00-95.00 and being more particularly bounded and described as follows to wit:

BEGINNING at a point on the Westerly side of Seaford Road, State Maintenance Road No. S 13, a 70 foot wide public right-of-way, 40 feet from the centerline thereof, being a point in line of lands now or formerly Glen W. Eskridge, Trustee; thence thereby by the following three (3) described courses and distances:

1. South 75 degrees 41 minutes 46 seconds West 240.19 feet to a point;
2. South 76 degrees 42 minutes 51 seconds West 1068.22 feet to a point;
3. South 77 degrees 50 minutes 34 seconds West 41.10 feet to a corner of lands now or formerly Consolidated Rail Corporation;

Thence thereby, crossing a 50 foot wide private access easement known as Enviro Way, North 20 degrees 12 minutes 16 seconds West 1288.55 feet to a concrete monument, found at a corner of Sussex Manor (Plot Book 2, Page 59); thence thereby by the following three (3) described courses and distances:

1. South 54 degrees 57 minutes 40 seconds East 99.20 feet to a concrete monument found;
2. North 46 degrees 56 minutes 33 seconds East 474.40 feet to a concrete monument found;
3. South 89 degrees 44 minutes 29 seconds East 620.32 feet to a corner of lands now or formerly Jason D. Waldrige and Leslie R. Waldrige, said point being North 89 degrees 44 minutes 29 seconds West 263.64 feet from a concrete monument found along the Westerly side of said Seaford Road;

Thence thereby by the following two (2) described courses and distances:

1. South 03 degrees 36 minutes 58 seconds East 261.52 feet to a found concrete monument;
2. North 77 degrees 39 minutes 52 seconds East 341.03 feet to a point in the line of the lands of said Waldrige and also a point on the said Westerly side of Seaford Road, said point being further located South 77 degrees 39 minutes 52 seconds West 10.3 feet from a concrete monument found;

Thence along said Westerly side of Seaford Road by the following two (2) described courses and distances:

1. by a curve turning to the right with an arc length of 318.15 feet, a radius of 2968.23 feet and further described by a chord South 22 degrees 26 minutes 38 seconds East 318.00 feet to a point of tangency;
2. South 19 degrees 22 minutes 24 seconds East 718.54 feet to the point and place of BEGINNING.

Containing within said metes and bounds, an area of 39.6512 acres of land, be the same more or less.

West Tract:

ALL that certain piece, parcel, lot, or tract of land situated in Broad Creek Hundred, Sussex County and State of Delaware, being along the Westerly side of lands now or formerly of Consolidated Rail Corporation and also being part of Tax Parcel No. 132-6.00-95.00 and being more particularly bounded and described as follows to wit:

BEGINNING at a rebar found on the Westerly side of lands now or formerly of Consolidated Railway Corporation, a corner for lands now or formerly Javed Farm, LLC (Plot Book 78, Page 87), said point being further described from a point on the Westerly side of Seaford Road, State Maintenance Road No. S 13, 70 foot wide public right-of-way, 40 feet from the centerline thereof, by the following three (3) described courses and distances:

1. South 75 degrees 41 minutes 46 seconds West 240.19 feet to a point;
2. South 76 degrees 42 minutes 51 seconds West 1068.22 feet to a point;
3. South 77 degrees 50 minutes 34 seconds West 107.76 feet to the point and place of BEGINNING.

Thence thereby, crossing a 150 foot wide Delmarva Power and Light Easement, South 77 degrees 50 minutes 34 seconds West 1388.84 feet to a concrete monument found, a corner for other lands of Perdue Agribusiness, LLC; thence thereby by the following two (2) described courses and distances:

1. crossing a 50 foot wide access easement known as Enviro Way, North 34 degrees 17 minutes 57 seconds West 555.09 feet to a point;
2. North 40 degrees 42 minutes 03 seconds East 148.51 feet to a point in the centerline of Prong 1 of Gum Branch tax ditch, a corner for lands now or formerly of Ralph H. Givens and Jane L. Givens (Tax Parcel No. 132-6.00-88.00);

Thence thereby, leaving the centerline of Prong 1 of Gum Branch tax ditch, North 44 degrees 57 minutes 42 seconds West 384.45 feet to a corner of lands now or formerly of Ralph H. Givens and Jane L. Givens (Tax Parcel No. 132-6.00-87.00); thence thereby, in part, and along lands now or formerly of Ronald Fensick, in part, and along lands now or formerly Edward N. Dickerson, Jr. and Sandra L. Dickerson, in part, North 39 degrees 02 minutes 18 seconds East 1384.43 feet to a corner of lands now or formerly HH and JS, LLC; thence thereby, partially recrossing the aforementioned 150 foot wide Delmarva Power and Light Easement, South 55 degrees 50 minutes 24 seconds East 603.99 feet to a point on the westerly side of lands of Consolidated Rail Corporation; thence thereby by the following two (2) described courses and distances:

1. South 20 degrees 11 minutes 10 seconds East 92.03 feet to a point;
2. South 20 degrees 12 minutes 16 seconds East 1279.22 feet to the point and place of BEGINNING.

Containing within said metes and bounds, an area of 48.4121 acres of land, be the same more or less.

P-3881
LEGAL DESCRIPTION
TP. 132-11.00-41.00
28192 Enviro Way

ALL that certain piece, parcel, lot, or tract of land situated in Broad Creek Hundred, Sussex County and State of Delaware, located on the Northerly side of Oneals Road, also being Tax Parcel No. 132-11.00-41.00 and being more particularly bounded and described as follows to wit:

COMMENCING at a point on the Westerly side of Seaford Road, State Maintenance Road No. S 13, a 70 foot wide public right-of-way, 40 feet from the centerline thereof, being a point in line of lands now or formerly Glen W. Eskridge, Trustee (Plot Book 77, Page 78), said point also being a corner for other lands of Perdue Agribusiness, LLC (Tax Parcel 132-6.00-95.00); thence thereby, in part, and along lands now or formerly Consolidated Rail Corporation, in part, by the following three (3) described courses and distances:

1. South 75 degrees 41 minutes 46 seconds West 240.19 feet to a point;
2. South 76 degrees 42 minutes 51 seconds West 1068.22 feet to a point;
3. South 77 degrees 50 minutes 34 seconds West 1496.60 feet to a concrete monument found, a corner of lands now or formerly Javed Farm, LLC (Plot Book 78, Page 87), the point and place of Beginning;

Thence thereby from said point of Beginning by the following two (2) described courses and distances:

1. South 34 degrees 17 minutes 57 seconds East 92.40 feet to a point;
2. South 19 degrees 17 minutes 57 seconds East 461.73 feet to a corner for other lands of Perdue Agribusiness, LLC (Tax Parcel No. 132-11.00-41.02, recorded in Plot Book 217, Page 51);

Thence thereby by the following eight (8) described courses and distances:

1. Along the centerline of Sub 2 of Prong 1 of Gum Branch tax Ditch, crossing over Enviro Way, a 50 foot wide private access easement where it joins a 24 foot wide access easement across the adjoining parcel to the South, South 63 degrees 36 minutes 49 seconds West 348.29 feet to a point;
2. Along the centerline of Sub 2 of Prong 1 of Gum Branch tax Ditch, South 74 degrees 23 minutes 19 seconds West 679.29 feet to a point;
3. Along the centerline of Sub 2 of Prong 1 of Gum Branch tax Ditch, South 71 degrees 19 minutes 40 seconds West 297.60 feet to a point;
4. Leaving the centerline of Sub 2 of Prong 1 of Gum Branch tax ditch, South 15 degrees 40 minutes 16 seconds West 557.23 feet to a point;
5. South 73 degrees 30 minutes 26 seconds East 170.34 feet to a point;
6. South 51 degrees 23 minutes 22 seconds East 166.78 feet to a point;
7. South 66 degrees 43 minutes 39 seconds East 56.88 feet to a point;
8. crossing over said 24 foot wide cross access easement across the adjoining parcel to the North, North 77 degrees 53 minutes 31 seconds East 1294.14 feet to a point in line of lands of said Javed Farm, LLC;

Thence thereby by the following two (2) described courses and distances:

1. South 15 degrees 17 minutes 57 seconds East 44.95 feet to a point;
2. South 20 degrees 02 minutes 57 seconds East 610.94 feet to a corner for the same on the Northerly side of Oneals Road, State Maintenance Road No. S 485, a 50 foot wide public road;

Thence thereby by the following two (2) described courses and distances:

1. South 59 degrees 27 minutes 41 seconds West 343.06 feet to a point on a 199.38 foot radius curve;
2. by said curve turning to the left with an arc length of 162.09 feet and further described by a chord South 36 degrees 10 minutes 17 seconds West 157.66 feet to a point of intersection of the Northerly side of Oneals Road and the centerline of Gum Branch tax ditch, A corner for lands now or formerly Peter H. Singleton and Natasha P. Singleton (Plot Book 40, Page 217);

Thence thereby along the centerline of the Gum Branch tax ditch by the following seventeen (17) described tie line courses and distances:

1. North 70 degrees 09 minutes 50 seconds West 44.71 feet to a point;
2. South 73 degrees 56 minutes 39 seconds West 131.15 feet to a point;
3. North 82 degrees 23 minutes 08 seconds West 196.42 feet to a point;
4. North 57 degrees 57 minutes 12 seconds West 171.37 feet to a point;
5. North 85 degrees 42 minutes 38 seconds West 63.24 feet to a point;
6. South 80 degrees 03 minutes 32 seconds West 207.10 feet to a point;
7. North 77 degrees 59 minutes 23 seconds West 365.05 feet to a point;
8. North 42 degrees 29 minutes 27 seconds West 116.93 feet to a point;
9. North 78 degrees 02 minutes 09 seconds West 151.11 feet to a point;
10. North 89 degrees 22 minutes 41 seconds West 101.52 feet to a point;
11. South 78 degrees 37 minutes 16 seconds West 75.56 feet to a point;
12. North 59 degrees 49 minutes 23 seconds West 91.52 feet to a point;
13. North 68 degrees 15 minutes 09 seconds West 104.81 feet to a point;
14. North 88 degrees 35 minutes 38 seconds West 44.70 feet to a point;
15. South 47 degrees 55 minutes 37 seconds West 128.04 feet to a point;
16. South 60 degrees 51 minutes 48 seconds West 122.26 feet to a point;
17. South 70 degrees 26 minutes 13 seconds West 88.79 feet to a corner for lands now or formerly John Horne (Deed Record 2914, Page 169);

Thence thereby, leaving the centerline of said Gum Branch, South 06 degrees 42 minutes 59 seconds West 364.56 feet to a corner for lands now or formerly O'Neal Farm, LLC (Deed Record 4157, Page 338); thence thereby North 89 degrees 01 minutes 07 seconds West 318.35 feet to a corner for lands now or formerly Ronald W. Conway (Plot Book 59, Page 85); thence thereby by the following two (2) described courses and distances:

1. North 00 degrees 47 minutes 15 seconds West 297.01 feet to a point;
2. North 05 degrees 07 minutes 21 seconds West 817.39 feet to a point in the centerline of said Sub 2 of Prong 1 of Gum Branch tax ditch, a corner for lands now or formerly Donald R. Eisenbrey (Plot Book 64, Page 273);

thence thereby by the following two (2) described course and distances:

1. by a tie line North 76 degrees 01 minutes 52 seconds East 396.08 feet to a point in the centerline of Sub 2 of Prong 1 of Gum Branch tax ditch;

2. leaving the centerline of said ditch, North 14 degrees 21 minutes 53 seconds West 1168.72 feet to a point in line of lands now or formerly Ralph H. Givens and Jane L. Givens (Deed Record 442, Page 141);

Thence thereby North 68 degrees 58 minutes 54 seconds East 612.41 feet to a corner of other lands of Perdue Agribusiness, LLC. (Tax Parcel 132-6.00-88.01); thence thereby by the following three (3) described courses and distances:

1. South 16 degrees 22 minutes 37 seconds East 316.55 feet to a point;
2. North 73 degrees 37 minutes 23 seconds East 998.80 feet to a point;
3. North 16 degrees 22 minutes 37 seconds West 397.64 feet to a point in the line of said Givens, being also a point in the centerline of Prong 1 of Gum Branch tax ditch;

Thence thereby, by a tie line, North 68 degrees 58 minutes 54 seconds East 441.07 feet to a corner for other lands of Perdue Agribusiness, LLC (Tax Parcel No. 132-6.00-95.00); thence thereby, leaving the centerline Prong 1 of Gum Branch tax ditch, by the following two (2) described courses and distances:

1. South 40 degrees 42 minutes 03 seconds West 148.51 feet to a point;
2. crossing over said Enviro Way, South 34 degrees 17 minutes 57 seconds East 555.09 feet to the point and place of BEGINNING.

Containing within said metes and bounds, an area of 97.6374 acres of land, be the same more or less.

P-3881
LEGAL DESCRIPTION
TP. 132-11.00-41.02
Enviro Way

ALL that certain piece, parcel, lot, or tract of land situated in Broad Creek Hundred, Sussex County and State of Delaware, located at the Southerly end of Enviro Way, a private access easement leading from the Westerly side of side of Seaford Road to the subject parcel, also being Tax Parcel No. 132-11.00-41.02 and being more particularly bounded and described as follows to wit:

COMMENCING at a point on the Westerly side of Seaford Road, State Maintenance Road No. S 13, a 70 foot wide public right-of-way, 40 feet from the centerline thereof, being a point in line of lands now or formerly Glen W. Eskridge, Trustee (Plot Book 77, Page 78), said point also being a corner for other lands of Perdue Agribusiness, LLC (Tax Parcel 132-6.00-95.00); thence thereby, in part, and along lands now or formerly Consolidated Rail Corporation, in part, and along the lands now or formerly Javed Farm, LLC (Plot Book 78, Page 87), in part, by the following five (5) described courses and distances:

1. South 75 degrees 41 minutes 46 seconds West 240.19 feet to a point;
2. South 76 degrees 42 minutes 51 seconds West 1068.22 feet to a point;
3. South 77 degrees 50 minutes 34 seconds West 1496.60 feet to a concrete monument found;
4. South 34 degrees 17 minutes 57 seconds East 92.40 feet to a point;
5. South 19 degrees 17 minutes 57 seconds East 461.73 feet to a point in the centerline of Sub 2 of Prong 1 of Gum Branch tax ditch, the point and place of Beginning;

Thence thereby from said point of Beginning, continuing along of said Javed Farm, LLC, by the following three (3) described courses and distances:

1. South 19 degrees 17 minutes 57 seconds East 437.52 feet to a point;
2. South 05 degrees 02 minutes 57 seconds East 313.50 feet to a point;
3. South 15 degrees 17 minutes 57 seconds East 153.05 feet to a corner for other lands of Perdue Agribusiness, LLC (Tax Parcel 132-11.00-41.00);

Thence thereby, by the following eight (8) described courses and distances:

1. crossing a 24 foot wide cross access easement for the benefit of the adjoining parcel to the South, South 77 degrees 53 minutes 31 seconds West 1294.14 feet to a point;
2. North 66 degrees 43 minutes 39 seconds West 56.88 feet to a point;
3. North 51 degrees 23 minutes 22 seconds West 166.78 feet to a point;
4. North 73 degrees 30 minutes 26 seconds West 170.34 feet to a point;
5. North 15 degrees 40 minutes 16 seconds East 557.23 feet to a point in the centerline of Sub 2 of Prong 1 of Gum Branch tax ditch;
6. North 71 degrees 19 minutes 40 seconds East 297.60 feet to a point;
7. North 74 degrees 23 minutes 19 seconds East 679.29 feet to a point;
8. along the end of a 24 foot wide cross access easement for the benefit of the adjoining parcel to the North and along the Southerly end of a 50 foot wide access easement known as Enviro Way, North 63 degrees 36 minutes 49 seconds East 348.29 feet to the point and place of BEGINNING.

Containing within said metes and bounds, an area of 26.6281 acres of land, be the same more or less.

ENGINEERING DEPARTMENT

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



Sussex County

DELAWARE
sussexcountyde.gov

HANS M. MEDLARZ, P.E.
COUNTY ENGINEER

JOHN J. ASHMAN
DIRECTOR OF UTILITY PLANNING

Proposed North Georgetown Area of the Sussex County Unified Sanitary Sewer District

PERMISSION TO POST FACT SHEET

- The Engineering Department has received a request from Beacon Engineering for their client Sussex Pain Relief Center. The Center desires to expand their existing facility with a surgery center. There are limitations associated with the formal variance permitted by DNREC and Secretary O'Mara that prohibits this economic expansion.
- The County has received interest in the past from this parcel and a few others in the area. DNREC has sent them a letter of no objection to them connecting to County sewer.
- The County does have a pressure line in front of the parcel coming from Ellendale to Georgetown where the waste is treated and disposed per our agreement with the town of Georgetown.
- The County and Beacon have reached out to several of the surrounding parcels to gauge interest in being included in the proposed area. The map you see before you shows those parcels interested and the parent parcel to the Pain Relief Center parcel.
- The Engineering Department would like to request for permission to prepare and post notices for a Public Hearing to establish a final boundary. The Engineering Department will present a proposed boundary and explain the County Rate structure.
- The Engineering Department will evaluate any requested revisions to the boundary and Final boundary recommendations will be presented to Council for approval at a future meeting.



Permission to Prepare and Post Notices Proposed North Georgetown Area

Parcels of Interest



0 120 240 480 Feet

4/20/2021



Schaeffer
OK



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: Slaughter Neck Community Action Organization Inc.

PROJECT NAME: Slaughter Neck Senior Center

FEDERAL TAX ID: 510109444 *OK* NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION: The program which funds are being requested for is the Slaughter Neck Senior Center & currently Youth program. We are a nonprofit organization that provides services to a senior program that operates four days a week from 7:30 - 11:30 AM. The center opens to the center for breakfast, socialization, and healthy relationships. The center also social activities with theater appearances, local parties, Council meetings. The center serves low to moderate income seniors, who find comfort in coming to a place where they can enjoy a hot breakfast and enjoy other seniors company. During the summer the center had a summer camp program and other activities to help youth by providing other activities during the year.

ADDRESS: 22942 Slaughter Neck Rd

Lincoln De 19960
[CITY] [STATE] [ZIP]

CONTACT PERSON: Roslyn D. Harris

TITLE: Director

PHONE: 302-260-4437 EMAIL: rorz1948@aol.com

TOTAL FUNDING REQUEST: \$5,000.00

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

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

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

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

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

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

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

1,700

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.

The program which funds are for is the Slaughter Neck Community Action Organization. Under this organization is the Slaughter Neck Senior Program and youth program. I am applying for a grant to help the center become more self sufficient. We are a non-profit program that provides service to seniors that operates four days a week daily from 7:30 - 11:30 AM. Most of the seniors attending receive low to moderately low income. They come to the center for breakfast, socialization, and healthy relationships.

This program also assist seniors with doctor's appointments, the food pantry, Covid testing, monthly vital check-ups with registered nurses, and a clothing closet.

We also provide services to the youth in the community. We have an afterschool program, Summer camp, and had a successful Summer basketball league prior to Covid-19 restrictions. The Slaughter Neck Community Action receives \$11,250.00 per quarter which is used for salaries, operating expenses, building upkeep, utilities, and other miscellaneous items. More money is needed for the continual success for this program.

If awarded a grant from Sussex County Council, monies will be used to continue the programs in the community of Slaughter Neck to ensure that seniors will have a place to come daily and our youth will have a safe and healthy environment within their community.

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	45,000.00
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)	
Personnel	\$ 33,000.00
Insurance	\$ 3,700.00
Supplies	\$ 5,235.00
Utilities	\$ 3,213.00
Inspections	\$ 250.00
Repairs	\$ 5,000.00
Federal & State Taxes	\$ 4,320.00
Telephone	\$ 1,400.00
TOTAL EXPENDITURES	\$ 56,118.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 11,118.00

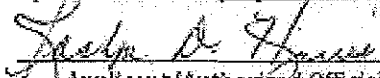
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the Slaughter Neck Community Action Org agrees that:
(Name of Organization)

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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant/Authorized Official Signature

3/23/21

Date

Witness Signature

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 Signature


Title

Witness Signature

Date

Green
OK

Council Grant Form	
Legal Name of Agency/Organization	CHEER Inc. <i>JK</i>
Project Name	CHEER 50th Anniversary Gala Event
Federal Tax ID	51-0112599 <i>OK</i>
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	CHEER was formed as a non-profit organization in 1971, to help senior citizens of Sussex County maintain safe and healthy lifestyles that would enable them to continue living in their own private homes as opposed to institutional facilities. Our mission is "to promote and maintain the highest quality of life and independence by developing and providing services that meet the continuing needs of senior citizens 50 and over."
Address	546 South Bedford Street
Address 2	
City	Georgetown
State	Delaware
Zip Code	19947
Contact Person	Mary Lou Tietz

Contact Title	
Contact Phone Number	302-539-0793
Contact Email Address	<u>maryloutietz@yahoo.com</u>
Total Funding Request	\$5,000
Has your organization received other grant funds from Sussex County Government in the last year?	Yes
If YES, how much was received in the last 12 months?	64633
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	10
Program Category (choose all that apply)	Health and Human Services
Program Category Other	
Primary Beneficiary Category	Elderly Persons (62 +)

Beneficiary Category
Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program **30000**

Scope

CHEER Inc. was formed as a non-profit organization in 1971, to help senior citizens of Sussex County maintain safe and healthy lifestyles that would enable them to continue living in their own private homes as opposed to institutional facilities. CHEER offers a full range of services for mature adults that ensures seniors have safe, dependable choices so they can remain in their home while maintaining the quality of life they have come to expect.

From Personal Care services to Transportation and Senior Housing, to Meals on Wheels and a mobile Grocery Mini-Mart, to Nutrition Programs and Support Groups, to Companionship and Housekeeping, to our state-of-the-art Activity Centers located throughout Sussex County, CHEER offers comprehensive care and healthy lifestyle choices for mature adults so they may live a full and independent life as they age. Our vast array of programs and services tailored towards boomers and seniors is what makes CHEER so unique.

The COVID-19 pandemic has posed significant challenges for many non-profit community service providers. CHEER has stood in the face of these challenges while continuing to maintain essential services for our senior citizens who depend on us daily. Our service delivery methods and staffing assignments have changed, evolved, and, in some cases, expanded, as we continue to serve clients who

depend on us.

On October 16th, 2021, CHEER will be holding a gala celebration in honor of our 50th Anniversary serving seniors in Sussex County. The event will take place at the CHEER Community Center and will including a formal dinner and entertainment. All proceeds will benefit CHEER programs for Sussex County seniors.

CHEER is requesting a grant of \$5,000 from the Sussex County Council for sponsorship of the event. The contribution will be at the Bronze Level and includes a table for the evening with 8 tickets, plus various advertising recognition. Grant funds will offset CHEER's expenses for the gala, which include food costs, entertainment, printed materials, etc.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	45,000.00
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Description Food & Beverages

Amount	11,921.00
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Description Gala Staffing

Amount	7,226.00
--------	----------

Description Tableware & Decorations

Amount	6,500.00
--------	----------

Description	Sponsor & Commemorative Gifts
Amount	2,436.00
Description	Entertainment
Amount	6,555.00
Description	Fundraising Expenses
Amount	6,904.00
Description	Printing & Postage
Amount	8,458.00
Description	
Amount	
TOTAL EXPENDITURES	50,000.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-5,000.00
Name of Organization	CHEER Inc.
Applicant/Authorized Official	Beckett Wheatley
Date	04/15/2021
Affidavit Acknowledgement	Yes

Hudson
OK

Council Grant Form	
Legal Name of Agency/Organization	Rehoboth Beach Lions Club ^{Service} Foundation Inc.
Project Name	Rehoboth Beach Lions Club Support to Citizens of Sussex County
Federal Tax ID	51-0388948 <i>OK</i>
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	To serve the Rehoboth Beach community by aiding supporting and contributing to individuals and groups based on need, with our regard to race gender or creed.
Address	Rehoboth Beach Lions Club, PO Box 291
Address 2	
City	Rehoboth Beach
State	DE
Zip Code	19971
Contact Person	Tom Foster
Contact Title	Club President

Contact Phone Number	302-644-6652
Contact Email Address	<u>TOMLFOSTER@COMCAST.NET</u>
Total Funding Request	\$1,550.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	40
Program Category (choose all that apply)	Educational, Health and Human Services
Program Category Other	
Primary Beneficiary Category	Disability & Special Needs

Beneficiary Category

Other

Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program

20

Scope

Restrictions imposed by the coronavirus pandemic severely restricted Rehoboth Beach Lions from annual fundraising for these charitable programs with Sussex County that we normally support:

1. Donation to the West Rehoboth Children and Youth Program for materials, benefiting the after school education and care of disadvantaged children of mostly single parents, many of whom lost employment due to the pandemic.
2. Provision to provide prescription eyeglasses and/or eye exams to underprivileged citizens of Rehoboth Beach area.
3. Donation to buy lumber and hardware materials in support of a multi-Lions Club effort to volunteer to build wheelchair access ramps to citizens of Sussex County that can't afford to pay for ramps to get safely in and out of their homes following hospital or rehabilitation care.
4. Our annual donation to the Cape Henlopen Food Basket to help with the increasing need to provide food to needy individuals.
5. Our annual donation to Kent-Sussex Industries to assist people with disabilities find employment and participation in their communities.
6. Our annual donation to Special Olympics in support of their fundraisers to support their events and competitions.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	0.00
Description	West Side-New Beginnings, Inc.
Amount	-250.00
Description	Eyeglasses for Rehoboth Beach residents
Amount	-500.00
Description	Wheelchair ramps donation for material (lumber & hardware)
Amount	-300.00
Description	Donation to Cape Henlopen Food Basket
Amount	-100.00
Description	Donation to Kent-Sussex Industries
Amount	-200.00
Description	Donation to Special olympics
Amount	-200.00
Description	
Amount	

Description	
Amount	
TOTAL EXPENDITURES	-1,550.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	1,550.00
Name of Organization	Rehoboth Beach Lions Club
Applicant/Authorized Official	Tom Foster
Date	03/29/2021
Affidavit Acknowledgement	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

Hudson
OK

Council Grant Form	
Legal Name of Agency/Organization	Developing Artist Collaboration
Project Name	West Rehoboth
Federal Tax ID	82-1214176 <i>OK</i>
Non-Profit	Yes
Does your organization or its parent organization have a religious affiliation? (If yes, fill out Section 3B.)	No
Organization's Mission	<p>The Developing Artist Collaboration (DAC), founded in 2017, is an artist development organization dedicated to enhancing the careers of artists by providing supportive resources, creation space, like-minded collaboration, and innovative presentation opportunities. We encourage artists to give back to their community through workforce development which, in turn, provides income sustainability to our organization, creative community development and cultural enrichment to Sussex County and beyond.</p>
Address	37401 Malloy Street
Address 2	
City	Rehoboth Beach
State	DE
Zip Code	19971

Contact Person	Leah Beach
Contact Title	Executive Director
Contact Phone Number	3022129798
Contact Email Address	<u>leah@developingarts.org</u>
Total Funding Request	5000.00
Has your organization received other grant funds from Sussex County Government in the last year?	No
If YES, how much was received in the last 12 months?	N/A
Are you seeking other sources of funding other than Sussex County Council?	Yes
If YES, approximately what percentage of the project's funding does the Council grant represent?	50
Program Category (choose all that apply)	Cultural, Infrastructure
Program Category	Other

Primary Beneficiary Category	Minority
Beneficiary Category Other	
Approximately the total number of Sussex County Beneficiaries served, or expected to be served, annually by this program	65000
Scope	<p>We began our journey in West Rehoboth with leasing one building in 2017 and now lease three warehouse structures, a parking lot, as well as a potential fourth location coming in 2022. There is a rich culture and history of the West Rehoboth community which has evolved over the years. Currently, West Rehoboth is facing an identity shift where million dollar homes are popping up and the area is quickly becoming more gentrified. Our mission with this project is to pay respect to the rich historic culture of this community to educate the tourists as well as misinformed locals who stigmatize West Rehoboth rather than honor its heritage. As we expand our programming, it is a high priority that we honor the legacy of the heritage of this community while ensuring that original community members are brought to the table in our efforts and we can educate the public about the forgotten history of this iconic neighborhood.</p> <p>Geographically, West Rehoboth spans well beyond where we are located; we are located in the most industrial section of the neighborhood which is also quickly growing into a tourist destination. We have a large Junction of the Breakwater Biking Trail in front of one of our facilities and we are currently working with DelDot and the property owners to finish the private section of our public road</p>

because it is not only covered in pot holes but needs to have speed bumps, signage, and safety mirrors put in place. Once this is finished, we will work with the Delaware State Parks later this Spring to reroute the Breakwater Trail Bike Path that has thousands of bikers pass by annually down our street. Our fundraising efforts in April and May will be to paint a mural on the large wall that is located on this main road as well as structural signage along this wall as an educational resources to tell the story of West Rehoboth communicated by the people who have lived it over the years and illustrated by our artists.

Our vision is that our mural portrays the rich musical culture and history of this community dictated by the original community members in partnership with our professional mural artists. The front facing wall will have the main mural where the side walls will be more abstract. We are currently putting together a committee of original community members and our team that meets bi-monthly discussing all of our programming, but the first initiative will be deciding the theme of this mural. We will be partnering with community members and volunteers to incorporate mosaics and abstractions on the side walls. The informational standing plaques along our wall side will be made out of wood and printed PVC plastic for people to read about West Rehoboth to honor this community. Our grant request of \$5000.00 from the Festival of Cheer will directly fund the mural portion of this larger project. We are also requesting for a budget of \$5000.00 from Sussex County for extra supplies for the mural side walls as well as to cover the cost of the standing plaques that will tell the story of West Rehoboth.

This artistic and educational resource will give the general community and tourists an opportunity to connect to the true culture of this primarily community of color and the vibrant creative history of West Rehoboth. We can not speak on behalf of the original community members on

how this will impact their lives, but we can speak on the impact this will have on the stigma on West Rehoboth that has unfortunately been deeply rooted in the local surrounding communities over the years.

Religious Components

Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request) **5,000.00**

Description Professional Artist Fee for Front Mural

Amount 5,000.00

Description Project Supplies (Priming, supplies for side murals)

Amount 2,500.00

Description Informational Plaques (4)

Amount 2,000.00

Description

Amount

Description

Amount

Description

Amount	
Description	
Amount	
Description	
Amount	
TOTAL	9,500.00
EXPENDITURES	
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	-4,500.00
Name of Organization	Developing Artist Collaboration
Applicant/Authorized Official	Leah Beach
Date	04/08/2021
Affidavit Acknowledgement	Yes

Mark as Spam in D3 Forms. Please do not mark as spam in your email client, as it will result in you no longer receiving D3 Forms notifications. Feel free to email info@d3forms.com with any questions.

Rec'd
OK



SUSSEX COUNTY GOVERNMENT

GRANT APPLICATION

SECTION 1 APPLICANT INFORMATION

ORGANIZATION NAME: **First State Pickleball Club, Inc.** *a 501(3)c*

PROJECT NAME: **Light Up The Courts at Clayton Elementary**

FEDERAL TAX ID: **47-2520023** *ok* NON-PROFIT: YES NO

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

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

ORGANIZATION'S MISSION:

We strive to promote the development of the sport of Pickleball through participation, training and good sportsmanship.

ADDRESS: **First State Pickleball Club, Inc.**

P.O. Box 276

Millsboro,

DE

(CITY)

(STATE)

(ZIP)

CONTACT PERSON: **Andy Staton**

TITLE: **President**

PHONE: **302-841-2127** EMAIL: **andrewstaton@gmail.com**

TOTAL FUNDING REQUEST: **2,500.00**

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

If YES, how much was received in the last 12 months? **N/A**

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

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

If YES, approximately what percentage of the project's funding does the Council grant represent? **10%**

SECTION 2: PROGRAM DESCRIPTION

PROGRAM CATEGORY (choose all that apply)

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

BENEFICIARY CATEGORY

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

BENEFICIARY NUMBER

Approximately the total number of Sussex County Beneficiaries served annually by this program:
350

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 First State Pickleball Club has been given permission by the Indian River School District to install enough outdoor lighting to cover approximately 4 courts at the existing pickleball courts behind J.M Clayton Elementary School. These courts were created as a privately funded rehabilitation of the 3 tennis courts by volunteers who did the labor to create 10 permanent pickleball courts. The courts are only available after 4 PM whenever school is in session. The problem is that many players want to play later into the evening and that adding the lights would offer more time for people who still work.

Our community is wanting and needing the lighting so that people can enjoy the courts beyond sunset. The primary advantages of pickleball is the exercise, social interaction and maintaining a sense of community for all age groups. While the dominant use is by people over 60 years of age, this addition of light would allow extended time to offer recreational play, clinics, and small leagues for the community to enjoy for longer periods of play. In addition, this would increase access and play times for working people who want to come out and play into the night.

These courts are open to the general public and all are welcome to play.

SECTION 4: BUDGET

REVENUE	
Please enter the current support your organization receives for this project (not entire organization revenue if not applicable to request)	
TOTAL REVENUES	0
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)	
See attached quote for installation.	
All maintenance will be conducted by the Clayton Elementary School	
TOTAL EXPENDITURES	\$ 0.00
TOTAL DEFICIT FOR PROJECT OR ORGANIZATION	\$ 0.00

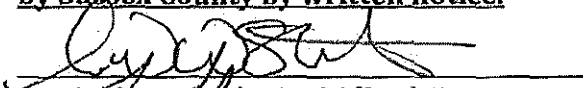
SECTION 5: STATEMENT OF ASSURANCES

If this grant application is awarded funding, the First State Pickleball Club, INC. agrees that:
(Name of Organization)

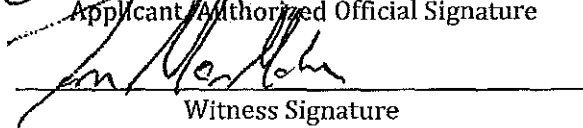
- 1) For non-religious organizations, all expenditures must have adequate documentation and must be expended within one (1) year of receipt of award funds. The funding awarded to the organization must be used in substantial conformity with the anticipated expenditures set forth in the submitted application.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

SECTION 5: STATEMENT OF ASSURANCES (continued)

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



Applicant Authorized Official Signature



Witness Signature

7.16.21
Date
7-16-21
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.

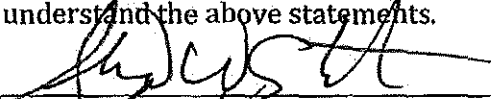
For non-religious organizations, all accounting records and supporting documentation shall be available for inspection by Sussex County within thirty (30) days after the organization's expenditure of the awarded funding, or within one year after the receipt of the awarded funds, whichever first occurs.

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.

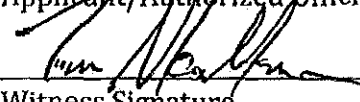
Certain programs are not eligible for funding pursuant to United States Constitution and State of Delaware Constitution. Those constitutional principles prohibit the use of funding to advance or inhibit religious activities. By signing below, the organization acknowledges that the funding shall be used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

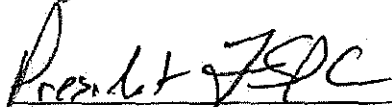
I acknowledge and represent on behalf of the applicant organization that I have read and understand the above statements.



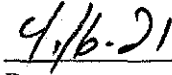
Applicant/Authorized Official Signature



Witness Signature



Title



Date

Andy Staton, President
First State Pickleball Club – a 501c3 Non Profit
P.O. Box 276
Millsboro, DE 19966

To Whom It May Concern:

On behalf of First State Pickleball Club, we are requesting a \$2,500 grant for the purposes of installing court lighting at the Clayton Elementary School.

The sport of Pickleball is booming all over Sussex County. Hundreds of players are stepping out of the COVID cloud and searching for places to play. The First State Pickleball (FSPC) home courts of John M. Clayton Elementary School in Dagsboro provide a year round outdoor pickleball destination. There are ten permanent courts, marked, and with permanent nets. Over 500 players of all skill levels from throughout Sussex County meet there as groups, community clubs, and walk-ons throughout the year.

Local Leaders at the Clayton courts have had a dream and they have done all the groundwork to make that dream a reality. The John M. Clayton courts are about to get lights for evening play.

The project will begin with four lighted courts at a cost of \$25,000 (quote included in this package). It will be financed by donations, large and small from community businesses, individuals, and through this grant. The dream is big, but not daunting, and we hope you can help.

The Clayton Light Fundraising committee includes: Dudley Sluder, Nan Colella, Lu-Ann Pyke and Vickie York.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Andy Staton', written in a cursive style.

Andy Staton, President
First State Pickleball Club



**Mid-Atlantic Electrical
Services Inc.**

24556 Betts Pond Road
Millsboro, DE 19966

Electrical Contractors

Phone: 302-934-7171
Fax: 302-934-7170

Electrical Proposal

MAES Proposal # 21-13

**January 25, 2021
To: Dudley Sudler**

Project: Court lighting

**Our price for the electrical work on this project is \$24,750.00
Price to include the following:**

**Provide trenching and backfill for raceway between pole lights (approx. 250')
(If distance is greater than 250' additional cost shall be incurred)
Furnish and install wiring in raceway to feed new pole lights
Furnish and install (4) concrete pole bases for pole lights to mount on
Furnish and install (4) 2 headed 25' poles
Furnish and install (8) 300W LED pole lights w/ photo cells
Provide terminations to pole lights and existing pole light circuit**

Note: Power for lights is at the courts.

Exclusions:

Thank You for allowing me to quote you on this project if you have any questions or concerns feel free to contact me on my cell at 302-218-9605 or by email at Chris@maesi.com as well as our office number above. This price shall be valid 30 day from date of proposal.

ACCEPTANCE OF PROPOSAL

I authorize Mid-Atlantic Electrical Services, Inc. to proceed with this work. And recognize that payment is due at time of services completed.

Authorized Signature _____ Date _____

To Be Introduced 04/27/21

**Council District 3: Schaeffer
Tax I.D. No. 334-10.00-69.01
911 Address: None Available**

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR AN EVENTS VENUE TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 98.60 ACRES, MORE OR LESS

WHEREAS, on the 22nd day of April 2021, a conditional use application, denominated Conditional Use No. 2280 was filed on behalf of Covered Bridge Inn, LLC; and

WHEREAS, on the ____ day of _____ 2021, 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. 2280 be _____; and

WHEREAS, on the ____ day of _____ 2021, 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.

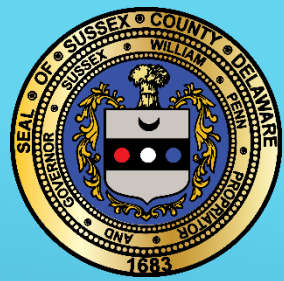
NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. That Chapter 115, Article IV, Subsection 115-22, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2280 as it applies to the property hereinafter described.

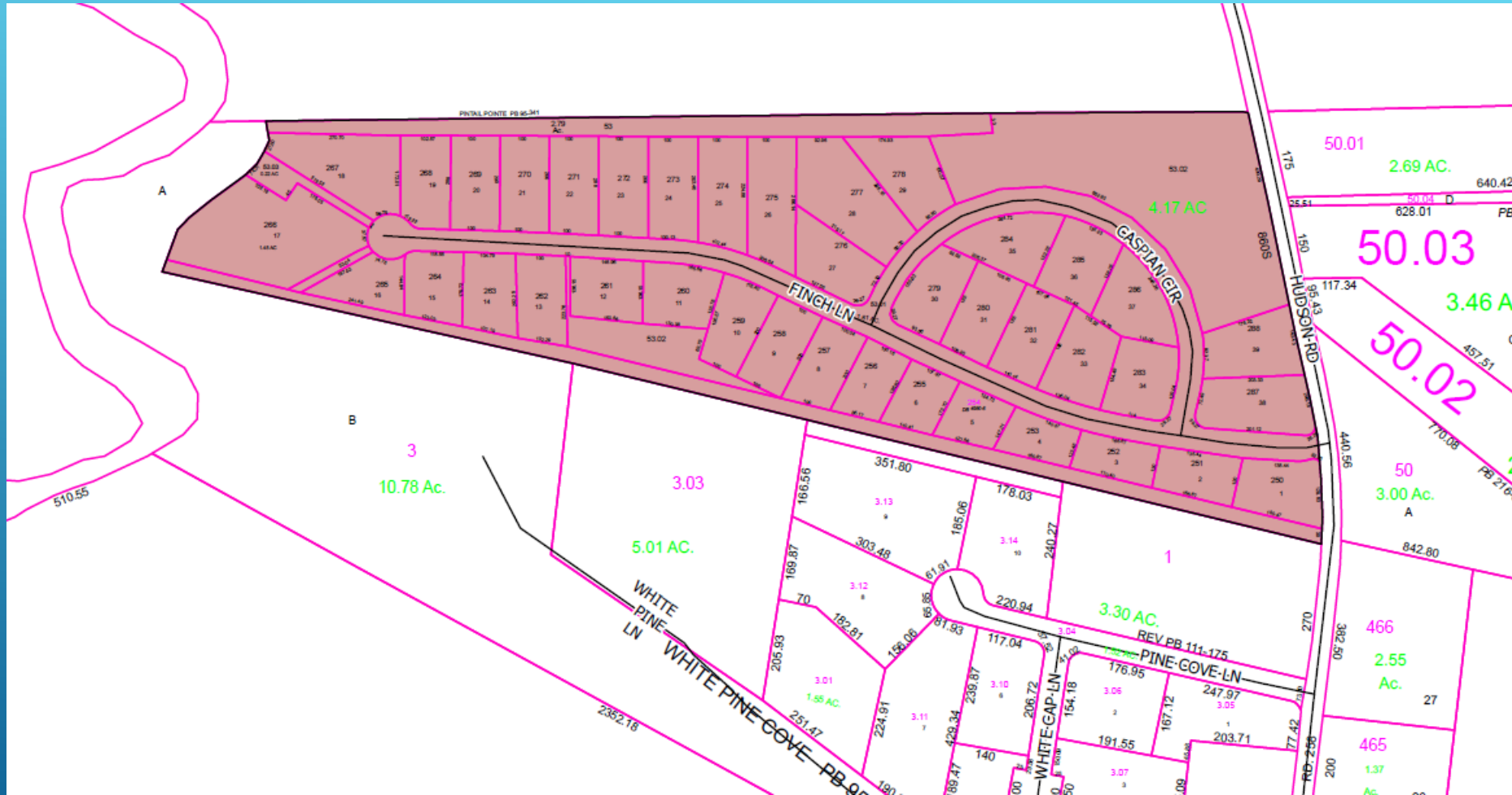
Section 2. The subject property is described as follows:

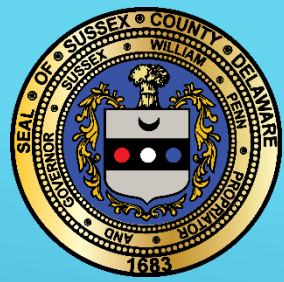
ALL that certain tract, piece or parcel of land, lying and being situate in Lewes and Rehoboth Hundred, Sussex County, Delaware, and lying on the south side of Fisher Road, approximately 0.38 mile west of Hopkins Road and being more particularly described in the attached legal description prepared by Thompson Mapping Systems, said parcel containing 98.60 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.



Pintail Pointe Proposed Boundary





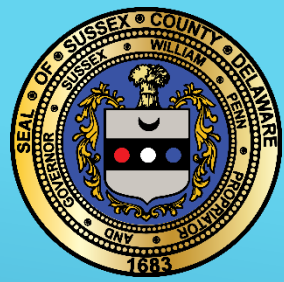
County Rate Structure

A. Annual

1. Service Charge – Billed Quarterly – Uniform across all areas
Recovers the costs of operating and maintaining the collection system, transmission system, and treatment facilities. The Service Charge is set in the annual budget.
2. Assessment Charge – Billed Annually with Tax Bill – Unique to each areas
Recovers the cost of constructing the sewer system based on the annual bond payments.

B. One-time

1. System Connection Charge – (“Impact Fee.”) - Uniform across all areas
One-time charge contributing towards debt retirement and future expansion or replacement of transmission and treatment facilities.
2. Permit Fee – Uniform across all Districts
Paid at the time of sewer permit application covering sewer lateral inspection and creation of billing records.



Estimated Rates

Estimated Annual Service Charge:

\$296.00/year per Equivalent Dwelling Unit; billed quarterly to connected customers (subject to change during the annual budget process).

Estimated Annual Assessment Charge:

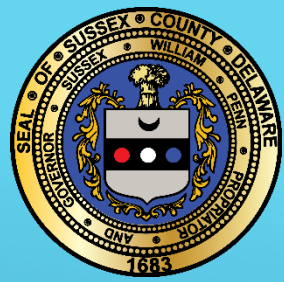
\$954.00/year per Equivalent Dwelling Unit (fixed for the term of the financing)

System Connection Charge:

\$0.00 for homes existing at the time of substantial completion. The one-time System Connection Charge (SCC) fee will be included in the financing. Any future connection will be charged the SCC fee in effect at that time.

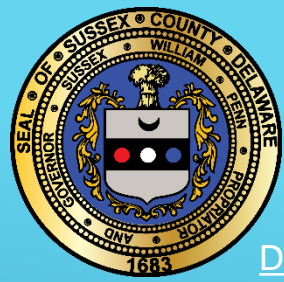
Estimated Annual Charge:

\$296.00 (service charge) + \$954.00 (assessment fee) = \$1,250.00



Absentee Ballots

- Available through the Sussex County Engineering Department (SCED)
- Contact Mrs. Sharon Smith at (302) 855-7706
- Requests can be made immediately following the adoption of the boundary.
- **This is a multiple step process, please request early to allow time for the mailings.**
- Ballots are due back at the Sussex County Engineering Department before 12:00 noon the day prior to the referendum (June 3rd) per County Code.
- The referendum will be scheduled for June 4, 2021 from 3:00- 5:00PM.



Eligible Voters

DEFINITION OF VOTER PER STATE LAW

- (a) Notwithstanding any other provisions of this title, for the purpose of this chapter the terms "voter," "legal voters," and "elector" shall be deemed to include all the following persons:
- (1) Persons whose principal place of abode has been within the proposed sanitary and water district for at least six months immediately preceding the date of the election or the date of the petition, whichever is applicable;
 - (2) Persons who own real estate in the proposed sanitary and water district on the date of the election or the date of the petition, whichever is applicable, regardless of where they reside, unless such real estate is subject to a lease described in paragraph four of this subsection;
 - (3) Corporations which own real estate in the proposed sanitary and water district on the date of the election or the date of the petition, whichever is applicable, unless such real estate is subject to a lease described in paragraph four of this subsection;
- (b) No person or corporation shall be entitled to more than one vote in any election.
- (c) Jointly or severally owned real estate shall be entitled to only one vote.
- (d) The president or vice-president of a corporation shall exercise the vote on behalf of the corporation,
provided that such president or vice-president exhibits a notarized resolution of the corporation authorizing him to cast such vote.

Source: 9 Delaware Code, Section 6519

PUBLIC NOTICE

PROPOSED PINTAIL POINTE AREA OF THE SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Sussex County Council will hold a public hearing on the question of organizing a sanitary sewer district for the Pintail Pointe subdivision to be part of the Sussex County Unified Sanitary Sewer District. The description of the proposed Area, which includes the Pintail Pointe subdivision which lies east of Milton in the Broadkill Hundred, Sussex County, Delaware is:

Beginning at a point, said point being on the westerly Right-of-Way (ROW) of Hudson Road, said point also being the northeasternmost property corner of land Now-Or-Formerly (N/F) of Charles E. Jr., & Robin L. Clendaniel, said point further being the southeasternmost property corner of Pintail Pointe subdivision; thence proceeding by and with said subdivision property the following distances and directions, in a northwesterly direction a distance of 2,394'± to a point; thence proceeding and following a wetland line in a generally northeasterly direction a distance of 427'± to a point; thence in a northeasterly direction a distance of 1,975'± to a point, said point being on the westerly ROW of Hudson Road; thence proceeding by and with said ROW and subdivision boundary in a southeasterly direction a distance of 1,043'± to a point, said point being the place of **Beginning**.

The above description has been prepared using Sussex County Tax Map No. 235-16.00.

The proposed Pintail Point **Area** is within these approximate boundaries containing 30 acres more or less. A map outlining the proposed boundary is attached.

The public hearing is scheduled for **Tuesday April 27, 2021 at 10:00 A.M. at the regularly scheduled meeting**. All interested persons, officials, residents, voters, taxpayers, property owners, or corporations in any way affected by this boundary extension are welcome to attend. There will be an opportunity for questions and answers. The Sussex County Council following the hearing, will make the final decision on the boundary at this time.

For further information, please call or write the Sussex County Engineering Department, 2 The Circle, Post Office Box 589, Georgetown, DE 19947 – (302) 855-1299.

Hans Medlarz P.E.
County Engineer


SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT
PINTAIL POINTE AREA
AFFIDAVIT FOR PUBLIC HEARING

STATE OF DELAWARE)(
:

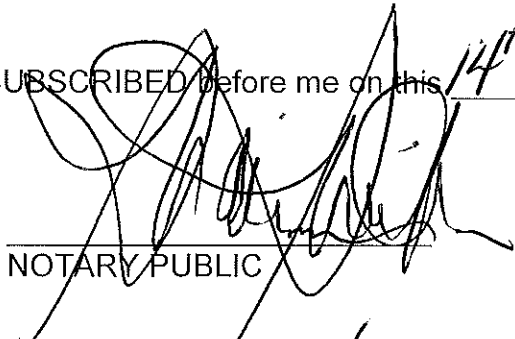
COUNTY OF SUSSEX)(
:

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

- A. On April 13, 2021 he was a Utility Planner for the Sussex County Engineering Department, Sussex County, State of Delaware; and
- B. On April 13, 2021 he did post the attached "Public Notice," prepared by the Sussex County Engineering Department, at the following locations:
 - 1. On a post in front of a pedestrian crossing sign, in the southerly Right-Of-Way (ROW) of Finch Lane, Pintail Pointe subdivision,
 - 2. On a post in the northerly ROW of Finch Lane 95'± west of Hudson Road, Pintail Pointe subdivision,
 - 3. On a post in front of a stop sign, in the northwesterly ROW of Caspian Circle, Pintail Pointe subdivision,
 - 4. On a post in front of a stop sign in the northwesterly ROW of Caspian Circle, Pintail Pointe subdivision,
 - 5. On a post in front of a stop sign in the southerly ROW of Pine Cove Lane at the intersection with Hudson Road,
 - 6. On a post in front of a stop sign at the intersection of Beulah Boulevard and Cave Neck Road, Vincent Overlook subdivision,
 - 7. On a post in front of a stop sign at the intersection of Ole Grist Run and Cave Neck Road, Overbrook Shores subdivision,
 - 8. On a post in front of a stop sign at the intersection of East Mill Run and Cave Neck Road, Overbrook Shores subdivision.


PHILLIP C. CALIO

SWORN TO AND SUBSCRIBED before me on this 14th day of April A.D., 2021


NOTARY PUBLIC

SHARON E. SMITH
NOTARY PUBLIC
STATE OF DELAWARE
My Commission Expires on 6/14/22

My Commission Expires 6/14/22

RESOLUTION NO. _____

**BOUNDARIES FOR THE PROPOSED PINTAIL POINTE AREA OF THE
SUSSEX COUNTY UNIFIED SANITARY SEWER DISTRICT**

WHEREAS, petitions were received from more than 50 legal voters of the proposed Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District requesting the Sussex County Council to submit the question of organizing a sanitary sewer district to a vote of electors residing in that area; the description is below and a map of the proposed boundary is attached as **Exhibit "A"**; and

WHEREAS, a public hearing was held on **April 27, 2021** on the question of organizing a sanitary sewer district dealing with the location of the boundaries of the proposed Pintail Point Area of the Sussex County Unified Sanitary Sewer District as shown in Exhibit "A"; and

NOW, THEREFORE, BE IT RESOLVED by the Sussex County Council that the establishment of a sanitary sewer district is deemed to be in the public interest and will be conducive to the preservation of the public health; and

BE IT FURTHER RESOLVED that the area shown as **Exhibit "A"** is hereby established as the "Proposed Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District " and is more fully described as follows:

Beginning at a point, said point being on the westerly Right-of-Way (ROW) of Hudson Road, said point also being the northeasternmost property corner of land Now-Or-Formerly (N/F) of Charles E. Jr., & Robin L. Clendaniel, said point further being the southeasternmost property corner of Pintail Pointe subdivision; thence proceeding by and with said subdivision property the following distances and directions, in a northwesterly direction a distance of 2,394'± to a point; thence proceeding and following a wetland line in a generally northeasterly direction a distance of 427'± to a point; thence in a northeasterly direction a distance of 1,975'± to a point, said point being on the westerly ROW of Hudson Road; thence proceeding by and with said ROW and subdivision boundary in a southeasterly direction a distance of 1,043'± to a point, said point being the place of **Beginning**.

NOTE: The above description has been prepared using Sussex County Tax Map No. 235-16.00

The proposed Pintail Pointe Area of the Sussex County Unified Sanitary Sewer District is within these approximate boundaries containing 30 acres more or less.

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its adoption by majority vote of all members of the County Council of Sussex County, Delaware

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 23, 2021

RE: County Council Report for CZ 1921 filed on behalf of Stephen M. Sprogell

The Planning and Zoning Department received an application (CZ 1921 filed on behalf of Stephen M. Sprogell) for a Change of Zone of parcel 134-8.00-17.01 from Agricultural Residential Zoning District (AR-1) to a Medium Density Residential District – Residential Planned Community (MR-RPC). The parcel is located at 30261 Sprogell Lane, Dagsboro. The change of zone is for a 5-acre parcel, more or less. The application would enable the expansion of the existing Bay Forest MR-RPC by increasing the number of units by 23 units for a total of 936 units.

The Planning and Zoning Commission held a public hearing on March 25, 2021. At the meeting of April 8, 2021, the Commission recommended approval of the application for the 7 reasons and subject to the 5 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of March 25, 2021 and the draft minutes of the Planning & Zoning Commission meeting of April 8, 2021.

[Approved Minutes of the March 25, 2021 Planning & Zoning Commission Meeting](#)

C/Z 1921 Stephen M. Sprogell

An Ordinance to amend the Comprehensive Zoning Map of Sussex County from an AR-1 Agricultural Residential District to a MR-RPC Medium Density Residential District-Residential Planned Community for a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 5.0 acres, more or less. The property is lying on the south side of Sprogell Lane, approximately 873 feet east of the intersection of Whites Neck Road (S.C.R. 347) and Sprogell Lane. 911 Address: 30261 Sprogell Lane, Dagsboro. Tax Parcel: 134-8.00-17.01.

Mr. Whitehouse advised the Commission that submitted into the record a copy of the Applicant's



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

conceptual site plan, a copy of the Applicant's Environmental Assessment, a copy of the State's PLUS comments and a copy of the Applicants response letter to the PLUS comments, a copy of the staff analysis, a copy of the DelDOT Service Level Evaluation response, and a copy of comments from the Sussex County Engineering Department Utility Planning Division. Mr. Whitehouse noted that Staff have received 90 letters in support of or three letters in opposition to the Application and one mail return. Mr. Whitehouse stated that some of the comment letters are duplicate letters.

The Commission found that Mr. James Fuqua, Esq. was present on behalf of the Applicant, Nutelli Communities, Mr. Sprogell is the property owner; that present are Mr. Tom Nutelli and Mr. Ken Usab from Morris Ritchie Associates; that submitted for the record is an executive summary of the Application, the Environmental Assessment and Public Facilities Report, the PLUS response letter and other relevant documents; that this is an Application to rezone a five-acre parcel of land from AR-1 to

MR-RPC overlay as an addition to the existing Bay Forest Club MR-RPC; that Bay Forest Club is located north of Millville and east of White's Neck Road; that it is a rectangular portion of land with a panhandle for access; that Bay Forest Club was originally approved in 2004 as an MR-RPC containing a mixture of 808 residential units, consisting single-family lots, villas and townhouses; that in 2005 the RPC site plan was amended to provide a street connection to an existing approved but undeveloped subdivision that contained 32 lots which was called Bywoods; that this approved subdivision was surrounded by Bay Forest Club and was interconnected; that Bywoods became part of the Bay Forest Club subject to the same restrictions and benefits; that in 2014 the Applicant appeared before the Commission requesting MR-RPC zoning for a 30-acre parcel as an addition to the MR-RPC; that Application was approved by County Council and added 84 units to the RPC so that increased the RPC to 913 units; that this Application requests the rezoning of a five acre parcel to MR-RPC and will be used as the site of a new section of the development and will contain 23 units and will be made up of 15 single-family detached condos and eight villa townhouse units; that these units will be similar to other homes being built in the development; that these 23 units would increase the total number units in the RPC to 936; the increase in density would be insignificant as it would go from 2.19 to 2.22 units per acre and this is significantly less than what is permitted by the zoning code; that the five acre parcel is currently zoned AR-1 but is surrounded by lands that are zoned MR; that according to the Land Use Plan this site is in the Coastal Area which is a growth area; that the entrance will be from the existing Sanderling Road and will have an internal connection to Flycatcher Way, so there will be two points in ingress and egress to this section; that the townhome villas will be located on the eastern portion of the site and will have two buildings each with four units; that the 15 single-family condo units would be located on the remainder of the land; that the existing access to the parcel which is from Sprogell Lane will be eliminated and most of the panhandle area will be incorporated into the existing stormwater management system as an extension of the existing pond; that 69 parking spaces are required and will be provided with an additional 18 off-street parking spaces for a total of 87 parking spaces; that there will be a village green of open space in the center of this portion of the development between the single-family units and a small area close to Sanderling Road which creates an open vista view through the center; that over 40% of this section will be in open space; that there will be a 6-ft. wide concrete walkway in this section which links up with other walkways throughout the development for pedestrian access to all the community; Environmental Resources, Inc. performed a wetland delineation and found that there are no wetlands located on the site and confirmed with U.S. Fish and Wildlife Service that there are no federally listed animals or plants or natural communities that are protected on the site; that there are no archeological sites or national listed properties on the site; that the stormwater management will meet state regulations and will be a

continuation of the existing system in the development; that the development of this section will improve stormwater quality from the site by eliminating any nutrient run off from the existing conditions; that the site currently has an unpaved dirt road, an on-site septic system and a small onsite livestock operation; that as with the rest of the Bay Forest Development this section will be served with water for domestic use and fire protection by Tidewater Utilities and have an elevated water tower within the Bay Forest Development; that this section will be served by Sussex County Sewer District and adequate capacity is available; that DelDOT indicated that traffic impact for the development of this section would be negligible and no a Traffic Impact Study was not required; that no additional roadway improvements would be required as the Developer has already provided improvements as part of the existing development; that the purchasers of the 23 units in this section will be subject to the same restrictions and benefits as the owners in the rest of the development and that includes the use of the existing recreational amenities; that Bay Forest Club has been a successful community with approximately 900 lots built and sold; the Developer Nutelli Communities was presented Best in America Living award in 2019 from the National Association of Homebuilders for the Bay Forest Club development and was also named Delaware Community of the Year in 2019 by the Homebuilders Association of Delaware for the Bay Forest Club Development; that the inclusion of this five acres parcel is a textbook infill parcel; that the construction of the additional 23 units is appropriate and a logical addition to this community and will eliminate the existing use which is not compatible with the existing residential uses of the Bay Forest Club development; that the Applicant has submitted proposed findings of fact and conditions for the Commissions consideration which are similar to the conditions that the Commission and County Council imposed on the prior additions to the Development that were granted to the RPC; that the proposed conditions are as follows:

- A. That the conditions imposed by Ordinance No. 1670 for Change of Zone No. 1526 shall apply to this application, with the exception of the so noted total number of units. The property that is the subject of this application shall be integrated into the overall development scheme of the Bay Forest project, and as a result, those conditions shall apply equally to this tract as part of the overall development.
- B. The number of new units associated with this application shall be 23 units comprised of 15 single family detached unites and 8 townhouse units.
- C. As a result of this application, the total number of units approved for the Bay Forest Club, MR-RPC shall be 936 units.
- D. Before proceeding with any construction involving land that is the subject of this application, the applicant shall submit a revised master plan integrating this land into the Bay Forest Club RPC.

The Commission found that there was no one present in the room or by teleconference who wished to speak in support or in opposition to the Application.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

Prior to the recess, the Commission discussed Application C/Z 1921 Stephen M. Sprogell. Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins, and carried unanimously. Motion carried 4-0.

Draft Minutes of the April 8, 2021 Planning & Zoning Commission Meeting

Ms. Wingate stated she was not present for the public hearing but has reviewed the information from the public hearing and is prepared to participate in the vote.

The Commission discussed this application which has been deferred since March 25, 2021.

Mr. Mears moved that the Commission recommend approval of CZ#1921 regarding Stephen M. Sprogell for a change in zone from AR-1 to an MR-RPC based upon the record made during the public hearing and for the following reasons:

1. This is a property that is surrounded by the Bay Forest MR-RPC. It will be completely integrated into that MR-RPC.
2. This expansion to the Bay Forest MR-RPC will consist of 23 new units. The gross density of the entire Bay Forest MR-RPC will increase from 2.19 units per acres to 2.33 units per acre. This remains significantly less than what is permitted under the MR Medium Density Residential Zoning District.
3. This expansion area will be interconnected with the interior roads of the Bay Forest MR-RPC and existing entrance onto White's Neck Road will be eliminated.
4. This expansion area will be served by central water and sewer.
5. The stormwater management of this expansion area will be integrated into the existing system within Bay Forest.
6. This expansion of the Bay Forest MR-RPC will not adversely affect area roadways, traffic or nearby property values.
7. Scores of letters were received in support of this Application and there was not any opposition to it.
8. This recommendation is subject to the following conditions:
 - a. The conditions imposed by Ordinance #1670 for Change of Zone #1526 shall apply to this application, with the exception that this Application shall add 23 additional units to the total number of permitted units.
 - b. The property that is the subject of this Application shall be integrated into the overall development scheme of the Bay Forest project.
 - c. The number of units associated with this Application shall be 23 units consisting of 15 single-family detached units and 8 townhouse units.
 - d. As a result of this Application, the total number of units approved for the Bay Forest Club MR-RPC shall be 936 units.
 - e. Before proceeding with any construction involving land that is the subject of this Application, the Applicant or Developer shall submit a revised Master Plan integrating this land into the Bay Forest Club MR-RPC.

Motion by Mr. Mears, seconded by Ms. Stevenson and carried unanimously to recommend approval of C/Z 1921 Stephen M. Sprogell for the reasons and conditions stated in the motion.
Motion carried 5 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

DELAWARE
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302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date March 25, 2021.

Application: CZ 1921 Stephen M. Sprogell

Applicant: Natelli Communities / Thomas A. Natelli, Jr. VP
506 Main Street – 3rd Floor
Gaithersburg, MD 20878

Owner: Stephen M. Sprogell
30261 Sprogell Lane
Dagsboro, DE 19939

Site Location: Lying on the south side of Sprogell Lane approximately 873 feet east of the intersection of Whites Neck Road (S.C.R. 347) and Sprogell Lane.

Current Zoning: Agricultural Residential (AR-1)

Proposed Zoning: Medium Density Residential, Residential Planned Community (MR-RPC)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Sussex County

Water: Tidewater Utilities

Site Area: 5.00 acres +/-

Tax Map ID.: 134-8.00-17.01



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: March 2, 2021
RE: Staff Analysis for CZ 1921 Stephen M. Sprogell

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CZ 1921 Stephen M. Sprogell to be reviewed during the March 25, 2021, 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 Tax Parcel 134-8.00-17.01 to allow for a change of zone from an Agricultural Residential (AR-1) Zoning District to a Medium Density Residential, Residential Planned Community (MR-RPC). The parcel is located south side of Sprogell Lane, approximately 873 feet east of the intersection of Whites Neck Road (S.C.R. 347) and Sprogell Lane. The parcel to be rezoned contains 5.00 acres +/-.

The 2018 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 in the plan indicates that the subject property has a land use designation of "Coastal Area." The properties to the north, south, east and west also have the land use designation of Coastal Area.

As outlined in the 2018 Sussex County Comprehensive Plan, the Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhouses, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should all be allowed.

The property is zoned Agricultural Residential (AR-1) Zoning District. All of the surrounding and adjacent parcels to the east and west of the subject property are zoned Medium Density Residential (MR) or Medium Density Residential, Residential Planned Community (MR-RPC). The properties to the north on the opposite side of Sprogell Lane are zoned Agricultural Residential (AR-1).

The 2018 Sussex County Comprehensive Plan outlines Zoning Districts by their applicability to each Future Land Use category. Under Table 4.5-2 "Zoning Districts Applicable to Future Land Use Categories," the Medium Density Residential (MR) Zoning District is listed as an applicable zoning district in the "Coastal Area."

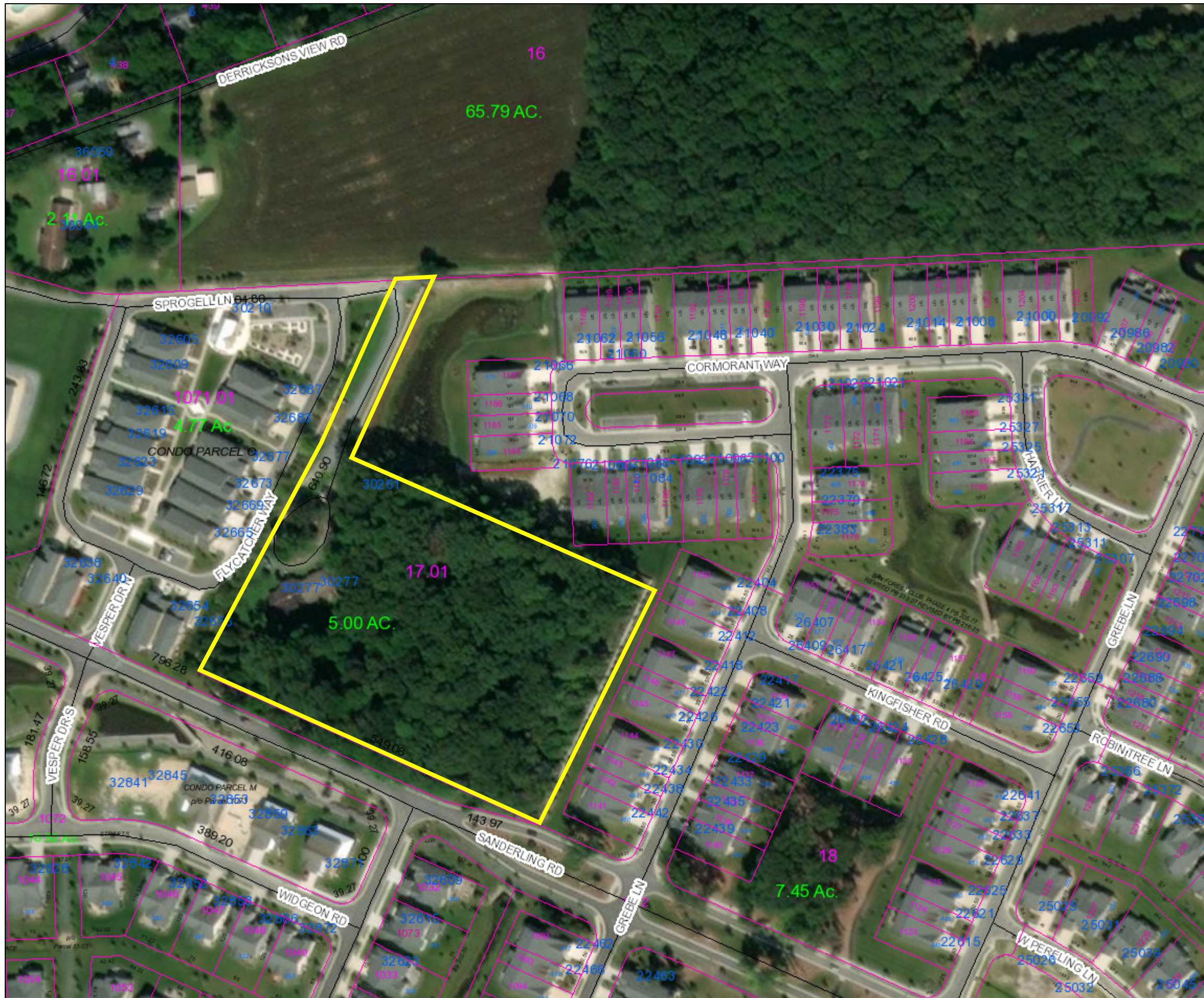


Since 2011, there has been one (1) Change of Zone application within a 2-mile radius of the application site. The application is for Change of Zone No. 1795 for a change of zone from a Medium Density Residential District, Residential Planned Community (MR-RPC) to a Medium Density Residential District, Residential Planned Community (MR-RPC) for the purpose of correcting the number of units. The application was recommended approval by the Planning and Zoning Commission on March 10, 2016, approved by the Sussex County Council on May 3, 2016 and adopted through Ordinance No. 2445.

Based on the analysis of the land use, surrounding zoning and uses, a Change of Zone from an Agricultural Residential (AR-1) Zoning District to a Medium Density Residential District, Residential Planned Community (MR-RPC) could be considered as being consistent with the land use, area zoning and surrounding uses.



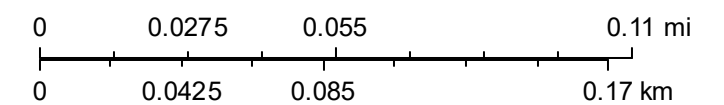
Sussex County



PIN:	134-8.00-17.01
Owner Name	SPROGELL STEVEN M
Book	2714
Mailing Address	30261 SPROGELL LN
City	DAGSBORO
State	DE
Description	850' E/RT 347 2100'
Description 2	E/RT 346
Description 3	T#18168
Land Code	

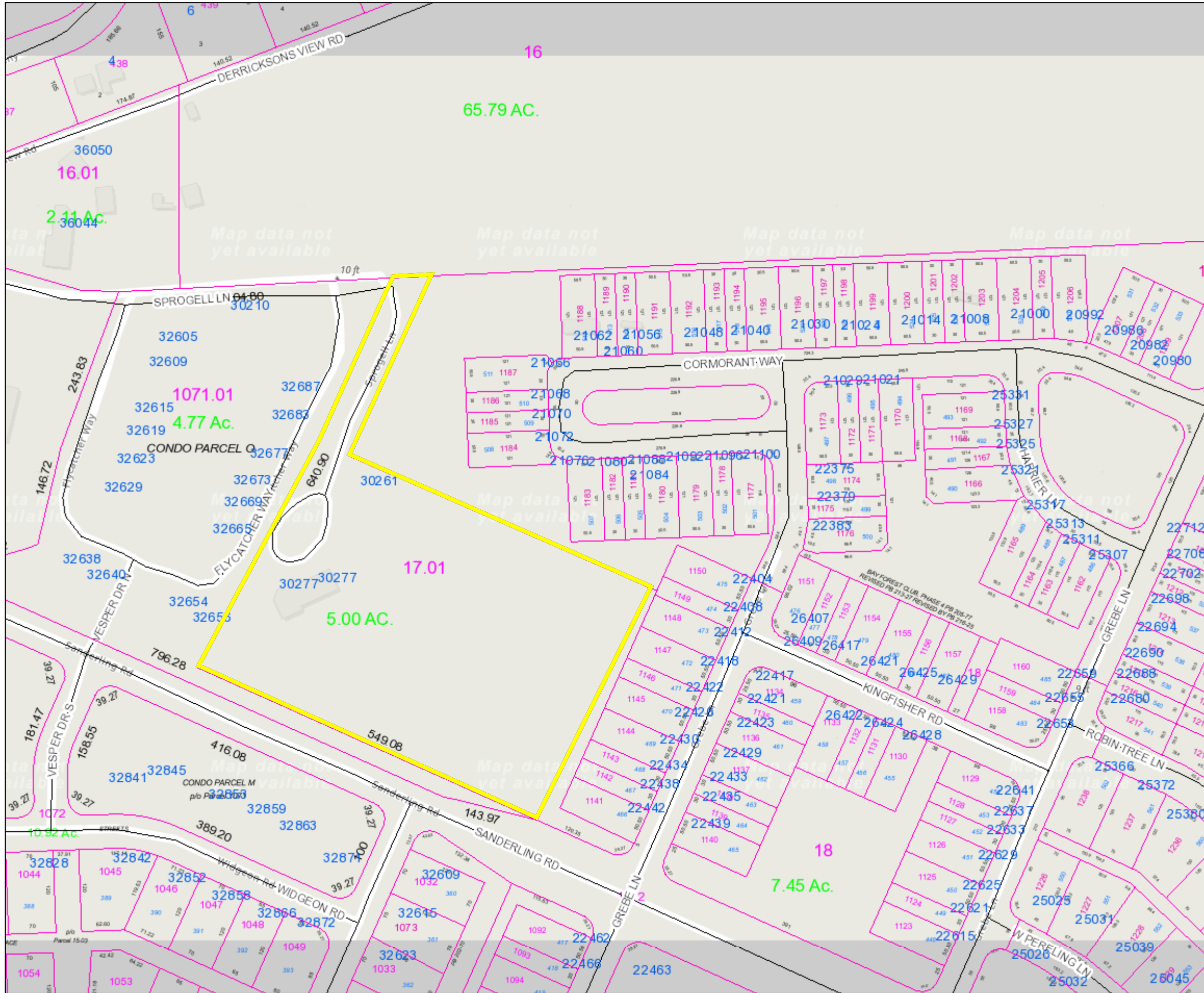
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- polygonLayer**
- Override 1
- Tax Parcels
- 911 Address
- Streets
- County Boundaries

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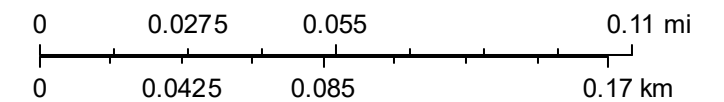
Sussex County

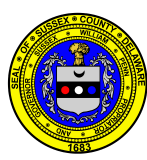


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Land Code		

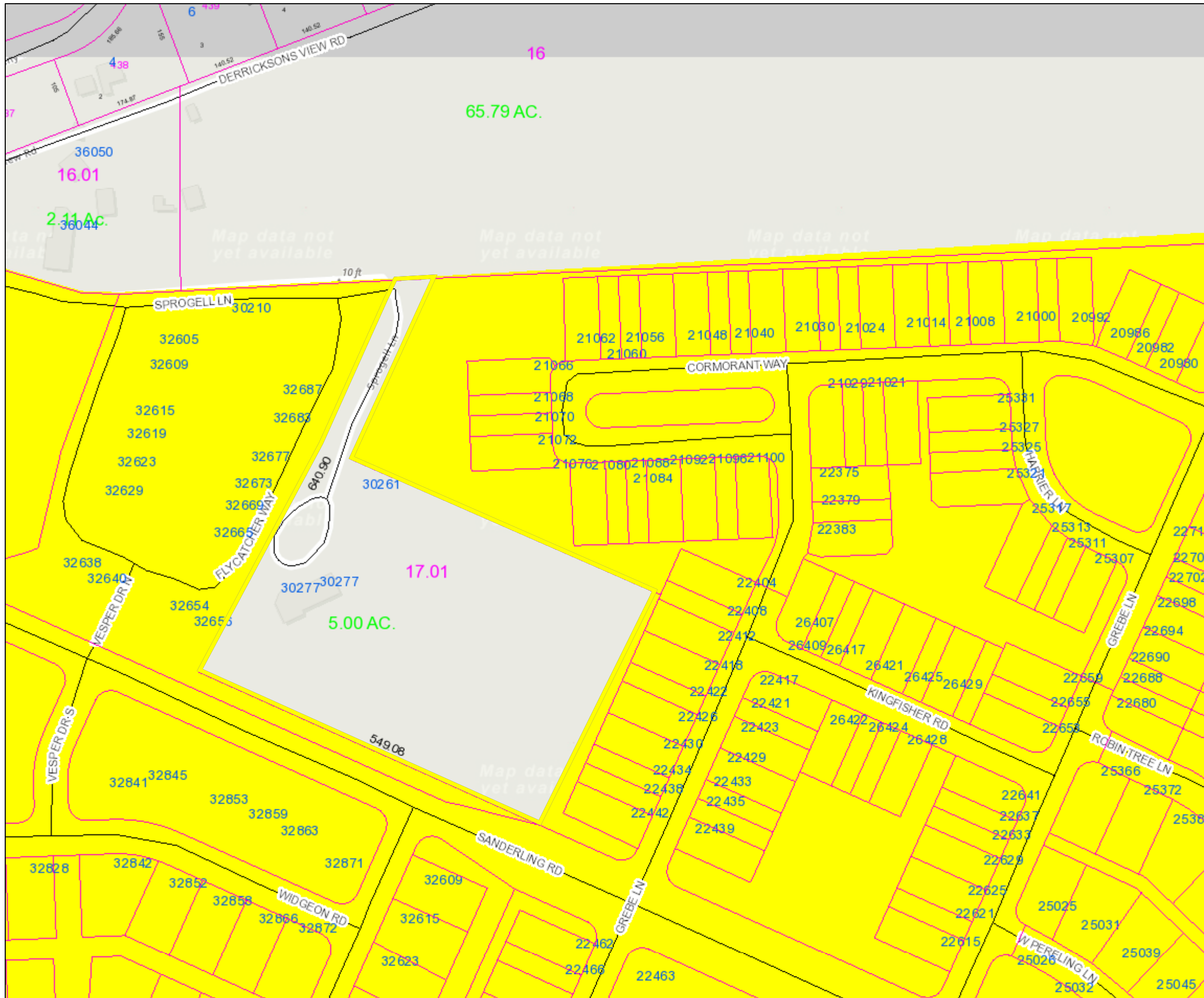
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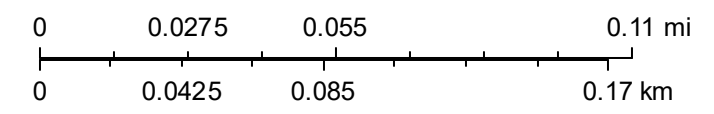
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- polygonLayer
 Override 1
- polygonLayer
 Override 1
- Tax Parcels
- 911 Address
- Streets

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Introduced 06/30/20

**Council District 4 - Hudson
Tax I.D. No. 134-8.00-17.01
911 Address: 30261 Sprogell Lane., Dagsboro**

ORDINANCE NO. ____

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR-RPC MEDIUM DENSITY RESIDENTIAL DISTRICT RESIDENTIAL PLANNED COMMUNITY FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 5.0 ACRES, MORE OR LESS

WHEREAS, on the 28th day of February 2020, a zoning application, denominated Change of Zone No. 1921 was filed on behalf of Stephen M. Sprogell; and

WHEREAS, on the ____ day of _____ 2020, 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. 1921 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 MR-RPC Medium Density Residential District Residential Planned Community as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on the south side of Sprogell Lane. approximately 873 ft. east of the intersection of Whites Neck Rd. and Sprogell Lane., and being more particularly described in the attached legal description prepared by Morris & Ritchie Associates, Inc., said parcel containing 5.0 ac., 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.

JAMIE WHITEHOUSE, AICP
DIRECTOR OF PLANNING & ZONING
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

DELAWARE
sussexcountyde.gov

Memorandum

To: Sussex County Council
The Honorable Michael H. Vincent
The Honorable Cynthia C. Green
The Honorable Douglas B. Hudson
The Honorable John L. Rieley
The Honorable Mark G. Schaeffer

From: Jamie Whitehouse, AICP, Director of Planning & Zoning

CC: Everett Moore, County Attorney

Date: April 27, 2021

RE: County Council Report for CU 2207 filed on behalf of CBB Cedar Pines, LLC

The Planning and Zoning Department received an application (CU 2207 filed on behalf of CBB Cedar Pines, LLC) for a Conditional Use for parcels 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00 – 1269.00 for multi-family (75 units). The property is located on the east side of Cedar Neck Road (SCR 357) approximately 0.3 mile north of Hickman Road. The property is within the Medium Density Residential (MR) Zoning District. The parcel size is 29.34 acres +/-.

The Planning and Zoning Commission held a public hearing on March 25, 2021. At the meeting of April 8, 2021, the Commission recommended approval of the application for the 7 reasons and subject to the 15 recommended conditions outlined within the motion (included below).

Below are the approved minutes from the Planning & Zoning Commission meeting of March 25, 2021 and the draft minutes of the Planning & Zoning Commission meeting of April 8, 2021.

Approved Minutes of the March 25, 2021 Planning & Zoning Commission Meeting

C/U 2207 CBB Cedar Pines, LLC (Marlin Chase F.K.A. Marlin Run)

An Ordinance to grant a Conditional Use of land in a MR Medium Density Residential District for multi-family (75 units) to be located on a certain parcel of land lying and being in Baltimore Hundred, Sussex County, containing 29.34 acres, more or less. The property is lying on the east side of Cedar Neck Road (S.C.R. 357) approximately 0.3 mile north of Hickman Road. 911 Address: N/A. Tax Parcels: 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00-1269.00.

Mr. Whitehouse advised the Commission that submitted into the record is a copy of PLUS comments, a copy of the Applicant's conceptual site plan, a copy of the Applicant's environmental assessment and public facility evaluation report; a copy of the Applicant's 99.9.C response; a copy of the DelDOT



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

Service Level Evaluation response, a copy of comments from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's proposed findings of fact. Mr. Whitehouse noted that Staff have received no correspondence in support of or in opposition to the Application and two mail returns.

The Commission found that Mr. James Fuqua, Esq. was present on behalf of the Applicant, CBB Cedar Pines, LLC, that also present are Ben Gordy and Preston Schell on behalf of the Applicant and Zac Crouch, from Davis, Bowen and Friedel; that exhibits were submitted for the record which include the Applicant's PLUS response, the Environmental assessment and public facility evaluation report and the Chapter 99C report; that this application requests a conditional use approval for 75 multi-family units which would be single-family detached condo units; that this development would be named Marlin Chase; that the property contains 29.36 acres of uplands and wetlands; that the subject property is located on the east side of Cedar Neck Road across from the intersection of Cedar Neck Road and Sandy Cove Road; that there are residences located to the north, a mini-storage and boat storage to the south, tidal and non-tidal wetlands to the east; that in 2002 this property was the subject of a conditional use application for 143 multi-family townhouse units which was approved by County Council in 2003; that the Applicant, Mr. Melson passed away suddenly and there was litigation over the estate for a number of years; by the time the estate was settled, the housing market was in a recession and the approvals lapsed; that the subject property was sold to Castaway's Bethany Beach, LLC; that in 2012 the new owners submitted a conditional use application for an RV park and a water park; that application was not popular with local residents; that in 2014 three new applications were filed, one application to rezone the C-1 portion of the property to MR, the second application to rezone a portion of the property to MR-RPC for 45 single-family lots and a conditional use request for 30 townhouse units; that all three applications were approved by County Council; that development of the site was delayed due to the impact of the newly enacted DNREC stormwater management regulations at that time; that in 2018 the final RPC plan for the 45 single-family lots was approved and recorded but the conditional use for the 30 townhouses lapsed in 2017; that another conditional use for the 30 townhouses was approved in 2018; that as of today the site does have valid approval for 75 residential units; that this conditional use Application proposes to maintain the approved density for 75 units but change the unit types based on the current market to all single-family detached condominium dwellings; that central water will be served to the site by Sussex Shores Water Company; that the site is in the Cedar Neck expansion area of the Bethany Beach sanitary district; that stormwater management facilities will be designed and constructed in accordance with DNREC's regulations; that wetlands on the site were delineated by Back Creek Environmental and that delineation shows that there are 7.43 acres of tidal wetlands and 4.41 of non-tidal wetlands existed on the eastern side of the property; all the proposed buildings to be located on the east portion of the site will be located well in excess of the 50 ft. buffer required by Sussex County Code; that the Applicant is proposing a 100-ft. setback from the tidal wetlands and a 20-ft. setback from the non-tidal wetlands; that a 20-ft. right-of-way on the east side of Cedar Neck Road has been dedicated to DelDOT by the Applicant as part of the prior approvals; that there will be an additional 15-ft. wide easement adjacent to the State right-of-way for a public shared use path; that DelDOT had previously approved the entrance to the development and that entrance will remain in the same location; that the entrance will be designed and constructed in accordance with DelDOT's requirements including any roadway improvements; the property will be served by the Millville Fire Company and is in the Indian River School District; that the entrance will be from Cedar Neck Road as previously approved by DelDOT; that the interior drive is laid out in a rectangular shape and the 75 single-family detached units front on both sides of the drive and sidewalks will be located on the interior side of the street; that all units will be part of a condominium regime and all of the land will be a common element of

the condominium so all lawn and landscaping maintenance will be the responsibility of the Condo Association which will ensure a well-maintained and uniformed appearance of the development; that as stated in the proposed conditions, unit owners will be prohibited from applying fertilizer to lands or landscaping; that will be the responsibility of the Condominium Association which will follow best management practices; that there is a large stormwater pond which is centrally located on the site; that the recreational areas will be on the western side of the stormwater pond; that the recreational facilities will include a outdoor pool and deck area, an outdoor fire and grilling area, restrooms and storage area, a tot lot playground, a small fenced dog park, a community garden, 2 pickleball courts, and a central mailbox facility; that there will also be a neighborhood garden park on the east side of the property adjacent to the wetlands; that each unit will have two off-street parking spaces; that in addition to the 150 parking spaces, there will be an additional 51 parking spaces located throughout the property; that there will be a 20 ft. landscaped buffer along the southern boundary of the site adjacent to the mini-storage facility and also along the west side of the property adjacent to the shared use path; that on the northern boundary, the buildings will be set back 35 ft. from the property line and within the 35 ft. setback will be a 20 ft. landscaped buffer; that to the east side of the site all buildings will have a voluntary 20 ft. setback from the non-tidal wetlands; that under the 2019 Sussex County Comprehensive Plan the site is located in the Coastal Area which is a designated growth area under the plan; that the plan states that a range of housing types should be permitted in the Coastal Area including single-family, townhouse and multi-family units; that the plan states that a density of four to twelve units per acre can be appropriate in certain locations; that this site is zoned MR medium density residential which permits 4.356 units per acre; that the property has a gross acreage of 29.36 acres and the 7.4 acres of tidal-wetlands are deducted from that, then the acreage is 21.93 and would permit 95 units under MR zoning; that this Application is for 75 units which is a density of 3.4 units per acre; that is the same number of units that was previously approved for this site; that proposed findings of fact and proposed conditions have been submitted as part of the record for the Commissions' consideration; and that the property is approved for 75 units and this Application is only to change the type of units to single-family detached condominiums.

Mr. Mears asked if there is a plan for a school bus stop.

Mr. Fuqua responded that a school bus stop will be coordinated with the school district but expected to be placed near the recreational center.

Ms. Stevenson asked about the flooding on this property.

Mr. Fuqua stated that any construction will have to follow federal flood regulations and expects that some fill may be added where homes will be built.

Mr. Preston Schell stated that some of the site work has been completed predicated on one of the previous plans; that near the back of the site, it is bermed and then drops down to some woods; that those woods are the non-tidal wetlands; that the area that is flooded on the road side of the berm are old stormwater ponds which will be abandoned; that a 20 ft. buffer from the non-tidal wetlands and that in the previous plan did not offer any setback from the non-tidal wetlands, the lots went up to the jurisdictional determination of the non-tidal wetlands; that there will be limited fill brought to the site and that is one reason for the large stormwater pond in the center of this development which will supply most of the fill needed.

The Commission found that there was no one present who wished to speak in support or in opposition to the Application.

The Commission found that Ms. Anna Araya was present by teleconference. Ms. Araya stated that she and her husband own the lot directly across from the subject property at the intersection of Sandy Cove Road and Cedar Neck Road; that they are against the development as they have concerns about the number of units, the environmental impact on the area, the traffic, the safety and the pollution; that if the development is approved, there should be fewer units and buffers on all corners; that as a property owner, she should be allowed to install a high fence; that the traffic congestion should be further investigated; that there should be better access to Route 1 and Route 26; that this will impact property values; that if there are to be wetlands impacted this should be addressed; and that this is not a good proposal as it currently stands.

Upon there being no further questions, Chairman Wheatley closed the public hearing.

Prior to the recess, the Commission discussed Application C/U 2207 CBB Cedar Pines, LLC (Marlin Chase F.K.A. Marlin Run). Motion by Mr. Mears to defer action for further consideration, seconded by Mr. Hopkins, and carried unanimously. Motion carried 4-0.

Draft Minutes of the April 8, 2021, Planning & Zoning Commission Meeting

Ms. Wingate stated she was not present for the public hearing but has reviewed the information from the public hearing and is prepared to participate in the vote.

The Commission discussed this application which has been deferred since March 25, 2021.

Mr. Mears moved that the Commission recommend approval of Conditional Use #2207 for CBB Cedar Pines, LLC based on the record made during the public hearing and for the following reasons:

1. This has been the site of four prior Condition Use applications for multi-family dwellings. The most recent was approved as Conditional Use #2130 by Ordinance #2587 on July 24, 2018.
2. This Conditional Use is for 75 multifamily units.
3. The site is currently zoned MR Medium Density Residential, which permits up to four residential units per acre. This project is within that permitted density.
4. The Conditional Use will allow the development of this property in a way that is consistent with nearby residential communities and it is consistent with the prior approvals for multifamily units on this parcel.
5. The site is located in the Coastal Area according to the Sussex County Comprehensive Plan. Multifamily units are an appropriate use in the Coastal Area according to the Plan.
6. The Conditional Use will be served by central water and Sussex County sewer.
7. The Conditional Use will not adversely affect adjacent properties, roadways or other public facilities.
8. This recommendation is subject to the following conditions:
 - a. There shall be no more than 75 units within the Conditional Use area.

- b. The Applicant shall form a homeowners' or condominium association responsible for the perpetual maintenance of streets, roads, buffers, stormwater management facilities, erosion and sedimentation control facilities and other common areas.
- c. The stormwater management system shall meet or exceed the requirements of the State and County. It shall be constructed and maintained using Best Management Practices.
- d. The Final Site Plan shall contain the approval of the Sussex Conservation District for the design and location of all stormwater management areas and erosion and sedimentation control facilities.
- e. All entrances shall comply with all of DelDOT's requirements, and an area for a school bus stop shall be established. The location of the school bus stop shall be coordinated with the local school district.
- f. Road naming and addressing shall be subject to the review and approval of the Sussex County Mapping and Addressing Departments.
- g. As proffered by the Applicant, the Final Site Plan and the recorded Declaration for the property shall prohibit the application of fertilizers or similar soil additives on the property by individual property owners. All such applications shall be managed by the HOA and a contractor of its designation using the best management practices to seek to minimize the risk of runoff into the stormwater management system and the inland bays.
- h. As proffered by the Applicant, all buildings shall maintain a 20-foot setback from the non-tidal wetland line and a 100-foot setback from the tidal wetland line. These setback areas shall be shown on the Final Site Plan.
- i. The project shall be served by Sussex County sewer.
- j. As proffered by the applicant, the developer shall construct all of the recreational amenities no later than the issuance of the 40th residential building permit for the project. The amenities shall include a pool, tot lot, pickleball courts, community garden and dog park.
- k. There shall be sidewalks on the interior side of the street within the development.
- l. There shall be a buffer of at least 20 feet from the southern and western boundaries of the site. There shall also be a 35-foot setback from the northern boundary which shall include a 20-foot buffer. The Final Site Plan shall continue a landscape plan for all of those buffer areas, showing all of the landscaping and vegetation to be included in the buffer areas.
- m. Construction, sitework, grading and deliveries shall only occur from Monday through Saturday between the hours of 7:00 a.m. and 6:00 p.m.
- n. This Preliminary Approval is contingent upon the applicant submitting a revised Preliminary Site Plan either depicting or noting the conditions of this approval on it. Staff shall approve the revised Plan upon confirmation that the conditions of approval have been depicted or noted on it.
- o. The Final Site Plan shall be subject to the review and approval of the Planning and Zoning Commission.

Motion by Mr. Mears, seconded by Ms. Wingate and carried unanimously to recommend approval of C/U 2207 CBB Cedar Pines, LLC (Marlin Chase F.K.A. Marlin Run) for the reasons and conditions stated in the motion. Motion carried 4 – 0.

PLANNING & ZONING COMMISSION

ROBERT C. WHEATLEY, CHAIRMAN
KIM HOEY STEVENSON, VICE-CHAIRMAN
R. KELLER HOPKINS
J. BRUCE MEARS
HOLLY J. WINGATE



Sussex County

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sussexcountyde.gov
302-855-7878 T
302-854-5079 F
JAMIE WHITEHOUSE, AICP, MRTPI
DIRECTOR

PLANNING AND ZONING AND COUNTY COUNCIL INFORMATION SHEET
Planning Commission Public Hearing Date March 25th, 2021.

Application: CU 2207 CBB Cedar Pines, LLC (Marlin Chase)

Applicant: CBB Cedar Pines, LLC
9919 Stephen Decatur Hwy
Ocean City, MD 21842

Owner: CBB Cedar Pines, LLC
9919 Stephen Decatur Hwy
Ocean City, MD 21842

Site Location: Lying on east side of Cedar Neck Rd. approximately 0.3 miles north of Hickman Rd.

Current Zoning: Medium Density Residential (MR)

Proposed Use: Single Family Condos (75 units)

Comprehensive Land Use Plan Reference: Coastal Area

Councilmatic District: Mr. Hudson

School District: Indian River School District

Fire District: Millville Fire District

Sewer: Sussex County Cedar Neck Expansion

Water: Sussex Shores Water Company

Site Area: 29.34 acres +/-

Tax Map ID.: 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00-1269.00



JAMIE WHITEHOUSE, AICP MRTPI
PLANNING & ZONING DIRECTOR
(302) 855-7878 T
(302) 854-5079 F
jamie.whitehouse@sussexcountyde.gov



Sussex County

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sussexcountyde.gov

Memorandum

To: Sussex County Planning Commission Members
From: Lauren DeVore, Planner III
CC: Vince Robertson, Assistant County Attorney and applicant
Date: March 2, 2021
RE: Staff Analysis for CU 2207 CBB Cedar Pines, LLC (Marlin Run)

This memo is to provide background and analysis for the Planning Commission to consider as a part of application CU 2207 CBB Cedar Pines, LLC (Marlin Run) to be reviewed during the March 25, 2021 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 Tax Parcels 134-9.00-21.00 through 21.05 and 1227.00 through 1269.00 to allow for the establishment of 75 multifamily units for a proposed development known as "Marlin Run." It should be noted that the development also includes associated amenities including a dog park, tot lot, pool, pickleball courts, and community gardens. The parcels are lying on the east side of Cedar Neck Road (S.C.R. 357), approximately 0.3 mile north of Hickman Road. The parcels consist of 29.34 acres +/-.

It should be noted that there were four (4) previous Conditional Use applications on the site for multifamily dwellings. The most recent of the four (4) proposals, from the same applicant, CBB Cedar Pines, LLC, was for Conditional Use No. 2131 for 30 multifamily units. The Conditional Use application was approved by the Planning and Zoning Commission on June 14, 2018, by the Sussex County Council on July 24, 2018 and was adopted through Ordinance No. 2587.

The 2018 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 in the plan indicates that the parcels have a designation of "Coastal Area." The surrounding and adjacent properties located to the north, south, east and west of the subject properties also lie within the "Coastal Area" Future Land Use Map designation.

As outlined within the 2018 Sussex County Comprehensive Plan, Coastal Areas are areas that can accommodate development provided that special environmental concerns are addressed. A range of housing types should be permitted in Coastal Areas, including single-family homes, townhomes, and multi-family units. Retail and office uses are appropriate, but larger shopping centers and office parks should be confined to selected locations with access along arterial roads. Appropriate mixed-use development should also be allowed.

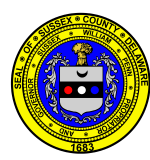
The subject properties are zoned Medium Density Residential (MR). The surrounding area features a number of differently zoned parcels including parcels that are zoned Medium Density Residential (MR), General Residential (GR), Marine (M), Commercial Residential (CR-1), Neighborhood



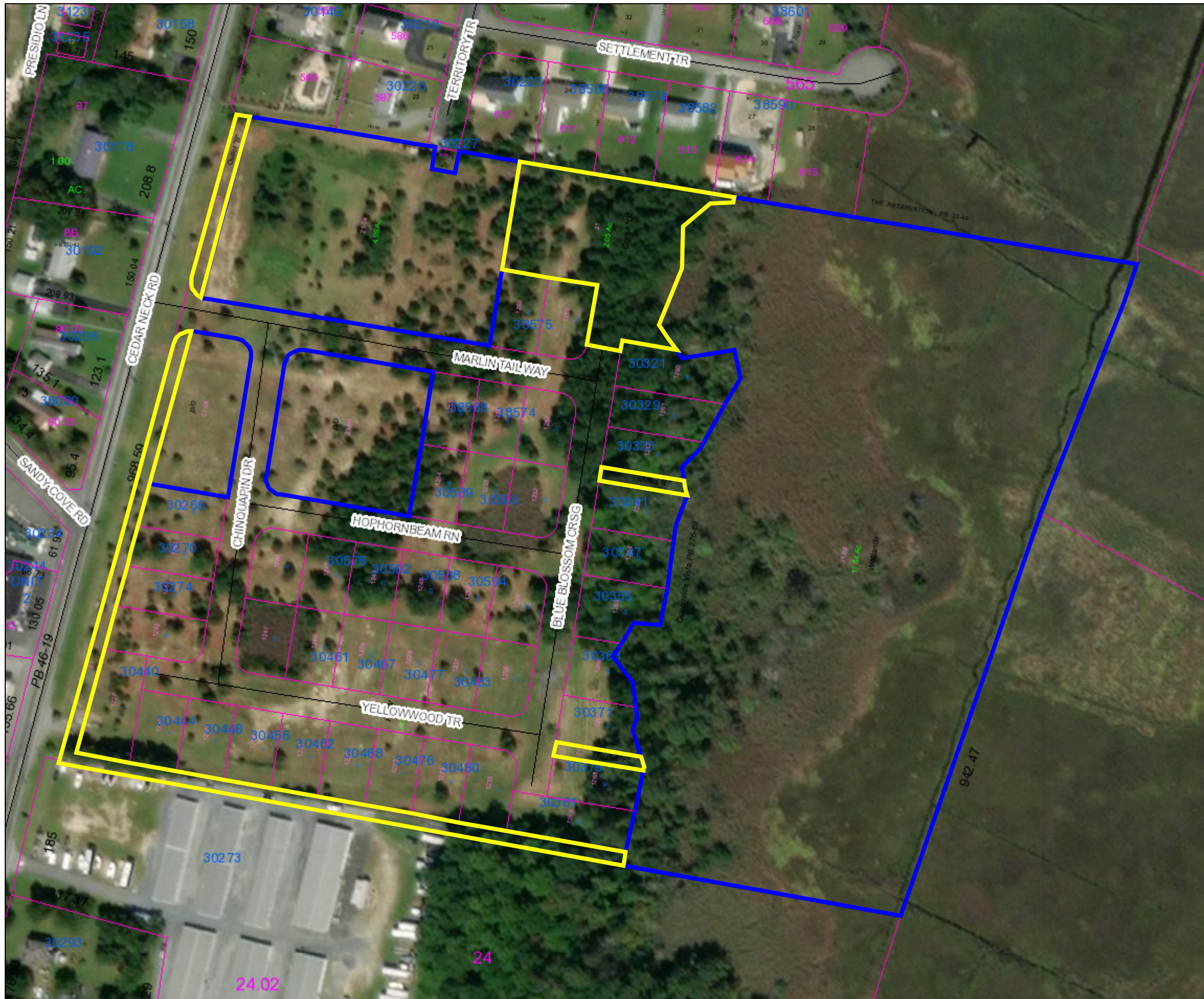
Business (B-1), and High Density Residential (HR-1). The adjoining parcels to the north, east and south are all zoned Medium Density Residential (MR). There is a single parcel located to the south that is zoned General Commercial (C-1). The properties on the opposite side of Cedar Neck Road (S.C.R. 357) are zoned General Residential (GR) with three parcels being zoned General Commercial (C-1).

Since 2011, there have been two (2) Conditional Use applications within a 2-mile radius of the application site. The first application was Conditional Use No. 2085 to allow for 19 multifamily dwelling structures to be located in a General Residential (GR) Zoning District. This application was approved by the Planning and Zoning Commission on July 27, 2017 and was approved by the Sussex County Council on July 25, 2017. This change was adopted through Ordinance No. 2519. The second application was Conditional Use No. 2239 to allow for a general contracting business to be located in a Neighborhood Business (B-1) Zoning District. This application was approved by the Planning and Zoning Commission on October 8, 2020 and was approved by the Sussex County Council on October 27, 2020. This change was adopted through Ordinance No. 2749.

Based on the analysis of the land use, surrounding zoning and uses, the Conditional use to allow for the establishment of 75 multifamily units, subject to considerations of scale and impact, could be considered as being consistent with the land use, area zoning and surrounding uses.

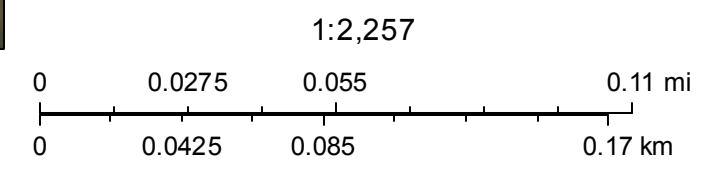


Sussex County



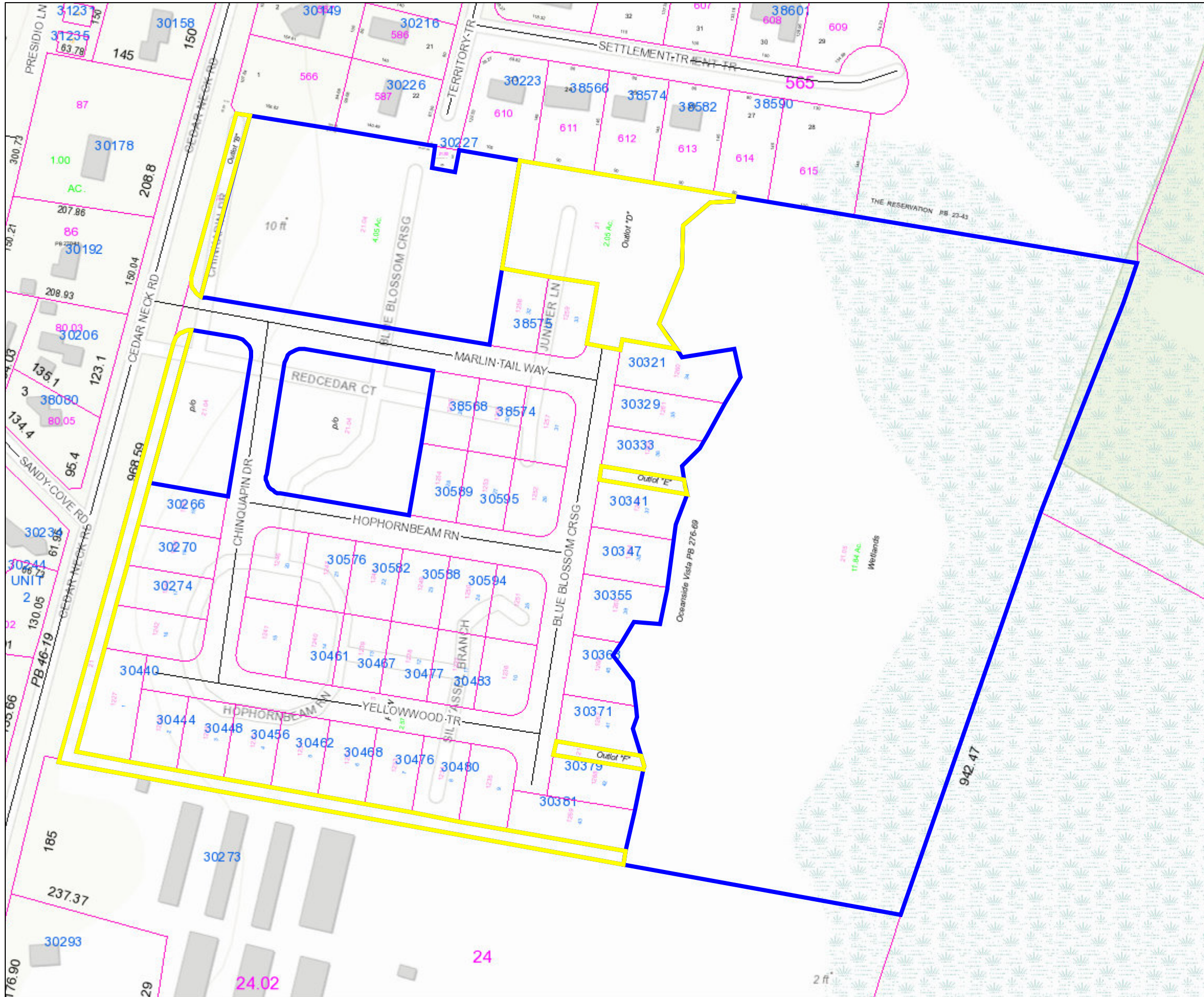
PIN:	134-9.00-21.00
Owner Name	CBB CEDAR PINES LLC
Book	4429
Mailing Address	9919 STEPHEN DECATUR
City	OCEAN CITY
State	MD
Description	OCEANSIDE VISTA
Description 2	OUTLOST A-F
Description 3	SWM OPEN SPACE
Land Code	

- polygonLayer**
- Override 1
- polygonLayer**
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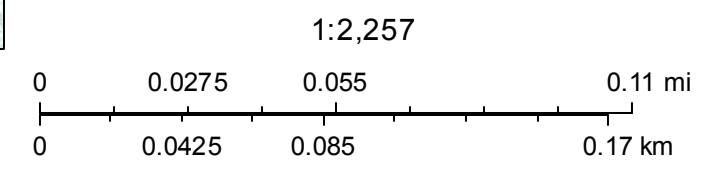


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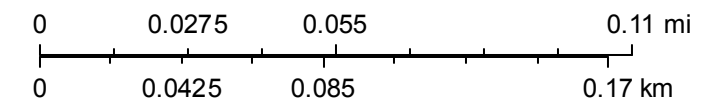
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To Be Introduced 02/04/20

Council District No. 4 - Hudson

Tax I.D. No. 134-9.00-21.00, 21.03, 21.04, 21.05 & 1227.00 – 1269.00

911 Address: None Available

ORDINANCE NO. ____

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN A MR (MEDIUM DENSITY RESIDENTIAL DISTRICT) FOR MULTI-FAMILY (75 UNITS) TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 29.34 ACRES, MORE OR LESS

WHEREAS, on the 18th day of September 2019, a conditional use application, denominated Conditional Use No. 2207 was filed on behalf of CBB Cedar Pines, LLC; and

WHEREAS, on the ____ day of _____ 2020, 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. 2207 be _____; and

WHEREAS, on the ____ day of _____ 2020, 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 V, Subsection 115-31, Code of Sussex County, be amended by adding the designation of Conditional Use No. 2207 as it applies to the property hereinafter described.

Section 2. The subject property is described as follows:

ALL that certain tract, piece or parcel of land, lying and being situate in Baltimore Hundred, Sussex County, Delaware, and lying on east side of Cedar Neck Road, approximately 0.3 miles north of Hickman Road, and being more particularly described in the attached legal description prepared by Land Tech Planning, LLC, said parcel containing 29.34 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.